BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2051/2023

Muhammad Bilal, son of Allah Wasaya Caste Baloch Resident of Ijaz Abad Muryali, District Dera Ismail Khan (Ex constable FRP, Belt No. 8198).....**Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar & others.....**Respondents.**

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Dated: ____/ 02 /2024

20-05-2024
D.I-IV
S.B.

Deponent

Inspector Javed Khan

NIC No.12103-7159785-3

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2037/2023

Muhammad Bilal, son of Allah Waqayo Caste Ex-Const Resident of Upper Abbas Khel, Tehsil
District Lakki Marwat Khyber Pakhtunkhwa FRP Belt No [illegible] Appellant

VERSUS

Provincial Police Officer, Khyber [illegible] Respondent

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Dated: [illegible] 2024

Deponent

[illegible]

NIC No 17109-7151[illegible]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2051/2023.

Muhammad Bilal, Son of Allah Wasaya Caste Baloch Resident of Ijaz Abad Muryali, District Dera Ismail Khan (Ex constable FRP, Belt No. 8198).....Appellant.

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar & others.....Respondents.

PARAWISE REPLY BY RESPONDENTS ~~1 to~~ 5. 2, 3

RESPECTFULLY SHEWETH.

PRELIMINARY OBJECTIONS:-

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
3. That the appellant has no cause of action and locus stand to file the instant appeal.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
6. That the appellant is trying to conceal the material facts from this Honorable Tribunal.

FACTS:-

1. Correct to the extent that the appellant was enlisted in police department as admitted. However, the rest of para is incorrect as the appellant was found inefficient and irresponsible officer in the line of duty and in this regard there are 06 bad entries with no good entry in his credit. (Copy of his bad entries is attached as annexure "A").
2. Incorrect. The appellant remained absent from his lawful duty with effect from 17.06.2019 to 20.06.2019 and in the meanwhile he involved himself in a criminal case vide FIR No. 598, dated 18.06.2019 U/S 302/404/109/34 PPC, Police Station Cantt; District DI Khan. In this regard he was placed under suspension vide OB No. 462, dated 19.06.2019 and closed to line vide order No. 994, dated 19.06.2019.
3. Incorrect. On the allegations of willful absence and being involved in criminal case the appellant was proceeded against departmentally, for which he was issued Charge Sheet alongwith Summary of Allegation and DSP Zahoor-ud-Din was nominated as Enquiry Officer. The Enquiry Officer submitted his findings, however, after perusal of the findings the competent authority did not agree with the recommendation of Enquiry Officer. (Copy of Charge Sheet and enquiry report is attached as annexure "B & C")
4. Correct to the extent that as the competent authority was not agreed with the recommendation of Enquiry Officer, hence the matter was entrusted to DSP Asad Mehmood for re-enquiry to dig out the actual facts. The Enquiry Officer recorded the statement of accused constable in jail and also recorded the statement of Investigation Officer who had found the delinquent constable guilty in the criminal case. Furthermore, the witnesses produced by the accused officer's father were not impartial. After conducting of proper enquiry the Enquiry Officer submitted his findings, wherein the appellant was found guilty of

the charges leveled against him and recommended for major punishment. (Copy of 2nd enquiry report is attached herewith as annexure "D")

5. Correct to extent of removal of appellant from service, after proper departmental enquiry in accordance with law/rules. (Copy of removal order attached herewith as annexure "E").
6. Incorrect. The appellant was involved in criminal case and on the basis of evidence his arrest bail was recalled and detained by the concerned court.
7. Para relates to the record of the court, need no comments.
8. Incorrect. The appellant was well aware from enquiry proceedings as well as the order of his removal from service and it is evident from the Charge Sheet and his reply (His reply of Charge Sheet is attached as annexure "F"). Besides, the father of appellant (Namely Allah wasaya) is also serving as SI in police department District DIK and who was informed by the Enquiry Officer regarding the enquiry proceedings as well as removal order of the appellant. Moreover, the departmental appeal of the appellant was entertained and examined by the appellate authority and rejected on merit vide order No. 8988-89/SI Legal, dated 14.09.2023. (Copy of rejection order attached herewith as annexure "G").
9. The appellant has not come to this Honorable Tribunal with clean hands, hence this appeal being devoid of merits may kindly be dismissed on the following grounds.

