

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	21.08.2015	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">Appeal No. 874/2012</p> <p style="text-align: center;">Sajid Hussain Versus Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar etc.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>ABDUL LATIF, MEMBER.-</u> Appellant with counsel (Mr. Zakir Hayat, Advocate) and Mr. Muhammad Jan, GP with Arif Saleem ASI for the respondents present.</p> <p>2. The instant appeal has been filed by Mr. Sajid Hussain, Ex-Constable under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order of DPO Kohat dated 22.5.2012 whereby he awarded him the punishment of dismissal from service and against order dated 25.7.2012 whereby his departmental appeal was dismissed.</p> <p>3. Facts leading to the instant appeal are that appellant was booked in a case vide FIR No. 286 dated 20.11.2011 U/S ¾ P.O P.S Ustarzai, Kohat alongwith a co-accused. During trial the co-accused admitted the offence and appellant was acquitted of the charge. The appellant was proceeded against departmentally and punishment of dismissal from service was awarded by the competent authority vide order dated</p>

22.5.2012. His departmental appeal was rejected by the appellate authority vide order dated 25.7.2012, hence the instant appeal.

4. The learned counsel for the appellant argued that both the impugned orders were against the law and facts and were liable to be set aside. That the enquiry officer did not examine any witness in presence of appellant nor did he probe the matter according to law. That the co-accused admitted the offence in the court of law and appellant was acquitted by the court but inspite of the same he was dismissed from service by the competent authority. He further argued that departmental proceedings were based on the case FIR in which the court acquitted the appellant, hence the punishment of competent authority was unjustified and against the principles of natural justice. He prayed that the impugned orders of punishment may be set aside and the appellant may be reinstated in service with all back benefits. He relied on 1998-PLC(C.S)1430.

5. The learned Government Pleader argued that punishment was awarded to the appellant after proper departmental proceedings under the law by the competent authority. The appellant was also heard in person by the appellate authority and his departmental appeal was rejected after due process. He further argued that there was no weight in the plea of the appellant that he was acquitted in the criminal case because both criminal and departmental

Q.F.1

enquiries could run parallel and may end differently and independent of each other.

6. Arguments of the learned counsels for the parties heard and record perused with their assistance.

7. From perusal of the record it transpired that appellant was acquitted by the court of law in the criminal case, however, departmental proceedings conducted on the basis of the said case ended up in his dismissal from service. His departmental appeal was also rejected. The Tribunal is of the view that treatment meted out to the appellant was too harsh and finds itself justified to indulge in the case. The major penalty of dismissal from service is therefore, converted into minor penalty of withholding of three annual increments for a period of two years. The appellant is reinstated in service and the intervening period since his dismissal from service is treated as leave of the kind due. The appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED

21.08.2015.



(PIR BAKHSH SHAH)
MEMBER



(ABDUL LATIF)
MEMBER

10.07.2015

Counsel for the appellant and Arif Saleem, ASI alongwith }
Muhammad Jan, GP for the respondents present. Arguments
heard. To come up for order on 21-08-2015

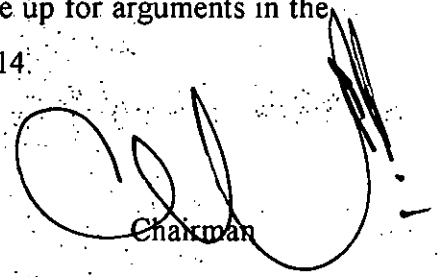


Member



Member

17.10.2014 Appellant with counsel and Mr. Sabir Ali, ASI on behalf of respondents with Mr. Muhammad Adeel Butt, AAG present. The learned AAG requested for a short adjournment. To come up for arguments in the light of order sheet dated 08.08.2014 on 28.11.2014.



Chairman

28.11.2014 No one is present on behalf of the appellant. Mr. Muhammad Ibrahim, Head Constable for respondents with Mr. Muhammad Adeel Butt, AAG present. The Tribunal is incomplete. To come up for arguments on 06.02.2015.



Reader

12. 06.02.2015 Appellant with counsel and Mr. Sareer-ur-Din, ASI on behalf of respondents alongwith Addl: AG present. Arguments could not be heard due to incomplete bench. To come up for arguments on 30.04.2015.



Member

30.4.2015 Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Due to rush of work, case is adjourned to 10.7.2015 for arguments.



MEMBER

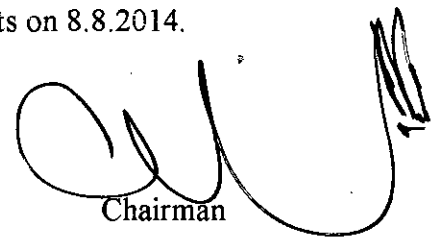


MEMBER

9

31.3.2014

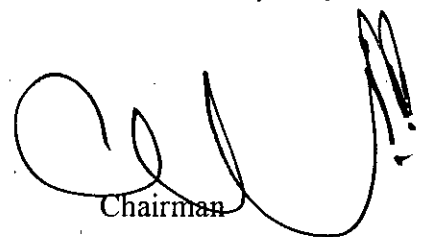
Appellant with counsel and AAG for the respondents present. At the outset, it was pointed out that though the inquiry officer, in his findings, has referred to statements of LHC Mazhar Abbas and Constable Sarwat Hussain, but the statements of the said persons, allegedly recorded by the inquiry officer during the inquiry proceedings, are not available on file. Therefore, in order to see whether the appellant was provided an opportunity of cross-examination on the said two witnesses, the learned AAG is directed to make available statements of the said two persons alongwith service record of the appellant for further arguments on 8.8.2014.


Chairman

10

08.08.2014

Appellant with counsel and Mian Imtiaz Gul, DSP Legal on behalf of respondents with AAG present. Representative of the respondents produced copies of the requisite record, copies whereof are also provided to the learned counsel for the appellant. Arguments could not be heard due to incomplete bench, however, learned counsel for the appellant pointed out that departmental proceedings against the appellant were initiated through charge sheet and statement of allegations on 2.12.2011 under the NWFP (KPK) Removal from Service (Special Powers) Ordinance, 2000, while the Ordinance had already been repealed through the Khyber Pakhtunkhwa Removal from Service (Special Powers) (Repeal) Act, 2011. The issue raised by the learned counsel for the appellant needs deliberation. To come up for arguments on sustainability of departmental proceedings against the appellant under the repealed law on 17.10.2014.


Chairman

7

6.6.2013

Appellant with counsel and Qazi Sajid-ud-Din, DSP (Legal) on behalf of the respondents with Mr. Usman Ghani, Sr. GP present. Rejoinder received, copy whereof is handed over to the learned Sr. GP for arguments on 10.10.2013.

Chairman

8

10.10.2013

Appellant with counsel and AAG for the respondents present. Application for adjournment has been moved by the representative of the department, and the learned AAG has also not prepared the case for arguments. To come up for arguments on 31.3.2014.

Member

Chairman

4.
Appellant deposited
Security & process fee Rs 180/-
Bank receipt is attached
with file.

15.11.2012.

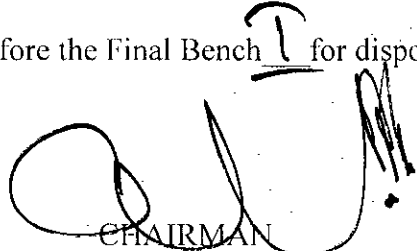
Counsel for the appellant present. Preliminary arguments heard. Learned counsel for the appellant produced copy of case law/precedent as per 1998 PLC(CS) 430 (d) on the issue discussed on the previous date. Points raised need consideration. Appeal is admitted to regular hearing. Process fee and security be deposited within 10 days. Notices be issued to the respondents for written reply on 13-2.2013.


MEMBER

5.

15.11.2012

This case be put up before the Final Bench ^T for disposal.


CHAIRMAN

13.02.2013.

The Hon'ble Bench is on tour to Swat. Case to come up for written reply/comments on 15.3.2013.


READER

6

15.3.2013

Appellant in person and Qazi Sajid-ud-Din, DSP(legal) for respondents with AAG present. Written reply received on behalf of the respondents, copy whereof is handed over to the appellant for rejoinder on 6.6.2013.


Member

Appeal No. 874/2012
Mr. Sajid Hussaini.

3/ 17.9.2012

Appellant present in person. Due to strike of lawyers, the case is adjourned to 3.10.2012 for preliminary hearing.

MEMBER

4. 3.10.2012

Counsel for the appellant present and heard partly. Contended that the appellant was appointed as Constable in the year 2004. He was charged vide FIR dated 20.11.2011. He was acquitted of the charges by the trial court on 16.5.2012. He was served with a charge sheet/statement of allegations on 2.12.2011. An inquiry was conducted and a final show cause notice was issued to the appellant. He was dismissed from service vide order dated 22.5.2012 against which he preferred a departmental appeal which was dismissed on 25.7.2012. Counsel for the appellant further contended that in the inquiry proceedings no witness was examined. The appellant has been acquitted of the charges on the basis of which he was removed from service. After acquittal the appellant submitted an application for his re-instatement but the same has been rejected mainly on the ground that acquittal of the appellant in criminal case, both the criminal and departmental proceedings are independent of each others, and decision in criminal case is not binding on departmental proceedings. Counsel for the appellant requested for adjournment to produce case law to the effect that once an employee is acquitted of the charges by the competent court of law, is liable to be re-instated and departmental proceedings/inquiry are of ^{no} legal consequence. Case adjourned to 15.11.2012 for preliminary hearing.

Member.

FORM "A"

FORM OF ORDER SHEET

Court of.....

Case No. 874/2012.....of.....

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
1-	07/08/2012	<p>The appeal of Mr. Sajid Hussain presented today by Mr. Zakir Hayat Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2-	9-8-2012	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on 17-9-2012.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL..

PESHAWAR.

Service Appeal No. 874/2012

Sajid Hussain..... Appellant

Versus

Inspector General of Police KPK, & others..... Respondents


INDEX

S.No.	Description of documents.	Annexure	Pages.
1.	Memo of appeal		1-3
2.	Copy of FIR , Judgment / Statement of co-accused	A	4-6
3.	Charge Sheet & Statement of Allegation & Reply	B-D	7-9
4.	Copy of Inquiry Report	E	10
5.	Copy of Show Cause Notice & Reply	F-G	11-14
6.	Copy of Order of DPO dated 22.05.2012	H	15
7.	Copy of Appeal & order of Deputy Inspector General		16-19
8.	Wakalatnama.		20



Appellant
Sajid Hussain

Through


Zakir Hayat
Advocate, Peshawar.

