

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1236/2016

Date of Institution ... 14.12.2016

Date of Decision ... 02.03.2018

Said Khan Bangash, Ex-DSP,
Rural Circle, Bannu.

... (Appellant)

VERSUS1. The provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and 2 others.
... (Respondents)-----
MR. MUHAMMAD ASIF YOUSAFZAI,
Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK,
Additional Advocate General

--- For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN,--- CHAIRMAN
--- MEMBER(Executive)JUDGMENTNIAZ MUHAMMAD KHAN, CHAIRMAN:- Arguments of the learned counsel
for the parties heard and record perused.FACTS2. The appellant was compulsorily retired on 15.08.2016 against which he filed the review petition on 02.09.2016 which was not responded to and thereafter he filed the present service appeal on 14.12.2016. At the very outset this Tribunal informed the parties that two judgments have been delivered by this Tribunal bearing service appeal no. 1334/2014 entitled "*Shoukat Zaman-vs- Chief Secretary*" on 18.07.2017 and service appeal no 55/2015 entitled "*Muhammad Javid-vs- Government of Khyber Pakhtunkhwa*" on 18.07.2017. In these two judgments on the basis of reported judgment of entitled "*Ahmad Mustafa-vs-IGP, Khyber Pakhtunkhwa and two others*" reported as PLJ 1984 Peshawar 124 had held that the proceedings against DSP's under the Khyber

Pakhtunkhwa Police Rules 1975 could not be held and declared *ultra-varies* to this extent by the august Peshawar High Court.

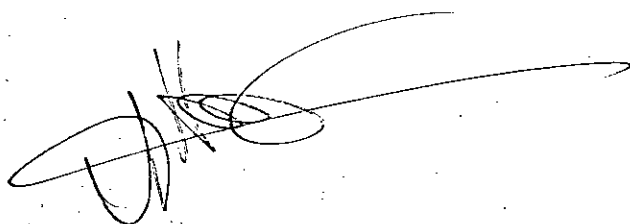
ARGUMENTS

3. Learned counsel for the appellant argued that the proceedings should have been taken under the Khyber Pakhtunkhwa government servant (Efficiency and Discipline) Rules 2011. That the procedure in both the rules i.e 2011 and 1975 mentioned above are different. That the appellant was *prejudiced* by not following the procedure of the rules of 2011.


4. On the other hand learned Addl: Advocate General argued that the authority in both the rules was IGP. That all the codal formalities were fulfilled.

CONCLUSION.

5. Without adverting to the merit of the appeal this Tribunal has already delivered two judgments mentioned above on the basis of the judgment of august Peshawar High Court mentioned above. In the light of the said judgment the present appeal is accepted and the appellant is reinstated in service. The department is directed to hold de-novo proceedings within a period of 90 days of the receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo proceedings and rules on the subject. In case the de-novo proceedings are not conducted within the said period then the issue of back benefits shall be decided by the department in accordance with the rules like gainful employment etc. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
MEMBER

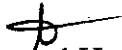


(NIAZ MUHAMMAD KHAN)
CHAIRMAN

ANNOUNCED
02.03.2018

12.01.2018

Learned counsel for the appellant and District Attorney along with Muhammad Farooq, Inspector for the respondents present. Learned counsel for the counsel seeks adjournment. Adjourned. To come up for arguments on 08.02.2018 before D.B.


(Ahmad Hassan)
Member(E)


(M. Hamid Mughal)
Member (J)

08.02.2018

Appellant with counsel and Addl. AG for the respondents present. Due to shortage of time, arguments could not be heard. To come up for arguments on 02.03.2018 before the D.B.


Member


Chairman

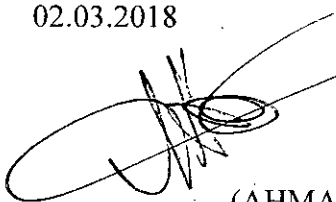
Order

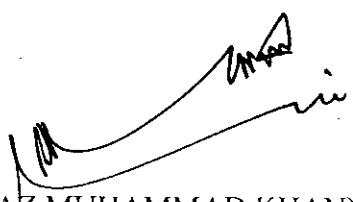
02.03.2018

Counsel for the appellant and Assistant Advocate General alongwith Mr. Asghar Ali, H.C for respondents present. Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file, the appeal is accepted. Parties are left to bear their own cost. File be consigned to the record room.


Announced:
02.03.2018


(AHMAD HASSAN)
Member


(NIAZ MUHAMMAD KHAN)
Chairman

02.03.2017

Counsel for the appellant and Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 20.04.2017.


Chairman

20.04.2017

Counsel for the appellant present. Mr. Asghar Ali Khan, Head Constable alongwith Mr. Muhammad Jan, Government Pleader for the respondents also present. Learned counsel for the appellant submitted rejoinder and requested for adjournment. Adjourned. To come up for arguments on 17.07.2017 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

17.07.2017

Counsel for the appellant present. Mr. Asghar Ali, Head Constable alongwith Mr. Kabirullah Khattak, Assistant AG for respondents also present. The Learned Executive Member Mr. Gul Zeb Khan is away for interviews in the office of Khyber Pakhtunkhwa Public Service Commission therefore, due to incomplete bench the case is adjourned for arguments to 13.11.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member

13.11.2017

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. The learned counsel for the appellant requested for adjournment. Granted. To come up for arguments on 12.1.2018 before the D.B.


Member


Chairman

20.12.2016

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned order dated 15.08.2016 vide which the appellant was awarded major punishment of compulsory retirement from service. Against the impugned order appellant filed departmental appeal on 02.09.2016 which was not responded within the statutory period, hence the instant service appeal.

Since the matter required further consideration of this Tribunal therefore, the same is admitted for regular hearing, subject to deposit of security and process fee within 10 days. Notices be issued to the respondents for written reply/comments for 26.01.2017 before S.B.

Amount Deposited
Security Process Fee

(MUHAMMAD AAMIR NAZIR)
MEMBER

26.1.2017



Counsel for the appellant and Alamgir, SI alongwith Addl. AG for respondents present, and requested for submission of written reply. To come up for written reply/comments on 02.03.2017 before S.B.

Chairman

Form - A
FORM OF ORDER SHEET

Court of _____

Case No. 1236/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14/12/2016	<p>The appeal of Mr. Said Khan presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15-12-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20-12-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1236/2016

Said Khan Bangash

V/S

Police Deptt:

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APPELLANT

THROUGH:

M. Asif Yousafzai
M.ASIF YOUSAFZAI

(ADVOCATE SUPREME COURT),

Taimur Ali Khan
TAIMUR ALI KHAN

(ADVOCATE HIGH COURT),

S. Noman Ali Bukhri
& S. NOMAN ALI BUKHRI

ADVOCATE PESHAWAR.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1236 /2016

Khyber Pakhtukhwa
Service Tribunal

Diary No. 1293

Dated 14-12-2016

Said Khan Bangash, Ex- DSP

Rural Circle, Bannu.

(Appellant)

VERSUS

1. The Provincial Police Officer, KPK, Peshawar.
2. The Regional Police Officer, Bannu.
3. The District police Officer, Bannu.

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 15.08.2016 WHEREBY THE APPELLANT WAS COMPULSORILY RETIRED FROM SERVICE AND AGAINST NOT TAKING ACTION ON THE APPEAL/REVIEW PETITION OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 15.08.2016 MAY BE SET ASIDE AND APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day

Registrar

RESPECTFULLY SHEWETH:

14/12/16
FACTS:

1. That the appellant was working as DSP in Rural Circle Bannu and due to excellent performance the department gave accelerated promotion and many appreciation certificates to the appellant. (Copy of certificates are attached as Annexure-A)

2. That the SHO PS Ghori Wala on the information raided the house of Khuda Dad at Toro Balo Michan Khel on 07.4.2016 and recovered huge quantity of arms/ammunition. The SHO informed the DPO Bannu who directed to the appellant to go to the spot and on the basis of that direction the appellant went to the spot , when the appellant reached the spot the SHO has already prepared recovery memo, sealed the arms/ammunition and loaded the arms and ammunition in the two official vehicles which were brought under the supervision of the appellant to Police Station. It is pertinent to mentioned here that SHO PS Ghori Wala told the appellant that he has completed the entire proceedings and the spot was also examined by the appellant in the presence of SHO. Copies of FIR & recovery memo are attached as Annexure – A-1 & A-2. & A-3.
3. That on 14.06.2016 charge sheet and statement of allegation and show cause notice was issued to the appellant wherein 5 charges were leveled against the appellant, which was properly replied by the appellant and denied all the charges and explained the real facts about the situation. (Copies of charge sheet, statement of allegations, show cause notice and reply to charge sheet are attached as Annexure-B,C,D &E).
4. That inquiry was conducted against the appellant in which no proper chance of defence was provided to the appellant. The inquiry committee gave its conclusion that out of 5 charges only charge (i), (iv) were proved and charge (ii) partially proved against the appellant. However, the inquiry committee without considering the quantity of arms/ammunition given in FIR, Recovery Memo, Handing over memo to Moharrir of the P.S, held the appellant responsible and recommended for punishment. (Copy of inquiry report is attached as Annexure-F)
5. That the appellant was compulsorily retired from service vide order dated 15.08.2016 against which the appellant filed appeal/review petition on 2.9.2016 which was not responded in the statutory period of ninety days. (Copy of order dated 15.8.2016 and review petition are attached as Annexure – G&H)
6. That now the appellant come to this august Tribunal on the following grounds amongst others.

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GROUNDS:

- A) That not taking action on the review petition and order dated 15.8.2016 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the inquiry was not conducted according to its prescribed manner as the appellant was not given full and fair opportunity of defense.
- C) That the appellant objected on both the member of committee by deposing his reservations in the reply to the charge sheet but despite that the chairman of the committee was changed while the other member of the committee i.e DPO Karak was not changed which means that the inquiry conducted by the inquiry committee was biased one.
- D) That the inquiry committee gave his conclusion on the statement of SHO Goriwala who recorded his statement before the communication of charge sheet and in absence of appellant. Thus great miscarriage of justice done caused to appellant. More over the inquiry committee has totally ignored the statements of ASI Jamshed, Feroz MHC who did not support the charge NO.ii. Thus charges were actually not proved against the appellant beyond the shadow of doubt.
- E) That the SHO Ghulam Razaq given his statement to one of the inquiry officer i.e DPO Karak on which the appellant objected, that after the raid a huge quantity of arm/ammunition was brought into the Police Station under the supervision of the appellant and in Police Station before counting the appellant took 2 Kalashnikovs, 2 pistols and kept in his official vehicle while in cross examination put on the SHO by the appellant in the inquiry proceeding the SHO admitted that he counted the arm and ammunition on the spot and not in police station and also prepared recovery memo and murasila on the spot which shows that there is contrast in the statement of the SHO and whole action was taken against the appellant on the statement of the SHO, but SHO statement is self contradicted which means that there was some ulterior motive of the SHO.
- F) That the SHO also admitted that he was present on the spot when the Investigation Officer come to the spot and he handed over the recovery

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memo and arm/ammunition according to recovery memo to investigation officer. The investigation officer took all the arms/ammunition through separate prepared memo and sealed all the recovered case property on the spot and the same was handed over to the MHC of the police station, while according to the charge sheet and inquiry report and impugned order the alleged case property was taken in the Police Station while there is no evidence of recounting the case property in Police station and de-sealing of the parcel and change of the recovery memo, even there is no change/increase/decrease in the memos of recovery prepared by the SHO and I.O of the case, which means that the allegations against the appellant were not proved beyond the shadow of doubt.

- G) That in charge sheet, 2nd charge was that that while you reached the Police Station, you took 2 Kalashnikovs, 2 pistols and boxes of live rounds for yourself. Later during counting again you took another 5/6 Kalashnikovs along with boxes of live rounds and distributed amongst the police officials who participated in the raid, but neither the SHO in his statement nor the inquiry committee mentioned any about 5/6 Kalashnikovs and pistols. It is also pertinent to mentioned here that when the recovery memo was prepared and sealed then how it was possible to de-seal the recovered property or change the memo of recovery and took away 5/6 Kalashnikovs, rounds and pistol.
- H) That Feroz Khan MHS Police station Ghuri wala has also admitted that the case property was handed over to him by the investigation officer in sealed condition and all the case property is available in PS Malkhana in sealed condition without any deficiency.
- I) That the whole action of the respondents was preplanned and fabricated one because the charge sheet and show cause notice were issued to the appellant on same date i.e 14.6.2016 which shows the malafide of the respondent department.
- J) That neither final show cause notice was issued to the appellant nor he was heard in person and as such the appellant has been condemned unheard and has not been treated according to law and rules.
- K) That it is worth to mention here that the statements of SHO and other Police officials recorded in ATC Bannu also shows that there was no shortage in the arms/ammunition, those were correctly sealed & shifted to

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police station and not deficit in quantity too. More over all the counting/sealing/ murasila writing was done on spot. But despite that the appellant has been punished for no fault on his part. Copy of statement is attached as Annexure – I.

- L) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

5
APPELLANT

Said khan

THROUGH:

M.ASIF YOUSAFZAI

(ADVOCATE SUPREME COURT),

TAIMUR ALL KHAN

(ADVOCATE HIGH CORT)

S. NOMAN ALI BUKHRI

ADVOCTE PESHAWAR.

carried out by the Police. Ultimately Nusrat Hussain alias Balo Mian along with Jahangir, Gulfam Ali, Syed Hassan Abbass, Abdullah Jan and Nasir Abbas were found in the adjacent houses of Syed Abdullah Jan and Ali Mosa wherein they had taken positions in bunkers, they gangster were ordered to surrender but they continued firing at he Police. However, Police returned fire and killed the notorious proclaimed offender Nusrat Hussain alias Balo Mina, Jahangir, Gulfam Ali and Syed Hassan Abbas while Abdullah Jan and Nasir Abbas were arrested alive. One anti tank mine, 10 hand grenades, 06 Kalashnikov, 02 pistols , 01 rifle shot gun and 1100 rounds of different bore were recovered. The killed proclaimed offenders were wanted in eight heinous offences. During operation Police constable Farman Ullah No.1435 Ex service man Police Staiton Jungle Khei by displayed bold action and bravery met martyrdom which will serve as bacon of courage for entire Police and will be remembered for long. Proper case vide FIR No.173 dated 04.06.2011 u/s 302/324/353/148/149 PPC 3/4/5 E.S.A / 13AO /7ATA Police Station Usterzai has been registered. In addition Inspector Said Khan, SI Arman Gul, ASI Shah Doran, HC Syed Mohammad Abdullah No.220 and Constable Noor Nawaz No.1575 of Elite Force also displayed un-matched courage and un-daunting chivalry during the operation.