GROUNDS:-

1) Incorrect. The orders passed by the respondents are legally justified and in accordance with law/rules.
2) Incorrect. The appellant was proceeded against departmentally as per law/rules. He was issued Charge Sheet alongwith Summary of Allegations and Enquiry Officer was nominated. After completion of enquiry, the Enquiry Officer submitted his findings wherein the appellant was found guilty for the charges leveled against him. The appellant was treated in accordance with law/rules.
3) Incorrect. As explained in the preceding para, the appellant was already proceeded against departmentally in accordance with law/rules and during the course of enquiry the appellant was found guilty for the charges leveled against him. The respondents have not committed any violation of law/rule.
4) Incorrect. The appellant being a member of discipline force was duty bound to protect the lives and property of public, but he involved himself in a heinous criminal case of murder and also remained absent from duty. Hence, after proper departmental enquiry in accordance with law he was awarded major punishment of removal from service.
5) Incorrect. As departmental and judicial proceedings are two different entities and can run side by side and during the course of departmental enquiry, the appellant was found guilty of the charges leveled against him. The appellant was fully associated with the enquiry proceedings as during the course of enquiry, the Enquiry Officer visits the Central Jail, where the statement of the appellant was recorded. During departmental enquiry the charges against appellant was proved hence, removed from service in accordance with law/rules. The respondents have not committed any discrimination in the case of appellant.
6) Incorrect. The appellant is found inefficient and a habitual absentee during his service and in this regard, there are 06 bad entries with no good entry at his credit. Moreover, the appellant was proceeded against departmentally Police Rules 1975 amended in 2014, which is existence/applicable rules to the case of appellant. Hence the punishment order passed by the competent authority is legally justified and accordance with law and rules as the same was issued after fulfillment of all legal formalities as per law/rules.

7) The respondents may also be permitted to raise additional grounds at the time of arguments.

PRAYERS:-

Keeping in view the above facts and circumstances, it is most humbly prayed that the instant service appeal being not maintainable may kindly be dismissed with costs please.

Superintendent of Police FRP,
DI Khan Range, DI Khan
(Respondent No. 05)
(Azmat Ali Khan)
Incumbent

Commandant FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 03)
(Tahir Ayub Khan) PSP
Incumbent

DIG Legal CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 02)
(Dr. Muhammad Akhtar Abas) PSP
Incumbent

B

Attested

"A"/4

15. CENSURES AND PUNISHMENTS.

Charges: Delayed at Police in area of PS/Saddar Dikhan but could not arrived back to PS/City Dikhan

Punishment: Awarded Minor Punishment of Fine Rs: 500/- vide This office OB.No. 538/FRP dt:30-03-015

SP/FRP DIK

Charges: Absent from duty w.e.from. 02 11/015 To 04 11/015 Total (2 days)

Punishment: confinment to Quarter Guard for (2 days) Absence Period is treated as w/o Pay. vide This office OB.No. 94/FRP dt: 29-01-2016

SP/FRP DIK

Charges: Absent from duty w.e.from. 19 12/2015 To 21 12/2015

Punishment: confinment to Quarter Guard for (01 day) vide This office OB.No. 1235/FRP DIK dt: 29 12/2015

SP/FRP DIK

Charges: Absent from duty w.e.from. 02 01/2016 To 04 01/2016 Total (03 days)

Punishment: Awarded for (02 days) Extra Drill vide This office OB.No. 262/FRP DIK dt: 04-03-2016

SP/FRP DIK

Charges: Absent from duty w.e.from. 23 01/2016 To 25 01/2016 Total (02 days)

Punishment: Awarded for (01 days) Extra Drill vide This office OB.No. 275/FRP DIK dt: 14-03-2016

SP/FRP DIK

Attested

CHARACTER ROLL OF

Serial No.

15. CENSURES AND PUNISHMENTS - contd.

ORDER:

In Compliance with the direction of worthy PPO/KPK Peshawar vide his office letter No 513/PA dt 10/10/2016 received through DPO DIK vide his Office End No. 3011/EC dt 19-10-2016 is hereby Suspended and close to FRP Police line D.I.Khan vide this Office Order No. 1808/FRP dt 20/10/2016 and OB NO 917/FRP dt 20/10/2016

SP/FRP DIK

ORDER:-

Charges: That it has Posted in the Depost of 206-Servey military intelligence DIKhan that he has been found linked with Drug Peddlers hence Placed in category "C"

Punishment: file the departmental enquiry papers. Reinstated him in Service from the date of Suspension and Recommended him for out Range transfer with immediate effect, OB-NO 1009/FRP dt 3/4/11/016

SP/FRP DIK

"A"/5

ROLL OF (Continued)

15. CENSURES AND PUNISHMENTS - contd.

ORDER

Charges: On the allegation that Muhammad Sharif S/o Ghulam Farid Caste Dhap R/o Jazabad Muryali Submitted an application against him that on 09.06.2018 he, his cousin and friends beated his Son Jamshed Shakeel and also Snatched his mobile he also threated him; to Know the real facts application was marked to Zahoor Ud Din DSP/FRP Dikhan.