High court

Dated: 07.08.2012

cell No. 0333-9127495

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 874 /2012

G. W. S. Peshawar
Sajjad Hussain
Sajjad No. 884
Date 07/8/12

Sajjad Hussain S/o Tariq Shah Ex-Constable

R/o Saikhan Tehsil & District Kohat.....Appellant

Versus

- 1) Provisional Chief Police/ Inspector General of Police Khyber Pakhtunkhwa.
- 2) Deputy Inspector General of Police Kohat.
- 3) District Police Officer Kohat..... Respondents

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER OF DISTRICT POLICE OFFICER KOHAT. NO.353 DATED 22.05.2012 WHEREBY HE AMENDED THE PUNISHMENT OF DISMISSAL FROM SERVICE AND ON APPEAL THE INSPECTOR GENERAL OF POLICE MAINTAINING THE ORDER OF D.P.O DISMISSING THE APPEAL OF THE APPELLANT VIDE ORDER DATED 25.07.2012

[Handwritten signature]
[Date]

PRAYER:

On acceptance of this appeal, the appellant be reinstated into service with back benefits.

Respectfully Sheweth;

- 1) That the appellant was appointed as constable in Kohat District Police in the year 2004.

- 2) That the appellant was falsely booked in case vide FIR No.286 dated 20.11.2011 u/s 3/4 P.O P.S Ustarzai Kohat.
- 3) That the trial court, acquitted the appellant vide order dated 16.05.2012. (copy enclosed as annexure "A")
- 4) That the appellant was served with charge sheet (annexure "B") disciplinary action/ statement of allegation on 02.12.2011 (annexure "C") to which the appellant replied (annexure "D") and enquiry was formed and appellant appeared before inquiry officer, but the inquiry officers did not examine any witness. The inquiry report is (annexure "E").
- 5) That the inquiry officer receiving the request the appellant was served with a final show cause notice dated 14.04.2012 (annexure "F") which was replied (annexure "G") and thereafter, the punishment of dismissal from service was awarded to the appellant vide No.353 dated 22.05.2012 (annexure "H")
- 6) That appellant filed a departmental appeal which was dismissed and punishment order of District Police Officer dated 22.05.2012 was maintained vide order dated 25.07.2012.

GROUND

- A. That the order of both the officers are against law and facts and are liable to be set aside.
- B. That the service record of the appellant is unblemished and clear since 2004.
- C. That inquiry officer in inquiry proceeding has neither examined any witness in the presence of appellant nor probed the matter according to law.
- D. That the co-accused admitted his guilt before trial court, hence proved the innocence of appellant.
- E. That the hon'ble trial court acquitted the appellant from the charge, even then appellant was dismissed from service by the authority.

It is, therefore, most humbly prayed that on acceptance of this appeal the appellant may please be reinstated into service with all back benefits.

Sajid Hussain

Appellant
Sajid Hussain

Through

Zakir Hayat
Zakir Hayat
Advocate Peshawar.

AFFIDAVIT

I Sajid Hussain S/o Tariq Shah Ex-Constable R/o Saikhan Tehsil & District Kohat, do hereby solemnly affirm and declare on Oath that the contents of accompanying Appeal are true and correct to the best to my knowledge and nothing has been concealed from this hon'ble court.

B. Meh
ATTESTED
WALID MAHMOOD ADVOCATE
OATH COMMISSIONER
PESHAWAR HIGH COURT

7-8-12

Sajid Hussain
DEPONENT

Note:- That no such appeal on same subject is file before this appeal before Hon'ble Tribunal.

Zakir

بھجوانے جانے میں، لبر ائیر سے خدمت لیا گیا۔ لیکن ڈرامہ ۱۹۵۲
 سٹاف میں۔ درختوں کی لہریں ہیں۔ اس کی لہریں ہیں۔
 کاروباری تیار، آؤں، اس کے ہر ڈرامہ، مگر بالکل
 لہریں کے ساتھ ساتھ، سب سے زیادہ، لہریں کے ساتھ ساتھ،
 لہریں کے ساتھ ساتھ، لہریں کے ساتھ ساتھ، لہریں کے ساتھ ساتھ،
 لہریں کے ساتھ ساتھ، لہریں کے ساتھ ساتھ، لہریں کے ساتھ ساتھ،
 لہریں کے ساتھ ساتھ، لہریں کے ساتھ ساتھ، لہریں کے ساتھ ساتھ،

[Handwritten signature and date]

اطلاع کے لیے اطلاع دینے کا مقصد یہ ہے کہ اس کی ممبران کو اطلاع دیا جائے کہ ان کے نام پر ڈرامہ لکھنا اور ان کی طرف سے ڈرامہ لکھنا،
 ایک گرامر یا مشق کی صورت میں اس کے ساتھ ساتھ، لہریں کے ساتھ ساتھ، لہریں کے ساتھ ساتھ، لہریں کے ساتھ ساتھ، لہریں کے ساتھ ساتھ،

16.05.2012



Accused Hamid Islam and Sajjad Hussain on bail are present. APP for the state is also present. Today the case was fixed for order but early in the morning accused Hamid Islam appeared before the court and got recorded his statement on oath to the effect that in the instant case the prosecution has alleged the recovery of contraband material from the possession of co-accused namely Sajjad Hussain, however, he (accused Hamid Islam) stated at the bar that accused Sajjad Hussain had no knowledge and no concern with the said contraband. He is totally innocent and the accused Hamid Islam plead guilty and placed himself at the mercy of the court. So, keeping in view the statement of accused Hamid Islam, accused Sajjad Hussain is hereby acquitted of the charges leveled against him. He is on bail, his bail bond stands cancelled and the sureties are discharged from the liabilities of bail boned. So far accused Hamid Islam is concerned, he has made a clean breast admission of the commission of offence, he, however, requested for taking a lenient view against him.

Since the accused Hamid Islam has made a clean breast admission of the commission of offence and since he has beseeched the mercy of this court, therefore, while considering facts of the case; and punishment provided for the offence, accused Hamid Islam is sentenced to one year S.I. Since the accused is first offender, therefore, instead of actual conviction he is allowed to be released on probation for one year subject to furnishing surety bonds of Rs. 50,000/- with two sureties, each in the like amount to the satisfaction of Probation Officer. Accused shall be taken into custody and be produced before the probation officer at Kohat and if he succeeds to furnish bail bonds to the Probation Officer concerned he be released from custody, otherwise be kept in judicial lockup till the production of bail bonds before the probation officer.

Case property be destroyed after the expiry of period of appeal/revision. File be consigned to record room after completion.

لوگوں کو خبر دے کہ اس کی سزا سنیں
 سزا سننے کے لیے حاضر ہو کر
 16/5/12
 12/5/12
 24/5/12
 28/5/12
 30/5/12
 31/5/12

ATTESTED TO BE TRUE COPY
 17/5/12
 JUDGE
 COURT OF SESSIONS KOHAT

Miss Nusrat YASMEEN
 Judge Spl. Court (S.I.W.) Kohat
 Kohat

No. 1228

Date Of Presentation Of Application 16/5/12

Date On Which Copy Compiled 17/5/12

Date On Which Copy Was Attested 17/5/12

Number Of Pages 115

Urgent For in

Name Of Officer OST

Copying Fee ---

Date Of Delivery 17/5/12



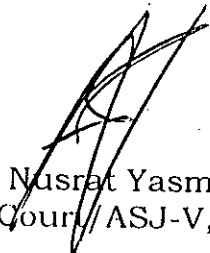
Page 6

Statement of Hamid Islam s/o Noor Aslam r/o village Sheikhan, Kohat on oath: -

Stated that in the instant case the prosecution has alleged the recovery of contraband material from the possession of my co-accused namely Sajjad Hussain, however, I state at the bar that accused Sajjad Hussain had no knowledge and no concern with the said contraband. He is totally innocent. I plead my guilt to the charge and place myself to the mercy of the court.

RO & AC
16.5.2012

Accused Hamid Islam.


(Miss Nusrat Yasmin)
Judge Spl: Court/ASJ-V, Kohat

ATTESTED TO BE TRUE COPY
17/5/12 EXAMINED
COPING BRANCH KOHAT

No. 1328
Date Of Presentation Of Application 14/5/12
Date On Which Copy Completed 17/5/12
Date On Which Copy Was Allocated 17/5/12
Number Of Pages 15
Urgency
Name Of Officer
Copy To
Date Of Issue 17/5/12

Annexe B

Page 7

CHARGE SHEET

I, MUBARAK ZEB, DISTRICT POLICE OFFICER, KOHAT as competent authority, hereby charge you Constable Sajid Hussain No. 1028 committed the following irregularities:

As per SSP Investigation Wing Kohat Endst: No. 10835-36/OASI dated 22.11.2011 that you involved in criminal case vide FIR No. 286 dated 20.11.2011 U/S 3/9CNSA PS Usterzai, Kohat.

Your above act amounts to gross misconduct on your part which punishable under the Removal from Service (Special Powers) Ordinance 2000.

And I, hereby direct you further as laid down in section-60 of the said Ordinance to put in a written defence within 7 days of the receipt of this charge sheet as to why you should not be awarded with one or more Major Punishment including Removal from Service as defined under section 3 (I) (C) of the said Ordinance, and also stating at the same time as to whether you desire to be heard in person.

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

A statement of allegation is enclosed.


DISTRICT POLICE OFFICER,
KOHAT

affected by

JW

Page 8
Annexure C

DISCIPLINARY ACTION

I, MUBARAK ZEB, DISTRICT POLICE OFFICER, KOHAT, as competent authority, am of the opinion that Constable Sajid Hussain No. 1028 himself liable to be proceeded against as he committed the following acts/ omissions within the meaning of section – 3 of the NWFP (Removal from Service) Special Power Ordinance 2000.