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Keeping in view of the above position explained, Inspector Said Khan is strongly recommended for confirmation in his substantive rank of Inspector as special case please.

(M.MASOOD KHAN AFRIDI)PSP
Dy: Inspector General of Police,
Kohat Region, Kohat.

No. 7392 /EC.

Copy to District Police Officer, Kohat for information w/r to his
Memo: No. mentioned above.

M. Masood Khan
(M.MASOOD KHAN AFRIDI)PSP
Dy: Inspector General of Police,
Kohat Region, Kohat.

5/9/11
59/9

HL
Liath with com

D.P.O. KOHAT
5.9.2011

ATTESTED

8

OFFICE OF THE
DISTRICT POLICE OFFICER, KOHAT

No 5238 /PA

Dated Kohat the 18-7-2012

APPRECIATION LETTER

It is a matter of great appreciation that during your posting as SHO PS Usterzai law and order situation remained under control. You have courageously and boldly operated against the desperate and hardened criminals. As a result of your efforts Baloo gang was busted under your command and the people of the area took sigh of relief. In addition commendable recoveries of narcotics and arms were also made during your tenure.

In recognition of your selfless and devoted services this appreciation letter is issued with the observation that in future too you will serve the Police department more effectively and zealously.

INSPECTOR SAID KHAN
SHO PS USTERZAI,
DISTRICT KOHAT


DISTRICT POLICE OFFICER,
KOHAT

ATTESTED



Mr. Saeed Khan
Deputy Superintendent of Police,
Rural Circle, District Bannu.

Tel: 0928-9270076.
Fax: 0928-9270075.

APPRECIATION

The successful search & strike operation under the command of SDPO Rural Bannu shows that the Police has taken an important step towards establishment of complete Govt. writ in the area of Jani Khel. This area lies right across FR Jani khel and is in close proximity to the tribal belt of NWA and has been suffering from a consistent militant signature. During this operation six Proclaimed Offenders (POs) wanted in heinous cases including Muhammad Khan @ Umer Farooq, a notorious criminal wanted in several heinous offences like 353/365/¼ ESA/7ATA, two other persons in 302 PPC, one PO of Zina Ordinance, and two other POs wanted in multiple cases along with several suspects were arrested. 02 Kalashnikovs, 03 rifles, 04 pistols, 08 magazines and 189 rounds of different bore were also recovered during the operation. It is pertinent to mention here that it was after more than a decade that the police pervasively raided the areas of Sardi khel, Malak Shahi, and Norang khel.

The law abiding people of the locality have appreciated this effort and their confidence in the Govt. has been restored. I profoundly appreciate the performance of all the Police officers and officials who took part in this episode, under your presence and supervision.


(Muhammad Tahir) PSP
Regional Police Officer,
Bannu Region, Bannu

No. 2963-64 /PA dt. 19/5/05

Copies to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar for favour of information please.
2. The Additional Inspector General of Police (Operations), Khyber Pakhtunkhwa, Peshawar for favour of information please.

ATTESTED


A-1

ایکٹر جنرل پولیس صوبہ سرحد فارم نمبر ۷۲

فلم نمبر ۲۲-۵۰-۵۰ (۱)

بتدائی اطلاعی رپورٹ

(فائل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ فوجداری

ملع نمبر

عذر نمبر

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تاریخ وقوع 07/04/75 وقت 11:30

1	تاریخ و وقت رپورٹ	07/04/75 وقت 17:00 بجے
2	نام و سکونت اطلاع دہندہ و مستغیث	حاجی علی محمد آریان خان 345
3	مختصر کیفیت جرم (بعد دفعہ) حال اگر کچھ لیا گیا ہو۔	15 AA TATA
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	پتھک آریان صدارت دھان واقع طور پر بلوچستان (جانب مشرق بنام 15 کلو میٹر آریان)
5	نام و سکونت ملزم	مسٹر محمد ولد محمد اللہ سنگھ غورلاہ بم ڈیڑہ ملتان رہائے نامعلوم
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو۔	رہائے نام معلوم رپورٹ پر صدمہ آریان آریان
7	تھانہ سے روانگی کی تاریخ و وقت	جنرل اسپتال آریان

ابتدائی اطلاع نیچے درج کرو ایک تقریبی اطلاع رپورٹ بڑھو تریابی مقدمہ بحالت علی محمد آریان خان 345 ملتان بدست (اختتام) 5380 وصول ہو کر پہلے 1975 H 119 (1) 1975 H 119 (2) 1975 H 119 (3) 1975 H 119 (4) 1975 H 119 (5) 1975 H 119 (6) 1975 H 119 (7) 1975 H 119 (8) 1975 H 119 (9) 1975 H 119 (10) 1975 H 119 (11) 1975 H 119 (12) 1975 H 119 (13) 1975 H 119 (14) 1975 H 119 (15) 1975 H 119 (16) 1975 H 119 (17) 1975 H 119 (18) 1975 H 119 (19) 1975 H 119 (20) 1975 H 119 (21) 1975 H 119 (22) 1975 H 119 (23) 1975 H 119 (24) 1975 H 119 (25) 1975 H 119 (26) 1975 H 119 (27) 1975 H 119 (28) 1975 H 119 (29) 1975 H 119 (30) 1975 H 119 (31) 1975 H 119 (32) 1975 H 119 (33) 1975 H 119 (34) 1975 H 119 (35) 1975 H 119 (36) 1975 H 119 (37) 1975 H 119 (38) 1975 H 119 (39) 1975 H 119 (40) 1975 H 119 (41) 1975 H 119 (42) 1975 H 119 (43) 1975 H 119 (44) 1975 H 119 (45) 1975 H 119 (46) 1975 H 119 (47) 1975 H 119 (48) 1975 H 119 (49) 1975 H 119 (50) 1975 H 119 (51) 1975 H 119 (52) 1975 H 119 (53) 1975 H 119 (54) 1975 H 119 (55) 1975 H 119 (56) 1975 H 119 (57) 1975 H 119 (58) 1975 H 119 (59) 1975 H 119 (60) 1975 H 119 (61) 1975 H 119 (62) 1975 H 119 (63) 1975 H 119 (64) 1975 H 119 (65) 1975 H 119 (66) 1975 H 119 (67) 1975 H 119 (68) 1975 H 119 (69) 1975 H 119 (70) 1975 H 119 (71) 1975 H 119 (72) 1975 H 119 (73) 1975 H 119 (74) 1975 H 119 (75) 1975 H 119 (76) 1975 H 119 (77) 1975 H 119 (78) 1975 H 119 (79) 1975 H 119 (80) 1975 H 119 (81) 1975 H 119 (82) 1975 H 119 (83) 1975 H 119 (84) 1975 H 119 (85) 1975 H 119 (86) 1975 H 119 (87) 1975 H 119 (88) 1975 H 119 (89) 1975 H 119 (90) 1975 H 119 (91) 1975 H 119 (92) 1975 H 119 (93) 1975 H 119 (94) 1975 H 119 (95) 1975 H 119 (96) 1975 H 119 (97) 1975 H 119 (98) 1975 H 119 (99) 1975 H 119 (100)

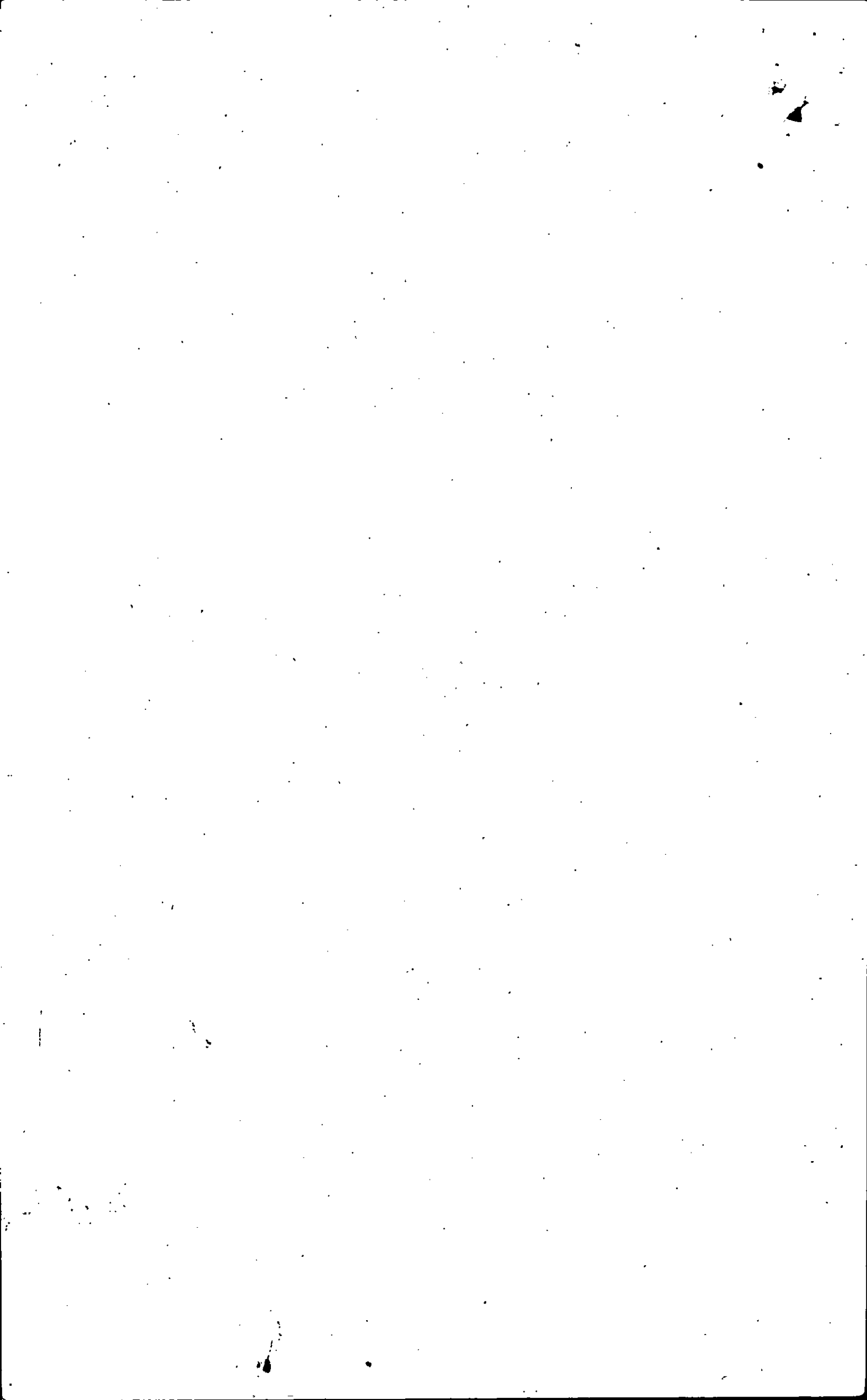
ATTENTION

- 1975 H 1137 (35) 1975 H 1104 (79) 1975 W 1011 (81) 1975 T D 2666 (25) 1975 T 7166 (27)
- BM 9647 (36) 1975 W 1177 (26) 4 درکات کرف بیلر پورٹریٹ تھریڈنگ فرم (37) DH 8555 (28) 1975 SK 9879 (38) 5330 (39) FJ 1077 (40)
- 129 درکات کرف بیلر پورٹریٹ تھریڈنگ فرم (41) 1975 SK 9879 (38) 5330 (39) FJ 1077 (40)
- 0048 To 620-10 H 18658 (42) To 620-10 H 18652 (43) BER 870912 (44) To 620-10 H 18719 (45) 1975 H 1177 (26)
- 620-10 H 18773 (46) M 7657265 (47) INER 240003 (48) To 620-10 H 00991 (49) 1975 H 1177 (26)
- 1975 H 119681 (50) To 620-10 H 18645 (51) To 620-10 H 18600 (52) To 620-10 H 18720 (53) To 620-10 H 18742 (54)
- 620-10 H 26581 (55) To 620-10 H 00279 (56) BER 115014 (57) BER 405056 (58) To 620-10 H 18649 (59)
- To 620-10 H 18714 (60) R 91155755 (61) A 2121 (62) To 620-10 H 18647 (63) BER 405036 (64)
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- ER 40001 (77) To 620-10 H 18568 (78) To 620-10 H 18707 (79) To 620-10 H 18723 (80)
- HAC 5717 (81) To 620-10 H 26584 (82) To 620-10 H 26581 (83) BER 405035 (84)
- (85) H 655252 (86) To 620-10 H 18715 (87) To 620-10 H 26586 (88) To 620-10 H 18633 (89)
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- BER 405056 (94) To 620-10 F 00404 (95) To 620-10 H 18736 (96) To 620-10 H 18692 (97)
- 620-10 H 18725 (98) BER 405014 (99) To 620-10 H 18715 (100) To 620-10 H 18690 (101)
- 620-10 H 18626 (102) To 620-10 H 18595 (103) BER 405656 (104) To 620-10 H 18716 (105)
- To 620-10 H 26582 (106) To 620-10 H 18761 (107) To 620-10 H 18572 (108) A 954772 (109)
- To 620-10 H 18646 (110) To 620-10 H 18735 (111) BER 405656 (112) To 620-10 H 10843 (113)
- To 620-10 H 0010 (114) To 620-10 H 18630 (115) To 620-10 F 00217 (116) To 620-10 H 18591 (117)
- To 620-10 H 18734 (118) To 620-10 H 18637 (119) To 620-10 H 18750 (120) BER 405656 (121)
- (122) 080092 (123) To 620-10 H 18717 (124) To 620-10 H 18640 (125) BER 405030 (126)
- 2405656 (127) BER 240004 (128) BER 405012 (129) To 620-10 H 18695 (130) To 620-10 H 10827 (131)
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- 11775 (135) 31037303 (136) 31007223 (137) 31131153 (138) 31177543 (139) 356 (140)
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- 31158114 (147) 1781 1944 (148) 31177545 (149) 1077X1951 (150) 31007753 (151) VS 77 1972 (152)
- 31131123 (153) 1X 17474 (154) 31031103 (155) 31131155 (156) 31131152 (157) 31007712 (158)
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- 08 (183) 31031105 (184) 31007710 (185) 31131157 (186) 31031104 (187) 31177713 (188) 31031102 (189)
- 7 1944 (190) 31177711 (191) 00111 (192) 1177714 (193) 31177544 (194) 31157065 (195)
- 1075757 (196) 31158116 (197) 31031700 (198) 99773 1944 (199) 370068 (200)
- 118 1954 (201) V 112 1944 (202) FF 333 1944 (203) 31131161 (204) 31031101 (205)
- 113 (206) 00780 (207) 31158117 (208) 415 1972 (209) 31031118 (210) 31037003 (211)
- 336 1944 (212) 31051762 (213) 31131160 (214) 00113 1944 (215) 31100113 (216)
- 07714 (217) UN 771 1944 (218) 1522 1973 (219) VS 42 1972 (220)
- X 122 1970 (221) V 154 1977 (222) 31131158 (223) MN 772 1944 (224)

