

Appeal No. 1195/2016
Faisal Ali Shah vs Govt

15.03.2021

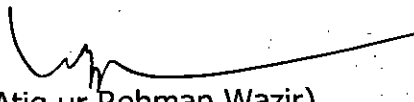
Appellant present through counsel.


Riaz Khan Paindakheil learned Assistant Advocate General alongwith Mian Niaz Muhammad DSP and Shiraz H.C for respondents present.

Perusal of record reveals that punishment of reduction in rank was ordered to be effective for two years w.e.f. 02.12.2015 vide order of the Commandant, Elite Force Khyber Pakhtunkhwa Peshawar dated 21.10.2016.

For the foregoing reasons, instant appeal stands dismissed being infructuous. No order as to costs. File be consigned to the record room.

Announced
15.03.2021


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

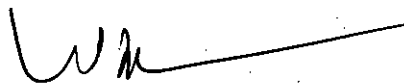

(Rozina Rehman)
Member (J)
Camp Court, A/Abad

19.10.2020

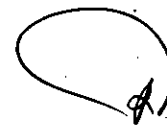
Nemo for parties.

Learned Assistant Advocate General present.

Lawyers are on general strike therefore the case is adjourned. To come up for arguments on 14.12.2020 before D.B at Camp Court, Abbottabad. Notice be issued to both the parties for the date fixed.




(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

14.12.2020


Due to Covid-19, case is adjourned to 15.03.2021 for the same as before.




Reader

20.01.2020

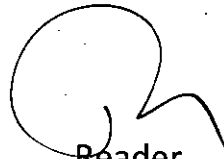
Clerk to counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mian Niaz Muhammad, Inspector and Mr. Shiraz, H.C for respondents present. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 17.02.2020 before D.B at camp court Abbottabad. Appellant be put on notice for the date fixed.


Member


Member
Camp Court A/Abad

17-2-20

Due to covid ,19 case to come up for the same on 13/ 4 /20
at camp court abbottabad.


Reader

Due to summer vacation case to come up for the same on 10 / 20
at camp court abbottabad. 119


Reader

Service Appeal No. 1195/2016

16.12.2019

Counsel for appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present.

During the course of arguments it was pointed out that after the impugned order dated 02.12.2015, the appellant filed departmental appeal on 30.12.2015 but the departmental authority before deciding departmental appeal of the appellant issued order of de-novo inquiry and on the basis of which a de-novo inquiry was conducted but the order of departmental authority for initiating of de-novo inquiry is not available on the record nor the statement of witnesses recorded during the de-novo inquiry is available on the record. Therefore, respondents are directed that the order passed by the departmental authority regarding de-novo inquiry as well as statement of the witnesses recorded during the inquiry proceeding alongwith complete record of inquiry proceeding may be furnished on the next date positively. Case to come up for record and arguments on 20.01.2020 before D.B at Camp Court Abbottabad. Respondents are also directed to direct the representative to attend the court and submit aforesaid record on the date fixed.



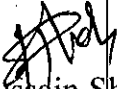
(Hussain Shah)
Member
Camp Court Abbottabad




(M. Amin Khan Kundi)
Member
Camp Court Abbottabad

08.07.2019

Counsel for the appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Sheraz, Head Constable for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 16.09.2019 for arguments before D.B at Camp Court Abbottabad.


(Hussain Shah)
Member

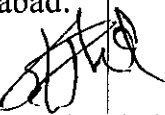
Camp Court Abbottabad


(Muhammad Amin Khan Kundi)
Member


Camp Court Abbottabad

16.09.2019

Counsel for the appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Learned counsel for the appellant stated that criminal case of the appellant is pending so far, therefore, requested for adjournment. Adjourned to 18.11.2019 for arguments before D.B at Camp Court Abbottabad.


(Hussain Shah)
Member

Camp Court Abbottabad


(Muhammad Amin Khan Kundi)
Member

Camp Court Abbottabad

18.11.2019

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 16.12.2019 before D.B at Camp Court Abbottabad.


Member


Member
Camp Court Abbottabad

15.01.2019

Learned counsel for the appellant and Mr. Muhammad Bilal learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 18.03.2019 before D.B at camp court Abbottabad.


Member


Member

Camp Court Abbottabad

18.03.2019

Learned counsel for the appellant and Mr. Muhammad Bilal learned Deputy District Attorney alongwith Akbar Hussain SI present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 20.05.2019 before D.B at Camp Court Abbottabad.



Member


Member
Camp Court A/Abad.

20.05.2019

Counsel for the appellant and Mr. Muhammad Bilal, DDA alongwith Mian Niaz Muhammad, Inspector for respondents present. Counsel seeks adjournment as he has not prepared the case. Adjourned. Case to come up for arguments on 08.07.2019 before D.B at camp court Abbottabad.


(Ahmad Hassan)
Member


(M.Amin Khan Kundi)
Member
Camp Court A/Abad

23.05.2018

Appellant Faisal Ali Shah in person and Mr. Ishfaq Lodhi S.I (Legal) alongwith Mr. Usman Ghani District Attorney for the respondents present. Appellant requested for adjournment as his counsel has not reached from Haripur. Request is accepted. To come up for arguments on 27.08.2018 before the D.B at camp court A/Abad.



Member


Chairman
Camp court, A/Abad


27.08.2018

Counsel for the appellat present. Due to summer vacations, the case is adjourned .To come up for the same on 18.10.2018 at camp court Abbottabad.




Reader

18.10.2018

 Counsel for the appellant Mr. Muhammad Aslam Tanoli, Advocate present. M/S Nasir Ahmad, ASI and Muhammad Sheraz, H.C alongwith Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant made a request for adjournment. Adjourned. To come up for arguments on 15.01.2019 before D.B at camp court, Abbottabad.


Member


Chairman
Camp Court, A/Abad

1195/16


25.08.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Shamraiz Khan, H.C for the respondents present and reply filed. The appeal is assigned to D.B for rejoinder , if any, and final hearing for 21.12.2017 at camp court, Abbottabad.


Chairman
Camp Court, A/Abad


21.12.2017


Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Mr. Ashfaque Lodhi ASI & Shiraz Khan, LHC for the respondents present. Counsel for the appellant submitted rejoinder which is placed on file. Arguments could not be heard due to incomplete bench. To come up arguments on 21.03.2018 before D.B at Camp Court, Abbottabad.


(Gul Zeb Khan)
Member (Executive)
Camp Court, Abbottabad.

21.03.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Sheraz H.C for the respondents present. After hearing the arguments at some length, the learned counsel for the appellant seeks adjournment. To come up for arguments on 23.05.2018 before the D.B at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad

19.1.2017

Learned counsel for the appellant argued that the appellant was serving as Sub Inspector when subjected to enquiry on the allegations of professional misconduct and vide final order of the appellate authority reduced to rank of ASI for 2 years on 21.10.2016 communicated to the appellant on 15.11.2016 and hence the instant service appeal on 02.12.2016.

That no denovo enquiry was conducted. That neither any charge sheet was issued nor any opportunity of hearing was extended to the appellant.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days notices be issued to the respondents. To come up for written reply/comments on 21.04.2017 before S.B at camp court, Abbottabad.

Appellant Deposited Security & Process Fee

Chairman

Camp court, A/Abad

21.04.2017

Counsel for the appellant and Mr. Jayed Iqbal, Inspector (I.cga), along with Mr. Muhammad Siddique, Sr. GP, for the respondents present. Written reply not submitted. Requested for adjournment. The Worthy Chairman is on leave. To come up for written reply/comments on 25.08.2017 before S.B at camp court, Abbottabad.

Registrar

Camp Court, Abbottabad.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1195/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02/12/2016	<p>The appeal of Mr. Faisal Ali Shah presented today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2-	8-12-2016	<p>This case is entrusted to Touring S. Bench at A. Abad for preliminary hearing to be put up there on <u>19-12-2016</u></p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1195/2016

Faisal Ali Shah S/O Mehboob Ali Shah, ASI, I/C Platoon No. 45, Elite Force,
Abbottabad. (*Kohistan*) **Appellant**

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
3. Dy. Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.

Respondents.

SERVICE APPEAL

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APPELLANT

Colls

THROUGH

(MOHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT HARIPUR

Dated: 02-12-2016

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 1195/2016

Faisal Ali Shah S/O Mehboob Ali Shah, ASI, I/C Platoon No. 45, Elite Force, Abbottabad. (Kohistan)

Appellant

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
2. Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar
3. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa,
Peshawar.

Respondents.

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER NO.14656-63/EF DATED 02-12-2015 PASSED BY THE DEPUTY COMMANDANT ELITE FORCE KPK, PESHAWAR WHEREBY THE APPELLANT HAS BEEN AWARDED WITH MAJOR PENELTY OF REDUCTION IN RANK FROM SUB. INSPECTOR TO ASSTT. SUB. INSPECTOR AND ORDER NO.15326-31/EF DATED 21-10-2016 (DELIVERED ON 15-11-2016) WHEREBY APPELLANT'S APPEAL HAS BEEN REJECTED AND PUNISHMENT OF REDUCTION IN RANK WILL REMAIN EFFECTIVE FOR TWO YEARS WITH EFFECT FROM ORIGINAL DATE OF PUNISHMENT I.E. 02-12-2015.

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL ORDER DATED 02-12-2015 OF DY. COMMANDANT ELITE FORCE KPK PESHAWAR MAY GRACIOUSLY BE SET ASIDE AND THAT OF APPELATE AUTHORITY ORDER DATED 21-10-2016 TO THE RESTRICTION OF PUNISHMENT OF REDUCTION IN RANK FOR 02 YEARS MAY ALSO BE SET ASIDE AND APPELLANT BE RE-INSTADT IN HIS RANK OF SUB. INSPECTOR W.E.F. 02-12-2015 WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS ON RENDITION OF ACCOUNT.

Respectfully sheweth,

Filed to play
Sundher
Registrar

1. That the Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar vide his order No.14656-63/EF dated 02-12-2015 had awarded the appellant with major penalty of "reduction in rank" from Sub. Inspector to ASI

with immediate effect. **(Copy of order dated 16-02-2015 is attached herewith as Annex- "A")**.