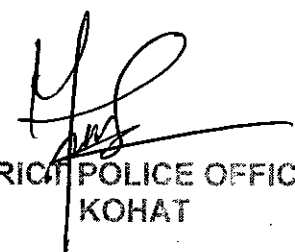
STATEMENT OF ALLEGATIONS

As per SSP Investigation Wing Kohat Endst: No. 10835-36/OASI dated 22.11.2011 that you involved in criminal case vide FIR No. 286 dated 20.11.2011 U/S 3/4/9CNSA PS Usterzai, Kohat.

Your above act amounts to gross misconduct on your part, punishable under the Removal from Service (Special Powers) Ordinance 2000.

For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations Mr. Ibrahim Ullah Khan Inspector Legal, Kohat is appointed, as Enquiry Officer shall in accordance with the provision of Ordinance provide reasonable opportunity of hearing to the Official and complete the enquiry findings within the stipulated period of the receipt of this order.

No. 8116-17 /PA
Dated. 02-12-2011


DISTRICT POLICE OFFICER,
KOHAT

Copy of the above is forwarded to:

1. Mr. Ibrahim Ullah Khan Inspector Legal, Kohat The committee for initiating proceedings against the accused under the provisions of the NWFP, Removal from Service (Special Power) Ordinance – 2000 and submit finding within 15 days.
2. Constable Sajid Hussain No. 1028 The concerned official's with the directions to appear before the Enquiry Committee, on the date, time and place fixed by the Committee, for the purpose of the enquiry proceedings.

(Statements سید علی)
- سید علی - سید علی (2)
14. 12. 011

attached
by
gpr

جناب عالی! بحوالہ شوکاژ نوٹس نمبر PA/17-8116 مورخہ 02-12-2011 بجاریہ ڈسٹرکٹ پولیس آفیسر صاحب کوہاٹ دربارہ الزام چرس سنگٹ اور مقدمہ نمبر 286 مورخہ 20-11-2011 جرم 9CNSA، 3/4 PO، 9CNSA تھانہ استرزی کوہاٹ جو اب عرض ہے کہ:

میرے خلاف چرس سنگٹ کا الزام اور مقدمہ بالا دیدہ دانستہ طور پر بددیانتی پر صوابدیدی اختیارات سے بڑھ کر مظہر عباس HC نے درج رجسٹر کر دیا ہے بے گناہ بے تصور ہوں انصاف دلایا جائے۔

یہ کہ مورخہ 20-11-11 کو میں رخصت پر تھا میرے دوست کے بھائی کی شادی کے سلسلہ میں دعوت و لیمہ میں شرکت کیلئے دعوت دینے کیلئے بذریعہ موٹر سائیکل مرئی جا رہا تھا جب بوت تقریب دس بجے پولیس چیک پوسٹ مرئی پہنچا وہاں پر پولیس والوں نے ہمیں روک کر موٹر سائیکل کے کاغذات طلب کئے جنکے متعلق میں نے پولیس والوں کو بتلایا کہ موٹر سائیکل میرے دوست کی ہے کاغذات ابھی نہیں بنوائے میں البتہ موٹر سائیکل کی ڈیلر کی رسید اسکے پاس گھر میں ہے وہ میں لاسکتا ہوں موجودہ وقت کاغذات ہمارے پاس نہیں ہیں۔ باتوں باتوں میں میں نے اپنا تعارف بھی کر دیا۔ مظہر عباس جو کی انچارج نے مطمئن ہو کر ہمیں چھوڑ دیا۔

من ساجد نے موٹر سائیکل شارٹ کر کے بطرف مرئی روانہ ہوئے تو کچھ ہی فاصلہ طے کرنے کے بعد ایک تیز رفتار پک اپ ہم سے آگے ہو کر ہم کو روکنے کا اشارہ کر کے ہمیں روک دیا گیا۔

پک اپ سے مظہر عباس HC اور مسلح کانسٹیبل اتر کر ہمیں کہا گیا کہ SHO صاحب آپ کے گاؤں کا ہے آجکو بار ہے ہیں۔ ہم وہاں سے واپس ہو کر مرئی چیک پوسٹ آگئے۔ ہم کو چیک پوسٹ پر یہ کہہ کر بٹھا دیا گیا کہ SHO صاحب آرہے ہیں۔

تقریباً تین چار گھنٹے بٹھانے کے بعد مظہر عباس HC نے کہا کہ SHO صاحب تھانہ میں ہے اور آپ لوگوں کو وہاں بلا رہا ہے اس طرح مرئی چیک پوسٹ سے ہمیں تھانہ لایا گیا۔ تھانہ کی مسجد میں ہم نے ظہر کی نماز ادا کی۔ استفسار پر تھانہ میں معلوم ہوا کہ SHO صاحب تھانہ میں موجود نہیں ہے اور ہمارے اسرار پر مظہر عباس غصہ میں ہو کر کہا کہ ایک موٹر سائیکل کے کاغذات بھی نہیں ہیں اور چرس سنگٹ بھی ہو۔ میں آپ لوگوں کے خلاف FIR درج کرتا ہوں۔

ہمارے خلاف صوابدیدی اختیارات پر ناجائز طور پر بددیانتی سے تھانہ میں بیٹھ کر بوت تقریب ۲ بجے مقدمہ بنوایا اور ہمیں حوالات میں بند کر دیا گیا۔

میرا تعلق گاؤں شیخان کے معزز ملک فیملی سے ہے والد اور دادا گاؤں کے نمبر دار ہیں۔ میری شہرت گاؤں پھیلنے اور علاقہ کے علاوہ پولیس ریکارڈ میں بے داغ ہے میں کسی قسم کا نشہ نہیں کرتا ہوں اور نہ ہی جرائم پیشہ افراد سے وابستہ ہوں۔

مظہر عباس HC نے قصد بددیانتی پر جہنی اور قانون کے احترام سے ہٹ کر بے گناہ شہری کے خلاف غلط طور پر مقدمہ چرس بجرم 3/4 قائم کیا اور یہ مقدمہ بعدہ 9CNSA میں تبدیل کر دیا گیا۔ زندہ مثال زیادتی کا توعد اور رپورٹ میں درج اوقات سے بخوبی لگایا جاسکتا ہے اور اس طرح مراسلہ اور زیر حراست کنسٹیبلان بھیجوانا مظہر عباس کی روشن دلیل ہے۔

میں بے گناہ ہوں انصاف فرمایا جاوے میں پیشی پر اپنی پوزیشن بے گناہی واضح کر دینا معافی دی جائے۔

مورخہ 19-12-2011

عرضے

ساجد حسین 1028/FC متعینہ پولیس لائن کوہاٹ

ساجد حسین

19/12/2011

Answer E

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DEPARTMENTAL ENQUIRY AGAINST CONSTABLESAJID HUSSAIN NO.1028FINDINGS:

Sir,

It has been alleged in the statement of allegation that constable Sajid Hussain No.1028, as per SSP Investigation Wing Kohat Ends; No.10835-36/OASI dated 22.11.2011, that he involved in criminal case vide FIR No.286 dated 20.11.2011 u/s 3/4 PO/9CNSA PS Usterzai Kohat.

The undersigned was directed to conduct departmental enquiry against the above name constable. Charge sheet together with summary of allegation were issued and served upon the defaulter constable. Reply to the charge sheet was received and found unsatisfactory. Defaulter constable, LHC Mazhar Abbas No.1145 Incharge Mari post, constable Sarwat Hussain No.447 Mari post was summoned and there statements recorded. The defaulter constable denied the allegations and stated that he was implicated by Mazhar Abbas LHC in a criminal drug case whereas he is innocent. He also furnished in this defense FIR No.409 dated 11.06.2001 u/s 302/34 PPC PS Jangle Khel vide which his cousin was killed and brother of Said Khan SHO PS Ustaerzai was charged as one of the accused. He stated that due to previous enmity he was implicated in the case.

On the other hand LHC Mazhar Abbas and Constable Sarwat Hussain stated that they recovered contraband from the direct possession of defaulter constable Sajid Hussain No.1028 on Mari check post. To this effect a case vide FIR No.286 dated 20.11.2011 u/s 3/4 PO/9CNSA was registered in PS Usterzai.

Keeping in view of the above, the contraband is recovered from the direct possession of the defaulter constable. Hence defaulter constable Sajid Hussain No.1028 is hereby held guilty of the charges leveled against him.

Attested by
[Signature]

Inspector Legal.
E/O, Kohat

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DEPARTMENTAL ENQUIRY AGAINST CONSTABLE

SAJID HUSSAIN NO. 1028

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Findings:-


Sir

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Inspector Legal,
E/O, Kohat

attested by
for

Annexe F

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FINAL SHOW CAUSE NOTICE

1. I, MUBARAK ZEB, District Police Officer, Kohat as competent authority under the Police Rule 1975 serve you Constable Sajid Hussain No. 1028, as follow:-

The consequent upon the completion of enquiries conducted ~~against~~ you by the Enquiry Officer, Mr. Ibrahim Ullah Khan PSO, Kohat.

2. On going through the findings and recommendations of the Enquiry Officer, the materials on the record and other connected papers including your defence before the said Enquiry Officer, I am satisfied that the charge against you is proved and you have committed the following acts/omission specified in Police Rule 1975.