دستخط

عہدہ

اطلاع کے نیچے اطلاع دہندہ کا دستخط ہو گا یا اسکی مہر یا نشان لگایا جائیگا اور اس فرم پر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق
 حروف الف یا ب سرخ روشنائی سے بالمقابل نام ہر ایک ملزم یا شہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان ج
 ہو لکھنا چاہئے۔



By SHO

کمانہ محوریہ (12)

فردی قبضہ

صوم بون

مقررہ پلاٹ 8 باجور 7/16 جم 15AA / 7ATA کمانہ محوریہ

ان قبضہ کے تمام پلاٹوں کے لئے ایک ہی عنوان یا لائن میں ایک ہی اذان خدا درج ہے۔
ان قبضہ کے تمام پلاٹوں کے لئے ایک ہی عنوان یا لائن میں ایک ہی اذان خدا درج ہے۔
ان قبضہ کے تمام پلاٹوں کے لئے ایک ہی عنوان یا لائن میں ایک ہی اذان خدا درج ہے۔
ان قبضہ کے تمام پلاٹوں کے لئے ایک ہی عنوان یا لائن میں ایک ہی اذان خدا درج ہے۔

- 1975 LHN 224 (3) 1975 M 1122 (2) 1975 P 21180 (1) 1975 Q 777 (8)
- 1975 SG 2296 (6) 1975 H 119 (4) 1975 M 1150 (5) 1975 H 1122 (9)
- 1975 HH 5534 (11) 1975 Z 110 (10) 1975 H 110 (12)
- 1975 G 57758 (15) BN 7985 (14) 1975 U 1211 (13) 1975 P 22850 (16)
- 1975 N 1113 (18) 1975 TV 1153 (17) 1975 M 1107 (4)
- 1975 M 1107 (3) 1104 (2) 1975 XN 5570 (1) 1975 H 1121 (5)
- 1975 D 1163 (7) 1975 L 1177 (6) 1975 W 1771 (8) 1975 M 1177 (9)
- 1975 SY 5572 (11) 1975 M 1141 (10) 1975 M 1177 (9) 1975 L 1100 (8)
- 1975 H 1105 (5) 1975 C 1181 (14) 56-1002271 (13) 1975 U 1102 (12)
- 1975 D 11101 (19) 1975 M 1155 (18) 1975 U 1155 (17) 1975 M 1150 (16)
- 1975 K 1182 (23) 1975 V 1177 (22) 1975 A 1132 (21) 1975 W 1551 (20)
- 1975 M C 1177 (27) 1975 H 1104 (26) 1975 M 1102 (25) 190 33112 (24)
- 1975 A 20011 (31) 1975 K 1112 (30) 1975 W 1190 (29) 1975 H 1101 (28)
- 1975 M 1123 (35) 1975 R 110 (34) 1975 H 1105 (33) 1975 Z 1113 (32)
- 1975 M 1101 (39) 1975 N 1117 (38) 1975 R 1102 (37) 1975 M 1101 (36)
- 1975 C 1183 (43) 1975 H 1117 (42) 83311151 (41) 1975 W 1001 (40)
- 11007175 (47) 1975 UT 5511 (46) 38 1116 (45) 1975 X 1101 (44)
- 1975 R W 1108 (51) 1975 M 1110 (50) 1975 W 1103 (49) 1975 U 1110 (48)
- 1975 M 1119 (55) 1975 H 1105 (54) 1975 K 1180 (53) 1975 W 1100 (52)
- 1975 T 1188 (59) 1975 M 1110 (58) 1975 M 1110 (57) 1975 M 1110 (56)
- 1975 H 1104 (63) 1975 M 8870 (62) 1975 M (61) 1975 H 1177 (60)
- 1975 N 1107 (68) 3333 (67) 11017077 (66) 831109 (65) M 1105 (64)
- 1975 T 2666 (72) 1975 D 7166 (71) 1975 U 1112 (70) 1975 L 1112 (69)
- 1975 W 1177 (76) 1975 H 1137 (75) 1974 A 1104 (74) 1975 W 1011 (73)
- FJ-1077 (2) BM 9667 (1) 1975 S 10879 (6) 5230 (5)

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- 31158113 (76) 60780 (77) 31158117 (78) 2415 * 1972 (79)
- 31051762 (80) 31131160 (81) CC113 * 1944 (82) 31100113 (83)
- WN77 * 1944 (84) MS 22 * 1973 (85) V542 * 972 (86) J1336 * 1944 (87)
- V154 * 1977 (88) 31131158 (89) NN712 * 1944 (90) 31007714 (91)
- 31100316 (92) 31131121 (93) 31007557 (94) * 1970 (95)
- AA116 * 1944 (96) AA120 * 1944 (97) 11779 (98) 31001119 (99)

60 عدد سٹول ہڈیوں پر بننے والے سٹول کے ساتھ ساتھ 45 ہڈیوں پر بننے والے سٹول کے ساتھ ساتھ 35 ہڈیوں پر بننے والے سٹول کے ساتھ ساتھ 25 ہڈیوں پر بننے والے سٹول کے ساتھ ساتھ 15 ہڈیوں پر بننے والے سٹول کے ساتھ ساتھ 10 ہڈیوں پر بننے والے سٹول کے ساتھ ساتھ 5 ہڈیوں پر بننے والے سٹول کے ساتھ ساتھ 3 ہڈیوں پر بننے والے سٹول کے ساتھ ساتھ 2 ہڈیوں پر بننے والے سٹول کے ساتھ ساتھ 1 ہڈیوں پر بننے والے سٹول کے ساتھ ساتھ 0 ہڈیوں پر بننے والے سٹول کے ساتھ ساتھ

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مہمان

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اور (14) عدد پلہ تک بوریاں اور سٹنڈ کے خالی ڈبیاں بروئے فرد قبضہ پولیس کر کے تمام سٹنڈ ٹکٹوں کا اور لیٹروں کا ہکا لاکھ کوف کا پیر میں نے اور SHO صاحب سے دستخط کر کے (95) عدد سٹنڈ ٹکٹوں کا کو بند پارسل نمبر 1 تا 95، 4 عدد کالاکوف کو بند پارسل نمبر 96 تا 99، لیٹروں 9mm کو بند پارسل نمبر 1 تا 228 اور لیٹروں 3 بورس کو بند پارسل نمبر 229 تا 484 اور لیٹروں 32 بورس کو بند پارسل نمبر 485 تا 529 یہ کارٹوسان 9mm سے (5) عدد علیحدہ کر کے بند پارسل نمبر 530 اور اسی طرح کارٹوسان 30 بورس سے (5) عدد علیحدہ کر کے بند پارسل نمبر 531، کارٹوسان 32 بورس سے (5) عدد علیحدہ کر کے بند پارسل نمبر 532 اور کارٹوسان 22 بورس سے (5) عدد علیحدہ کر کے بند پارسل نمبر 533 اور خالی ڈبیاں کارٹوسان کو بند پارسل نمبر 534 سے لیکر کے نمونہ نمبر پارسل نمبر کے اندر رکھا جا کر سٹنڈ پارسل کا نمونہ نمبر 3 عدد خواہیہ اسی H.A. قیمت کے فرد پر موقع فرسٹ ہوا۔

(Signature)
 INSP/INP
 07.4.2016

گواہان :-

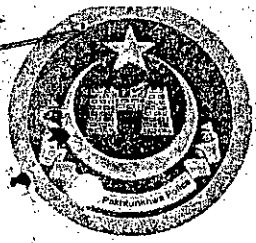
مستقیم ذراں خان SHO قمانہ غور پورالہ -

(Signature)

مستقیم ذراں خان SHO قمانہ غور پورالہ

(Signature)
 SI/BSI
 G. S. S. S.

ATTESTED



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

B

No. S/ 4592-93 / 16, Dated Peshawar the 14/06 /2016.

To:

1. Dr. Ishtiaq Ahmad Marwat,
Addl: IGP/Investigation Khyber Pakhtunkhwa,
Peshawar.
2. Mian Naseeb Jan,
District Police Officer, Karak.

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Subject:-

Charge Sheet/Statement of Allegations.

Memo:

Enclosed please find herewith a copy of Charge Sheet/Statement of Allegations duly signed by the Competent Authority in r/o Mr. Saeed Khan Bangash (the then DSP/Rural Circle Bannu) under suspension, now closed to CPO for conducting an enquiry into the allegations mentioned in the requisite charge sheet/statement of allegations and report within 07 days as desired by the competent authority.

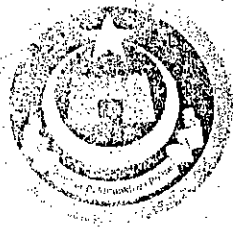
(MUHAMMAD ALAM SHINWARI)

DIG/HQrs:

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

ATTESTED

4592-93/16



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

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CHARGE SHEET

I, **Nasir Khan Durrani**, Inspector General of Police, Khyber Pakhtunkhwa, Peshawar as Competent Authority, under Khyber Pakhtunkhwa Police rules 1975 (amended 2014) hereby charge you Mr. Saeed Khan Bangash DSP/Rural Circle Bannu now closed to CPO (under suspension) as follows:-

- i. That on a tip of information, SHO PS Ghoriwala raided the house of Khuda Dat at Toro Balo Michan Khel on 07.04.2016 and recovered a huge quantity of arms/ammunition. He informed the then DPO/Bannu who sent you to the scene. The arms/ammunitions were brought in two vehicles under your supervision to the Police Station.
- ii. That while you reached the Police Station, you took 02 Kashnikovs, 02 pistols and boxes of live rounds for yourself. Later during counting again you took another 5/6 kashnikovs alongwith boxes of live rounds and distributed pistols amongst the police officers, who participated in the raid.
- iii. That reportedly you tried to sell official trees through your subordinate staff on Mandan Road near Police Post "Yak Qabar".
- iv. That being a supervisory officer, your above acts has degraded the image of police in the eyes of police as well as general public.
- v. That reportedly you bear stinking reputations.

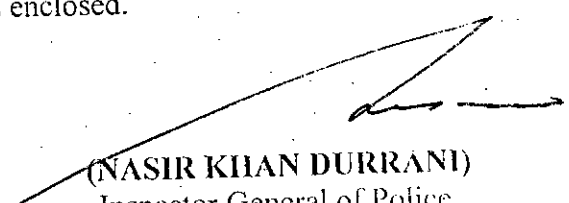
By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.

You are therefore, directed to submit your written defense within seven (07) days of the receipt of this Charge Sheet to the Enquiry Officer/Committee.

Your written defense, if any, should reach the Enquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

You are directed to intimate whether you desire to be heard in person or otherwise.

A statement of allegation is enclosed.


(NASIR KHAN DURRANI)
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

ATTESTED




OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

DISCIPLINARY ACTION

I, **Nasir Khan Durrani**, Inspector General of Police, Khyber Pakhtunkhwa Peshawar being Competent Authority, am of the opinion that Mr. Saced Khan Bangash, DSP/Rural Circle Bannu (under suspension) now closed to CPO has rendered himself liable to be proceeded against; as he has committed the following acts of omissions/commissions within the meaning of the Khyber Pakhtunkhwa Police Rules 1975(amended 2014).

STATEMENT OF ALLEGATIONS


- i. That on a tip of information, SHO PS Ghoriwala raided the house of Khuda Dat at Toro Balo Michan Khel on 07.04.2016 and recovered a huge quantity of arms/ammunition. He informed the then DPO/Bannu who sent you to the scene. The arms/ammunitions were brought in two vehicles under your supervision to the Police Station.
- ii. That while you reached the Police Station, you took 02 Kashnikovs, 02 pistols and boxes of live rounds for yourself. Later during counting again you took another 5/6 kashnikovs alongwith boxes of live rounds and distributed pistols amongst the police officers, who participated in the raid.
- iii. That reportedly you tried to sell official trees through your subordinate staff on Mandan Road near Police Post "Yak Qabar".
- iv. That being a supervisory officer, your above acts has degraded the image of police in the eyes of police as well as general public.
- v. That reportedly you bear stinking reputations.

The said act of negligence depicts inefficiency, disobedience, indiscipline and lack of professionalism which amounts to grave misconduct on his part warranting stern disciplinary action against him.