Attested

Punishment: Awarded minor punishment of "CENSURE" vide this office OB No: 557/FRP dtd 20/08/2018 SP/FRP DIK

ORDER

Suspension and Closed to FRP Police line D.I.Khan for departmental Proceeding due to his involvement in Case vide FIR No: 598 dtd 18/06/2019 U/S 302/404/109/34 PPC Police Station Cantt D.I.Khan with immediate effect. vide this office OB No: 462/FRP dtd 19/06/2019 SP/FRP DIK

(Order Copy Attached)

ORDER

Awarded major punishment of "Removal from Service" with immediate effect. Due to his involvement in case FIR No: 598 dt: 18-6-2019 U/S 302/404/109/34 PPC PS Cantt. Vide this office OB No: 467/FRP dt: 07-07-2020

Attested

SP/FRP DIK

(Order copy Attached)

ORDER:

Baseed on the findings narrated above, I Commandant FRP Khyber pakhtunkhwa, peshawar being the Competent authority, has found no substance in the appeal, therefore the same is rejected and filed being badly time baared

Attested

"B"/6

No 997-98 /FRP dated: 19-06 /2019

CHARGE SHEET

I. I, Aman Ullah Khan, SP FRP DIKhan as competent authority, am of the opinion that you Constable Muhammad Bilal No.8198/FRP of FRP DIKhan Range have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

II. According to daily diary report No.14 dated 17.06.2019 of FRP Police Lines DIKhan, you remained absent from law full duties with effect from 17.06.2019 **to till date** without any leave or permission from the competent authority. During absence you have been directly charge in case vide FIR No.598 dated 18.06.2019 U/S 302/404/109/34 PPC Police Station Cantt: DIKhan. It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and has rendered yourself liable to be proceeded against departmentally.

III. By reason of the above, you seem to be guilty as sufficient materials is placed before the undersigned; therefore it is decided to proceed against you in general police proceeding.

IV. You are; therefore, required to submit your written reply within 07 days of the receipt of this charges sheet to the Enquiry Officer.

V. Your written reply, if any, should reach the Enquiry Officer within specific period, failing which it shall be presumed that you have no defense to offer and in that case ex-parte action shall follow against you.

VI. Intimate as to whether you desire to be heard in person or not?

VII. A statement of allegation is enclosed.

(Aman Ullah Khan)
Superintendent of Police, FRP
DIKhan Range DIKha
17/6/19.

DSP No: 31
19-6-19

Attested

ے 1:15 بوقت 20-6-19

Attested

(26)

"B"/7

DISCIPLINARY ACTION

I, Aman Ullah Khan, SP FRP DIKhan as competent authority, am of the opinion that you Constable Muhammad Bilal No.8198/FRP of FRP DIKhan Range of FRP have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

1. According to daily diary report No.14 dated 17.06.2019 of FRP Police Lines DIKhan, you remained absent from law full duties with effect from 17.06.2019 to till date without any leave or permission from the competent authority. During absence you have been directly charge in case vide FIR No.598 dated 18.06.2019 U/S 302/404/109/34 PPC Police Station Cantt: DIKhan. It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and has rendered yourself liable to be proceeded against departmentally.
2. For the purpose of scrutinize the conduct of said Constable with reference to the above allegation, Zahoor Ud Din DSP/FRP DIKhan is appointed as Enquiry Officer.
3. The Enquiry Officer shall conduct proceeding in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record it is finding and make with twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The delinquent official shall join the proceeding on the date, time and please fixed by the officer.

(Aman Ullah Khan)
Superintendent of Police, FRP
DIKhan Range DIKhan
19/6/19

Attested

1:15 Pm 20-6-19

"C"/8

DSP
FRP. Dir.

جناب عالی!