"As per report of SSP investigation Wing Kohat vide Endst: No. 10835-36/OASI dated 22.11.2011 that you was involved/arrested in criminal case vide FIR No. 286 dated 20.11.2011 u/s ¼ 9CNSA PS Usterzai"

3. As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Rule 1975.

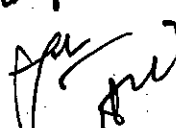

4. You are therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.

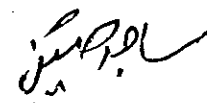
5. If no reply to this notice is received within seven (7) days of its delivery in the normal course of circumstances, it will be considered/presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

6. Copy of finding of the enquiry officer is enclosed.

No. 2769 /PA
Dated 14-4-2012


DISTRICT POLICE OFFICER,
KOHAT

collected
by




17-4-2012

بحوالہ فائل شوکاژ نوٹس نمبری PA/2769 مورخہ 14-04-2012 مجاریہ ڈسٹرکٹ پولیس آفیسر صاحب پولیس

کوہاٹ متعلق الزام جرم مقدمہ علت نمبر 286 مورخہ 20-11-2011 جرم PO 3/4 تھانہ استرزی ضلع کوہاٹ۔ مودیانہ پٹیہ جرم
عرض رساں ہوں۔

یہ کہ سائل کے خلاف جرم الزام نشیات سمگل کرنے اور چرس پاس رکھنے کا غلط بے بنیاد جھوٹ اور بدینتی پر عائد مبنی الزام ہے۔
کیونکہ مظہر عباس HC انچارج مرئی پولیس چیک پوسٹ نے اپنے سینئر کے ہدایات پر منصوبہ بندی کے تحت تھانہ کی چاد یواری میں جان
بوجھ کر بدینتی سے جھوٹی اور غلط الزام پر مقدمہ بالا درج رجسٹر کیا ہے۔ میں بالکل بے گناہ اور بے قصور ہوں میں اس نا انصافی کے ازالہ
کے لیے اپنے حق میں انصاف انجناب سے چاہنے کے لیے ذیل امور حقائق کو منظر عام پر لانے کی جسارت کرنا چاہوں گا۔

یہ کہ سائل کے خلاف FIR میں وقت وقوع اور وقت رپورٹ میں دس منٹ کا وقفہ میرے جامہ تلاشی پر خرچ کرنا الزام جھوٹ کی
عکاسی کرتی ہے کیونکہ چرس بمطابق FIR میری گود سے قبضہ ہونا لکھا ہے۔ اس عرصے میں کافی لوگوں کی تلاشی ہو سکتی ہے لیکن ہیڈ کنسٹیبل
مذکورہ نے غلط بیانی پر کام کرتے ہوئے میرے خلاف مقدمہ درج کیا ہے۔ مظہر عباس ہیڈ کنسٹیبل مرئی پولیس چیک پوسٹ کا انچارج ہے
جس نے دیدہ دانستہ طور پر منصوبہ بندی کے تحت چیک پوسٹ پولیس مرئی کو چھوڑ کر بمقام مرئی بالا اور کزئی ایجنسی کے قریب ناکہ بندی
بتا کر میرے گرفتاری ظاہر کر کے مقدمہ درج رجسٹر کیا۔ جو نا انصافی اور بدینتی کا کھولا ثبوت ہے۔

یہ کہ مظہر عباس HC نے میرے خلاف مقدمہ بنانے کا مراسلہ فرد مقبوضگی اور کارڈ گرفتاری لکھ کر جن پر مظہر عباس کے دستخط ایک
دوسرے سے مطابقت نہیں رکھتے ہیں مذید برآں یہ تحریر لکھائی تھانہ کی چاد یواری میں بذریعہ خالق حسین LHC/KBI شاف تھانہ
استرزی کی کرائی ہے جو جھوٹ کا منہ بولتا ثبوت ہے۔ میرے خلاف موقع کی کاروائی تھانہ میں کی گئی ہے جو نا انصافی اور بدینتی کا مظہر ہے۔

یہ کہ سائل مورخہ 11-11-20 کو دعوت ولیمہ میں شرکت کے لیے اپنے دوست کے پاس بذریعہ موٹرسائیکل خود مرئی جانے
کے لیے روانہ تھا جہاں پر مجھے اس حوالدار نے چیک پوسٹ پر چیک کر کے کاغذات موٹرسائیکل طلب کیے جن کو اپنی شناخت کرا کر تسلی دی تو
مجھے چھوڑ دیا گیا۔ لیکن چھوڑنے کے تھوڑی دیر بعد مظہر عباس HC بمائے مسلح کنسٹیبل پک اپ تیز رفتار میں پیچھے سے آکر ٹھہرایا اور کہا کہ
SHO تھانہ اس کے گاؤں کا ہے، بولا رہے ہیں اس کے اس طرح کہنے پر مجھے واپس کر کے پولیس پوسٹ مرئی اور تھانہ پہنچایا۔ اسرار پر
SHO صاحب کے سامنے پیش نہ کر کے غصہ کیا کہ میں سمگلر ہوں۔ اور اس نے میرے خلاف چرس کا مقدمہ بنایا ہے اور حوالات میں بند کیا

یہ کہ مظہر عباس HC نے عدالت میں دوران سماعت مقدمہ بتلایا ہے کہ سیزنگ آفسر ساکن شیخ زاکار ہاشمی ہے۔ جب کہ
سمگلران کے متعلق اپنے سینئر کو اس نے اعتماد میں نہ لینا یا اطلاع اس وجہ پر نہیں کیا کہ اس کے پاس وائرس / موبائل فون نہیں ہے۔ اس
طرح معلوم ہوا کہ سرکاری وائرس اس کے پاس موجود ہے اور اس کے پاس موبائل ذاتی نمبر 0333-2019933 موجود ہوتا ہے۔
اس کے علاوہ اس نے تمام کاروائی مقدمہ کے لیے اپنے صوابدیدی وقت صرف تیس منٹ پارسل ہائے بنانے اور مراسلہ فرد مقبوضگی، کارڈ
گرفتاری کے لکھنے پر خرچ ظاہر کیا ہے۔ یہ عمل متذکرہ بالا انجناب یا کسی ایماندار آفسر کے سامنے دہرانے کے لیے اپنی بے گناہی کی خاطر

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انصاف کے لیے نشاہدی چاہتا ہوں۔ اس کے علاوہ بیان میں ترازو ڈیجیٹل کا ذکر پہلی بار سننے میں آیا ہے۔ جو پولیس کے پاس موجود ہے۔

یہ کہ پارسل پر مہر IG کے بارے وضاحت نہیں ہے اور یہ مہر مذکورہ کے پاس موقع پر کیسے موجود تھا۔ جو جھوٹ، نا انصافی پر مبنی۔ کیونکہ تھانے کا مہر IG اس کے پاس مرنی پوسٹ کیسے موجود ہو سکتا ہے۔ جو انصاف سے بالاتر ہے۔

یہ کہ غازی عثمان سب انسپکٹر KBI تھانہ استرزی کے تفتیشی آفسر نے نقشہ موقع صرف مظہر عباس HC کے نشاہدی پر بنایا ہے لیکن اس نے دیگر کنسٹیبلان، ثروت حسین، باقر علی، کرامت علی بھی نشاہدی کے لیے موجود ظاہر کیے ہیں۔ غلط اور جھوٹ پر مبنی ہے کیونکہ با مطابق نمبر 10 روز نامہ 20-11-11 تھانہ استرزی میں موجودگی ظاہر ہوتی ہے۔ علاوہ اس کے مظہر عباس کو IO نے مرنی چیک پوسٹ سے لینے کا ضمنی رپورٹ نمبر 1 کے کالم 2 پر اور تنویر علی FC کا کالم نمبر 1 ایک پر اندراج موجود ہے بقایا تفتیش میں ذکر نہیں اور جھوٹ پر ان کے بیانات قلم بند کرائے گئے ہیں۔ جب کہ IO نے اپنے بیان عدالتی میں بتلایا ہے کہ KBI سٹاف اس کے ساتھ نہیں تھی اکیلے سرکاری گاڑی میں بوقت 1:30 بجے گیا تھا۔ تفتیش میں جھوٹ پر مبنی کارروائی تو درکنار عدالت میں بھی ایک ذمہ دار آفسر نے مقدمہ میں بے گناہ شہری کے خلاف جھوٹ کا اظہار کر کے نا انصافی اور بدینتی کی گئی ہے۔ اس کے علاوہ مقدمہ کا پارسل نمبر 1 اپنے تحویل میں لینے کا بیان دینا نمبر 10 روز نامہ 20-11-11 کے اندراج کی نفی ہے۔ جس کی سزا قواعد پولیس رولز میں صاف ہیں۔ کیونکہ پارسل نمبر 1 محرر کے تحویل میں تھی کیونکہ ہدایات پر ضمنی نمبر 8 مورخہ 06-01-2012 کو محرر ارشد خان کے بیان درستی کرائی گئی ہے۔

یہ کہ ثروت حسین نمبر 447 گواہ فرد نے عدالت میں بیان دے کر تسلیم کیا ہے۔ کہ فرد مقبوضگی جس پر FIR کا نمبر نہیں تھا جواب موجود ہے۔ اور تفتیشی آفسر کے ساتھ KBI سٹاف موجود تھا لیکن نام یاد نہیں۔ موقع پر انہوں نے قریب 1 گھنٹہ یا ڈیڑھ گھنٹہ تک کا وقت گزارا تھا۔ جب کہ مظہر عباس نے صرف تیس منٹ کا عرصہ موقع پر گزارنا تسلیم کیا ہے۔ فرد پر ثروت حسین کا دستخط اردو بھی تحریر کنندہ فرد آفسر کی لکھائی سے مشابہ ہے۔ انصاف چاہنے کے لیے نشاہدی ضروری ہے۔

یہ کہ سائل گاؤں شیخان کوہاٹ کا اور SHO صاحب تھانہ استرزی بھی گاؤں شیخان ضلع کوہاٹ کا سکونتی باشندہ ہے۔ جن کے ساتھ ہماری چچا زاد بھائی کی قتل کی دشمنی ہے۔ اس بنیاد پر مظہر عباس HC نے جھوٹی مقدمہ میرے خلاف خاص ہدایات پر منصوبہ کے تحت قومی سطح پر راضی نامہ صلح کرنے کے لیے اس مقدمہ کا سہارا لینے کی کوشش کی ہے۔

یہ کہ سائل کے اباؤ اجداد گاؤں شیخان کے معزز خاندان سے تعلق رکھتے ہیں۔ اور گاؤں شیخان کے ملک / نمبر دار کے حیثیت سے عوام الناس شیخان اور سرکاری اہلکاروں کی سرکاری معاملات میں تعاون اور خدمت کرتے چلے آ رہے ہیں۔