For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, an Inquiry Committee consisting of the following Officers of Khyber Pakhtunkhwa is constituted under Police Rules 1975.

- i. Dr. Ishtiaq Ahmad Marwat, Addl: IGP/Investigation, KPK
- ii. Mian Naseeb Jan, DPO/Karak

The Inquiry Committee/officer (s) shall, in accordance with the provision of the said Rules, provide reasonable opportunity of hearing to the accused officers, record and submit its finding within 07 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused officer.


(NASIR KHAN DURRANI)
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

ATTESTED



SHOW CAUSE NOTICE

(Under Rule 5 (3) Khyber Pakhtunkhwa Police Rules, 1975)

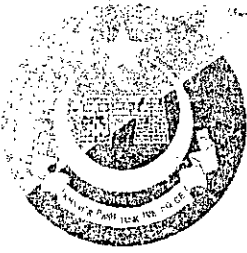
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1. That you Saad Khan Bangash while posted as DSP/Rural Circle Bannu have rendered yourself liable to be proceeded under Rule 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct:

- i. That on a tip of information, SHO PS Ghoriwala raided the house of Khuda Dat at Toro Balo Michan Khel on 07.04.2016 and recovered a huge quantity of arms/ammunition. He informed the then DPO/Bannu who sent you to the scene. The arms/ammunitions were brought in two vehicles under your supervision to the Police Station.
 - ii. That while you reached the Police Station, you took 02 kashnikoys, 02 pistols and boxes of live rounds for yourself. Later during rotating again you took another 5/6 kashnikoys alongwith boxes of live rounds and distributed pistols amongst the police officers, who participated in the raid.
 - iii. That reportedly you tried to sell official trees through your subordinate staff on Mardan Road near Police Post "Yak Qabar".
 - iv. That being a supervisory officer, your above acts has degraded the image of police in the eyes of police as well as general public.
 - v. That reportedly you bear stinking reputations.
2. That by reason of above, as sufficient material is placed before the competent authority, therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer.
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encourage inefficient and unbecoming of good Police officers.
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. You are therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.
7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Circumstances of action are also enclosed with this notice.

(NASIR KHAN DURRANI)
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
Dated: / / 2016.

RECORDED



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar


No. SI/4597/16, Dated Peshawar the 14/06/2016.

GROUNDS OF ACTION

That you Saced Khan Bangash while posted as DSP/Rural Circle Bannu committed following misconduct/s:-

- i. That on a tip of information, SHO PS Ghoriwala raided the house of Khuda Dat at Toro Balo Michan Khel on 07.04.2016 and recovered a huge quantity of arms/ammunition. He informed the then DPO/Bannu who sent you to the scene. The arms/ammunitions were brought in two vehicles under your supervision to the Police Station.
- ii. That while you reached the Police Station, you took 02 Kashnikovs, 02 pistols and boxes of live rounds for yourself. Later during counting again you took another 5/6 kashnikovs alongwith boxes of live rounds and distributed pistols amongst the police officers, who participated in the raid.
- iii. That reportedly you tried to sell official trees through your subordinate staff on Mandan Road near Police Post "Yak Qabar".
- iv. That being a supervisory officer, your above acts has degraded the image of police in the eyes of police as well as general public.
- v. That reportedly you bear stinking reputations.

By reasons of above you have rendered your-self liable to be proceeded under Rules 5 (3) of the Khyber Pakhtunkhwa Police Rules, 1975, hence these ground of action..


(NASIR KHAN DURRANI)
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
Dated: / /2016.

ATTESTED

Respected Sir,

Kindly Show Cause Notice bearing No. S/4590/16 dated 14.06.2016, and No.S/4591 dated 14.06.2016 based on same set of allegations mentioned in the charge sheet was issued to me by Worthy Inspector General of Police. I have submitted detailed reply in response to the show cause notice on 22.06.2016. The charge sheet received vide memo No. S/4592-93/16 dated 14.06.2016 wherein same allegations have been repeated has been issued prior to submission of my reply in response to the show cause notice rather the show cause notice and charge sheet were issued simultaneously on one and the same date i.e. 14.06.2016 and the charge sheet was delivered to me on 28.06.2016.

For convenience that reply submitted in response to show cause notice is reproduced as follows and the same may be treated a reply to the charge sheet as well:-

That the allegations contained in the Charge Sheet and Show Cause Notice are outcome of misunderstanding and certain vested interest in order to create doubt in case FIR No. 148, dated 07.04.2016 under section 15AA, 7ATA Police Station Ghuriwala district Bannu and extending undue favour to the accused charged in the said case, manipulated the allegations against me.

Sir,

Actually I remained posted as SDPO Rural Circle Bannu for the last two years and the native village of Mujeeb Khan Group officer of Special Branch Bannu was falling in the jurisdiction of the circle under my command. The said Group officer had developed animosity and grudges with me as appellant conducted several raids on the houses of his relatives and neighbours known criminals (Mirmoni Kada) wanted in criminal cases which annoyed the said group officer. Furthermore, this is on the record that though accused in the above cited was not arrested on the spot yet on his arrest the lower courts as well as the High Court refused grant of bail to the accused therefore, the relatives and well wisher of the accused started efforts for creating scope of further enquiry in the case at the risk of causing damaged to my reputation.

Your good office notice is further invited to the fact that on 03.05.2016, on the occasion of visit of Honorable Prime Minister to Bannu, the said group officer along with the relatives of the accused Safirullah approached me for extending favour to the accused but I straight away turned down his request which further enraged the said group officer against me. This is also worth mentioning that three brother of the accused Safirullah charged in the above case are serving in Police department who are also behind manipulating the allegations against me.

The first part of the Show Cause Notice that on 07.04.2016, SHO Police Station Ghoriwala conducted raid on the "Baitakh" of Khuda Dad at Toro Balo Michan Khel and made recovery of huge quantity of arms and ammunitions from his "Baitakh". I was informed by the SHO therefore I rushed to the spot after informing the District Police Officer, Bannu for

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supervising the situation. On my arrival to the spot the SHO had already loaded the arms and ammunition in two official vehicles which were safely transported from the spot to the Police Station under my supervision. It is also worth mentioning that huge gathering was present in front of the "Baitakh" and the SHO told me that he has completed the entire proceedings and the spot was also examined by me in the presence of SHO.

On reaching the Police Station, Police officers started unloading of the arms and ammunition and the case property was being checked for onward handing it over to Station clerk in accordance with the recovery memo already prepared by the SHO on the spot in my absence. (Copy of recovery memo is attached). Meanwhile District Police Officer directed me through wireless message to immediately join duty at Circuit House where election for district Nazim was disturbed due to fight between the rival parties. He directed me to abandon other duties as the situation was warranting quick response on my part. I rushed to the circuit house and remained there on duty from 1500 hrs to 1800 hours on 07.04.2016.

The arms and ammunition were taken into proper possession by the SHO vide memo and the counting process were carried out by the SHO, Muharrar and investigation officers. This is worth mentioning that the investigation officer acknowledged the receipt of the entire case property by preparing separate memo and sealing the case property under seal name of HA. All the case property is still sealed and available in the Police Station "Malkhana".

A Joint Team of Investigation comprising members of Special Branch DSB, operational and investigation staff of Police under the supervision of Superintendent of Police Investigation Bannu was constituted for investigation of the case but the team did not pointed out any clue hinting towards the allegations leveled against me. Similarly the arms and ammunitions were checked and examined by the RPO and SP Investigation and Army authority but no such allegations were identified. Furthermore, accused was interrogated and examined by the team but he did not level any allegations with regard to embezzlement of the recovered arms and ammunition. This is worth mentioning that the case property was given in the charge of investigation officer on the same day of occurrence and he properly sealed the case property therefore, if the seals are still intact than the allegation of misappropriation does not arise. Again the case property as per recovery memo prepared by Investigation officer is present in the Police Station. Neither SHO nor investigation Officer have made any compliant on the score of above allegations against me. Therefore, the allegations leveled against me are baseless and outcome of conspiracy hatched by the accused party to create doubt in the recovery of huge quantity of arms and ammunition as according to charge sheet the recovery memo/counting process of Arms and ammunition have been shown in Police Station instead of the spot which will favour the accused during trial.

The third allegation of trying to sell government trees at Mandan Road Police Post "Yak Qabar" through subordinate staff is totally baseless. The allegations were

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manipulated to tarnish my good image. Again allegations of attempt through subordinates have been leveled with no explanation that how and who foiled the attempt.

I am proud to appraise your good-self that I joined the Police department as constable in the year 1978 and in view of good performance and possessing high professional qualities was elevated to the rank of Deputy Superintendent of Police in the year 2014. I was noted for good policing duties especially for action against the miscreants and hardened criminals. I have commanded as SHO various Police Stations of districts Kohat, Hangu, Karak and D.I.Khan and almost all the DPOs and RPOs have appreciated my performance. Human conduct does not change abruptly. I was noted as good Police officer for long span of period therefore, the present allegations of stinking reputation are unsubstantiated and footless. My promotion to the rank of Deputy Superintendent of Police from the rank of Constable is ample proof of my good service carrier. I have participated in various encounters with outlaws and was on front line in the fight against terrorism. I would like to make reference to the one of encounters in the jurisdiction of Police Station Ustarzai Kohat in which Police party was commanded by me where four proclaimed offenders along with rank leader namely Balo were killed. The said gang of criminal was involved in murder of four Police officers. In same vein, one most wanted proclaimed offender was killed during encounter in the jurisdiction of PS Havid Bannu. The Police Party was under my command as SDPO rural circle Bannu. Jani Khel area of district Bannu was declared no go area for the last ten years and I was the first Police officer who conducted search and strike operation of the area and Regional Police Officer Bannu recommended my performance vide letter No. 2963-64/PA, dated 19.05.2015. Copy enclosed. Furthermore I have been able to earn good ACR for the last several years and especially the performance of the year 2015 were appreciated in the ACR the same may please be examined for true evaluation of my conduct.

Lastly this is also brought in your kind notice that one of my brother namely Syed Zulfiqar Ahmed LHC and relative Mohabat Shah who were informer of Abid Ali "Shaheed" the than District Police Officer Kohat who were killed by the miscreants on the sole ground of assisting the Police.

Lastly appellant humbly submits and pray for substitution of the enquiry committee as the Chairman of the committee had earlier rendered appellant for disciplinary actions on hollow grounds during posting of appellant at D.I.Khan and his good office was posted as Regional Police Officer, D.I.Khan. Appellant was also transferred on complaint of the Chairman of the committee from district Hangu to district Bannu. Similarly the second member of the committee was the rival candidate of cadetship in intermediate college course at PTC Hangu. Therefore, the appellant placed humble request for substitution of the enquiry committee.

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It is therefore, humbly requested that I may please be exonerated of the charges as the same are outcome of misunderstanding and the accused party in the above mentioned

SE/A

criminal case have manipulated the same for making dents in the prosecution case and thereby take personal benefits during trail o the case. The charges leveled against me are false and baseless. The charges were manipulated with sole aim of causing damage to the reputation of appellatant. Furthermore, appellatant is not in the knowledge that the immediate superior officers of appellatant i.e. Regional Police Officer, Superintendent of Police Investigation Bannu and District Police Officer, Bannu has made any complaint against appellatant as nothing has been received on their part to appellatant till date. I would also like to be heard in person for apprising your good self with real situation of the incident and reasons behind manipulation of complaint against appellatant.

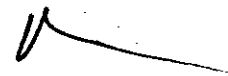
Yours Obediently


(SAID KHAN)

DSP CPO Peshawar,

Dated 01.07.2016

ATTESTED



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DEPARTMENTAL INQUIRY AGAINST SAID KHAN, DSP RURAL CIRCLE BANNU
(NOW CLOSED) TO CPO PESHAWAR).

FINDINGS:-

Sir,

It is submitted that in pursuance of directions vide Letter No. S/5064-66/2016 dated 19.07.2016 of the office of Inspector General of Police, Khyber Pakhtunkhwa Peshawar, the undersigned and Mr. Mian Nasib Jan District Police Officer, Karak conducted inquiry against defaulter officer Mr. Said Khan Bangash DSP Rural Circle Bannu, now closed to CPO Peshawar, on the following charges:-

- i. That on a tip of information, SHO PS Ghoriwala raided the house of Khuda Dat at Toro Balo Michan Khel on 07.04.2016 and recovered a huge quantity of arms/ammunition. He informed DPO/Bannu who sent defaulter DSP to the scene. The arms/ammunitions were brought in two vehicles under his supervision to the Police station.
- ii. That while he (defaulter) reached the Police Station took 02 Kalashnikovs, 02 Pistols and boxes of live rounds for himself. Later during counting again he (defaulter) took another //6 Kalashnikovs alongwith boxes of live rounds and distributed pistols amongst the Police officers, who participated in the raid.
- iii. That reportedly he (defaulter) tried to sell official trees through his subordinate staff on Mandan Road near Police Post "Yak Qabar".
- iv. That being a supervisory officer, his above acts has degraded the Image of Police in the eyes of Police as well as general public.
- v. That reportedly he bears stinking reputations.

Statements of following witnesses were recorded in presence of defaulter officer and he was given proper opportunity of cross examination

- i. Haji Ghulam Raziq SHO PS Ghoriwala,
- ii. Jamshed Ali ASI,
- iii. Feroz Khan Muharrir PS Ghoriwala,
- iv. Said Khan DSP defaulter officer

Brief resume statements of the witness are as under:-

Ghulam Raziq SHO relied upon his previous statement, recorded on 29.06.2016, in which he categorically stated that on 07.04.2016 on information that a huge quantity of arms/ammunition is lying in the Battek of one Khada Dat r/o Toro Balo Michan Khel, he informed DPO Bannu, who sent the defaulter officer to the spot. In the

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supervision of defaulter officer, the locks of the said Bettak were broken and opened, huge quantity of arms/ammunition were recovered and taken to Police station in vehicle. In PS before counting, defaulter officer took 02 Kalashnikovs and 02 pistols and kept in his official vehicle. The remaining arms /ammunition were counted in PS and taken into possession vide recovery memo. He further mentioned that he brought this fact into the notice of DPO Bannu. He further mentioned in his statement that so far as the selling of trees are concerned, it does not fall within the jurisdiction of PS Ghoriwala, however, he heard about it.