FACTS:

2. That while appellant posted as SHO Police Station Sazin District Upper Kohistan was served upon with a Show Cause Notice under No. 8934/EF dated 31-07-2015 by Deputy Commandant, Elite Force Khyber Pakhtunkhwa, Peshawar alleging therein that ***"you while posted as SHO in Police Station Sazin District Upper Kohistan, with the connivance of other police officials, prepared fake FSL and MRA report. In order to extend the benefit to the owner of the vehicle with malafide intention which shows professional gross misconduct and criminal negligence act on your part"***, and the appellant was suspended vide order No.8926-33/EF dated 31-07-2015 with immediate effect. **(Copies of Show Cause Notice and suspension order are attached herewith as Annex "B" & "C")**.
3. That the above mentioned Show Cause Notice was replied by the appellant on 06-08-2015 denying the allegations and furnishing all facts and circumstances in detail but the same was not considered for the unknown reasons. **(Copy of reply to Show Cause Notice dated 31-07-2015 is attached herewith as Annex "D")**.
4. That thereafter the Deputy Commandant, Elite Force Khyber Pakhtunkhwa, Peshawar issued a Charge Sheet allongwith summary of allegations vide No.9794-99/EF dated 11-08-2015 with the same allegations and Mr. Saeed

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Ahmed Malik DSP of Elite Force Mansehra was appointed as Inquiry Officer.

(Copies of Charge Sheet & Statement of Allegation dated 11-08-2015 are attached herewith as Annex "E" & "F").

5. That the above mentioned Charge Sheet was duly replied by the appellant flatly refuting the allegation leveled therein and supplying all facts and circumstances of the matter in detail but same was also not considered.
(Copy of reply is attached herewith as Annex "G").

6. That no proper enquiry was ever conducted by the Enquiry Officer. Neither any witness against appellant was produced before the Inquiry Officer nor was he provided with the opportunity to cross examine such witness 'similarly no documentary evidence was produced nor was appellant confronted with such documentary evidence. Appellant was not provided the findings of inquiry before issuing Final Show Cause Notice.

7. That thereafter the appellant was served with a Final Show Cause Notice vide No.12943/EF dated 19-10-2015 by the Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar with the same allegations as mentioned above.
(Copy of Final Show Cause Notice dated 19-10-2015 is attached as Annex-"H").

8. That Final Show Cause Notice was replied by appellant on 25-10-2015 communicating all facts and circumstances in detail and vehemently denying the allegations.
(Copy of the reply dated 25-10-2015 is attached herewith as "I").

9. That in fact while appellant posted as SHO PS Sazin Upper Kohistan on 14-04-2015 performing routine patrolling duty on KKH road intercepted a suspected vehicle Motor Car No.B-9100-B SWAT. The same was taken into custody under section 523/550 PPC, and with the permission of the Judicial Magistrate, Kohistan investigation under section 156(3) C.R.Pc was carried out. On 27-04-2015 the appellant under direction of his Officer took the said vehicle to FSL Peshawar for examination. Registration of the vehicle was submitted for MRA report to the concerned office at Swat. The entire record/papers were handed over to ASI Mohammad Amjad Khan Investigation Officer. **(Copies DD No.11 dated 14-04-2015, Recovery Memo of Vehicle dated 14-04-2015, Application for investigation u/s 156(3) Cr.PC dated 15-4-2015, Recovery Memo of Registration Book dated 20-4-15 are attached as Annex "J, K, L, M).**
10. That on 30-04-2015, Mohammad Habab Head Constable PS Kohistan collected the report from FSL Peshawar and produced the same which was immediately brought to the notice of DSP Circle Officer Mohammad Riaz and on his instruction same was handed over to Mohammad Amjad ASI Khan Inv. Officer for further proceeding in the matter. **(Copy of FSL report is attached as Annex "N").**
11. That one Aziz-ur-Rehman S/O Sown R/O Serithore Chillas brought MRA Report to appellant which also after brining into the notice DSP Circle Mohammad Riaz was handed over to the said ASI Mohammad Amjad Khan I.O. for

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further necessary action in the investigation proceeding.

(Copy of MRA report is attached as Annex "O").

12. That on completion of investigation, the ASI Mohammad Amjad Khan I.O. submitted his complete report. Owner of the vehicle submitted an application for superdari before the Judicial Magistrate Kohistan who ordered the release of the vehicle the same day on production of Machalka. **(Copies of Investigation Report, Superdari Application, Machilkas and order of court dated 07-05-2015 are attached as Annex " P, Q, R & S).**
13. That it was the mandatory duty of Investigation Officer that before putting the FSL & MRA reports before the court for releasing the vehicle on superdari must have got verified these documents from concerned offices.
14. That when High-up of the police got verified the said reports from the concerned offices were found as fake. **(Copies of reports of the concerned offices are attached as Annex "T, U").**
15. That it is very astonishing one that fake report of FSL has been prepared on the original/fair paper of paid which can only be managed by FSL Staff. This fake report also bears stamp and signature of the concerned FSL officer. Similarly the paid used for MRA report including stamp and signature cannot be procure by anybody other than concerned staff. Question of involvement of staff of FSL and MRA (Motor Registration Authority) offices cannot be ruled out. But no one from their offices is touched to dig out the true facts of the matter. But appellant was made

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scapegoat and awarded the punishment of reduction in rank from Sub. Inspector to ASI by the Dy. Commandant Elite Force KPK Peshawar vide order dated 02-12-2015.

16. That order dated 02-12-2015 of the Deputy Commandant, Elite Force, KPK, Peshawar was appealed against by the appellant through departmental appeal dated 30-12-2015 before the Commandant, Elite Force, Peshawar. **(Copy of departmental appeal dated 30-12-2015 is attached as Annex-"V").**
17. That appellate Authority (Commandant Elite Force KPK Peshawar) on receiving appeal ordered a de-novo inquiry in the case of appellant and Superintendent of Police Elite Force Peshawar was appointed as Inquiry Officer who, without conducting inquiry, submitted inquiry report to the appellate authority. **(Copy of inquiry report is attached as Annex- "W").**
18. That on receipt of inquiry report the Commandant, Elite Force, KPK, Peshawar while rejecting departmental appeal of the appellant vide his order No.15326-31/EF dated 21-10-2016 (delivered on 15-11-2016) technically passed the order that punishment of reduction in rank from Sub. Inspector to A.S.I. would remained effective for a period two years w.e.f. the original date of punishment i.e. 02-12-2015 which is also illegal, unlawful and against the facts and circumstances of the matter. **(Copy of the order dated 21-10-2016 of Commandant, Elite Force, KPK, Peshawar is attached as Annex-"X").**

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19. That No De-Novo Inquiry as ordered by appellate authority was ever conducted by the Superintendent of Police Elite Force Peshawar (Inquiry Officer). Neither any Charge Sheet nor Final Show Cause Notice was issued to the appellant, nor was he provided with the findings of inquiry even before rejecting his appeal. Neither any witness against the appellant was produced before the Inquiry Officer nor was he provided with the opportunity of cross-examination. Neither any documentary evidence against the appellant was produced before the Inquiry Officer nor was he confronted with such documentary evidence. Even appellant was not provided with the opportunity of personal hearing; hence this service appeal, inter alia, on the following:

GROUND

- a) That the impugned order dated 02-12-2015 of Deputy Commandant Elite Force KPK Peshawar and even order dated 21-10-2016 of appellate authority, Commandant Elite Force KPK Peshawar, restricting the punishment of reduction in rank for two years passed technically are illegal, unlawful, without lawful authority against the facts and circumstances of the matter liable to be set aside.
- b. That no proper de-novo enquiry was ever conducted against the appellant which is mandatory under the provisions of statutory law and departmental rules and regulations for awarding Major Penalty of reduction in rank.
- c. That no charge sheet was issued to the appellant during the course of de-novo enquiry.

- d. That neither any witness was produced against the appellant nor was he provided with a chance to cross-examine such witness, if any, nor was the appellant confronted with documentary evidence, if any, produced against the appellant.
- e. That neither any documentary evidence against the appellant was produced before the enquiry officer nor was appellant confronted with such documentary evidence.
- f. That appellant was not provided with the opportunity of personal hearing before awarding major penalty which is mandatory under the law, hence the impugned needs to be turned down.
- g. That the appellant is innocent and never committed any act as alleged against him nor was any allegation proved against him and he is punished without any reason; hence impugned order is liable to be turned down.
- h. That the appellant is a very senior police official having long services at his credit; he will have to sustain heavy loss in finance and promotion if impugned orders are not set aside.

PRAYER:

It is therefore, humbly prayed that on acceptance of instant service appeal the impugned order dated 02-12-2015 of the Deputy Commandant Elite Force KPK Peshawar and that of Commandant Elite Force KPK Peshawar dated 21-10-2016

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technically passed restricting punishment of reduction in rank effective for a period of two years may graciously be set aside and the appellant be re-instated in his rank of Sub. Inspector from the date of his reduction i.e. 02-12-2015 with all consequential service back benefits on rendition of account.

Any other relief which this Honour Tribunal deems fit in the circumstance of the case may also graciously be awarded.



APPELLANT

THROUGH



(MOHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT HARIPUR

Dated: 02-12-2016

Verification

It is verified that the contents of instant appeal are true and correct to the best of my knowledge and nothing has been concealed therefrom.



Appellant

Dated: 02-12-2016

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Faisal Ali Shah S/O Mehboob Ali Shah, ASI, I/C Platoon No. 45, Elite Force, Abbottabad. (Kohistan)

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.

Respondents.

SERVICE APPEAL

AFFIDAVIT:

I, Faisal Ali Shah S/O Mehboob Ali Shah, do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Service Tribunal.

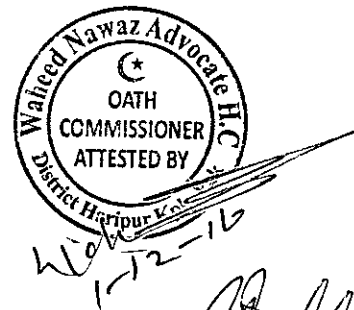

Deponent/Appellant

Dated: 02-12-2016

Identified By:


M. Aslam Tanoli

Mohammad Aslam Tanoli
Advocate High Court
At Haripur,




Appellant

11

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Faisal Ali Shah S/O Mehboob Ali Shah, ASI, I/C Platoon No. 45, Elite Force, Abbottabad. (Kohistan)

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.

Respondents.

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been filed in this or any other court prior to the instant one.


APPELLANT

Dated: 02-12-2016

(12)

Annex 'A'



Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar



No. 14656-63/EF

Dated 29/07/2015.