یہ کہ سائل کا کیریئر گاؤں شیخان میں اور ملازمت میں بے داغ ہے۔ اور نہ ہی سائل کسی فحشی اشیاء کا نشہ کرتا ہے نہ ہی منشیات کی سمگلر ہے۔ صرف اس کو ملازمت میں اور گاؤں میں بدنام کرنے کے لیے نا انصافی پر اور بدینتی کی کوشش کی گئی ہے۔ سائل غریب معزز گھرانے سے تعلق رکھتا ہے سائل کے خلاف انکوٹری انصاف دینے کے لیے مقدمہ کی سماعت عدالت فیصلہ تک انکوٹری پنڈنگ احکامات

attested by
JW

13
page

صادر فرمائیں جائیں۔

Page 14

یہ کہ سائل کے خلاف مقدمہ کی تفتیش انکوٹری اور بیانات پولیس عدالت میں گواہان کے قلم بند شدہ بیانات میں کافی احاطہ جاتا ہے جس پر نظر ثانی کی لیے انصاف حصول کی خاطر انجناب کی خدمت میں پیشی پر جملہ حقائق مقدمہ کی صورت زبانی طور پر اور دستاویزات کی صورت میں پیش کر سکوں گا۔ مذید محکمانہ انکوٹری آفس نے نہ مجھے اپنے بے گناہی کی صفائی میں علاقے کے مشران پیش کر کے کی ہدایت کی ہے اور نہ ہی مجھے گواہان مقدمہ انٹرسٹ کے خلاف انکوٹری کے وقت سوال جرح کی ہدایت ہوئی ہے۔ یہ کہ سائل ایک غریب معزز خاندان سے تعلق رکھتا ہے اور ضعیف العمر والدین کا سہارا معاش ہے۔

یہ کہ سائل کے ساتھ ابتداء مقدمہ سے عدالتی کارروائی تک دوران تفتیش/انکوٹری/اندرج مقدمہ/بیانات عدالت میں گواہان نے بدیتی نانصافی کا مظاہرہ کیا ہوا ہے سائل بے گناہ بے تصور ہے سائل کو انجناب سے حقائق بالا کی روشنی میں انکوٹری الزام سے بری فرمائیں گے کیونکہ سائل بے گناہ ہے اور مقدمہ بدیتی نانصافی پر جان بوجھ کر درج رجسٹر کیا گیا ہے۔ معافی عطا فرمائی جاوے۔

تاریخ: 23-04-2012

عریضہ

ساجد حسین 1028/FC متعینہ پولیس ڈائن ضلع کوہاٹ بقلم خود

Page 14

ساجد حسین

attached to

Tu Hai

Annexure H

Page 15

ORDER

This order is passed on the departmental enquiry against Constable Sajid Hussain No. 1028 of this district Police under Police Rule 1975.

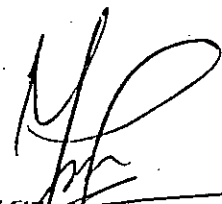
Brief facts of the departmental enquiry are that the above named defaulter constable, was involved/arrested vide case FIR No. 286 dated 20.11.2011 U/S 304 PO/9CNSA PS Usterzai Kohat.


He was served with charge sheet/summary of allegations and Mr Ibrahim Ullah Khan, Inspector Legal was appointed as Enquiry Officer to proceed against him departmentally. The enquiry officer has submitted his findings and recommended that he is found guilty of the charges leveled against him.

He was served with Final Show Cause Notice. The Constable was called in OR on 17.05.2012 and heard in person. His reply was perused and found unsatisfactory. The enquiry officer has found him guilty. Similarly, the IO has also challaned him in the case. He has thus involved himself in criminal activity and has brought a bad name to the Police department.

He is therefore dismissed from service with immediate effect.

OB No. 353
Date 22/5/2012


DISTRICT POLICE OFFICER,
KOHAT

attested by


01602/1
23.5.12
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BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE,
KOHAT REGION KOHAT.

Page 16

SUBJECT: Appeal against the order of DPO Kohat bearing OB No.353 dated 22-5-2012 whereby the appellant Ex-constable Sajid Hussain No.1028 of Kohat District Police was dismissed from service with immediate effect.

Respectfully Sheweth,

With great veneration, the appellant ~~are~~ submits instant appeal on the following facts and grounds:

Facts:

1. That the appellant was enlisted as constable in Kohat District Police in the year 2004.
2. That the appellant hails from village Sheikhan.
3. That the appellant was falsely implicated in a case vide FIR No.286 dated 20-11-2011 U/S 3/4 PO P.S Usterzai Kohat.
4. That the appellant faced the trial and was ultimately acquitted by the learned Trial Court vide order dated 16-5-12 (Attested Copy of the order is enclosed herewith for perusal).
5. That the appellant proceeded against departmentally which ended into the passing of the impugned order (Copy of the order of DPO Kohat is enclosed herewith). Hence this appeal on the following grounds:

Grounds:

- a. That the appellant past service record is quite clean.
- b. That the appellant belongs to village Sheikhan (Kohat).

attested by
juw

- c. That Inspector Said Khan then SHO P.S Usterzai also hails to the same village (Sheikhan).
- d. That blood feud enmity exists between the families of the appellant and Inspector Said Khan then SHO P.S Usterzai.
- e. That on 20-11-11 the appellant had gone to Marai for extending invitation to one Sher Ali regarding the marriage ceremony of Rait Khan a relative of the appellant.
- f. That on return, the appellant found one Hamid Islam of village Sheikhan at Marai Police Post who allegedly was detained by the police after recovery of narcotics from his possession.
- g. That Inspector Said Khan the then SHO P.S Usterzai was also present in the above noted police check post.
- h. That the appellant was subjected to thorough search but nothing incriminating was recovered from the possession of the appellant.
- i. That both Hamid Islam and the appellant by the order of Inspector Said Khan were taken from Marai Check post to P.S Usterzai.
- j. That a case referred above was registered on the Murasala report of HC Mazhar Abas against Hamid Islam and appellant at the instance of Inspector Said Khan, for recovery of narcotics during Nakabandi on Marai Road about 6/7 K.M ahead from Marai Police check post towards Orazkai Agency.
- k. That being incharge of Marai Police Check post HC Mazhar Abas was supposed to perform his official duty at the said check post and no where else.
- l. That the appellant was roped in the case falsely at the instance of Inspector Said Khan with malafide intention as the appellant was neither accompany Hamid Islam at the time of his arrest nor anything incriminating was recovered from the appellant's possession.

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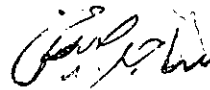
- m. That the appellant faced the trial and during trial, accused Hamid Islam stated before the court that the appellant had no concern with the recover narcotics and that the appellant was innocent.
- n. That from the court statement of accused Hamid Islam it was crystal clear that nothing unlawful was recovered from the possession of the appellant and the appellant was implicated in the case at the instance of Inspector Said Khan then SHO P.S Usterzai for ulterior motive. (Copy of the Court statement of accused Hamid Islam is enclosed for perusal)
- o. That the appellant being unconcerned with the seized narcotics was wrongly punished by the DPO Kohat.
- p. That the appellant was afforded no opportunity of cross examination during the departmental proceedings.

Pray:

In light of the above submissions, it is requested that the impugned order may kindly be set aside and the appellant reinstated in service from the date of dismissal with all back benefits so as to meet the ends of justice please.

Dated: 11-6-2012.

Yours obediently,



Ex-Constable Sajid Hussain

No.1028

Of Kohat District Police.

R/o Sheikhan (Kohat).

attested
by



ORDER

This order will dispose of appeal filed by Ex: constable Sajid Hussain No.1028 of Kohat District against the impugned order passed by District Police Officer, Kohat, vide which he was dismissed from service.

Facts arising of the case are that on 20.11.2011, the local Police of PS Usterzai arrested Sajid Hussain (herein after referred appellant) alongwith one Hamid Islam s/o Noor Aslam r/o shekhan, while coming on M/Cycle from Orakzai Agency side. The M/Cycle was driven by Hamid Islam and the appellant was sitting at the rear seat. On search the Police recovered charas weighting 1000 Gms from the possession (lap) of the appellant. Proper case vide FIR No. 286 dated 20.11.2011 U/A 3/4 PO, 9 CNSA, PS Usterzai was registered against them..

Therefore, on the above score of charges, the appellant was charge sheeted under Police Disciplinary Rules 1975, by DPO Kohat, and Inspector Legal, Kohat was appointed as E.O to scrutinize the conduct of the appellant (defaulter). The charge was established against him by the E.O, which resulted into his dismissal from service vide OB No.353 dated 22.5.2012.

Feeling aggrieved from the above punishment order he preferred the instant appeal and requesting therein for his re-instatement in service, who was called in Orderly Room on 25.7.2012, heard in person and record perused.

The appellant denied the recovery of contraband from his possession and stated that he was not in knowledge of the charas, recovered from Hamid Islam, who was convicted, while he has been acquitted by the competent court of law in the case registered against him.

I have gone through the record, which transpired that recovery of contraband was directly effected from the possession of appellant. The co-accused recorded his statement before the court on 16.5.2012 only to save the skin of appellant being his co-villager, while it was legally open for him to own the contraband during investigation/before the police. Regarding acquittal of the appellant in criminal case, both the criminal and departmental proceedings are independent of each other and decision in criminal case is not binding on departmental proceedings.

In view of the above and available record the appellant failed to establish any ill-will or malafidi on the part of police, hence the charge has been established against him beyond any shadow of doubt. The appellant indulged himself in criminal activities, who does not deserve to be retained in a disciplined force. Therefore, the order of DPO Kohat is upheld and the appeal is legally found defective, based on irrelevant and unconvincing grounds is hereby rejected.

Announced
25.7.2012

*affixed by
Jm*

(MOHAMMAD IMTIAZ SHAH)
PSP,QPM

Dy: Inspector General of Police
Kohat Region, Kohat.

No. 6040-4 /EC

30/07/12

Copy to District Police Officer, Kohat for information and necessary action. Service record of appellant is returned herewith.

2 ✓ Appellant.

(MOHAMMAD IMTIAZ SHAH)
PSP,QPM

Dy: Inspector General of Police
Kohat Region, Kohat.