بحوالہ چارج شیٹ نمبر 997-98-FRP مجریہ 19-6-19 جناب ایس پی صاحب FRP
برخلاف کنسٹیبل محمد بلال 819B حال معطل چوکی پولیس لائن
کی تفتیش انکوائری فاضل ہو چکی ہے۔ طالب انکوائری سے
پایا گیا کہ کنسٹیبل مذکورہ بالا چوری کا مرتکب پایا گیا۔ اور مورخہ 17/6/19 کو
اور مورخہ 17/6/19 کو شوکاز نوٹس جاری ہوا۔ اور مورخہ 17/6/19 کو
بروئے شوکاز نوٹس جرم 59B 02.404.109 قضیہ ملت نمبر
تھانہ کینٹ Dir میں درج کیا گیا ہے۔ 34-PPC
کنسٹیبل مذکورہ نے فوراً B.B.A کو واپسی اور اپنی حاضری
مورخہ 20/6/19 کو حاضری کی ہے۔

Attested

اندریں سلسلہ میں مذکورہ کو طلب کیا گیا جس ضابطہ چارج شیٹ
تقسیم کی گئی جسکا مذکورہ نے اپنا تحریری جواب انور مہیا دیا ہے
جو ہمراہ نتھی فائل ملاحظہ ہے جس پر کراس حرح کی گئی ہے
کنسٹیبل مذکورہ نے اپنے خلاف چوری کو جھوٹ پر
مبنی قرار دیا ہے۔ مزید برآں مستورات کا تنازعہ ہے
کنسٹیبل مذکورہ تاحال B.B.A ضمانت پر ہے
اور پچیس نفری میں حاضر ہے۔

Attested

لہذا انکوائری ہذا کو تا تصفیہ قضیہ ملت
پیش کرنے کی سفارش کرتا ہوں۔ ہے

فرمان بالا افسر اعلیٰ کے حکم کا منتظر ہوں۔ ظہور الدین خان
DSP. FRP. Dir. 03-7-19

"D"

"D/9

بیان
CDSS
question

Charge Sheet

Attested

از دفتر DSP FRP. Dik

فائنل رپورٹ ③

جناب عالی!

بحوالہ کنٹیبل انکوائری برخلاف کنٹیبل محمد بلال Dik 8198/FRP

معروض ہوں کہ کنٹیبل محمد بلال Dik 8198/FRP کی تقرری Re-Employ بحکم جناب SP صاحب FRP ڈیرہ من DSP.FRP کو وارد ہوئی ہے

انکوائری کاغذات کا باریک بینی سے مطالعہ کیا گیا ہے۔

کنٹیبل مذکورہ کے خلاف قبل ازیں DSP/FRP ظہور الاسلام خان نے انکوائری عمل میں لائی گئی ہے۔ جو کہ دوبارہ Re-Employ کیلئے مجھے وارد ہوئی۔

کنٹیبل مذکورہ بحوالہ RIR 598 مورخہ 18/6/2019 PPC 302-406-109/34 تھانہ کینٹ میں ملوث ہونے پر سنٹرل جیل Dik میں ہے

انکوائری عمل میں لاتے ہوئے میں بذات خود سنٹرل جیل Dik گیا کنٹیبل مذکورہ کا بیان قلمبند کیا گیا اور کیس جرح بھی کر چکا ہوں۔ جو ہمراہ لف قابل ملاحظہ ہے۔

کنٹیبل مذکورہ کا والد جو کہ محکمہ پولیس میں سب انسپکٹر ہے۔ کو طلب کیا گیا جس نے ③ کسان کے بیان حلفی کی فوٹو سٹیٹ پیش کی ہیں جو کہ ہمراہ لف انکوائری کی گئی ہیں۔

انکے اللہ وسایا کنٹیبل مذکورہ کے والد کو بار بار کہا گیا کہ ان میں سے کسی کو بیان کیلئے بھجوائے تاکہ ان کا بیان قلمبند کیا جا سکے لیکن المذکور علیہ بالا کی طرف سے کوئی گواہ لیٹر ہذا میں شہادت پیش نہیں کیا گیا۔

NEXT P:2

Attested

بیان
CR088
Question

Charge

"D" /10

Attested

(4) P:2

اسی طرح مقدمہ ھذا کے تفتیشی آفسر انسپکٹر سیف الرحمن کو طلب کیا گیا کہ
بیان قلمبند کیا گیا ہے جو ہمراہ لف قابل ملاحظہ ہے۔