ORDER

This office order will dispose of the departmental proceedings against Si Faisal Ali Shah, Platoon No. 45 of Elite Force Khyber Pakhtunkhwa who while posted as SHO in Police Station Sazin district Upper Kohistan with connivance of other Police officials, prepared a fake FSL and MRA report. In order to extend the benefits to the owner of the vehicle with unaltered intension, which shows professional gross misconduct and criminal negligence act on his part. He was given Show Cause Notice by the Deputy Commandant Elite Force to appear before him but failed to satisfy him. Then Charge Sheet & Summary of Allegation was issued to him by this office vide No. 9794-99/EF, dated 11.05.2015 and Mr. Saeed Ahmad Malik Acina, SP Elite Force Hazara, was appointed as enquiry officer. Enquiry Officer recorded all the statements and found him guilty in the matter. He recommended that the accused may be awarded some suitable punishment. Similarly A Final Show Cause Notice was issued to him by the undersigned but his reply was found unsatisfactory. He was also called in orderly room to appear before the undersigned and explain his position, he was heard in a personal bar face to satisfy the undersigned. The case was also discussed with enquiry officer.

Therefore, I, Asif Iqbal Mohmand, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, keeping in view of the above recommendations of enquiry officer, impose major penalty of "Reduction in rank" upon him with immediate effect.

However, he is re-instated in service from the date of suspension.

(ASIF IQBAL MOHMAND)
Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar.

Copy of the above is forwarded to the:-

1. Addl: JGP/Elite Force Khyber Pakhtunkhwa for information please.
2. AIG/Establishment Khyber Pakhtunkhwa w/r to his office memo: No. 558-62/PAGE, dated 29.07.2015.
3. Acting Superintendent of Police, Elite Force Headquarters & Hazara.
4. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
5. SRC/FMC, Elite Force Khyber Pakhtunkhwa Peshawar.
6. OHC, Elite Force Khyber Pakhtunkhwa Peshawar.

(13)

Annex 'B'

Ph: 091-9211079



Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar



No. 8934 /EF

Dated: 31/07/2015

SHOW CAUSE NOTICE

You SI Faisal Ali Shah, Platoon No. 45 of Elite Force were found guilty of gross misconduct on the following grounds.

You while posed as SHO in Police Station Sazin district Upper Kohistan, with connivance of other police officials, prepared fake FSI, and MRA report. In order to extend the benefit to the owner of the vehicle with malafied intension which shows professional gross misconduct and criminal negligence act on you part.

By reason of the above, you appear to be guilty of misconduct under the Police Rules (NWFP Police Rules, 1975, Section 05, Subsection 2 (i) and have rendered yourself liable to all or any of the penalties specified in the said rules.

You are therefore, directed to appear before the undersigned in orderly room on 04.08.2015 at 09:00 hrs:.

If you could not appear before the undersigned on the given date and time, an ex-parte action will be taken against you as per Section 5, Subsection 5 of the said Police Rules.

(SYED FIDA HASSAN SHAH)
Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

- 1. SI Faisal Ali Khan of Elite Force through reader SP Elite Force Hazara.

Reader
for n-a

Supintendent of Police
Elite Force
Hazara Range Peshawar

14

Annex-C

ELITE

W

Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar



No. R926-33/EF

Dated: 31/07/2015

ORDER

SI Faisal Ali Shah, Platoon No. 45 of Elite Force Khyber Pakhtunkhwa is hereby suspended, with immediate effect as he was involved in preparing of a fake FSI report. He is further directed to report at Elite Headquarters Peshawar.

(SYED FIDA HASSAN SHAH)
Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar.

Copy of above is forwarded to the:-

1. AIG/Establishment, Khyber Pakhtunkhwa Peshawar w/r to his office memo: No. 558-62/PA/E, dated 29.07.2015.
2. Acting Superintendent of Police, Elite Force Headquarters and Hazara.
3. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
4. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar.
5. OASI, Elite Force, Khyber Pakhtunkhwa, Peshawar.
6. SRC/FMC, Elite Force, Khyber Pakhtunkhwa, Peshawar.

Reader
for compliance

Superintendent of Police
ELITE FORCE
Hazara Road, Abbottabad
S/E
9/10/15

بحوالہ شوکانز نوٹس مجاریہ جناب ڈپٹی کمائنٹ صاحب ایلیٹ فورس خیبر پختون خواہ پشاور

جناب عالی

معروض خدمت ہوں کہ من مسائل مورخہ 20-02-2015 تا 22-06-2015 تک بحیثیت SHO تھانہ سازین ضلع اپر کوہستان تعینات رہا۔ دوران تعیناتی بحیثیت SHO من مسائل نے سماج دشمن عناصر دیگر جرائم پیشہ گروہ کے خلاف بھرپور کارروائی عمل میں لا کر جملہ جرائم پیشہ عناصر کا قلع قمع کیا۔ مورخہ 14-04-2015 کو بسلسلہ گشت ڈیوٹی KKH روڈ پر موجود تھا کہ اسی دوران ایک موٹر کار نمبری B-9100 سوات جس کو مشکوک جان کر روکا۔ گاڑی موٹر کار کو زیر دفعہ 523/550 ض۔ ف قبضہ پولیس کر کے تھانہ لائی گئی اور زیر دفعہ (3) 156 ض۔ ف دریافت کی تفتیش کا جملہ تحریری ریکارڈ تھانہ ہذا میں تعینات ASI محمد امجد خان کو برائے مزید قانونی کارروائی حوالہ کیا گیا۔ بعد ازاں حسب الحکم افسران بالا مورخہ 27-04-2015 کو گاڑی موٹر کار بسلسلہ لیبارٹری FSL پشاور لائی گئی۔ مورخہ 30-04-2015 کو محمد حباب ہیڈ کنسٹیبل نمبر 593 متعینہ تھانہ پٹن کوہستان نے FSL پشاور کی تحریری رپورٹ جبکہ سکی عزیز الرحمن ولد سون سکنہ سیری تھور چلاس نے MRA رپورٹ لا کر من مسائل کو حوالہ کیں جو ہر دور پورٹس متذکرہ بالا کے متعلق بروقت سرکل آفیسر DSP صاحب محمد ریاض کے نوٹس میں لایا گیا۔ صاحب موصوف نے ہدایت کی کہ گاڑی موٹر کار کی بابت تفتیش دریافت چونکہ ASI محمد امجد خان کے پاس ہے لہذا ہر دور پورٹس متذکرہ بالا ASI کو حوالہ کی جائیں جو بروقت حوالہ کر کے حسب ضابطہ کارروائی کرنے کے علاوہ مذکورہ ASI کو خصوصی طور پر ہدایت ہوئی کہ وہ اس معاملہ کی مکمل چھان بین، تحقیقات کے بعد رپورٹ مرتب کرے۔

ASI مذکورہ نے گاڑی موٹر کار کی بابت قانونی کارروائی تفتیش مکمل کر کے من مسائل کو مطلع کیا جو من مسائل نے مذکورہ ASI کو ہدایت کی کہ وہ برائے مزید قانونی کارروائی عدالت سے رجوع کرے۔ بعد ازاں بعدالت جناب SC صاحب داسو کوہستان نے تحریری طور پر مورخہ 07-05-2015 کو احکامات صادر فرمائے کہ گاڑی موٹر کار متذکرہ بالا کو سپرداری پر مالک گاڑی سکی مجیب الرحمن ولد سون سکنہ سیری تھور چلاس کو حوالہ کی جاوے۔

عالی جاہ!

FSL/MRA رپورٹس و مثل مقدمہ پر عدالت ہذا نے کسی قسم کا کوئی اعتراض تحریر نہ کیا بلکہ تحریری طور پر احکامات صادر فرمائے گئے کہ گاڑی موٹر کار سپرداری پر حوالہ مالک کی جائے۔ عدالت کے حکم کی بروقت تعمیل کی گئی ہے۔ من مسائل کی عدم موجودگی میں مقدمہ ہذا کو اچھالا گیا اور من مسائل کو مکمل طور پر لاعلم اور بے خبر رکھ کر یکطرفہ انکوائری کی گئی اس سلسلہ میں من مسائل کو کسی قسم کا کوئی تحریری نوٹس یا تحریری جواب دینے کی ہدایت نہیں کی گئی۔ من مسائل کو لاعلم، بے خبر رکھنا مشکوک و شبہات کو جنم دیتا ہے۔ من مسائل کے خلاف یکطرفہ کارروائی سراسر ظلم، زیادتی و ناانصافی پر مبنی ہے۔ جملہ واقعات کا علم شوکانز نوٹس موصول ہونے کے بعد ہوا۔ لہذا من مسائل آپ صاحبان سے استدعا کرتا ہے کہ جملہ متذکرہ بالا واقعات کی از سر نو انکوائری کرنے کے احکامات صادر فرمائے جائیں۔

سائل فیصل علی شاہ SI متعینہ ایلیٹ ہیڈ کوارٹر پشاور
6/8/15

(16)

Annex 'E'

CHARGE SHEET

I, Syed Fida Hassan Shah, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, hereby charge you SI Faisal Ali Shah, Platoon No. 45 of Elite Force as follows;

You while posted as SHO in PS Sazine, you convinced your subordinate, being preferred a fake FSL report with malafied intention, as per report of District Police Officer Kohistan vide his office memo: No. 570/PSO, dated 15.07.2015, and Regional Police Officer Hazara vide his office Endst: No. 11593/R, dated 16.07.2015.

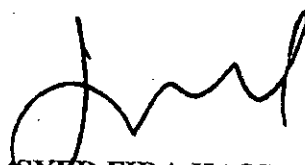
2. By reason of the above, you appear to be guilty of misconduct under the Police Rules (amended vide NWFP gazette, 27th January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.

3. You are, therefore, directed to submit your defense within three days of the receipt of this Charge Sheet to the Enquiry Officer.

4. Your written defense, if any, should reach the Enquiry Officer 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.

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

6. A statement of allegation is enclosed.



(SYED FIDA HASSAN SHAH)

Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar.




SUMMARY OF ALLEGATIONS

I, Syed Fida Hassan Shah, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority, am of the opinion that ~~SI Faisal Ali~~ ~~Shah~~ Platoon No. 45 of Elite Force Khyber Pakhtunkhwa has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (amended vide NWFP gazette, 27th January 1976).