ASI Jamshid Ali mentioned in his statement that the lock of the Bettak of Khada Dat was broken and opened in the presence of defaulter officer who came to the spot on the direction of DPO Bannu and huge quantity of arms & ammunition were recovered in his presence. He categorically stated that the defaulter officer remained present during the whole proceedings.

Feroz Khan Muharrir stated that he kept the whole arms & ammunition according to recovery memo in PS Malkhana.

The defaulter officer denied the allegations leveled against him and relied upon his written reply submitted in response to the charge sheet and statement of allegations.

In the light of allegations of stinking reputation, the matter was secretly probed into, but no plausible evidence or any kind of material received so far.

CONCLUSION:-

- i. The fact of conducting raid at the house of one Khuda Dat at Toro Balo Michan Khel on 07.04.2016 by the SHO in the presence of defaulter officer, recovery of huge quantity of arms & ammunition and taking to the Police station under the supervision of defaulter official has been established.
- ii. The allegations of taking away arms & ammunition and distribution amongst subordinate staff by defaulter officer has been established up to 02 Kalashnikov and 02 pistols by him in the light of statement of witness SHO Ghoriwala complainant/witness of the criminal case. Furthermore, his presence at the spot during whole proceeding has also been established on the statement of ASI Jamshid Ali member of raiding party and prosecution witness to the recovery memo.
- iii. The allegation of cutting /selling of trees have not been established through plausible evidence.

- (Handwritten initials and a small circular stamp)
- iv. The allegation of act of defaulter officer, being supervisory officer, to have degraded the image of Police force has also been established.
- v. The allegation of stinging reputation has not been established through plausible evidence or secret probe.

RECOMMENDATIONS:-

Keeping in view of the above and available record, the charges/allegations No. i and iv proved in toto, while allegation No. ii has partially been proved up to taking away 02 Kalashnikovs and 02 pistols by the defaulter officer Said Khan SDPO Rural Bannu beyond any shadow of doubt and recommended for suitable punishment provided under the existing Disciplinary Rules please.

Enquiry Committee:

(Handwritten signature: Awal Khan)

(AWAL KHAN)
Regional Police Officer,
Kohat

(Handwritten initials: Mian Nasib Jan)

(MIAN NASIB JAN)
District Police Officer,
Karak

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بیان آذان حاجی علم دقاق 540 نوری و لا

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نہ ہر بار وقت بیان کیا۔ ص 7 $\frac{54}{16}$ 540 نوری و لا
 ملی کہ توروہ مالوہین حیل مسجد آذان خود داد میں ہر بار وقت
 اسلام خود ہے، اس اطلاق پر میں خود بخود چولیس عورت لکھی
 خود داد حاکم مسجد کہ گھبرا میں لیکر اور کتا۔ DP5
 نولہ میں لایا گیا۔ جس نے دنا۔ DSP رسول ملا کہ خود پر
 کا حکم دے کہ۔ دین پر دنا۔ DSP رسول کہ زیر نگراوی مسجد
 نام و غیرہ خود کہ مسجد پر واضح اس لحاظ سے کہ اسلام کہ
 گیارہ میں ڈال کر خان نوری و لا بنیا علی کیا۔ بیان پر اسلام
 کے گتہ سے پہلے صا۔ DSP رسول ملا کہ دو عدد ملک
 رسول اپنے ساتھ لیکر اپنی گاڑی کے فریٹ سٹک میں ڈال کر
 اسکے لئے اسلام، اولیٰ کی قتل گتہ کی گئی۔ اور اسکے
 دو عدد ملک رسول دو عدد رسول جوہ صا۔ DSP
 رکھی تھی جن کو DP5 میں سے لکھی۔

عدوہ زمین بیان تک درخت کاٹنے کا ذکر پہلے لکھا سر
 اولیٰ لکھا ہے جوہ علم اسٹیٹ سے لکھی ہے۔ ال
 مسئلہ بنا طور ہے کہ صا۔ DSP کے گتہ نے
 اور صا۔ DSP کے گتہ کو اس درختوں کے گتہ پر

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کے سزا میں دی گئی ہے۔
 نوٹ: دنا میں اسلام، اولیٰ کی ڈسٹریکٹ
 1) قند شہور 95 عدد 2) کاکو 9 عدد 3) لیکو 430 عدد 4) نوری و لا
 47000
 لکھا گیا اور قند شہور، کاکو، لیکو، نوری و لا

بیان ازلان علم مع رزاق خان 840 غورجو در
حلقہ بیان رتائیں۔ تم میرا دین بیان جو اپنے
دے چکا ہوں۔

۱۱۱

840 H. water

01/8/16

حکم رسول اللہ ﷺ

سوال: جیے حاجی شریف من رسول علم کو 28/6 کو جو رسول اللہ
نے اپنا بیان کتب رکھا وہ کرنا

۲۔ جو 28/6 کو رسول اللہ ﷺ نے فرمایا ہے
سوال: کیا دوست میں حاجی شریف کی علم جو رسول اللہ
نے فرمایا ہے اس کا بیان 'میرا دین' ہے۔

سوال: کیا دوست ہے کہ میں نے رسول اللہ ﷺ سے
میں نے اور یہ کہ رسول اللہ ﷺ نے فرمایا ہے
۲۔ دوست ہے کہ

سوال: کیا دوست ہے کہ میں نے رسول اللہ ﷺ سے
فرمایا ہے کہ رسول اللہ ﷺ نے فرمایا ہے
۱۔ دوست ہے کہ

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سوال: کیا دوست ہے کہ میں نے رسول اللہ ﷺ سے
فرمایا ہے کہ رسول اللہ ﷺ نے فرمایا ہے

... بیان آن ملائک بود ...
 ... نام اسلام، و عویش فرزند ...
 ... فرزند عیسی ...
 ... دست او بود ...
 ... فرزند حنیف ...
 ... نام اسلام، و عویش ...
 ... فرزند عیسی ...
 ... دست او بود ...
 ... فرزند حنیف ...
 ... نام اسلام، و عویش ...
 ... فرزند عیسی ...
 ... دست او بود ...
 ... فرزند حنیف ...

...
 ...
 ...
 ...

اور میں جو قوم پر جو خود تھا کہ تشریح ان سروہاں کے
سوال: تشریح افسردہ جو قوم پر لوٹا۔ گورنر کا نام
م: تشریح افسردہ نزد حضرت ابراہیم اور تشریح جو قوم تبت
کا گمان تھا

سوال: تشریح افسردہ کو فرد کا مطلق ایتہ اسلم کو
ماہیت اور بندہ رسول کہہ ماہیت
ج: تشریح افسردہ کو مطلق فرد تمام اسلم اور اسلم

سوال: تشریح افسردہ کو مطلق فرد تمام اسلم اور اسلم
حوالہ کر کے جن سے قبل ماہیت کو
ج: تشریح افسردہ کو مطلق فرد تمام اسلم اور اسلم

سوال: تشریح افسردہ کو مطلق فرد تمام اسلم اور اسلم
کہ جس جہاں اسلم اور اسلم کو
ج: تشریح افسردہ کو مطلق فرد تمام اسلم اور اسلم

سوال: تشریح افسردہ کو مطلق فرد تمام اسلم اور اسلم
کہ جس جہاں اسلم اور اسلم کو
ج: تشریح افسردہ کو مطلق فرد تمام اسلم اور اسلم

سوال: تشریح افسردہ کو مطلق فرد تمام اسلم اور اسلم
کہ جس جہاں اسلم اور اسلم کو
ج: تشریح افسردہ کو مطلق فرد تمام اسلم اور اسلم

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2. DSP. 66 কাম হুজুর মিয়া মিল ফোর্স ...
২. ডি. পি. সিকান্দার ...
২. ডি. পি. সিকান্দার ...

২. ডি. পি. সিকান্দার ...
২. ডি. পি. সিকান্দার ...

2. ডি. পি. সিকান্দার ...

২. ডি. পি. সিকান্দার ...

01 - 2. 2016

Attestand
M.A.
D.O. / Kank

RECEIVED

P

بات ارات سرخان DSP
 حال e.p.o. ما در عبارت کرتا ہوں۔ کرسٹینا
 نے جو بیان شو نماز اچارچ سے
 حوا سے جمع کرتے ہوئے

س
 و
 DSP
 1-8-16

Ablested
 MIA
 D.O. Kanke

4

بیان ازان فی حدیث اسلم نور محمد

خلفاً بیان کرتا ہوں۔ کہ میں ہر روز قوسم سے $\frac{4}{16}$ ۰۶
میرا ۵۵۵ کا وجود تھا۔ کہ خبرنا الملح دی کہ خداداد

کہ بیٹک سے فائز اسلم موجود ہے۔ اسی الملح پر دفعہ

بہتر کہ تو مدعی خداداد نہ خود قلم آیا۔ کہ اسلم یہ

رشتہ دروں نے رکھا ہے۔ ۵۵۵ کا کہتا ہے کہ اسلم کا

یہ وہاں ہے کہ بنا۔ اسلم کا دفعہ پر پہنچے ہی وہاں

کی بنا۔ اسلم کا دفعہ پر مافوق اسلم کے دوزخ کدو

ترغیل خان کے زہر مافوق اسلم موجود تھا جس وقت کہ میں

میں غل خان کے زہر ماضی ہوا۔ اور ۵۵۵ کا اسلم اسلم

کے صحن میں موجود ہے۔ اسلم کا کمال طرک کتنی ترگی ہر دفعہ نہ وہاں

کئی۔ اسلم معانہ بیجوا یا۔ اور اسلم کے افسران ملکہ کے تواس اس

میرا کہ اسلم کلدین کوف (۹۵) ۱۴۱۰ کالہ کوف (۱۵۰) ۱۴۱۰

بہتر سے ۴۳۴ عدد اسلم کالہ کوف میں ۴۷۰۰۰ ہے۔ جو اسلم

دعوت میں ماضی معانہ میں موجود ہے۔ دیکھ لے اسلم

میں یہی بیان ہے۔ جو دست ہے۔

Asi. Gwala
01/8/2016

Attestad
Kis
DPO/Kar

و بعد از آنکه

در مورد وجود خداوند تعالی و
اینکه آیا وجود خداوند تعالی
در علم نیست؟

پس در مورد وجود خداوند تعالی
در علم نیست؟

سوال - کدام یک از اینها صحیح است؟
اینکه وجود خداوند تعالی در علم نیست؟

پس در مورد وجود خداوند تعالی
در علم نیست؟

سوال - این که وجود خداوند تعالی
در علم نیست؟

پس در مورد وجود خداوند تعالی
در علم نیست؟

سوال - این که وجود خداوند تعالی
در علم نیست؟

پس در مورد وجود خداوند تعالی
در علم نیست؟

سوال - این که وجود خداوند تعالی
در علم نیست؟

پس در مورد وجود خداوند تعالی
در علم نیست؟

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سوال - منہ سے نکلنے والے ہوا کے ذرات کی تعداد کو جاننا
اور اس کے نام کو لکھنا۔ (کرونا) جویم 11-30
بند کرنا ہے۔

ج - اس کے ذریعے ہوا کی موجودگی کا جاننا

دوسرا سوال ہے

2016

Attest
M.C.
Dlo/Kant

ATTACHED
K

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بیان ازین فیروزخان سرد مورودم

فنا بیان از ایچو که جو مالده بملاقی سرد تری

انری صورت لیل به درین مورود مالخان سین

موجود به بیان سن جو دیک به

M. H. Ghalib
01/08/16

حرفه سول علی ایلیکار -

تذکره (موضوع دیگر)

دستور...

Attested
Mia
D. G. Khan

08: 2016

ATTESTED
K



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

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No. S/5545-60/16, Dated Peshawar the 15.08/2016.

ORDER

This order is passed to dispose of departmental proceedings initiated against DSP Said Khan Bangash (under suspension) of Bannu Region the then DSP/Rural Circle Bannu now closed to CPO.

DSP/ Said Khan Bangash presently under suspension and closed to CPO were charge sheeted under the Khyber Pakhtunkhwa Police rules 1975 (amended 2014) as under:-

- i. That on a tip of information, SHO PS Ghoriwala raided the house of Khuda Dat at Toro Balo Michan Khel on 07.04.2016 and recovered a huge quantity of arms/ammunition. He informed the then DPO/Bannu who sent you to the scene. The arms/ammunitions were brought in two vehicles under your supervision to the Police Station.
- ii. That while you reached the Police Station, you took 02 Kashnikovs, 02 pistols and boxes of live rounds for yourself. Later during counting again you took another 5/6 kashnikovs alongwith boxes of live rounds and distributed pistols amongst the police officers, who participated in the raid.
- iii. That reportedly you tried to sell official trees through your subordinate staff on Mandan Road near Police Post "Yak Qabar".
- iv. That being a supervisory officer, your above acts has degraded the image of police in the eyes of police as well as general public.
- v. That reportedly you bear stinking reputations.

For conducting probe into the allegations leveled against DSP/Said Khan Bangash an Enquiry Committee consisting of Mr Awal Khan, RPO/Kohat and Mian Naseeb Jan, DPO/Karak was constituted. The Enquiry Committee besides conducting enquiry regarding the above allegations also probed through secret sources. The enquiry committee after conducting enquiry concluded and recommended that allegations proved against him.

In the light of finding of the enquiry committee DSP/Said Khan Bangash, the then DSP/Rural Circle Bannu is held guilty of the charges leveled against him. Therefore I, Nasir Khan Durrani Inspector General of Police Khyber Pakhtunkhwa being Competent Authority hereby impose punishment of compulsory retirement on Said Khan Bangash DSP with immediate effect.