بعدالت جہاں سہروسی کٹرہائل خیمبر محو خزاہ پٹا اور



مورخہ

مقدمہ

دعویٰ

جرم

2012ء پنجاب ایٹلرنٹ

بمجاہد حسین ولد طارق سٹاہ
x کمینبل کویٹ پولیس
(1028)

پیرس
کریڈیٹ کنٹرول پورس
کریڈیٹ کنٹرول
کریڈیٹ کنٹرول

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام چاہر کیلئے خاکر صلیت الیڈو وکٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضعی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی براندگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

2012

ماہ اگست

المرقوم 78

2012

العبد العبد العبد

کے لئے منظور ہے۔

سٹاہ

مقام

ساجد حسین

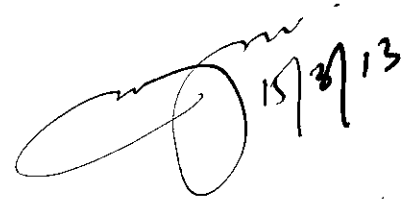
I-15 14301 1855046-9

Before The Khyber Pakhtunkhwa, Service Tribunal
Peshawar.

Service Appeal No. 874/2012
Sajid Hussain s/o Tariq Shah ex-constable
R/o Shaikhan Tehsil and District KohatAppellant.

V E R S U S

1. Provisional Chief Police/Inspector General of Police, Khyber Pakhtunkhwa.
2. Deputy Inspector General of Police, Kohat Region, Kohat.
3. The District Police Officer, KohatRespondents.



Reply/Parawise Comments:-

Respectfully Sheweth:-

Reply/Parawise comments on behalf of the respondents are as under:-

Facts of the instant appeal are that on 20.11.2011, appellant Sajid Hussain Constable while coming alongwith Hamid Islam from Paira Orakzai Agency on motorcycle was caught with 1000 Gms charas by the Usterzai Police. Case vide FIR No. 286 dated 20.11.2011 Under Act 3/4 PO was registered in PS Usterzai. Since the accused was serving as constable in the Police department, therefore, departmental proceedings were also initiated against him which resulted in his dismissal from service vide order dated 22.05.2012. The appellant filed a departmental appeal before the respondent No. 2. His appeal was heard and ultimately order of the respondent No. 3 was upheld while appeal being unconvincing and legally defective was dismissed vide order dated 30.07.2012.

Aggrieved from the order, Sajid Hussain has filed the instant departmental appeal before the honorable Service Tribunal, to which reply/parawise comments are submitted as under:-

Preliminary Objections:-

- a. That the petitioner has got no cause of action.
- b. That the appeal is legally defective and unconvincing.
- c. That the appeal is not entertain able/maintainable and also time barred.
- d. That the appeal in bad for misjoinder and non joinder.

Parawise Comments:-

1. Correct.
2. Incorrect. The appellant was genuinely charged in case FIR No. 286 dated 20.11.2011 under Art 3/4 PO PS Usterzai because 1000 Gms Charas was recovered by the Usterzai Police from his lap while coming on motorcycle from the tribal area Orakzai Agency to Kohat.
3. Correct upto the extent of acquittal but it was not honorable rather technical.

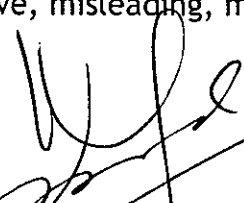
4. Correct to the extent that enquiry was initiated against the appellant however, it is incorrect that the enquiry officer did not examine any witness. Records reflects that statements of Mazher Abbas LHC and Sarwat Hussain constable were recorded during enquiry.
5. Correct. All legal and codal formalities have been fulfilled.
6. Correct.


Grounds:-

- a. Incorrect. Orders of punishment of both the respondents are exclusively based on merits, law and rules. Thus they deserve to be maintained/upheld.
- b. Incorrect. Service record of the appellant reflects that on 10.10.2007 he was awarded minor punishment of forfeiture of one year approved service for remaining absent for seven months. (Copy enclosed).
- c. Incorrect. As submitted above, the enquiry officer during enquiry examined Mazher Abbas LHC and Sarwet Hussain constable and provided opportunity to the appellant to defend himself.
- d. Incorrect. In order to save the skin of the appellant Hamid Islam the Co-accused admitted possession of Charas before the trial court.
- e. That under the law both the departmental proceedings and criminal proceedings are independent of each other. The one has got no bearing on the other while acquittal of the accused is technical because co-accused Hamid Islam took the burden upon himself by admitting possession of the contraband charas.

Prayers.

It is therefore prayed that order of the respondents 2,3 being lawful and based on merits may be upheld while the appeal being legally defective, misleading, misconceived and unconvincing may be dismissed.


Provisional Chief Police/
Inspector General of Police,
Khyber Pakhtunkhwa
(Respondent No. 1)


Deputy Inspector General of Police,
Kohat Region, Kohat
(Respondent No. 2)


District Police Officer, Kohat
(Respondent No. 3)

O R D E R

Constable Sajjid Hussain No. 1028 is hereby awarded a minor punishment of " Forfeiture of one year approved service " for his wilful long absence of 7 months with immediate effect. His monthly pay is released and the enquiry made against him is filed.

OB. No. Q34

Dated 18-10- /07.


District Police Officer, Kohat.

BEFORE THE KHYBER PAKHUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 874/2012

Sajid Hussain son of Tariq Shah,
Ex-Constable R/O Sheikhan District KohatAppellant

versus

Provincial Chief Police/I.G.P etcRespondents.

RE-JOINDER FOR AND ON BEHALF OF THE APPELLANT.

Respectfully submitted:

BACKGROUND

Facts given out an appeal may be treated as part of this re-joinder. The appellant was acquitted of the charge by the judgment dated 16-05-2012 of Addl. Sessions Judge, Kohat. Acquitted for all legal purposes and Hon'ble acquittal as held by the august Hon'ble Court of Pakistan in 1998 PLC (CS) page 1430 and 1998 S.C.M.R. page 1993, as also a judgment passed by this Hon'ble Tribunal on 5-04-2011 in service appeal No. 1494/2010 (Jafar Khan's case). Hence the appellant is entitled to reinstatement to service as prayed for.

PRELIMINARY OBJECTIONS.

1. Not correct, the appellant has cause of action.
2. The appeal is legally competent.
3. The appeal being well in time is maintainable.
4. Not correct, hence denied.

FACTS

1. No comments.
2. Incorrect, hence denied. Statement in appeal is correct. Facts stated in background above are self-explanatory.
3. Not correct, hence denied. In this respect what is stated under the heading background above is self-contained.

4. Incorrect. para-4 of the appeal is correct. The inquiry being wrongly done under the special power Removal Service Ordinance, 2000 were without jurisdiction, and the said Ordinance was repealed on 15-10-2011. The impugned order is nullity.

5&6) No comments.

GROUNDS

- a) Incorrect as denied. Ground as set up in appeal is well founded.
- b) Incorrect as denied. Ground-b of appeal is correct.
- c&d) Not correct. In this respect what is stated in background is a complete answer.
- e) Not correct. The statement in background above is more than enough in this regard. The appellant is entitled to re-instatement in service as prayed for.

It is, therefore, respectfully prayed that the Hon'ble Tribunal be pleased to allow the appeal as prayed for.

PESHAWAR

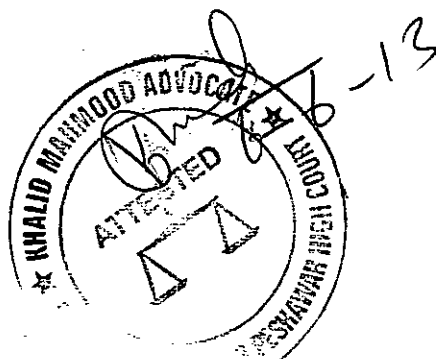
06-06-2013

Appellant
through
(Zakir Hayat)
Advocate, Peshawar

AFFIDAVIT

I, Sajid Hussain S/O Teriq Shah, R/O Sheikhan District Kohat do hereby solemnly affirm and declare on oath that the contents of the above re-joinder are true and correct to the best of my knowledge and belief.

Sajid Hussain
Depoent



BEFORE THE KHYBER PAKHUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 874/2012

sajid Hussain son of Tariq shah,
Ex-Constable R/O sheikhan district KohatAppellant

versus

Provincial Chief Police/I.G.P etcRespondents.

RE-JOINDER FOR AND ON BEHALF OF THE APPELLANT.

Respectfully submitted.

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5&6) No comments.

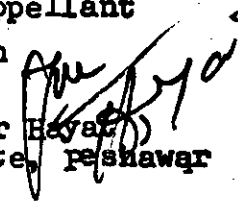
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- b) Incorrect as denied. Ground-b of appeal is correct.
- c&d) Not correct. In this respect what is stated in background is a complete answer.
- e) Not correct. The statement in background above is more than enough in this regard. The appellant is entitled to re-instatement in service as prayed for.

It is, therefore, respectfully prayed that the Hon'ble Tribunal be pleased to allow the appeal as prayed for.

PESHAWAR

06-06-2011

Appellant
through 
(Zakir Hayat)
Advocate, Peshawar

AFFIDAVIT.

I, Sajid Hussain S/O Tariq Ghah, R/O Sheikhan District Kohat do hereby solemnly affirm and declare on oath that the contents of the above re-joinder are true and correct to the best of my knowledge and belief.


Deponent



BEFORE THE KHYBER PAKHUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 874/2012

Sajid Hussain son of Tariq Ghah,
Ex-Constable R/O Sheikhan District KohatAppellant

versus

Provincial Chief Police/I.G.P etcRespondents.

RE-JOINDER FOR AND ON BEHALF OF THE APPELLANT.

Respectfully submitted.

BACKGROUND

Facts given out an appeal may be treated as part of this re-joinder. The appellant was acquitted of the charge vide judgment dated 16-05-2012 of Addl. Sessions Judge, Kohat. Acquitted for all legal purposes and Hon'ble acquittal as held by the august Hon'ble Court of Pakistan in 1998 PLC (CS) page 1430 and 1998 S.C.M.R. page 1993, as also a judgment passed by this Hon'ble Tribunal on 5-04-2011 in service appeal No. 1494/2010 (Jafar Khan's case). Hence the appellant is entitled to re-instatement to service as prayed for.

PRELIMINARY OBJECTIONS.

1. Not correct, the appellant has cause of action.
2. The appeal is legally competent.
3. The appeal being well in time is maintainability.
4. Not correct, hence denied.

FACTS

1. No comments.
2. Incorrect, hence denied. Statement in appeal is correct. Facts stated in background above are self-explanatory.
3. Not correct, hence denied. In this respect what is stated under the heading background above is self-contained.