SUMMARY OF ALLEGATIONS

He while posted as SHO in PS Sazine, he convinced his subordinate, being preferred a fake FSL report with malafied intention, as per report of District Police Officer Kohistan vide his office memo: No. 570/PSO, dated 15.07.2015, and Regional Police Officer Hazara vide his office Endst: No. 11593/R, dated 16.07.2015

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations Mr Saeed Ahmad Malik DSP of Elite Force Mansehra is appointed as Enquiry Officer.
3. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (07 days) after the receipt of this order.
4. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.



(SYED FIDA HASSAN SHAH)

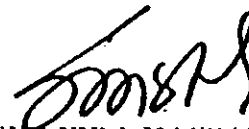
Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar.

No. 9794-99 /EF, dated Peshawar the 11/08 /2015.

Copy of the above is forwarded to the:-

1. Deputy Superintendent of Police, Elite Force Mansehra.
2. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
3. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar.
4. SRC/FMC, Elite Force Khyber Pakhtunkhwa Peshawar.
5. ~~SI Faisal Ali~~ of Elite Force through reader DSP/Elite Force Mansehra .
Shah



(SYED FIDA HASSAN SHAH)

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar.



جناب ڈپٹی کمائنٹ صاحب ایلیٹ فورس خیبر پختون خواہ پشاور

جناب عالی

معروض خدمت ہوں کہ من سائل مورخہ 20-02-2015 تا 22-06-2015 تک بحیثیت SHO تھانہ سازین ضلع اپر کوہستان تعینات رہا۔ دوران تعیناتی بحیثیت SHO من سائل نے سماج دشمن عناصر دیگر جرائم پیشہ گروہ کے خلاف بھرپور کارروائی عمل میں لا کر جملہ جرائم پیشہ عناصر کا قلع قمع کیا۔ مورخہ 14-04-2015 کو بسلسلہ گشت ڈیوٹی KKH روڈ پر موجود تھا کہ اسی دوران ایک موٹر کار نمبری B-9100 سوات جس کو مشکوک جان کر روکا۔ گاڑی موٹر کار کو زیر دفعہ 523/550 ض۔ ف قبضہ پولیس کر کے تھانہ لائی گئی اور زیر دفعہ (3) 156 ض۔ ف دریافت کی تفتیش کا جملہ تحریری ریکارڈ تھانہ ہذا میں تعینات ASI محمد امجد خان کو برائے مزید قانونی کارروائی حوالہ کیا گیا۔ بعد ازاں حسب الحکم افسران بالا مورخہ 27-04-2015 کو گاڑی موٹر کار بسلسلہ لیبارٹری FSL پشاور لائی گئی۔ مورخہ 30-04-2015 کو محمد حباب ہیڈ کنشیل نمبر 593 متعینہ تھانہ پٹن کوہستان نے FSL پشاور کی تحریری رپورٹ جبکہ مسی عزیز الرحمن ولد سون سکٹھ سیری تھور چلاس نے MRA رپورٹ لا کر من سائل کو حوالہ کیس جو ہر دور پورٹس متذکرہ بالا کے متعلق بروقت سرکل آفیسر DSP صاحب محمد ریاض کے نوٹس میں لایا گیا۔ صاحب موصوف نے ہدایت کی کہ گاڑی موٹر کار کی بابت تفتیش دریافت چونکہ ASI محمد امجد خان کے پاس ہے لہذا ہر دور پورٹس متذکرہ بالا ASI کو حوالہ کی جائیں جو بروقت حوالہ کر کے حسب ضابطہ کارروائی کرنے کے علاوہ مذکورہ ASI کو خصوصی طور پر ہدایت ہوئی کہ وہ اس معاملہ کی مکمل چھان بین، تحقیقات کے بعد رپورٹ مرتب کرے۔

ASI مذکورہ نے گاڑی موٹر کار کی بابت قانونی کارروائی تفتیش مکمل کر کے من سائل کو مطلع کیا جو من سائل نے مذکورہ ASI کو ہدایت کی کہ وہ برائے مزید قانونی کارروائی عدالت سے رجوع کرے۔ بعد ازاں بعدالت جناب SC صاحب داسو کوہستان نے تحریری طور پر مورخہ 07-05-2015 کو احکامات صادر فرمائے کہ گاڑی موٹر کار متذکرہ بالا کو سپرداری پر مالک گاڑی مسی مجیب الرحمن ولد سون سکٹھ سیری تھور چلاس کو حوالہ کی جاوے۔

عالی جاہ!

FSL/MRA رپورٹس و مثل مقدمہ پر عدالت ہذا نے کسی قسم کا کوئی اعتراض تحریر نہ کیا بلکہ تحریری طور پر احکامات صادر فرمائے گئے کہ گاڑی موٹر کار سپرداری پر حوالہ مالک کی جائے۔ عدالت کے حکم کی بروقت تعمیل کی گئی ہے۔ من سائل کی عدم موجودگی میں مقدمہ ہذا کو اچھالا گیا اور من سائل کو مکمل طور پر لاعلم اور بے خبر رکھ کر یکطرفہ انکوائری کی گئی اس سلسلہ میں من سائل کو کسی قسم کا کوئی تحریری نوٹس یا تحریری جواب دینے کی ہدایت نہیں کی گئی۔ من سائل کو لاعلم، بے خبر رکھنا شکوک و شبہات کو جنم دیتا ہے۔ من سائل کے خلاف یکطرفہ کارروائی سراسر ظلم، زیادتی و نا انصافی پر مبنی ہے۔ جملہ واقعات کا علم شوکا ز نوٹس موصول ہونے کے بعد ہوا۔ لہذا من سائل آپ صاحبان سے استدعا کرتا ہے کہ جملہ متذکرہ بالا واقعات کی از سر نو انکوائری کرنے کے

احکامات صادر فرمائے جائیں۔ چارج شیٹ ہذا درج ذیل فرم کی مابینے۔

سائل فیصل علی شاہ SI متعینہ ایلیٹ ہیڈ کوارٹر پشاور

(Handwritten signature)

19

Annex-^(H)FINAL SHOW CAUSE NOTICE

I, Asif Iqbal Mohmand, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority under Police Rules (amended vide NWFP gazette, 27th January 1976), do hereby serve you SI Faisal Ali Shah, Platoon No. 45 as follows;

You while posted as SHO in Police Station Sazin district Upper Kohistan, with connivance of other Police officials, prepared a fake ISI and MIRA report. In order to extend the benefit to the owner of the vehicle with malafied intension, which shows professional gross misconduct and criminal negligence act on your part.

i. That consequent upon the completion of enquiry conducted against you by the Mr. Saeed Ahmad Malik DSI Elite Force Mansehra, you were given full opportunity of hearing but failed to satisfy the enquiry officer.

ii. On going through the finding and recommendation of the enquiry officer, the material available on record, I am satisfied that you have committed the omission/commission specified in Police Rules (amended vide NWFP gazette, 27th January 1976) and charges leveled against you have been established beyond any doubt.

2. As a result therefore, I, Asif Iqbal Mohmand, Deputy Commandant Elite Force, Khyber Pakhtunkhwa Peshawar as competent authority have tentatively decided to impose major penalty upon you including removal from service, under Police Rules (amended vide NWFP gazette, 27th January 1976) of the said ordinance.

3. You are therefore, directed to show cause as to why the aforesaid penalty should not be imposed upon you.

4. If no reply to this show cause notice is received within seven days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defense to put and in that case, an ex-parte action shall be taken against you.


(ASIF IQBAL MOHMAND)
Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar

No. 12943 /EF, dated Peshawar the 19/10/2015.

SI Faisal Ali Shah of Elite Force through reader DSI/Elite Manshra.



بحوالہ فائل شوکا ز نوٹس بجاریہ جناب ڈپٹی کمشنر صاحب ایلٹ فورس خیبر پختون خواہ پشاور

جناب عالی

معروض خدمت ہوں کہ من سائل مورخہ 20-02-2015 تا 22-06-2015 تک بحیثیت SHO تھانہ سازین ضلع اپر کوہستان تعینات رہا۔ دوران تعیناتی بحیثیت SHO من سائل نے سماج دشمن عناصر دیگر جرائم پیشہ گروہ کے خلاف بھرپور کارروائی عمل میں لا کر جملہ جرائم پیشہ عناصر کا قلع قمع کیا۔ مورخہ 14-04-2015 کو بسلسلہ گشت ڈیوٹی KKH روڈ پر موجود تھا کہ اسی دوران ایک موٹر کار نمبری B-9100 سوات جس کو مشکوک جان کر روکا۔ گاڑی موٹر کار کو زیر دفعہ 523/550 ض۔ ف قبضہ پولیس کر کے تھانہ لائی گئی اور زیر دفعہ (3) 156 ض۔ ف دریافت کی تفتیش کا جملہ تحریری ریکارڈ تھانہ ہذا میں تعینات ASI محمد امجد خان کو برائے مزید قانونی کارروائی حوالہ کیا گیا۔ بعد ازاں حسب الحکم افسران بالا مورخہ 27-04-2015 کو گاڑی موٹر کار بسلسلہ لیبارٹری FSL پشاور لائی گئی۔ مورخہ 30-04-2015 کو محمد حجاب ہیڈ کنسٹیبل نمبر 593 متعینہ تھانہ بن کوہستان نے FSL پشاور کی تحریری رپورٹ جبکہ مسی عزیز الرحمن ولد سون سکنہ سیری تھور چلاس نے MRA رپورٹ لا کر من سائل کو حوالہ کیں جو ہر دو رپورٹس متذکرہ بالا کے متعلق بروقت سرکل آفیسر DSP صاحب محمد ریاض کے نوٹس میں لایا گیا۔ صاحب موصوف نے ہدایت کی کہ گاڑی موٹر کار کی بابت تفتیش دریافت چونکہ ASI محمد امجد خان کے پاس ہے لہذا ہر دو رپورٹس متذکرہ بالا ASI کو حوالہ کی جائیں جو بروقت حوالہ کر کے حسب ضابطہ کارروائی کرنے کے علاوہ مذکورہ ASI کو خصوصی طور پر ہدایت ہوئی کہ وہ اس معاملہ کی مکمل چھان بین، تحقیقات کے بعد رپورٹ مرتب کرے۔

ASI مذکورہ نے گاڑی موٹر کار کی بابت قانونی کارروائی تفتیش مکمل کر کے من سائل کو مطلع کیا جو من سائل نے مذکورہ ASI کو ہدایت کی کہ وہ برائے مزید قانونی کارروائی عدالت سے رجوع کرے۔ بعد ازاں بعدالت جناب SCJ صاحب داسو کوہستان نے تحریری طور پر مورخہ 07-05-2015 کو احکامات صادر فرمائے کہ گاڑی موٹر کار متذکرہ بالا کو سپرداری پر مالک گاڑی مسی مجیب الرحمن ولد سون سکنہ سیری تھور چلاس کو حوالہ کی جاوے۔

عالی جاہ!