Order announced.

(NASIR KHAN DURRANI)
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & date even.

Copy of the above is forwarded to the:

1. All Additional Inspectors General of Police Khyber Pakhtunkhwa.
2. Regional Police Officer, Bannu.
3. The DIG/Headquarters, Khyber Pakhtunkhwa, Peshawar.
4. District Police Officer, Bannu.
5. The Accountant General of Khyber Pakhtunkhwa Peshawar.
6. AIG/Establishment CPO Peshawar.
7. PSO to IGP/Khyber Pakhtunkhwa, CPO.
8. PRO CPO Peshawar.
9. Office Supdt: E-I, CPO Peshawar.
10. Accountant CPO.

10

To:

The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

AA

LA

Subject:- REVIEW PETITION.

Respected Sir,

With due respect and humble submission petitioner submits petition on the following facts and grounds for reviewing the order No. S/5545-60/16 dated 15.08.2016 vide which petitioner was compulsorily retired from service.

FACTS:-

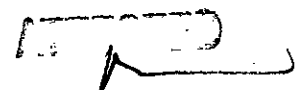
1. That petitioner while posted as Deputy Superintendent of Police Rural Circle Bannu was proceeded against departmentally on the following charges.
 - i. That on a tip of information SHO PS Ghoriwala raided the house of Khuda Dad at Toro Balo Michan Khel on 07-04-2016 and recovered a huge quantity of arms / ammunitions he informed the than DPO Bannu who sent you to the scene. The arms ammunition were brought into vehicles under your supervision to the police station.
 - ii. That while you reached the police station you took 02 SMG, 02 pistol and boxes of live rounds for yourself. During counting again you took another 05/06 SMGs along with boxes of live rounds and distributed pistols amongst the police officers, who participated in the raid.
 - iii. That reportedly you tried to sell officials trees through your subordinate staff on Mandan road near police post "Yak Qabar"
 - iv. That being a supervisory officer your above act as degraded the image of police in the eyes of police as well as General Public.
 - v. That reportedly you bear stinking reputation.
2. That petitioner submitted detailed and plausible reply on 01-7-2016 in response to the charge sheet and also prayed for change of enquiry committee.
3. That on the request of the petitioner the Chairman of the enquiry Committee was substituted by RPO Kohat but the member of i.e. DPO Karak was not changed, which was prejudice of against the petitioner.
4. That the enquiry committee comprising of Regional Police Officer, Kohat and District Police Officer, Karak conducted ex-parte enquiry proceedings and held petitioner guilty of the charge of accompanying the SHO in conducting raid on the house of Khuda Dad wherein recovery of Arms and Ammunitions was made, degrading the image of Police taking away 02 Kalashnikov and 02 Pistols and remaining charge was reported unproved.

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5. That your good office without giving chance of personal hearing and issuing Final Show Cause Notice passed the impugned order, hence the review petition on the following grounds, because the law provides that no one should be condemned without being heard.

GROUNDS:-

- a. That the review of the impugned order requires re-appraisal to the facts and evidence available on record. That according to the impugned order the enquiry committee decides conducting enquiry regarding the above allegation also probed through secret sources. The enquiry committee after conducting the enquiry concluded and recommended that allegation proved against the petitioner. While the enquiry panel has reported that charge No. iii and v were not established while in the impugned order almost all the five above charges have been proved. Again the charge No.i is only with regard to conduct of raid the petitioner obeyed the order of the high-ups by rushing to the spot for supervision of the situation, which does not amount to misconduct and negligence in duty. Furthermore, as regard enquiry committee report the allegation No.iii cutting / selling of trees have not been established through plausible evidence. Similarly as again the enquiry committee has reported that charge No.V of possessing stinking reputation has not been established through plausible evidence or secret probe as regard charge No.ii the enquiry committee has reported that allegation No.ii has partially been proved up to taking away 02 Kalashnikovs and 02 Pistols by the petitioner while in charge sheet and impugned order allegation of taking away increased numbers of Arms & Ammunition have been leveled and its further distribution amongst the raiding party. There is contradiction in between the finding report of enquiry panel and impugned order.
- b. That allegation were leveled against the petitioner on the basis of anonymous communication because in the charge sheet there is no mention of the name of any complainant.
- c. That the statement of Ghulam Razaq SHO Police Station Ghuri Wala was firstly recorded by the district police officer Karak in his office. Who is one of the member of the inquiry committee. His statement was recorded on 28/6/2016 in the absence of the petitioner and the chairman of committee. The statement was also recorded prior to the receipt of charge sheet and submission of reply to the charge sheet by the petitioner on 1/7/016. These all were admitted by SHO Ghulam Razaq in cross examination. Such practice is against the disciplinary laws.
- d. The inquiry committee recorded the statement of SHO Ghulam Razaq Police Station Ghuri Wala, Jamshaid Khan ASI witness of the spot and recovery memo and Feroz khan MHC Police Station Ghuri Wala and there short statement were brought in the inquiry report. The inquiry committee did not consider the statement of ASI Jamshaid khan witness of the recovery memo and the spot proceeding and Feroz khan MHC Police Station Ghuri Wala who did not support the charges specially charge No 2. Therefore the finding reports did not sustainable.



- e. That Ghulam Razaq SHO Police Station Ghuri Wala further admitted that he did not enter any report in daily diary or submitted any written report or application about the allegation till date.
- f. That inquiry committee also recorded the statement of ASI Jamshaid Khan who is the member of raiding party and prosecution witness to the recovery memo he stated that all the proceeding carried out in the presence of him and the petitioner on the spot. The counting process, preparation of recovery memo which is signed by him on the spot. The SHO drafted the Murasla from the spot further he did not know about the allegation. He also admitted that the counting of arms and ammunition in Police Station was not repeated.
- g. Feroz Khan MHC PS Ghori Wala on oath stated that all the case property according to recovery memo in Police Station was handed over to him by the Investigation Officer and all the case property in sealed condition is present in Police Station Mallkhana.
- h. Ghulam Razaq SHO Police Station Ghuri Wala on 1/8/016 during the process of inquiry in the presence of inquiry committee stated and relied upon his previous statement recorded on 28/6/016 in which he stated that on 7/4/016 on the tip of information he conducted raid on the Batak of one khudadad. He brought the matter into the notice of DPO Bannu on the direction of DPO the petitioner came to the spot in the presence and supervision of petitioner the lock of the said Batak was broken and opened huge quantity of arms and ammunition were recovered and taken to Police Station in vehicle. In police station before counting petitioner took 02 Kalashincove 02 pistols and kept in his official vehicle. The remaining arms and ammunition were counted in Police Station and taken in possession in Police Station vide recovery memo. But during the cross examination put on Ghulam Razaq SHO Police Station Ghuri Wala by the petitioner in the presence of enquiry committee. Ghulam Razaq SHO Police Station Ghuri Wala admitted in the cross examination that he had counted the arms and ammunition on the spot nor in Police Station and prepared recovery memo and drafted the Murasla from the spot. The SHO also admitted that he was present on the spot when the Investigation Officer came to the spot the SHO handed over the recovery memo and arms/ammunition according to the recovery memo to Investigation Officer. The Investigation Officer took all the arms/ammunition through separate prepared recovery memo and the Investigation Officer also sealed all the recovered case property on the spot while according to charge sheet and enquiry report and the impugned order the alleged case property was taken away from police station and there is no evidence of recounting the case property in Police Station and de-sealing the parcel or change the recovery memo etc and handed over the case property by the SHO in open condition. Rather Feroz khan MHS Police Station Ghuri Wala has admitted that the case property was handed over to him by the Investigation Officer in sealed condition and all the case property is available in PS Mallkhana in sealed condition. (Copies of the statement and cross-examination are attached for your kind perusal)

- i. That there is glaring contradiction in between the charges leveled against the petitioner in the charge sheet and statements of the witnesses recorded by the committee during course of enquiry proceedings.
- j. That the enquiry committee did not evaluate properly the statements of witnesses and the cross questions put to the witnesses by petitioner were not taken into consideration despite the fact the evidence of the witnesses was shattered in the cross examination.
- k. That the defense plea of petitioner was completely ignored by the enquiry committee while passing the impugned order. The defense of petitioner has not been referred to in the finding report and impugned order as well.
- l. That show cause notice and charge sheet were issued to petitioner simultaneously based on same allegation on 14.06.2016 prior to the reply of the show cause notice which indicates malafide on part of the authorities.
- m. That no chance of personal hearing was provided to petitioner. No final show cause notice was issued to petitioner. Copy of the finding report was not supplied to petitioner before passing the impugned order.
- n. That according to FIR, recovery memo, Murasla, in submission of complete challan and statement of Ghulam Razaq SHO Police Station Guri Wala complainant of the criminal case and Jamshaid Khan ASI prosecution witness by whom statement were recorded by the Investigation Officer during investigation on the day of occurrence. That all the case property was counted and taken into possession through recovery memo and also sealed by the IO on the spot and during the cross examination admitted the witnesses. (Copies of the above documentary record as a solid proof, solid statements of witnesses are also attached for your kind perusal) But according to the allegation of charge sheet and finding of the inquiry committee. The counting of arms and ammunition were carried out in Police Station and recovery memo was also prepared in police station. This contradiction is a solid proof for the innocence of the petitioner. Furthermore, shown the counting of arms and ammunition and preparation of recovery memo in Police Station instead of on the spot. It will affect the prosecution of huge recovery of arms and ammunition vide FIR No:148 dated 7/4/016 u/s 15AA/7ATA Police Station Ghuriwala.

It is therefore, requested that the impugned order may please be reviewed and petitioner may be reinstated in service with back benefits.

Dated: 02-9-2016.

Yours Obediently

(SAID KHAN)

Ex-DSP

Cell No. 0333-5011001

ATTACHED

PW-1 Statement of Muhammad Feroz Khan Muhairir PS
Ghoriwala District Bannu, on oath:-

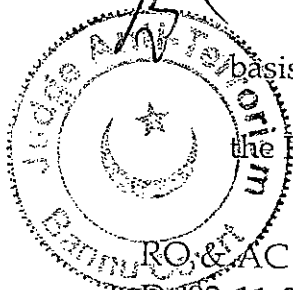
On receipt of murasila from Chulam Razaq Khan SHO through constable Ahtesham No.5880, I incorporated its contents into FIR Ex:PA. The copy of FIR was handed over to Incharge investigation. Today I have seen the FIR which correctly bears my signature. The C.O investigation handed over to me the parcels containing recovered arms and ammunitions on same day for safe custody, which I kept in Mal Khana of the PS and thereafter I handed over the parcels to C.O investigation for onward submission to FSL Peshawar.

XX On behalf of accused Hasan Jan.

It is correct that the accused Hasan Jan is not charged in the FIR by the complainant.

XX On behalf of accused Safirullah.

The murasila was received at 18:40 hours and at once I started writing of FIR which consumed some fifty minutes. It is incorrect to suggest that the murasila was prepared inside the P.S. It is further incorrect that after drafting the murasila, I was directed for registration of the case on the basis of the said murasila. It is further incorrect that timing mentioned in the FIR is factitious.



02-11-2016

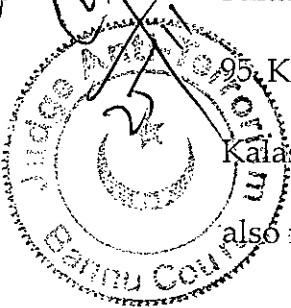
(Mehmood Ul Hassan Khattak)
Judge, Anti-terrorism Court,
Bannu.

PW-2

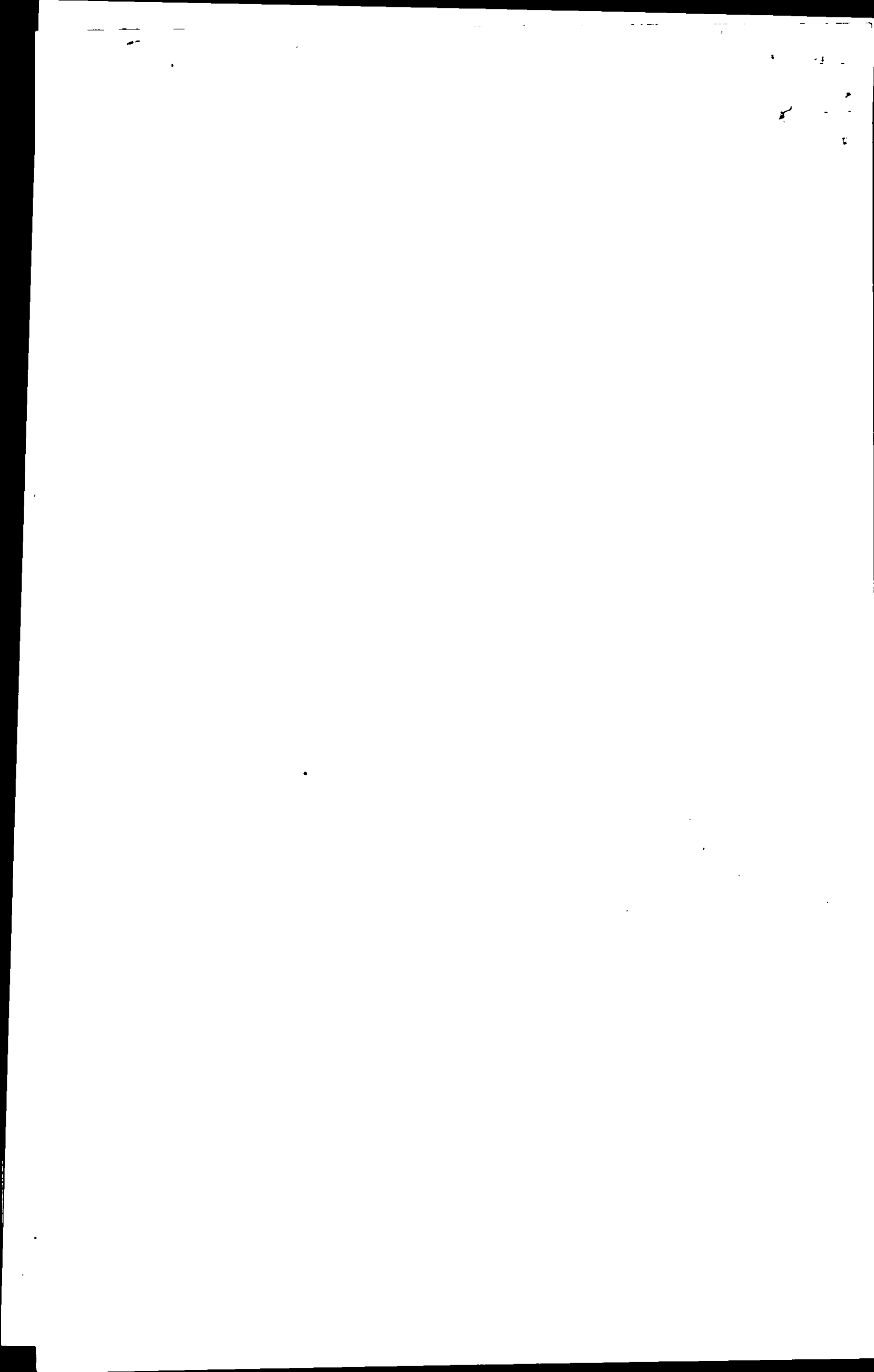
Statement of Ghulam Razaq SHO Ghoriwala, on oath:-