انسپکٹر سیف الرحمن نے بھی کنسٹیبل مذکورہ کو قصوروار
ٹھہرایا۔ DD کے بیان کے مطابق کنسٹیبل مذکورہ نے جو گواہان
پیش کیے وہ غیر جانبدار نہ تھے۔ اور نہ ہی ملزم کنسٹیبل
کوئی ٹھوس شہادت بے گناہی پیش کر سکا۔

کی گئی انکوائری حالات واقعات و بیان سے کنسٹیبل مذکورہ
بابت بے گناہی کوئی ٹھوس شہادت پیش نہیں کر سکا۔
لہذا کنسٹیبل مذکورہ انکوائری میں قصوروار پایا جاتا ہے۔
انکوائری رپورٹ عہ اد مناسب حکم ارسال خدمت ہے۔

اسد محمود خان
DSP. HQ. Dir
30-6-2020

Attested

Charge

Attested

(17)

"D"/11

REFERENCE ATTACHED.

Constable **Muhammad Bilal No.8198/FRP** was proceeded against departmentally on the charges that according to daily diary report No.14 dated 17.06.2019 of FRP Police Lines DIKhan, he remained absent from law full duties with effect from 17.06.2019 to till date without any leave or permission from the competent authority. During absence you have been directly charge in case vide FIR No.598 dated 18.06.2019 U/S 302/404/109/34 PPC Police Station Cantt: DIKhan. Now he reported back his arrival on 20.06.2019 vide daily diary report No.10 dated 20.06.2019 of FRP Police Lines DIKhan, **total absence period comes (03) day.**

Zahoor Ud Din Khan DSP/FRP DIKhan Range was nominated as enquiry officer, now the finding report of enquiry officer received vides F/A, which is submitted for kind perusal and further order please.

H/Constable
04/07/19

S.R.C/FRP, D.I.Khan.
4/7/19

W/S.P/FRP, D.I.Khan.

DSP/FRP No: 38
29-4-2020

OR

22/4

نصرتی - 03-01-2011

سالقہ سزاوری : (33) یوم

دیگر سزائیں : 500 روپے جرمانہ

(2) یوم کوارٹر گارڈ

(3) یوم رخصت آرڈنل

Category "D"

دوبارہ بحال کیا گیا

FIR No: 598 dt 18-06-2019

U/S 302/404/109/34 PPC

P/S Cant

Yes

as requested by

E.O

4/7

DSP Asad mehmood appointed as enquiry officer to conducting Re-enquiry into the matter

07/04/20

Attested

Attested

"E"/12

FRP D.I.KHAN RANGE

ORDER:-

My this order will dispose off departmental enquiry conducted against **Constable Muhammad Bilal No.8198/FRP** under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 (Amended in 2014).

According to daily diary report No.14 dated 17.06.2019 of FRP Police Lines DIKhan, he remained absent from law full duties with effect from 17.06.2019 without any leave or permission from the competent authority. During absence he has been directly charge in case FIR No.598 dated 18.06.2019 U/S 302/404/109/34 PPC Police Station Cantt: DIKhan. Now he reported back his arrival on 20.06.2019 vide daily diary report No.10 dated 20.06.2019 of FRP Police Lines DIKhan.

On the basis of above he was suspended vide this office order endst: No.995-96/FRP dated 19.06.2019. He was issued charge sheet along with summary of allegation. Zahoor ud din DSP/FRP DIKhan Range was nominated as enquiry officer to unearth the actual facts. The enquiry officer submitted his finding report wherein he stated that the enquiry may kept pending till the decision of court. Departmental enquiry along with other connecting papers were again marked to DSP Asad Mehmood of FRP DIKhan Range with the direction to conduct re-enquiry in to the matter. The enquiry officer submitted his finding report wherein the defaulter Constable was found guilty of the charges leveled against him. It is worth mentioned here that after the perusal of his service record it revealed that he was enlisted as Constable on 03.01.2011, during his service he remained absent from law full duties for (33) days, awarded minor punishment of confinement to quarter guard for 02 days, extra drill for 03 days and fine Rs.500/- previously.

Keeping in view the above facts, **I MR. NISAR KHAN**, Superintendent of Police FRP D.I.Khan Range, D.I.Khan, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 amended-2014 is hereby award to him major punishment of **Removal from Service** with immediate effect.

ORDER ANNOUNCED.