FSL/MRA رپورٹس دشل مقدمہ پر عدالت ہذا نے کسی قسم کا کوئی اعتراض تحریر نہ کیا بلکہ تحریری طور پر احکامات صادر فرمائے گئے کہ گاڑی موٹر کار سپرداری پر حوالہ مالک کی جائے۔ عدالت کے حکم کی بروقت تعمیل کی گئی ہے۔ من سائل کے خلاف پہلے سے ہی مقدمہ علت نمبر 775/15 PPC 409/420/468/471/200/201/34 تھانہ سازین درج رجسٹر ہو کر برائے تفتیش انٹی کرپشن ڈیپارٹمنٹ مارک ہوا۔ من سائل کی عدم موجودگی میں مقدمہ ہذا کو اچھالا گیا اور من سائل کو مکمل طور پر لاعلم اور بے خبر رکھ کر یکطرفہ انکوائری کی گئی اس سلسلہ میں من سائل کو کسی قسم کا کوئی تحریری نوٹس یا تحریری جواب دینے کی ہدایت نہیں کی گئی۔ من سائل کو لاعلم، بے خبر رکھنا مشکوک و شبہات کو جنم دیتا ہے۔ لہذا من سائل آپ صاحبان سے استدعا کرتا ہے کہ جملہ متذکرہ بالا واقعات کی روشنی میں فائل شوکا ز نوٹس کو داخل دفتر فرمانے کے احکامات صادر فرمائے جائیں۔

سائل فیصل علی شاہ SI تعیناتی ایٹ ایبٹ آباد
25/10/15

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ASU
بیت

دست

Handwritten notes in Urdu script, including dates like 156 and 18:25, and various illegible text.

Ames

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SHTO-PS-Sarqam

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Annex-L

درخواست برائے اجازت دریافت
زیر دفعہ 156 (3) س 523

مذکورہ بالا کی تفصیلات

حوالہ 11 کروڑ 4 لاکھ 14 ہزار 523 س 550
یام و عسکر القذافی ولد سون قوم بنگالی گنہ گور در جلاس

خواب عالی
قومی کارڈ B-9100 از قسم 20D کروڑ 20
الرقم جان کر مذکورہ بالا شخص سے حوالہ دیا گیا
فیصلہ قبول ہو کر بند تھا۔
مذکورہ درخواست اسد عاصی دریافت زیر دفعہ 156 (3) س 523

Asst. PS Sargodha
15/4/15

Sir, forwarded
SHT-PS-Sargodha
16-04-2015

Sir
Forwarded
to court.
17/04/15

Final report be submitted
within 15 days possibly

Senior Civil Judge
JM, Kohat
21/4/15

[Signature]

فہم امیر

یو آر او ۱۱ روز تاریخ 14 4/015 تریدر 523/550 صرف مکاتبات
بیمہ معتمدین و دلہنوں قوم شکرانہ سے شہرہ طور علی

روبر ڈو اہل ذیل کے قصہ شہرہ طور فارسی B-9100
سوات

یو آر او مالاکا تریدر 523/550 صرف پراپرٹیز ایک فن B-9100
SWAT
4006621 جسٹس CF120-0018204

ETO فوری طور پر انکوائری سوات پائی۔ جو بطور
فوری طور پر قصہ شہرہ طور ایک فن کو اہل فرم سے
فوری طور پر

PS 1
20-4-28

گواہ امیر الرحمن 621 صرف مکاتبات
DLHC

گواہ امیر 316 صرف مکاتبات
DLHC

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Annex N

JUSTICE THROUGH SCIENCE
FORENSIC SCIENCE LABORATORY POLICE INVESTIGATION
EXAMINATION REPORT FORM (2D)
REPORT OF CHEMICAL EXAMINER
I.S.L., PESHAWAR.

Lab. No. S.V: 14-621-0-15 Dated 27-04-2015
Received One Motor Car vehicle Reg. No. B-9100/Swat
From District Police Officer Upper Kohistan.
Vide Letter No.889/GB Dated 22-04-2015, P/S Sazeen Upper Kohistan.


For verification/chemical examination of chasis/Engine numbers,
The vehicle in question was subjected to chemical treatment and observed the following.

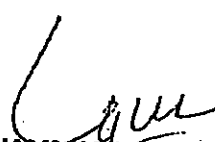
No. S Before chemical treatment. No. S After chemical treatment.
1. chassis No 1. Chassis No.

CE120-0018204

CE120-0018204

Opinion:-
Chemical examination of the chassis number of the vehicle in question revealed that:-
The original chassis number is same Before and after chemical treatment.

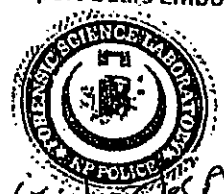

(ZAFAR ISLAM)
(Chemical Expert)
FSI, Peshawar.


(MUHAMMAD ZEB KHAN)
(Chemical Examiner)
FSI, Peshawar.


10738 / FSI Dated Peshawar the 27 / 4 / 2015

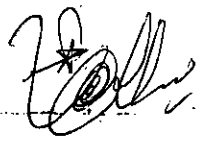
The opinion of the Chemical Examiner is forwarded to the Sp Investigation Upper Kohistan.
The receipt may be acknowledged and the vehicle in question may be collected from this
Laboratory.

Note: this report bears Emboss mark.



اسیول
سازین سازهان
S/O P/S Sazeen
03-05-2015


DIRECTOR,
FORENSIC SCIENCE LABORATORY
POLICE INVESTIGATION, KHYBER PAKHTUNKHWA,
PESHAWAR.



OFFICE OF THE MOTOR REGISTRING AUTHORITY SWA

26
ADWA

NO. 778/MRA-IV.

Dated Swat the 28-04-2015

To,

Thana Sazin Upper
Kohistan

Subject: VERIFICATION OF REGISTRATION CERTIFICATE/
PARTICULARS IN RESECT OF VEHICLE/MOTOR CAR NO.B-9100
HAVING CHASSIS NO. CE120-0018204, ENGINE NO. 4006621
MAKE AND MODEL TOYOTA CORLLLA, 2005
COLOR. WHITE, MANUFACTURING YEAR: 2005 OWNER
HAJI MUHAMMAD SHOAB S/O HAJI MUHAMMAD ISMAIL

MAMORANDUM:

Please refer to your latter NO. PA890 dated: 22-04-2015 on the subject noted above.

As per this office record the particula given in the photocopy of registration certificate received along with your request it is certify that the record is correct and genuine in this office computer record.

افضل خان ASIA سوات
سربراہ سوات پولیس
3/5/15

MOTOR REGISTRATION AUTHORITY
SWATE
3/5/15

[Handwritten signature]

ذریعہ تحریر

فلاح امرتسر
 (5)

2015

15

156 (3)

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 K.K.H.

از قلعہ ... مالک ...

بدرجہ ... حاصل ... 5110 ...

فلاح امرتسر ...
 156 (3) ...
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 5110 ...
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 540 ...
 756 ...
 5110 ...
 540 ...

26-4-2015

17-30

18-00

Asa 15/3/2015
 26-4-2015

[Signature]

رپورٹ نمبر 2015

ضلع اتر کھستان

کشمور

سولہ

سولہ

سال 2015

رپورٹ نمبر 156 (3) سولہ

14/15
RKH

از تھانہ ... رپورٹ نمبر ...

فصلیہ ...

سام ...

03/5
2015

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OPINION:- Chemical examination of the chassis number of the vehicle in question revealed that: the original chassis number is same before and after chemical treatment. sd- chemical expert - sd- chemical Examiner.

رپورٹ نمبر ...

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مذکورہ رقم 39100 روپے
دعا کی بنیاد پر منظور کیا گیا ہے۔
156 (3) کے تحت منظور کیا گیا ہے۔
مذکورہ رقم 39100 روپے
مذکورہ رقم 39100 روپے
مذکورہ رقم 39100 روپے

ASIA PS/5/2015
03-5-2015

درخواست

درخواست کیفیت حصول
28/A سال 2015

صالح امری

کد پستی

آد -
روشنی -

14/4
015
درخواست حاصل شد
KKN

درخواست از دفعہ 651431 صرف

درخواست
کارڈ

نمبر

از تھانہ
حالتہ در یافتہ
صالح امری علیہ السلام
بدرستی

19/5
015


صفحہ 07

حالات دریافتہ
دوران نام بندی زیر قیادت صاحب
طالعہ وقوع بلا وجود حکام لطف شتیال
سید آئی کو روکا درج ذیل حالت میں
میر ایسا نام سربراہان در سون قوم
ستلایا جس سے گاڑی خود کو
گاڑی اپنی ہیالیات سید نے
خود کو تھک کرنے پر گاڑی
میں ایک پر 910000
4806621 - جس پر CE.120.0018204
کی نسبت بتایا گیا 2005ء
جس پر ایک ٹیکس اور گاڑی
دفعہ 231 میں قبضہ کیا گیا
ریش وزیر کارڈ والی کے
خود نے بیانات قلمبند
گاڑی کی اسٹیشن پر
میں کر کے گواہان خود
درخواست از دفعہ 651431 صرف

P.T.O

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داسو سے حاصل کردہ گاڑی دسترخوان کی تعداد
 کو اس وقت انٹران بازان EATo مہوات ساڈی F5 لیب بائرنی
 ڈاکٹ ٹریڈ کر کے من 50 سے زیادہ گاڑی دسترخوان
 کسٹومر F5 سے پروانے پورے پورے EATo مہوات ساڈی
 کسٹومر حصول ہو میں جو درست پالیسی ہے اس کے بعد اس
 ج ڈیوٹری 50 سے زیادہ گاڑی دسترخوان کسٹومری پروانے طور پر گاڑی
 ہوا جب اس کے عاقلت گاڑی باصافہ طور پر حوالہ کار کسٹومری ہوا ہے
 کسٹومری کی دریافت عموماً میں رہا ہے EATo، F5، گاڑی دسترخوان
 درست پالیسی ہے۔ دریافت عموماً میں کسٹومری کسٹومری کسٹومری ہے
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 S.H.O. - Sazim
 19-5-015