Pursuance to the directions of high ups, on 07-04-2016. I alongwith Jamshed Khan ASI, Rahmatullah Khan ASI and other police contingent, held a Nakabandi near Sugar Mills Bannu. As election of Nazem-e-Aala was being held on the same day, therefore it was a special duty which was assigned to us for maintaining law and orders situation. In the meanwhile at about 1100 hours one Khudadad s/o Abdul Aziz R/O Toru Balu Machan Khel came there and informed me that on 05-04-2016 his brother in law Safirullah s/o Ahmadullah R/o Toru Balu Machan Khel came to him at Deger Vela alongwith an Afghan Refugee along with one minor boy of about 4/5 years and asked him that they are I.D.Ps and requested for allowing his Baitak for two days. He allowed Safirullah to use Baitak. At Khuftan Vela the above mentioned person came in a Mazda Truck to the Baitak and unloaded some luggage and kept it in his Baitak. At early morning they locked the Baitak and went outside. Khudadad Khan suspected the said commodities and informed me. On this I alongwith the police party rushed to the spot, unlocked the door of the Baitak, and recovered 14 plastic bags full of arms and ammunitions and 95 Kalashnikovs without magazines lying on the floor, out of which 18 Kalashnikovs have butts and 77 Kalashnikovs of folding butt. Besides I also recovered 04 Kalakovs without magazines and from the plastic bags, I recovered 129 Pistols of 09 MM bore alongwith fitted magazines, out of which 37 Pistols were without numbers, while others having numbers the detail mentioned in the recovery memo. Furthermore 256 Pistols of 30 bore and 45 Pistols of 32 bores were also recovered. Over and above 47000 rounds of different bores were recovered from the packets found in the

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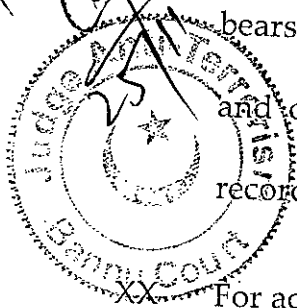
47

plastic bags. The details of arms and ammunitions and other particulars have been mentioned in the recovery memo, were taken into possession by the accused Safirullah and other companions for terrorist activities. I drafted the murasila Ex:PW-2/1 and sent it to PS through constable Ahtesham No.5880 for registration of the case. Today I have seen the murasila, which correctly bears my signature.

I also seized the above mentioned arms and ammunitions vide recovery memo Ex:PW-2/2 in presence of marginal witnesses which correctly bears my signature. On arrival of the I.O to the spot, all the seized arms and ammunitions were produced before him, he took the same in possession and prepared parcels after counting of arms and ammunitions, satisfying himself to be correct as per murasila. Recovery memo Ex:PW-2/3 was prepared by the I.O in my presence and correctly bears my signature. I also pointed out the place of occurrence to the I.O and on my instance he prepared the site plan. My statement was also recorded u/s 161 Cr.P.C.

For accused (Safirullah).

At 1100 hours I received information by one Khudadad Khan s/o Abdul Aziz R/o Toru Balu Machen Khel about the availability of some suspected articles lying in his Baitak. The said informer accompanied us to the Baitak wherefrom the above mentioned arms and ammunitions were recovered. I have not made the said Khudadad neither as complainant nor as marginal witness to the recovery memo. We reached to the said Baitak at 11:30 am and the Baitak was locked. The said Baitak is situated in village abadhi, but I have not associated any elder or any other person from the said village during recovery proceedings. The articles which were recovered




[Handwritten signature]

by me were fire arms and no explosive material was recovered nor found therein. I have applied section 7 ATA for the only reason that huge quantity of arms and ammunitions were recovered from the said Baitak. I remained in the said Baitak till 10:00 pm and thereafter we left the said place. During the above mentioned period not had come to the Baitak to claim the said arms and ammunitions. The I.O came to the spot at 08:00 pm. It is incorrect to suggest that I am falsely deposing that Khudadad disclosed to me that Safirullah accused introduced his co-accused for providing them the said Baitak on rent basis.

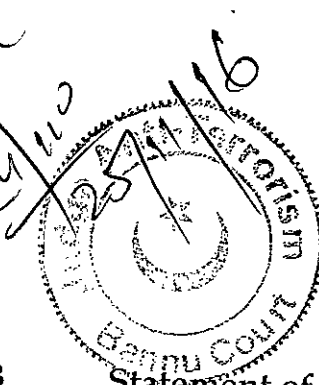
XX (For accused Hassan Jan).

I do not know that at the time of recovery, Hasan Jan was in a lock up in another case. It is correct that neither the name of Hasan Jan is mentioned in the murasila nor I have arrested him.

RO & AC
Dt: 12-11-2016.


(Mehmood Ul Hassan Khattak)
Judge, Anti-terrorism Court,
Bannu

P.W-3


Statement of Rehmatullah ASI PS Miryan then posted ASI
at PS Ghoriwala Bannu on oath:-

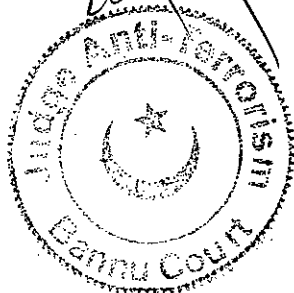
I am marginal witness to the recovery memo already Ex:PW-2/2 vide which the SHO Ghulam Razaq recovered and took into possession 14 plastic bags containing Pistols of different bores, 47000 rounds of different bores and 95 Kalashnikovs and 04 Kalakovs, the detailed/particulars of which are fully mentioned in the recovery memo. The above mentioned

arms and ammunitions were kept in the Baitak of Khudadad Khan R/o Toru Balu Machen Khel. Today I have seen the same which correctly bears my signature. My statement was also recorded u/s 161 Cr.P.C.

XX I was present with the SHO on Nakabandi. AT 11:00 am a person named Khudadad came there and informed the SHO. 95 Kalashnikovs, 129 of 09 MM bore Pistol, 256 of 30 bore Pistols, 45 of 32 bores, 04 Kalakovs and 47000 live rounds were recovered from the Baitak belonging to Khudadad. None was associated from the village Toru Balu Machen Khel during recovery proceedings. The said Khudadad had not accompanied us during the recovery proceedings. We the police party ourselves was already in knowledge about the location of the Baitak of Khudadad. The Baitak was already known to me as well as to the SHO Ghulam Razaq Khan. The Baitak was locked when we reached there and without asking for the keys, we broke the lock of the said Baitak. The house of said Khudadad is contiguous to the said Baitak. I alongwith the SHO and other nafree remained in the said Baitak till about 09:45 pm. During this period we the police party did not associate nor we ask the said Khudadad to come to his Baitak. The arms and ammunitions were not packed and sealed by the SHO but handed over the same in open condition to the I.O.

RO & AC
Dt: 12-11-2016.

(Mehmood Ul Hassan Khattak)
 Judge, Anti-terrorism Court,
 Bannu



P.W-4 Statement of Mir Daraz S.I PS Mandan then posted as S.I at the same PS on oath:-

I am marginal witness to the recovery memo Ex:PW-4/1 vide which the I.O took into possession the Mazda Truck No.47932 KBL already parked in police station Saddar in another case.

XX So for I know, the above mentioned Truck was seized by local police Saddar from one Azizullah.

RO & AC
Dt: 12-11-2016.



(Mehmood Ul Hassan Khattak)
Judge, Anti-terrorism Court,
Bannu

Statement of PP for the State:-

I abandon P.W Jamshed ASI and Abdul Malik constable, being witnesses of same facts.

RO & AC
Dt:12-11-2016


Kiramatullah Khan.
(Dy.PP) ATC, Bannu.


(Mehmood Ul Hassan Khattak)
Judge, Anti-terrorism Court,
Bannu.

P.W-5 Statement of Nisar Khan No.107 PS Kakki then posted at PS Mandan Bannu on oath:-

I am marginal witness to recovery memo Ex:PW-5/1 vide which the in my presence Hidayat ur Rehman C.O investigation took into

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possession one number plate containing Persian language and English KBL-47932-L and one Registration book of Afghan Government alongwith the set of keys out of which one key of the vehicle produced by Khudadad Khan s/o Abdul Aziz Khan R/O Toru Machan Khel and further disclosed that the said articles were lying in his Baitak beneath the cover of Refrigerator and I signed the memo as a token of correctness, bears my signature, besides Muhammad Salim Khan S.I signed the memo. Similarly I am marginal witness to pointation memo Ex:PW-5/2 (STO:- For the reason that this document is in-admissible), vide which the accused Safirullah during interrogation led the police party to the spot and verified his place as well as the place of other accused. Both the memos correctly bear my signatures. My statement was recorded by the C.O investigation.

XX (For accused Safirullah).

During investigation carried out by Inspector Hidayat ur Rehman I was present with him. I was posted at PS Mandan during the days of occurrence and from there I accompanied the I.O to the spot at about 02:00 pm (1400 hours). The articles mentioned in recovery memo Ex:PW-5/1 was handed over to the I.O by PW Khudadad in the police station Ghoriwala at about 09:00 am/10:00 am on the following day of the occurrence. It is correct that in my presence, neither anything has been recovered from the possession of accused Safirullah nor on his pointation any recovery has been effected from any place.

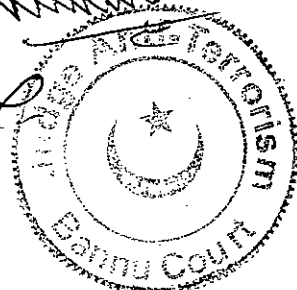
XX (By accused Hassan Jan)

Nil (Opportunity given)



 Allah

 25/11/16




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XX (By accused Hassan Jan)

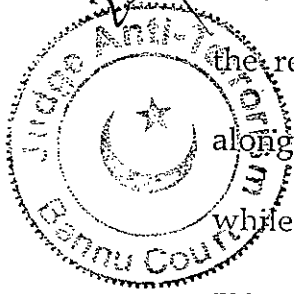
Nil (Opportunity given).

RO & AC
Dt: 17-11-2016.


(Mehmood Ul Hassan Khattak)
Judge, Anti-terrorism Court,
Bannu

P.W-7 Statement of Hidayat ur Rehman Inspector PS Mandan
Bannu on oath:-

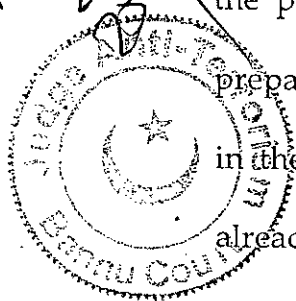
After registration of the case I went to the spot alongwith my staff for investigation. The SHO Ghulam Razaq Khan alongwith the police party already present on the spot whom had recovered the arms and ammunicions. There on the spot the SHO produced recovered 95 Kalashnikovs Ex:P-1 to P-95 without magazines out of which 18 Kalashnikovs of butt, the details and particulars are mentioned in the recovery memo already Ex:PW-2/3. Four (04) Kalakovs without magazines Ex:P-96 to Ex:P-99, the detail and numbers are mentioned in the recovery memo. 129 Pistols of 99 MM bore Ex:PZ/1 to Ex:PZ/129 alongwith fitted magazines out of which 37 Pistols were without numbers while others having numbers, the details mentioned in the recovery memo. 256 Pistols of 30 bore Ex:PM/1 to Ex:PM/256 out of which 45 Pistols of 32 bore the details and numbers are mentioned in the recovery memo. 47000 rounds of different bore. I sealed the above mentioned arms and ammunicions in different parcels. I took into possession the above mentioned arms and ammunicions in presence of marginal witnesses. Then I prepared site plan Ex:PB on the pointation of Ghulam Razaq SHO





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which correct with all its foot notes. I recorded the statements of P.Ws. On 08-04-2016. Vide search memo Ex:PW-7/1 & Ex:PW-7/2, I conducted the house search of accused Azmat Ali and Safirullah, but neither the accused were present in their house and nor any incriminating article was recovered. On 10-04-2016 after arrest of accused Safirullah he was handed over to me by the SHO for interrogation. I produced accused Safirullah before the court vide my application Ex:PW-7/3 and obtained seven days his physical custody. I interrogated the accused, recorded his statement and after expiry of physical custody the accused was sent to judicial lock up. Similarly after arrest of accused Hassan Jan I obtained his physical custody vide my application Ex:PW-7/4 and obtained his two days his physical custody and after expiry of physical custody, the accused was sent to judicial lock up. On 09-04-2016, I produced PW Khudadad Khan before the court for recording his 164 Cr.P.C statement alongwith my application Ex:PW-7/5. The statement was recorded. During interrogation, the accused Safirullah disclosed the name of co-accused Hassan Jan and recorded his statement and I arrayed an accused Hassan Jan in the instant case. The accused Safirullah during physical custody led the police party to the spot and verified the site plan, to this effect I prepared pointation memo already Ex:PWE-5/2 (STO) and made addition in the site plan with red ink Ex:PB/1. I also prepared recovery memo already Ex:PW-5/1 vide which I took into possession one number plat Ex:PX and registration book Ex:PX/1 in respect of truck and set of keys produced by Khudadad Khan PW. On 12-04-2016, I prepared recovery memo already Ex:PW-4/1 vide which I took into possession Mazda Truck Ex:PY registration No.KBL-47932 model 1994 which was taken into possession in case FIR No.182 of 2016 u/s 15AA/16 AA/7 ATA PS



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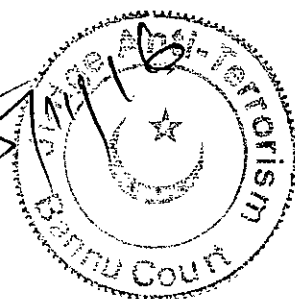
Saddar and the Truck was parked in the said P.S. I had sent the parcels containing arms and ammunitions to FSL Peshawar through my application Ex:PW-7/6 for analysis, the result whereof received Ex:PK consisting of 47 reports (STO). On 21-04-2016, I carried absentia proceedings against absconding accused Azmat, Azizullah and Ismail through my application Ex:PH & Ex:PH/1. I also attached the attested photocopy of confessional statement of accused Hassan Jan in case FIR No.182/2016 PS Saddar. After completion of investigation I handed over the case file to SHO for submitting challan against the accused.