Dated /2020.

OB No. 467 /FRP
Dated 07/07/2020

(NISAR KHAN)
Superintendent of Police,
FRP, DIKhan Range DIKhan

07/07

Copy to:-

1. Pay Officer
2. SRC
3. OHC
4. OB Clerk

Attested

Charge Sheet

"F"/13

Attested

(22)

جواب چارج شیٹ

جناب عالی. مستغیث چارج شیٹ نمبری 997-98 مورخہ 19.6.19 مورخہ میں مسمی ملازم نمبر 162 FRP سے کیفیت طلب کی گئی تھی۔ 8/9 سال سروس ہے۔ اس دوران کبھی کوئی سزا نہیں ملی۔ 3/4 ماہ سے تھانہ لوہاری منڈی میں تعینات ہوں۔ مورخہ 18/6/19 کو دو کیسوں کے ملزمان گرفتار کرنے کے بعد مقدمہ میں شامل تفتیش کیا اور ان دو کیسوں کے علاوہ تھانہ ہذا میں تین مقدمات درج ہوئے جب کہ مجھے کچھ معلوم نہیں۔ نہ ہی میرے علم میں لائے بغیر مقدمہ میں کوئی تبدیلی کی گئی۔ جس کی تصدیق ایس ایچ او تھانہ ہذا بھی کرے گا۔ مقدمہ علت نمبر 598 مورخہ 18/6/19 جرم PPC 302-406 109/34 تھانہ لوہاری منڈی درج رجسٹر ہوا۔ جس میں میں نے مندرجہ ذیل تفتیش کیا۔

1۔ یہ کہ موکلہ کی شب میں اپنے سالیوں کے ہمراہ مچھلی کے شکار کھیلنے مقدمہ میں گیا ہوا تھا۔ جس کے اس سلسلہ میں گواہ موجود ہیں۔ مجھ بے گناہ کو بلاوجہ گرفتار کیا گیا۔ ثبوت موجود ہے۔

2۔ یہ کہ موکلہ بالا کی گرفتاری کے بعد مورخہ 19/6/19 کو بوقت 9 بجے شب ہیڈ محرر نے مجھے بذریعہ ٹیلیفون اطلاع دی کہ ملزم کے قبضہ سے مسمی ملزم سے برآمدگی ہوئی ہے۔ جس پر میں نے ہیڈ محرر کو ہدایت کی کہ ملزم کو موقعہ پر لے کر جائیں۔ جبکہ میں خود بھی تھانہ سے روانہ ہو کر موقعہ پر پہنچا۔ اور ملزم کو موقعہ پر گرفتار کیا۔ جبکہ اس کے قبضہ سے مسلح موجود تھا۔ جبکہ ملزم کو گرفتار کر کے تھانہ لوہاری منڈی لے آئے۔ اور بعد ازاں مقدمہ درج رجسٹر کیا۔ اور واپس جا کر اپنی ڈیوٹی سرانجام دی۔ جو کہ تکمیل ہے۔

3- یہ کہ مدعی کے خلاف کسی جرم کی حسب ذیل شہادت
جسے مجھے دیکھنے سے قبل اور بعد از وقوعہ حاصل ہوئی۔ مختصر بے گناہ

الزام کا:

4- یہ کہ مقدمہ کی سماعت دوران حوالات میں بتاریخ مورخہ 05
ماہ جاری ہوئی تھا۔ اسکا بھائی مدعی مقدمہ وہاں پر کسی
موجود تھا۔ جبکہ وہ شادی کنندہ رات کو اپنے گھر سے لی
اسکو مقدمہ میں ملوث کیا گیا ہے۔ جو ناکردہ

5- یہ کہ وقوعہ 01.50 بجے کا ہونا بیان ہوا۔ جبکہ رپورٹ 03.50
بجے درج ہوئی ہے۔ جو مقدمہ تاخیر کی وجہ۔ مختصر مجھ بے گناہ
دھرنا کرنا بیان کیا ہے۔ جبکہ جائے وقوعہ اور سول لائن میں
کم از کم 10 منٹ کا فاصلہ ہے۔

عالیجاہ: سائل ایک غریب آدمی ہے۔ مجھ بے گناہ دھرنا
سے کوئی بے گناہی کا ثبوت موجود ہے۔ جو لفظی سماعت عدالت
پیش کرونگا۔ مدعی درج بالا حالات کے پیش نظر سے
خلاف جاری شدہ مراسلہ کارروائی داخل دفتر فرمانا بابت
سائل کو بحال فرمانا بابت حضوری ملزمہ ہے درکار ہوئی

Attested

سائل

نسل محمد بلال عمر 8198 ولدیت عمر 162 سکنہ کوئٹہ
0344-895-8875

"/14

ORDER

This order will dispose of the departmental appeal preferred by ex-constable Muhammad Bilal No. 8198 of FRP DI Khan against the order of SP FRP DI Khan Range, DI Khan issued vide OB No. 467, dated 07.07.2020, wherein he was awarded major punishment of removal from service.