Q

گورنمنٹ چارج اسٹریٹریجی / سکریٹری ایجوکیشن ڈسٹرکٹ لاہور

مجیب الرحمن ولد سون خان قوم شکران سکول منٹو ٹی ڈی کنگ پورہ لاہور
 جنوری 21 1915ء سے جاری کیے گئے ہیں۔

Order No _____
 21 APR 2015
 Senior Civil Judge/JM
 Kohistan

نام
 سرکار بزرگ پورہ لاہور کے نام سے جاری کیے گئے ہیں۔

گورنمنٹ چارج اسٹریٹریجی / سکریٹری ایجوکیشن ڈسٹرکٹ لاہور

درخواست نمبر اے جوائنٹ گاڑی B-9100/15
 منٹو ٹی ڈی کنگ پورہ لاہور

منجانب سے درخواست فائل کی گئی ہے۔

- 1 - یہ گورنمنٹ چارج اسٹریٹریجی / سکریٹری ایجوکیشن ڈسٹرکٹ لاہور کے منجانب سے درخواست کی گئی ہے جس پر اے جوائنٹ گاڑی منٹو ٹی ڈی کنگ پورہ لاہور
- 2 - یہ گورنمنٹ چارج اسٹریٹریجی / سکریٹری ایجوکیشن ڈسٹرکٹ لاہور کے منجانب سے درخواست کی گئی ہے جس پر اے جوائنٹ گاڑی منٹو ٹی ڈی کنگ پورہ لاہور
- 3 - یہ گورنمنٹ چارج اسٹریٹریجی / سکریٹری ایجوکیشن ڈسٹرکٹ لاہور کے منجانب سے درخواست کی گئی ہے جس پر اے جوائنٹ گاڑی منٹو ٹی ڈی کنگ پورہ لاہور
- 4 - یہ گورنمنٹ چارج اسٹریٹریجی / سکریٹری ایجوکیشن ڈسٹرکٹ لاہور کے منجانب سے درخواست کی گئی ہے جس پر اے جوائنٹ گاڑی منٹو ٹی ڈی کنگ پورہ لاہور

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خداوند است
 ۵- بیرون کاری خند کره و صیب طلب بیسی که از سر کاره
 لایحه میزند

این است که منظره در فضا است که کاری هستی من
 خند کره جان من تیرت و کلمه هر صیردانی خواند من
 که احوالات جانک و ماری جان من

دانشگاه / ۱۹۷۵ / ۴ / ۲۱

مجلس استادی / ۱۹۷۵ / ۴ / ۲۱

دانشگاه / ۱۹۷۵ / ۴ / ۲۱
 در فضا است / ۱۹۷۵ / ۴ / ۲۱

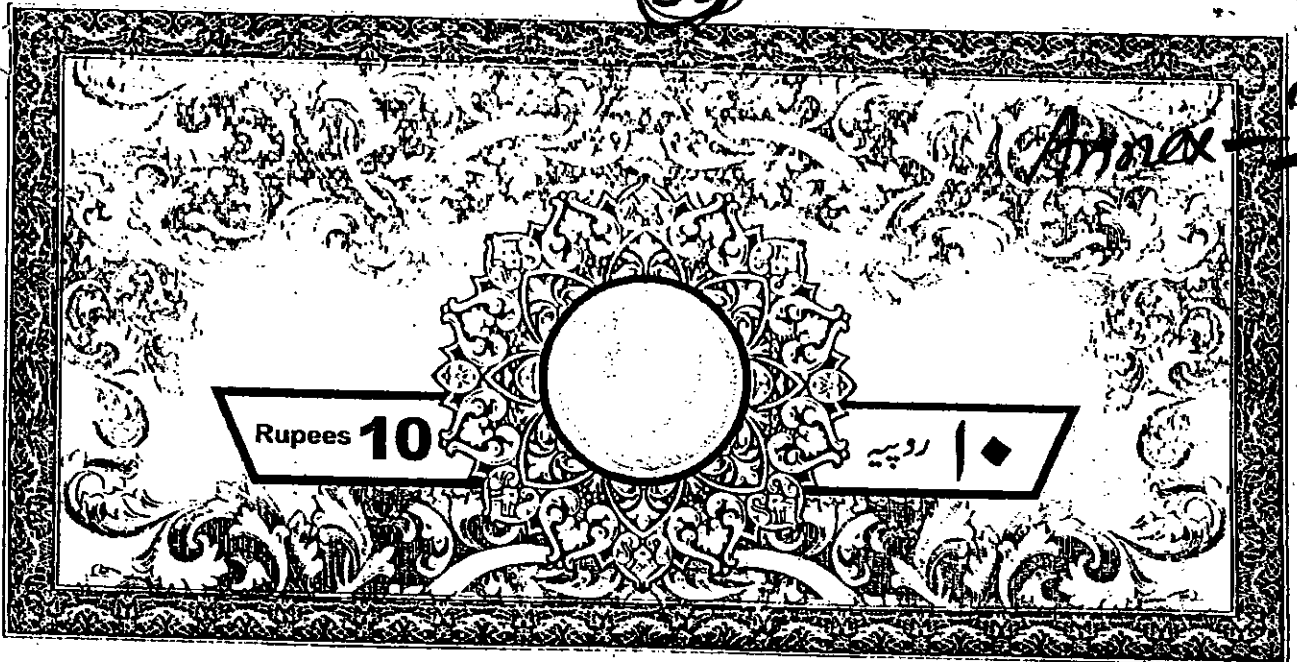
دانشگاه / ۱۹۷۵ / ۴ / ۲۱

مجلس استادی / ۱۹۷۵ / ۴ / ۲۱

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المقوم 07/05/015

چیکم خانی

من بحیب الرحمن ولد مسوفا خان قوم یسکون سکندہ فٹوٹ سیری ٹھور جلد سرا اقداری ہونوں
 موٹر کارٹا گاڑی بڑی 9100 B اینجن بر 400 (621) 400 جیسٹر نمبر 204-120-0018 CE ماڈل
 2005 دی ہرٹ سفید زبیر دفع 23/550 کھنٹ قبضہ نمبر سا زین میں ہے۔ گاڑی قندکر 50 بلا اقداری
 حوالگی کے بعد بروقت ضرورت عدالت تجارہ یا مقامی پولیس کے طلبہ کے درمیان کر دیا گیا
 اور ریت دیگر میں حکومت پاکستان کو سکہ رائج الوقت مبلغ 200000 (دو لاکھ) روپے بطور
 تاوان ادا کرنے کا پابند ہونا تھا۔ چیکم سکندہ خانی ہے۔



الحجی الہی

حبیب الرحمن ولد مسوفا خان قوم یسکون سکندہ فٹوٹ سیری ٹھور جلد سرا
 71202-5008440-7 0355-5261100

فہمائیں ذیل:

۱۱ شاہ نواز ولد محمد عارف قوم شین سکندہ سا زین ۱۱ سہرا فیل ولد رسم قوم شین سکندہ
 گوئین سا زین اقداری پیدائش نام مقدم گاڑی قندکر 50 بلا بڑی 9100 B بطور سہرا داری دہندہ
 بلا کے حق میں وارڈار ہونے کے بعد حسب الحکم عدالت تجارہ یا مقامی پولیس قبضہ
 سا زین کے طلبہ کرنے در گاڑی موٹر کار قندکر 50 بلا اقداری میں ہے۔ نہ پیش کرنا
 ضرورت میں ہم ذیل فہمائیں اس میں تحریر ہر آئی روئے سکود دیتے ہیں کہ حکومت پاکستان
 کو بطور تاوان مبلغ 200000 (دو لاکھ) روپے ادا کرنے کا پابند ہونا ہے۔ فہمائیں
 نامہ سکندہ خانی ہے۔



سہرا فیل ولد رسم قوم شین سکندہ سا زین گوئین
 13401-6902186-7
 0355-5321975

شاہ نواز
 شاہ نواز ولد محمد عارف قوم شین سکندہ سا زین
 13401-6386977-1
 0355-5214053

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ذاتی حقیقہ (31)

میں نے عزیز اہرجان و مدرسین قوم سیکون سنیک حقور سیری صلیب میں عادت سے ڈاکٹر فرم کار
اس 9100-B اس قدر ہنڈا کرتے اقرار کرنا ہیں اور نگر کر دیا ہیں کہ
SWAT قبضہ کو لے کر آئے ہیں۔ جو گاڑی و ستر گڑھ کی نسبت
جب کہیں بھی صفائی کو لے کر یا عمارت طلب کر سکیں تو میں حسب طلبی مدرسین
میں ہاؤسنگ کا لہورت دیکر گورنمنٹ آف پاکستان کو لکھ کر نادال رقم مبلغ 500000/- روپے
لاگو روپے ادا کرنے کا پابند ہوں گا۔ فرم نگر کر دیا ہیں نام ستر ہے۔

فرم اہرجان

عزیز اہرجان و مدرسین قوم سیکون سنیک حقور سیری صلیب
NIC = 71202-4810347-1-MOB = 0355-5669977 =

صاف نام

میں ذیل صفحہ اس قدر ہنڈا کرتے ہیں اور
نگر کر دیتے ہیں کہ فرم عزیز اہرجان و مدرسین قوم سیکون سنیک حقور سیری
صلیب میں قبضہ سے قوم گاڑی 9100-B قبضہ کو لے کر آئے ہیں۔ فرم فرم
عزیز اہرجان کو جب کہیں بھی صفائی کو لے کر یا عمارت طلب کر سکیں تو میں
میں حسب طلبی فرم فرم کرنے کے پابند ہوں گا۔ لہورت دیکر
گورنمنٹ آف پاکستان کو لکھ کر نادال رقم مبلغ 500000/- روپے ادا
کرنے کا پابند ہوں گا۔ فرم نگر کر دیتے ہیں نام ستر ہے۔

صاف نام
صاف نام و مدرسین قوم سیکون سنیک حقور سیری صلیب
NIC: 13401-1506852.5. mob: 0355-5287137.

صاف نام و مدرسین قوم سیکون سنیک حقور سیری صلیب
NIC: 13401-7962469-3. mob: 0355-5267476.

ذاتی حقیقہ

B. 9/100
SWT

درخواست برائے سپر ڈاری
کیا گیا ہے اور اس کی
جسٹس کے سامنے پیش کیا گیا ہے

(32)

Annex-S

05
07-05-2015

Learned counsel for the petitioner and learned APP for the state are present.