4. Incorrect. para-4 of the appeal is correct. The inquiry being wrongly done under the special power Removal Service Ordinance, 2000 were without jurisdiction, and the said Ordinance was repealed on 15-10-2011. The impugned order is nullity.

5&6) No comments.

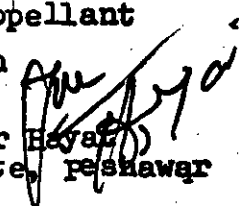
GROUNDS

- a) Incorrect as denied. Ground as set up in appeal is well founded.
- b) Incorrect as denied. Ground-b of appeal is correct.
- c&d) Not correct. In this respect what is stated in background is a complete answer.
- e) Not correct. The statement in background above is more than enough in this regard. The appellant is entitled to re-instatement in service as prayed for.

It is, therefore, respectfully prayed that the Hon'ble Tribunal be pleased to allow the appeal as prayed for.

PESHAWAR

06-06-2011

Appellant
through 
(Zakar Hayat)
Advocate, Peshawar

AFFIDAVIT.

I, Sajid Hussain s/o Tariq Ghah, R/O Sheikhan District Kohat do hereby solemnly affirm and declare on oath that the contents of the above re-joinder are true and correct to the best of my knowledge and belief.


Deponent



BEFORE THE CHARIMAN KPK SERVICE TRIBUNAL
PESHAWAR

C.M.No. _____/2013

IN

Appeal No.874/2012

Sajid Hussain S/o Tariq Shah Ex-Constable
R/o Sheikhan District Kohat.....Appellant

VS

Provisional Chief Police/ Inspector General of Police
KPK & othersRespondents

593
16/7/13

*Place on file
and put
up for
consideration
when number
of members
of Tribunal
increased
appropriate*

APPLICATION FOR EARLY HEARING

Respectfully Sheweth:-

1. That the above title case is fixed before this Hon'ble Tribunal on 10.10.2013.
2. That the last date for hearing was fixed for 06.06.2013, as the Hon'ble Tribunal was not in existence, therefore, the appellant was given a date i.e. 10.10.2013 in the above mentioned case.
3. That the appellant is without job and is only bread winner of his family.

In view of above, it is therefore, most humbly prayed that on acceptance of this application, the above title appeal may graciously be fixed as early as possible for securing the ends of justice.

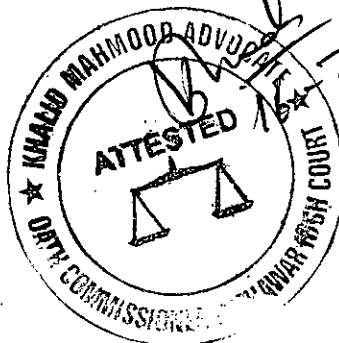
Appellant

Through

Zakir Hayat
Zakir Hayat
Advocate, Peshawar

AFFIDAVIT

I, Zakir Hayat Advocate (Counsel for Appellant), do hereby affirm and declare as per information furnished by my client that the contents of this **Application** are true and correct and nothing has been concealed from this honourable court.



Zakir Hayat
DEPONENT

Before The Khyber Pakhtunkhwa, Service Tribunal
Peshawar.

Service Appeal No. 874/2012
Sajid Hussain s/o Tariq Shah ex-constable
R/o Shaikhan Tehsil and District KohatAppellant.

V E R S U S

1. Provisional Chief Police/Inspector General of Police,
Khyber Pakhtunkhwa.
2. Deputy Inspector General of Police, Kohat Region, Kohat.
3. The District Police Officer, KohatRespondents.

REQUEST FOR ADJOURNMENT..

Respectively Sheweth:-

1. Most respectfully, It is humbly submitted that the above mentioned service appeal is fixed before the Honorable Service Tribunal on 10.10.2013.
2. That I have been assigned a very important task by my seniors, due to which I am unable to attend the Hon: Service Tribunal.
3. It is requested that an adjournment in the case may be granted and oblige.


(MIAN IMTIAZ GUL)
DSP Legal Kohat

9/10/2013

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 879 /2012

349
20/11/13

Syed Sajid Hussain (Appellant)

VERSUS

Inspector General of Police
and others..... (Respondents)

Call on
file, and
put up
when
tribunal
is complete

APPLICATION FOR EARLY HEARING

Respectfully Sheweth:

1. That the above mentioned Appeal is pending adjudication before this Hon'ble Tribunal and is fixed for 31/03/2014.
2. That the appellant case is fixed for arguments on 31/03/2014, the appellant is without job and has no other source of income to earn money as he was a constable in Police Department.
3. That the appellant only source is that service, therefore request that the Hon'ble Tribunal may please fixed the case on early date.

13/12/13

It is, therefore, respectfully prayed that on acceptance of this application, the date in the Service Appeal may kindly be accelerated by fixing it on an earlier date.

Appellant

Through



Dated: 29/11/2013

Zakir Hayat
Advocate High Court,
Peshawar.

AFFIDAVIT:

I, Syed Sajid Hussain, do hereby solemnly affirm and declare that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




DEPONENT

بیان ازان در طبع عباس ۱۱۴۵ انجمن خیرین
۱۱۴۵

حیات عالی!

میرا محبت انجمن خیرین میری دوستی میری دوستی میری دوستی

رہا ہوں بروز جو ہم اطمینان ملی کہ ہر طرف اندر کرنی انجمن سے
دو اشخاص ہذا نے جو مسائل کا جواب دیا ہے اس کو ہم قبول کرتے

الذبح پر مساجد کشیدہ شد و شہداء ۴۴۷ یا صلی ۴۶۱ کرانہ ۲۹۸

کھچام پختہ ہوئی یا لا حول و نا کم ہستی کہ ۲ بوند ۱۱۰۰۰ کی جانب ہر طرف

اندر کرنی انجمن خیرین مسائل نمبر ۱۲۵ برتک کا ۲۰۱۱

حسبہ گوئی کہ جہاں ہر دو جوان سوار کے طور مسائل پھلانے والے نے ایسا

نام حامد الذبح وہ نورانی شہداء کو کھچا گیا جہاں دوسرے جوان

نے ایسا نام سا حد حسنہ کا کھچا گیا شہداء شہداء شہداء شہداء شہداء

دوران سا حد حسنہ کے کھچو مساجد پلاسٹک لگانے سے جو ساگروہ ہر ایک کے

وزن ۴۵۰ گرام لعلی ۵ گرام لہذا ۴۵۰ گرام لہذا ۴۵۰ گرام لہذا ۴۵۰ گرام لہذا

نہ ستر کے بڑے فروضیم بولہ کا اور مسائل نمبر ۱ کو بھی ہر دو وطنی اور کھچا

ہر دو حلزبان یہ کھچو ۳۴۲ کے برتک یا کہ صحت کا کھچو ۲۰۱۱

قائم ہر ایک کے کھچو ۳۹۸ جہاں حلزبان سے حلزبان سے

کے زر طبع و کھچو ۴۴۷ یا صلی ۴۶۱ کھچو ۲۰۱۱

سی سے حلزبان

منظر عباس ۱۱۴۵ انجمن خیرین

XXXX
P.P. 14.3.12
MO

کیا موٹر سائیکل میں چلا دیا تھا کہ حامد

- حامد اسلحہ موٹر سائیکل چلا رہا تھا۔

- حامد اسلحہ کو موٹر سائیکل چلانا نہیں آتا آپ سے

اسے کہتے ہیں

۱۵ اگست کو موٹر سائیکل چلا رہا تھا

سوال :- ہم زبردستی کس طرف جا رہے تھے یا کہ آ رہے تھے

جواب :- یا پیر سے آ رہے تھے

سوال :- موقع پیر ایکو بنا تھا کہ یہ پولیس کانسٹیبل سے

جواب :- جی ہاں مجھے پتہ تھا کہ یہ پولیس کانسٹیبل سے

سوال :- دوسرا شخص کون تھا ساجد حسین نے اسکا تعارف کروایا کہ میں

جواب :- کوئی خاص تعارف نہیں کروایا کہ میں حامد اسلحہ دوست سے

سوال :- پیرس سے کس سے اجازت لے کر آئے تھے پیرس کی

جواب :- پیرس ساجد حسین کانسٹیبل سے فرات حسین پیر 447

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Handwritten signature and date 14/3.

بیان از ان تروت حسین 447 مقبولہ فری لوہٹ کے تھانہ استرزی

جناب عالی

میں مجسٹریٹ کانسٹیبل فری لوہٹ میں ڈپٹی سرانجام دے رہا ہوں۔

میرے قریبی اہل خانہ 7 فطیرہ کلاس 1142 کو بذریعہ مخیر اطوار علی کہ پتھرہ علاقہ اور فری لوہٹ سے نزدیکی میں سائنس ڈیپارٹمنٹ میں ڈیپارٹمنٹ کے تھانہ میں شامل ہیں۔

میں میری اہلیہ کو ڈپٹی کانسٹیبلوں باقر علی 464 کے ساتھ 388 مقام پتھرہ فری لوہٹ میں رکھا

ہوئے تاکہ بندیا کر کے جو رقم 11-00 کی جانب پتھرہ علاقہ میں رہیں اور سائنس ڈیپارٹمنٹ

میں سائنس ڈیپارٹمنٹ میں شامل ہو کر اس کے جس میں 2 جوان سوار تھے۔ ڈیپارٹمنٹ

میں جو ان کے نام حاد اسلام ولد نور اسلام سکھتے تھے ان کے دو سرے جوان

تھے ان کے نام ساجد حسین ولد طارق شاہ۔ ان کے ساتھ تھے تھانہ میں رہتے تھے

کے گود میں سفید پلٹنگ کھانہ میں جس میں میری گودہ برآوا ہو کر دریا گودہ

میں 1000 گرام زنگی جس کو حسب ضابطہ گرفتار کیا گیا۔ جس کو گودہ میں میں اور

باقر علی 464 نے ملزمان مارا اور مال گودہ میں محفوظ رکھا ہے جو مال لیا

یہ میرا بیان ہے۔

کانسٹیبل تروت حسین 447 مقبولہ فری لوہٹ کے تھانہ استرزی

الفری تروت حسین

14-3-12

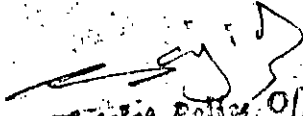
سوال: پیرس حامد اسلام کے ساتھ تھی کہ ساتھ میں سے ملے

جواب: ساجد حسین کے ساتھ تروت حسین۔ ساجد حسین

1413

15-CENSURES AND PUNISHMENTS.