Brief facts of the case are that the applicant absented himself with effect from 17.06.2019 to 20.06.2019 and during his absence he was found involved in case FIR No. 598, dated 18.06.2019, U/S 302/404/109/34 PPC Police Station Cantt; District DI Khan.

In this regard, he was placed under suspension vide office Order Endst; No. 995-96/FRP, dated 19.06.2019 and proper departmental proceedings were initiated against him and Zahoor Ud Din DSP FRP DI Khan was nominated as Enquiry Officer. After completion of enquiry, the Enquiry Officer recommended that the instant enquiry may be kept pending till the decision of court.

However, his enquiry alongwith relevant papers were again marked to Asad Mehmood DSP FRP DI Khan with the direction to conduct re-enquiry into the matter. After completion of enquiry, the Enquiry Officer found him guilty of the charges leveled against him.

Keeping in view the above narrated facts and other material available on record, he was awarded major punishment of removal service vide OB No. 467, dated 07.07.2020.

Feeling aggrieved against the impugned order of SP FRP DI Khan Range, DI Khan, the applicant preferred the instant appeal.

Perusal of file it has been found that the allegations were fully established during the course of enquiry. Thus the applicant has been found to be an irresponsible person in utter disregard the discipline of the force. Therefore any leniency or complacency would further embolden the accused officer and impinge upon adversely on the overall discipline and conduct of the force. There doesn't seem any infirmity in the order passed by the competent authority, therefore no ground exist to interfere in same.

Based on the findings narrated above, I, **Commandant** FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected and filed being badly time barred and meritless.

Order Announced.

Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

No 8226-8/SI Legal, dated Peshawar the 14/09/2023.

Copy of above is forwarded for information and necessary action to the:-

1. SP FRP DI Khan Range, DI Khan. His Service record alongwith D-file sent herewith.
2. Ex-constable Muhammad Bilal No. 8198 FRP DIK S/o Allah Wasaya R/o Village Ejaz Abad Muryali, Police Station Cantt; District DI Khan.

Attested

"H"/15

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2051/2023.
Muhammad Bilal, Son of Allah Wasaya Caste Baloch Resident of Ijaz Abad Muryali, District Dera Ismail Khan (Ex constable FRP, Belt No. 8198).....Appellant.

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar & others.....Respondents.

AUTHORITY LETTER

Respectfully Sheweth:-

We respondents No. 2 to 5 do hereby solemnly authorize Mr. Javed Khan Inspector of FRP DI Khan Range to attend the Honorable Tribunal and submit affidavit/Para-wise comments required for the defense of above Service Appeal on our behalf.

Superintendent of Police FRP,
DI Khan Range, DI Khan
(Respondent No. 05)
(Azmat Ali Khan)
Incumbent

Commandant FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 03 & 4)
(Tahir Ayub Khan) PSP
Incumbent

DIG Legal CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 02)
(Dr. Muhammad Akhtar Abas) PSP
Incumbent

"I"/16

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2051/2023

Muhammad Bilal, son of Allah Wasaya Caste Baloch Resident of Ijaz Abad Muryali, District Dera Ismail Khan (Ex constable FRP, Belt No. 8198).....**Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar & others.....**Respondents.**

AFFIDAVIT

We respondent's hereby solemnly affirm and declare on oath that the contents of the accompanying Para- wise comments is correct to the best of our knowledge and belief that nothing has been concealed from this Honorable Court.

It is further stated on oath that in this Appeal The answering respondents have neither been Placed ex. Party nor their defence has been struck up.

Superintendent of Police FRP,
DI Khan Range, DI Khan.
Respondent No.03
(AZMAT ALI KHAN)
Incumbent

Attested
Oath Commissioner
H/C & PO
ATTESTED
Dera Ismail Khan