والی ماہی فورما
7 5/15

This order pertains to the disposal of instant application for Super-Dari of Vehicle bearing registration No.B-9100/Swat (TOYOTA COROLLA), engine No. 4006621, chassis No. C.E.120-0018204 vide Mad No. 11 dated 14-04-2015 Daryaft U/S 156 (3) Cr.P.C at P.S Sazeen, District Kohistan.

Brief story as set up in the Mad is that the above mentioned vehicle has been taken into possession by the local police suspecting the same as stolen property whereupon inquiry was initiated and hence, this application.

Arguments heard and record perused.

Record reveals that the petitioner has purchased the above named vehicle through an agreement, copy whereof is placed on file. There is no contradiction in the FSL report, similarly, according to MRA Swat, the record of the vehicle in question is correct and genuine. The last possessor of the vehicle in question appeared and submitted an affidavit and stated therein that the same is the ownership of his brother namely Mujeeb-ur-Rehman s/o Soon Khan who is the present petitioner. His affidavit is EX-PA. He fully supported the affidavit in his statement recorded today which has been placed on file. Moreover, there is no rival claimant of the vehicle in question and the same is no more required for further investigation to the local police.

Under these circumstances, petition in hand is allowed. Vehicle in question shall be handed-over to the petitioner if he furnishes surety bonds equivalent to the value of vehicle i-e Rs.100000/- with two sureties in the like amount to the satisfaction of the SHO/I.O concerned. The petitioner shall not dispose of the vehicle in question against the spirit of this order and shall produce the same as, when and where it is required by the investigation Agency or the court. Copy of this order should be placed on police/judicial file and should be returned through Naib Court whereas, file of this court be consigned to record room after completion and compilation.

Announced
07-05-2015

No 536
Date 03
M. Saleh
07-05-2015

(SHAH HUSSAIN)
Senior Civil Judge JM,
Kohistan

[Signature]

Annex T

JUSTICE THROUGH SCIENCE
FORENSIC SCIENCE LABORATORY POLICE INVESTIGATION, PESHAWAR
EXAMINATION REPORT FORM (D2)
REPORT OF CHEMICAL EXAMINER
F.S.L., PESHAWAR. DUPLICATE

Lab. No., S.V.: 14,621-0-15 Dated, 27-04-2015
Received: One Motor Car vehicle Reg. No. B-9100/Swat
From: District Police Officer Upper Kohistan.
Vide: Letter No.889/GB, Dated 22-04-2015, P/S Sazeen Upper Kohistan.
For verification/chemical examination of chasis/Engine numbers.

The vehicle in question was subjected to chemical treatment and observed the following.

No. S Before chemical treatment	No. S After chemical treatment
1. Chassis No.	1. Chassis No.
CE120-0018204	The original chassis number filled with weld material.

Opinion:-
Chemical examination of the chassis number of the vehicle in question revealed that:-
The original chassis number filled with weld material and not decipherable. The present chassis number is restamped one.

SD/-
(Chemical Expert)
FSL, Peshawar.

SD/-
(Chemical Examiner)
FSL, Peshawar.

No. 10788 /FSL Dated Peshawar the 29-4-2015
SP Investigation Upper Kohistan.
The opinion of the Chemical Examiner is forwarded to the:
The receipt may be acknowledged and the vehicle in question may be collected from this Laboratory.

Note: this report bears Emboss mark.



ATTESTED BY:

Director
FSL, KP, Peshawar.

[Handwritten Signature]
27/07/2015

SD/-

DIRECTOR,
FORENSIC SCIENCE LABORATORY
POLICE INVESTIGATION, KHYBER PAKHTUNKHWA,
PESHAWAR.

[Handwritten Signature]

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Annex U

OFFICE OF THE EXCISE & TAXATION, MOTOR REGISTERING AUTHORITY

DISTRICT SWAT

GT ROAD RAHIM ABAD SWAT TEL NO :0946-9240170

No. 1846 /MV

dated 11 / 05 / 2015

To

The District Police Officer,
Kohistan.

Subject:- VERIFICATION OF REGISTRATION.

Memo:

Reference your letter No.890/PA, dated.22-04-2015 on the subject noted above.

As per this office record particulars of motor car No.B-9100(Swat) are as under:

Make and Model	Toyota Corolla, 2005
Engine No.	4008621
Chassis No.	CE120-0018204
Owner's Name:	Muhammad Shoaib s/o Muahmmad Ismail r/o Moh:Haji Muhamamd Ismail, Rangmohala, Mingora, Distt:Swat.

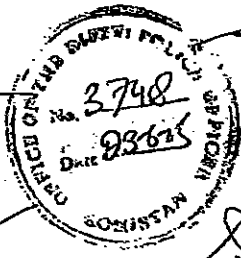
Moreover photocopy of registration received with your above quoted letter is totally fake /bogus, fabricated and has not been issued by this office.

Suzain
S/O Ismail
through book Serial
for m/a & report

11/5/15
EXCISE AND TAXATION OFFICER/
MOTOR REGISTERING AUTHORITY,
SWAT
7/5/15
M.M. Uddin

District Police Officer
Upper Kohistan
25-6-15

S/O. Suzain
For m/a and report
M.M.
SDPO. Shafiq
25-6-15
25-6-15



PASID 31
27/6/15
540/P

[Handwritten signature]

Through proper Channel (35) Annex-1

BEFORE HONOURABLE ADDITIONAL INSPECTOR
GENERAL POLICE/ELITE FORCE KHYBER PAKHTUNKHWA
PESHAWAR.

DEPARTMENTAL APPEAL AGAINST ORDER NO.14656-63 DATED
02-12-2015 PASSED BY THE DEPUTY COMMANDANT, ELITE
FORCE KHYBER PAKHTUNKHWA PESHAWAR, WHEREBY THE
APPELLANT HAS BEEN AWARDED WITH THE MAJOR PENELTY OF
REDUCTION IN RANK FROM SUB INSPECTOR TO ASI WITH
IMMEDIATE EFFECT.

PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL THE
IMPUGNED ORDER DATED 02-12-2015 MAY GRACIOUSLY BE SET
ASIDE AND APPELLANT BE RE-INSTATED IN HIS RANK OF SUB.
INSPECTOR FROM THE DATE OF REDUCTION WITH ALL
CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

1. That the Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar vide his order No.14656-63/EF dated 02-12-2015 has awarded the appellant with major penalty of "reduction in rank" from Sub. Inspector to ASI with immediate effect. **(Copy of order dated 02-12-2015 is attached herewith as "A")**.
2. That while appellant posted as SHO in Police Station Sazin District Upper Kohistan he was served upon with a Show Cause Notice under No.8934/EF dated 31-07-2015 by Deputy Commandant, Elite Force Khyber Pakhtunkhwa, Peshawar alleging therein that **"you while posted as SHO in Police Station Sazin District Upper Kohistan, with the connivance of other police officials, prepared fake FSL and MRA report. In order to extend the benefit to the owner of the vehicle with malafide intention which show professional gross misconduct and criminal negligence act on your part"**, and the



appellant was suspended vide order No.8926-33/EF dated 31-07-2015 with immediate effect. **(Copies of Show Cause Notice and suspension order are attached herewith as "B" & "C").**

3. That the above mentioned Show Cause Notice was replied by the appellant on 06-08-2015 denying the allegations and furnishing all facts and circumstances in detail but the same was not considered for the unknown reasons. **(Copy of reply to Show Cause Notice dated 31-07-2015 is attached herewith as "D").**
4. That thereafter the Deputy Commandant, Elite Force Khyber Pakhtunkhwa, Peshawar issued a Charge Sheet alongwith statement of allegations vide No.9794-99/EF dated 11-08-2015 alleging therein that "while posted as SHO in PS Sazin, he convinced his subordinate, being preferred a fake FSL report with malafide intention as per report of DPO Kohistan No.570/PSO dated 15-07-2015. Mr. Saeed Ahmed Malik DSP of Elite Force Mansehra was appointed as Inquiry Officer. **(Copy of Charge Sheet & Statement of Allegation dated 11-08-2015 are attached herewith as "E" & "F").**
5. That the above mentioned Charge Sheet was duly replied by the appellant flatly refuting the allegation leveled therein and supply all facts and circumstances of the matter in detail but same was also not reconsidered. **(Copy of reply is attached herewith as "G").**



6. That no date, time and place was fixed for inquiry nor was appellant communicated with such information to appear before the Inquiry Officer.
7. That no such proper enquiry was ever conducted by the Enquiry Officer as has been cited to in the impugned order dated 02-12-2015. Neither any witness appeared before the Inquiry Officer against the appellant nor was the appellant provided with the opportunity to cross examine such witness 'if any'.
8. That no documentary evidence was produced before the Inquiry Officer against the appellant to prove his guilt nor was he confronted with such documentary evidence, if any.
9. That ever the appellant was never afforded with the opportunity of personal hearing by the Inquiry Officer thus has caused serious prejudice to the appellant to defend himself and principle of natural has been violated in the case of appellant.
10. That afterward the appellant was served with a Final Show Cause Notice vide No.12943/EF dated 19-10-2015 by the Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar with the same allegation as mentioned earlier in Show Cause Notice dated 31-07-2015. **(Copy of the Final Show Cause Notice dated 19-10-2015 is attached herewith as "H").**



11. That appellant on his turn replied the Final Show Cause Notice on 25-10-2015 once again communicating all facts and circumstances in detail as usual and vehemently negating the allegations but the same was also turned down as before without any reason and rhyme and that too in a cursory and slipshod manner. **(Copy of the reply dated 25-10-2015 is attached herewith as "I")**.

12. That the facts is that while appellant posted as SHO PS Sazin Upper Kohistan on 14-04-2015 performing routine patrolling duty on KKH road intercepted a suspected vehicle Motor Car No.B-9100-B SWAT. The same was taken into custody under section 523/550 PPC, and with the permission/approval of the Honourable Senior Civil Judge/Judicial Magistrate, Kohistan investigation under section 156(3) C.R.Pc was carried out. On 27-04-2015 under the instruction of my Officers the said vehicle was taken to FSL Peshawar for Lab for checking. Its Registration papers were submitted for MRA report to the concerned office at Swat. The entire record/papers were handed over to ASI Mohammad Amjad Khan Investigation Officer. **(Copies DD No.11 dated 14-04-2015, Recovery Memo of Vehicle dated 14-04-2015, Application for investigation u/s 156(3) CRPc dated 15-4-2015, Recovery Memo of Registration Book vehicle dated 20-4-15 are attached "J, K, L, M)**.