Charge:- For his long absence of 7 months
Punishment. Awarded a minor punishment of
 ° Forfeiture of One year approved
 Service with immediate effect.
 ° B: No. 834
 Dated: 10-10-2007.


 District Police Officer
 Kohat

"Suspension"

Being involved in Criminal Case
 with Case FIR No. 286 dt: 20-11-2011
 U/s 3/4 PO/90 CNSA P.S. Usbergai, Kohat
 is hereby placed under suspension with
 immediate effect.

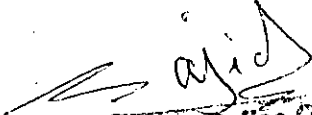
C.B. No. 863
 dt: 22-11-2011


 District Police Officer
 Kohat

Dismissed from Service

Being involved in Criminal Case
 with Case FIR No. 286 dt: 20/11/2011
 U/s 3/4 PO/90 CNSA P.S. Usbergai, Kohat is
 hereby dismissed from service with immediate
 effect.

C.B. No. 853
 dt: 22/11/2011


 District Police Officer
 Kohat

جناب عالی

مشورہ شمارہ نمبر 17-16-18-16-17/PA + 18-16-17-18-16-17/PA

جناب ڈسٹرکٹ پولیس آفیسر معروفہ حضرت خوں کا
سائل نے حروفہ 19/11 کو جو بیان دیا ہے وہ بالکل
درست اور حقیقت پر مبنی ہے بیان نورانی عرض ہے

سید ابرار حسین

x x x

سوال :- پوس آف کے پاس تھی کہ حامد اسلام کے
ساتھ

چلے :- پوس سیار کے پاس میں تھی

سوال :- کیا مظہر عباس نے بے گناہ آپ کو لپری دیا ہے

جواب :- جی ہاں

عباس

سوال :- بے گناہ لپری بیوی نے آپ کے مظہر ~~کی~~

کے خلاف کسی افر کو کوئی شکایت یا درخواست دی تھی

جواب :- میں نے کوئی شکایت افران یا لا کو نہیں کی اور میں

میں ان سے خلاف کوئی درخواست دی ہے

سوال :- آپ نے شکایت میں کسی جگہ آپ کے گناہ کو

جواب :- عدالتی ضلع کا انتظار ہے

سوال :- اپنی صفائی میں کبھی مہیا جانتے ہیں

سید ابرار حسین

جواب :- پیرنگ ٹالیم دیں صفائی نہیں کروں گا

14/7

نے بار بار منت بیان کیا کہ میں نے اس سے پہلے نہیں، چارج ٹیسٹ کا بیان جو
 ہے اور حقیقت پر مبنی ہے۔ اور اب پھر کہتا ہوں کہ مورخ 11-11-20 کو روز الفوار میں
 صفحہ نمبری اور میں دوست کے تعالیٰ کی شادی کی دعوت دینے بذریعہ فورٹ سائیکل
 سرائی خارج تھا۔ جب پولیس چیک پوسٹ سرائی پہنچا تو پولیس پارٹی نے مجھے دست
 خوردہ سائیکل کے کاغذات طلب کیے ہیں نے جواب میں کہا کہ فورٹ سائیکل پر
 دوست کی ہے اور کاغذات ایسی نہیں بنوائے التھر ڈیپلر کی انسپکشن میں
 موجود ہے ضرورت ہو تو میں پیش کر سکتا ہوں۔ چوکی اکیارح مظہر عباس
 عین سیکر میں حضور آیا جب ہم سرائی روانہ ہوئے تو کچھ فاصلے تک
 جا کر ایک تھنر تھا ایک اپ ہم سے آگے ہو کر ہمیں روکنے کا اشارہ
 کیا جس میں مظہر عباس H.C قسم سٹیشن موجود ہے۔ ہم دست کر مظہر عباس
 نے کہا کہ آپ لوگ SH5 صاحب کے گاڑی والے ہو SH5 صاحب آپ کو
 بلا رہے ہیں۔ ہم وہاں سے واپس ہوئے جبکہ پوسٹ پر ہمیں کھٹا ہوا تھا
 کہ SH5 صاحب آ رہے ہیں۔ میں چار گھنٹے انتظار کے بعد مظہر عباس H.C
 نے کہا کہ SH5 صاحب کھانا نہیں چاہتے وہاں بلا لیا۔ ہم کھانا کھانے کو
 حوصلہ دیا کہ SH5 صاحب کھانا نہیں کھیں گے۔ تو ہم نے مظہر عباس H.C کو کہا
 کہ اگر تمہارا ہمت ہے۔ تو پہلے آپ کے ہمیں چوکی میں نہیں۔ چار گھنٹے انتظار
 کروانا اور اب محفوض لولا کے SH5 صاحب کے کھانا بلا لیا۔ تو فوراً H.C
 کھم میں ہوا اور لولا ایک فورٹ سائیکل کے کاغذات نہیں ہے اور دوسری
 آپ لوگ جس سٹیکر میں ہو آپ لوگوں کے خلاف میں FIR درج کر رہا ہوں

ہائس HC نے ہمیں سوالات میں لنگڑیا اور ہمارے قلاب

ہمیں 9CHS کر دیا گیا - جو عجوبہ ہونا چاہتے ہیں

18/16-17/18
ہر وقت ہر وقت ہر وقت
ہر وقت ہر وقت ہر وقت

میں بے گناہ بیوں میں تو پھر میں بیٹا نہیں ہونے سے
کوئی اور کشتہ زنا بیوں اور نہ میں وائٹ بیٹہ بیوں میں
ایک شریف گزرنے سے تعلق رکھتا ہوں - فطیر عباس HC
میرا ساکو زیادتی کی ہے براہ مہربانی مجھے اصراف دیا جائے
میرا ساکو ایسے جس کی میں لنگڑیا کرتا ہوں

سماں لکھتے ہیں

3/01/2012

X X X X

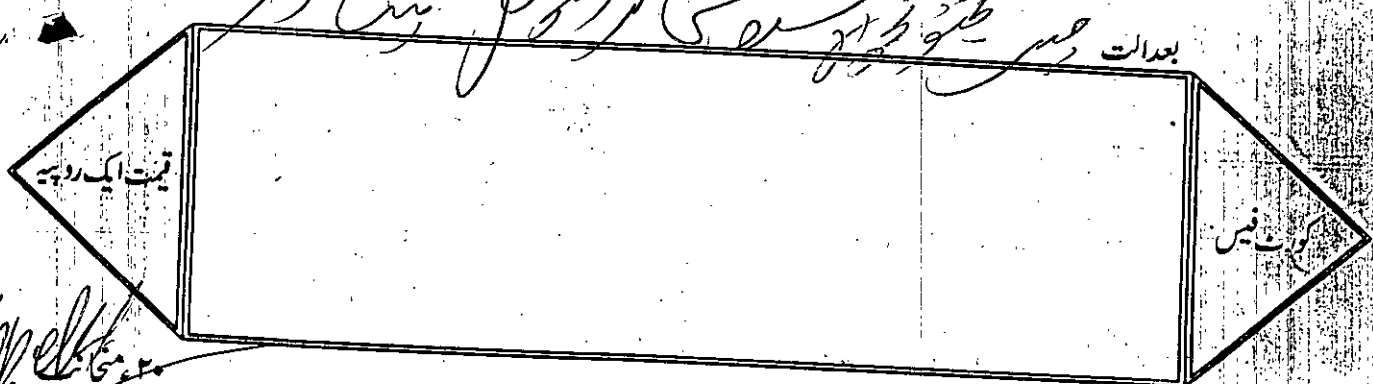
سوال: جب آپ مرگے جارہے تھے تو آپ کے ساکو دوست کون تھا؟
جواب: میرے ساکو ایک دوست تھا جس کا نام حامد اسلام جس کی بیوائی کی شادی تھی اور
اس دن دعوت دینے ہم جارہے تھے

سوال: مرگے ساکیل آپ کے دوست حامد اسلام کی تھی؟
جواب: نہیں مرگے ساکیل میرے ایک اور دوست کی تھی -
سوال: فطیر عباس HC آپ کو پہچانتا ہے؟
جواب: جی ہاں

سوال: فطیر عباس HC نے آپ کے ساکو زیادتی کی ہے؟
جواب: 2005ء جب میں PTE میں ٹریننگ آ رہا تھا اس وقت فطیر عباس لوئر کلاس میں تھا تو ہم دونوں
میرا ساکو ایسے اور ہم کو سزا دی کہ ہم نے فطیر عباس کی آواز اور ہم نے اس کی بیوائی کی شادی
نے نہیں کی کہ اپنی بیوائی ہے۔ اس وقت میں اس کی بیوائی کے ساکو نہیں کرتا

3/01/2012 سماں لکھتے ہیں

بعدالت عسر طعنہ کی درخواست میں



Appel No. 874/2012

مقدمہ مقدمہ - نام درخواستی صاحب و وکیل

Service Appels no - 874/2012

باعث تحریر آنک

مقدمہ
مقدمہ
دعوے
جرم

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی کل کاروائی متعلقہ آل مقام کے لئے

حاصل ہوئے۔ درخواستی صاحب و وکیل

مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا اختیار ہوگا۔ نیز وکیل صاحب کو کرنے راجس نامہ و تقریر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک در روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زر اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی انجید منسوخی و نیز دائر کرنے اپیل نگرانی نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے۔ اور اس کا ساختہ پر داختم منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق کیا صاحب موصوف ہوں گے نیز بقایا خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اور کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر وکیل صاحب پابند نہ ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

ماہ

المرقوم

الع

Received

کے لئے منظور ہے۔

مقام مشاور

HASSAN U.K. AFZALI
(Advocate)
High Court Peshawar

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1314 /ST

Dated 31 / 8 /2015

To

DPO,
Kohat.

Subject: - JUDGEMENT.

I am directed to forward herewith certified copy of Judgement dated 21.8.2015 passed by this Tribunal on subject Judgment for strict compliance.

Encl: As above



REGISTRAR,
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.