XX (For accused Hassan Jan).

The accused Hassan Jan has not been charged in the FIR by the complainant rather he was implicated by co-accused Safirullah in his statement u/s 161 Cr.P.C before me on 17-04-2016. The accused Safirullah was arrested on 10-04-2016. The card of arrest of accused Hassan Jan was issued by me on 16-04-2016 in the instant case. It is correct that accused Hassan Jan was already behind the Bar and arrested on 06-04-2016 in another case vide FIR No.182 dated 06-04-2016 of PS Saddar. It is correct that accused Hassan Jan has not recorded his confessional statement before a Magistrate/competent authority in the instant case. It is correct that no recovery what so ever has been effected from the accused Hassan Jan in the instant case. It is incorrect to suggest that he is innocent. It is further incorrect to suggest that he has been wrongly enroped in the instant case just to strengthen the prosecution case and to save our skin for digging out the real culprit.

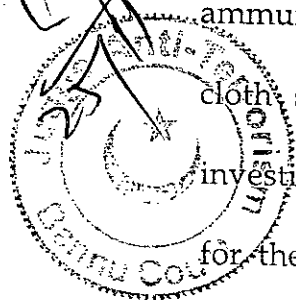
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XX (By accused Safirullah)


Copy of FIR was handed over to me for investigation at 20:20 hours in PS Mandan and I reached to the spot within 20/25 minutes. I was accompanied from PS Mandan by Salim Khan ASI, Nisar constable and Naqibullah constable. On the spot, SHO Ghulam Razaq, Jamshed ASI, Rehmatullah ASI, DSP circle and other nafree police were present there. Khudadad Khan (PW) was also present on the spot with the police nafree and no other private person was present there. I myself counted all the arms of various types and ammunitions on the spot. I had not recorded statement of PW Khudadad on the spot. The witness volunteered that statement of Khudadad was recorded on the following day i.e 08/04/2016 at about 09:30 am in the P.S. The first case diary was written on the spot and the same is started from 20:20 hours and was completed on the following day at 1700 hours. I remained on the spot for about 08:00 hours and during this period I prepared site plan and recovery memos. The statements of all the P.Ws were recorded on the following date on the spot whom were present at that time with the police party. Khudadad PW was present at the time of recording the statement of other P.Ws but even then his statement was not recorded on the spot as P.W. All the arms and ammunitions were packed and sealed in various parcels on the spot. The cloth sheet used for parcels was already available with me in my investigation bag. I have used in all 534 cloth sacks for making the parcels for the whole arms and ammunitions. During investigation I have not found any evidence that accused Safirullah is having any affiliation with banned organization. We have returned back to the PS Ghoriwala from the spot at 1700 hours dated 08/04/2016. The arms and ammunitions



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were handed over to the Moharrir of the P.S. I have not recorded the statement of Moharrir of the PS Ghoriwala about the above mentioned facts. Macarov Pistols were also recovered from the said Baitak. The recovered Kalashnikovs were having no magazines. Today I have seen confessional statement of accused Hassan Jan recorded in case FIR No.182 dated 06-04-2016 PS Saddar recorded by Judicial magistrate, which has been placed in the instant case file by me, wherein there is no mention of accused Safirullah. I have not recorded the statement of the police officials who took the arms and ammunitions to the Fire Arms Expert. It is correct that neither any incriminating article has been recovered from direct possession of the accused Safirullah or at his pointation. It is incorrect to suggest that I have conducted dishonest investigation in the case.

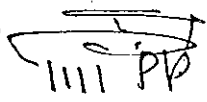
RO & AC
Dt: 17-11-2016.

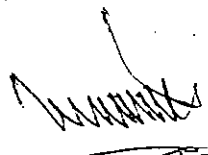

(Mehmood Ul Hassan Khattak)
Judge, Anti-terrorism Court,
Bannu

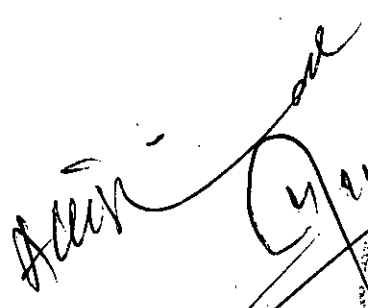
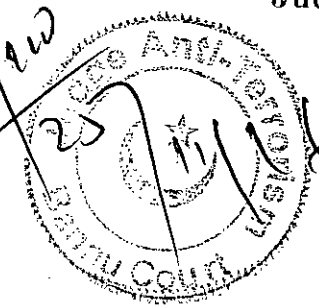
Statement of PP for the State:-

I close the prosecution evidence.

RO & AC
Dt:17-11-2016


Muhammad Ayub Khan
PP ATC, Bannu.


(Mehmood Ul Hassan Khattak)
Judge, Anti-terrorism Court,
Bannu.

VAKALAT NAMA

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NO. _____/20

IN THE COURT OF Ko Polc Service Tribunal

Said Khan Bangash (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Dept. (Respondent)
(Defendant)

I/We, Said Khan Bangash

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

S. Khan
(CLIENT)

ACCEPTED

M. Asif Yousafzai
M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.

Taimur Ali Khan
Advocate

Syed Nauman Ali Bukhari
Syed Nauman Ali Bukhari
Advocate

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1236/2016.

Said Khan Bangash.....(Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.....(Respondents)

Subject:- COMMENTS ON BEHALF OF RESPONDENTS.

Preliminary Objections:-

- a) The appeal has not been based on facts.
- b) The appeal is not maintainable in the present form.
- c) The appeal is bad for mis-joinder and non-joinder of necessary parties.
- d) The appellant is estopped to file the appeal.
- e) The appeal is barred by law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

FACTS:-

1. Correct to the extent that appellant was serving Khyber Pakhtunkhwa, Police in the rank of Deputy Superintendent of Police. He earned promotion to next ranks on his own turn. He while posted as DSP, Rural Circle Bannu rendered himself for departmental proceedings which culminated in passing the impugned order of his compulsory retirement from service.
2. Incorrect, according to departmental file appellant along with SHO was present during raid on the house of "Khudadad" where from huge quantity of arms and ammunition was recovered. Appellant took away two Kalashnikov and Two Pistols out of the case property for his personal use. The enquiry committee has further reported that appellant was bearing stinking reputation and he tarnished the image of Police.
3. Correct to the extent of issuance of charge sheet, statement of allegations and show cause notice to appellant but the reply of appellant submitted in response to the charge sheet was found unsatisfactory and the enquiry committee reported that the charges leveled against appellant were proved. Therefore, the impugned order was correctly passed.
4. Incorrect, the enquiry committee examined witnesses namely Haji Ghulam Raziq SHO, Jamshed Ali ASI, Ferooz Khan Station Clerk of Police Station Ghoriwala district Bannu and opportunity of cross examination of

witnesses was provided to appellant and he availed it. Copy of the enquiry report is already enclosed with the original appeal as Annexure-F.

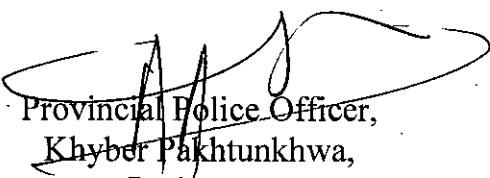
5. Correct to the extent that the impugned order of compulsory retirement from service of appellant was passed and there was no force in the review petition of appellant as no fresh grounds was raised in the review petition.
6. Incorrect, the appeal of appellant is not tenable on the given grounds.

GROUNDS:-

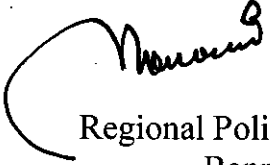
- a. Incorrect, the impugned order was passed in accordance with law and rules. Proper opportunity of defense was provided to the appellant. Witnesses were examined in the presence of appellant and he availed the opportunity of cross examining the witnesses. The enquiry committee based the finding report on the evidence collected during course of enquiry.
- b. Incorrect, enquiry was conducted in accordance with the procedure contained in Police Rule 1975 (amended 2014). All the legal and procedural formalities were adopted by the enquiry committee. Appellant was associated in the enquiry proceedings.
- c. Incorrect, there was no force in the objection application of appellant. Furthermore, the enquiry committee has conducted impartial, fair, and transparent proceedings and has based finding report on solid reasons and grounds.
- d. Incorrect, the enquiry committee has properly evaluated the testimony of the witnesses. The finding report of enquiry committee is supported by documentary evidence.
- e. Incorrect, the statement of Ghulam Razaq SHO Police Station Ghoriwala was natural. He has made no deletion and additions in his statement. He has categorically stated that appellant took away two Kalashnikov and two Pistols out of the case property.
- f. Incorrect, appellant has referred to deep appreciation of evidence of the witnesses as required for just decision of the criminal charge. The enquiry committee has properly appreciated the evidence quo the departmental charges.
- g. Incorrect, the enquiry committee has sift the grain from the chaff and has firmly reported that the charge No. i & iv are proved in toto while allegation No. ii was partially proved up to taking away two Kalashnikov and two Pistols by the appellant.
- h. Incorrect, the witnesses have produced true picture of the lapses and omissions on the part of appellant.

- i. Incorrect, proper charge sheet and show cause notice were issue to appellatant so as to provide fair opportunity of defense to appellatant.
- j. Incorrect, the report of enquiry committee was explanatory and was based on the evidence of witnesses. There was no ambiguity in the finding report therefore final show cause notice was not issued to appellatant.
- k. Incorrect, departmental proceedings and criminal trials are distinct in nature. The witnesses in order to bring home the charge against the accused involved in possession and transportation of large quantity of arms and ammunition for subversive activities have deposed in line with facts on record of judicial file.
- l. The respondents may also be allowed to raise other grounds during hearing of the case.

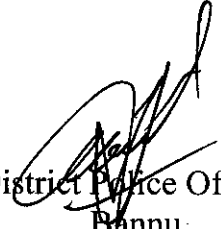
It is therefore, prayed that the appeal of appellatant may be dismissed with costs.



Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 1)



Regional Police Officer,
Bannu
(Respondent No. 2)



District Police Officer,
Bannu
(Respondent No. 3)

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1236/2016

Said Khan Bangash

VS

Police Department

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(A-F) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Half Para-1 of the appeal is admitted correct by the respondents while the list of the contention of the respondent department in Para-1 of the reply incorrect. Moreover Para-1 of the appeal is correct as mentioned in the main appeal of the appellant.
- 2 Incorrect while para-2 of the appeal is correct as mentioned in the main appeal of the appellant.
- 3 Incorrect while Para-3 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover the appellant clear all the situation.
- 4 Incorrect while Para-4 of the appeal is correct as mentioned in the main appeal of the appellant. moreover no cross examining was provided to the appellant and never prove the allegation against the appellant beyond the shadow of doubt.
- 5 Para-5 of the appeal is partially admitted by the respondents department while rest of the contention of the respondents department is incorrect. Moreover the review petition of the appellant was not responded in the statutory period of 90 days.

- 6 Incorrect. While para-6 of the appeal is correct as mentioned in the main appeal of the appellant. The appellant has good cause of action and liable to be accepted.

GROUND:

- A) Incorrect. While Para-A of grounds of the appeal is correct as mentioned in the main appeal of the appellant. Moreover the impugned order dated 15.08.2016 and not taken action on the review petition was against the law and rules and liable to be set aside.
- B) Incorrect. While Para-B of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- C) Incorrect. While Para-C of grounds of the appeal is correct as mentioned in the main appeal of the appellant. moreover if the appellant objected on the inquiry officer the department must be bound to change the inquiry officer.
- D) Incorrect. While Para-D of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- E) Incorrect. While Para-E of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- F) Incorrect. While Para-F of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- G) Incorrect. While Para-G of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- H) Incorrect. While Para-H of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- I) Incorrect. While Para-I of grounds of the appeal is correct as mentioned in the main appeal of the appellant.

6. J) Incorrect. While Para-J of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- K) Incorrect. While Para-K of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- L) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT
Said Khan Bangash

Through:

(M. ASIF YOUSAFZAI)
ADVOCATE, SUPREME COURT,
PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Tribunal.

DEPONENT

Said Khan Bangash

~~ATTESTED~~
~~Oath Commissioner~~
~~Zahoor Khan, Advocate~~
~~Distt: Court, Peshawar.~~

20 APR 2017