13. That on 30-04-2015, Mohammad Habab Head Constable PS Kohistan collected the report from FSL Peshawar and produced before me which was immediately brought to the



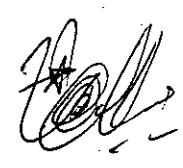
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notice of DSP Circle Officer Mohammad Riaz and upon his instructions from the said DSP Circle the same was handed over to ASI Mohammad Amjad Khan Inv. Officer for further proceeding in the matter. **(Copy of FSL report is attached as "N")**.

14. That thereafter one Aziz-ur-Rehman S/O Sown R/O Serithore Chillas brought MRA Report to me which similarly after brining into the notice DSP Circle was handed over to the said ASI Mohammad Amjad Khan I.O. for further necessary action in the investigation proceeding. **(Copy of MRA report is attached as ("O"))**.
15. That after completing the investigation, the Inv. Officer ASI Mohammad Amjad Khan submitted his complete report. And owner of the vehicle submitted application for superdari before the Senior Civil Judge/Judicial Magistrate Kohistan who on his turn released the same on production Machalka. **(Copies of Investigation Report, Superdari Application/Machilkas and order of the court dated 07-05-2015 are attached as " P, Q, R & S).**
16. That it was the mandatory duty of Investigation Officer that before putting the FSL & MRA reports before the court for releasing the vehicle on superdari the same must have been got verified from the concerned offices.



17. That thereafter the said reports were got verified by the High-ups from the concerned offices and found fake. **(Copies of the reports of the concerned offices are attached as "T, U")**.
18. That it is very astonishing and perplexing one that the fake report of FSL has been prepared on the original/fair paper obtained from their paid which cannot be acquired and issued by any-one-else except FSL Staff. This fake report also bears stamp and signature of the relevant officer. Similarly the paid used for MRA report also cannot be procure other than concerned officer including stamp and signature. Question of involvement of staff of these offices cannot be ruled out. But no one from these concerned offices is involved in this matter to dig out the true facts of the matter.
19. That appellant has done his duties with due care and caution leaving no stone unturned in discharge of his duties. Therefore, he cannot be held responsible for the acts committed by others.
20. That not only the charge leveled against the appellant is incorrect even he has been condemned unheard. He was never provided with a chance of personal hearing rather he was awarded Major Penalty of reduction in rank on flimsy grounds and that too without any proof or fault on the part of appellant.
21. That in view of the facts and circumstance explained here above, the appellant could not be held responsible by



stretch of no imagination for the allegation as mentioned in the Charge Sheet.

22. That appellant always performed his assigned duties with devotion, dexterity, honesty and never provided a chance of reprimand to his officers. Appellant has excellent rather meritorious service record at his credit.

23. That the Appellant has been awarded with the Major Penalty of reduction in rank from Sub Inspector to ASI illegally, unlawfully against the facts and circumstances without any reason and rhyme, hence this Departmental Appeal, inter alia, on the following:

GROUND

- a) That the impugned order dated 02-12-2015 is illegal, unlawful, without lawful authority, passed in slipshod and cursory manner, superficially and contrary to facts on record thus is liable to be set aside.

- b) That the appellant is innocent and never committed any act as alleged against him and is against the facts; hence impugned order is liable to be turned down.

- c) That the Enquiry Officer has acted in a flimsy and whimsical manner without conducting the alleged so-called inquiry and in utter violation and negation of the procedure set forth by the



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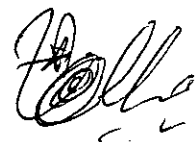
law for the dispensation of justice at the preliminary stages during the course of departmental inquiries, hence the order impugned is liable to be turned down on this score alone.

- d) That no full fledged enquiry was ever conducted against the appellant which is mandatory under the provisions of statutory law and departmental rules and regulations for awarding Major Penalty of reduction in rank.
- e) That the appellant was never provided with the findings of inquiry or inquiry report, if any, which is mandatory under law.
- f) That appellant was not provided with the opportunity of personal hearing before awarding major penalty which is mandatory under the law, hence the impugned needs to be turned down.
- g) That neither any witness was produced against the appellant nor was he provided with a chance to cross-examine such witness, if any, nor was the appellant confronted with documentary evidence, if any, produced against the appellant.
- h) That the appellant is a very senior police official having long services at his credit; he will have to sustain heavy financial and promotion loss if the impugned order is not set aside.
- i) That appellant has always performed his assigned duties with zeal, zest, devotion, dedication and honesty to the entire



satisfaction of his superiors and never provided them with a chance of reprimand.

- j) That appellant is young, energetic, well-built, disciplined and literate police officer. Appellant has meritorious service record at his credit.
- k) That a false and fabricated FIR in the very matter has been got registered against the appellant and due to the reason since 07-12-2015 and till today the appellant is behind the bar in judicial lock-up in Kohistan Jail for no fault on his part. Hence this appeal from Jail Kohistan.
- l) That though the matter being a question of fact was required to have been proved through proper departmental inquiry yet no proper departmental inquiry was ever conducted which resulted into serious miscarriage of justice to the appellant; hence the order impugned is illegal and needs to be set aside.
- m) That no time, date and place was fixed for inquiry or ever communicated to the appellant.
- n) That appellant was not provided with the opportunity of personal hearing before awarding penalty which is mandatory under the law, hence the impugned needs to be turned down.
- o) That the appellant has been awarded the penalty major penalty of reduction in rank and that too without any proof which is against the law and rules.



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Sir, in view of the facts and circumstances narrated here above, it is earnestly prayed that the impugned order dated 02-12-2015 may graciously be set aside and the penalties of reduction in rank from Sub Inspector to ASI may kindly be withdrawn with grant of all consequential service back benefits. Thanking you sir in anticipation.

You're obedient Servant



(ASI, FAISAL ALI SHAH)
PLATOON NO.45
ELITE FORCE KPK PESHAWAR

Dated 30-12-2015



خلاصہ رپورٹ بابت انکوائری بنام فیصل علی شاہ سابقہ SHO تھانہ سازین ضلع کوہستان۔

جناب عالی!

انکوائری ہذا حوالہ چھٹی انگریزی نمبر 9777-82/EF مورخہ 20.04.2016 موصول ہوئی۔

انکوائری ہذا منجانب جناب ایڈیشنل انسپکٹر جنرل ایلٹ فورس پشاور نے مجھے مارک کر کے بوساطت ڈپٹی کمانڈنٹ ایلٹ فورس پشاور موصول ہوئی۔

خلاصہ الزمات :-

کاغذات موصول شدہ پڑھ کر معلوم ہوا کہ مورخہ 14.04.2015 فیصل علی شاہ سابقہ SHO تھانہ سازین ضلع کوہستان نے دوران نا کہ بندی زیر قیادت SDPO سرکل محمد ریاض سرکل شتیال نزد صابری پتھر موٹر کار نمبر B-9100/Swat مشتبہ السرقہ جان کر زید دفعہ 523/550 ض ف کو مالک موٹر کار عزیز الرحمن S/O سون سکنہ میری تھور چلاس سے قبضہ پولیس میں کر کے مزید قانونی کاروائی کیلئے امجد خان ASI تھانہ سازین کو حوالہ کیا گیا۔ امجد خان ASI تفتیشی افسر نے دریافت زید دفعہ (3) 156 ض کیلئے سینئر سول جج داسو سے اجازت لیکر گواہان فردات کے بیانات لے کر گاڑی کی تصدیق کرنے کیلئے بوساطت افسران بالا ETO سوات اور FSL لیبارٹری پشاور کو تحریری بھیجوا یا گیا مگر SHO فیصل علی شاہ نے اس دوران چالاکی سے جعلی اور بوگس رپورٹس MRA سوات اور FSL پشاور کے رپورٹ پیش کر کے عدالت سینئر سول جج داسو کو پیش کر کے عدالت نے موٹر کار متذکرہ کو حوالہ مالک کیا۔

کاروائی :-

دوران انکوائری سارے پولیس اہلکاران کو دفتر ہذا بلا کر اسکے بیانات قلمند کئے گئے۔ اور سارے کیس فائل کا باغور مطالعہ کیا گیا مورخہ 26.04.2015 کو سابقہ SHO فیصل علی شاہ نے از خود گاڑی متذکرہ بالا کی FSL لیبارٹری پشاور سے کرائی اور بعد لیبارٹری کرانے مورخہ 02.05.2015 کو پشاور سے واپس چلا گیا اور سابقہ SHO پورے 6 دن پشاور میں موجود رہا۔ دوران انکوائری مزید کاغذات کی پڑتال کرنے پر معلوم ہوا کہ 30.04.2015 کو حباب خان HC 954 بسلسلہ رپورٹ FSL موٹر کار نمبر 1682/NCP/PSKI کی حصول کیلئے پشاور آیا اور FSL سے ضلع کوہستان کے دیگر ڈاک وصول کر کے رپورٹ موٹر کار B-9100 بھی اُن کو حوالہ ہوا۔ حسب ہدایات سابقہ SHO فیصل علی شاہ جو پہلے سے ہری پور بازار میں انتظار کر رہا تھا نے FSL رپورٹ بابت موٹر کار وصول کیا۔ یہاں پر یہ بات قابل غور ہے کہ سابقہ SHO کو اتنی ضرورت کیوں پیش آئی کہ وہ حباب خان HC 954 سے نوٹن پر رابطہ کر کے رپورٹ امجد خان ASI تفتیشی افسر کی بجائے SHO نے ہری پور میں خود وصول کیا۔ دوران انکوائری حباب خان HC 954 سے معلوم ہوا کہ اُس نے اور بیجنل رپورٹ سے نوٹن کو کاپی نکال کر کے رپورٹ فیصل علی شاہ کو حوالہ کیا۔ جو دوران بیان حباب خان HC نے نوٹن کو کاپی بطور ثبوت بیان کے ساتھ پیش کی جو ہمراہ انکوائری لف ہے۔



مورخہ 03.05.2015 کو ہر دونوں رپورٹس ETO سوات اور ڈائریکٹر FSL کی رپورٹ SHO نے تفتیشی افسر امجد خان کو مار کر
 کر کے ہر دونوں رپورٹس مذکورہ گاڑی B-9100/Swat کے درست قرار دیے جا کر حوالہ کیے۔ مورخہ 07.05.2015 کو
 امجد خان ASI نے دونوں رپورٹس انکوائری (3) 156 ضف کے ساتھ لف کر کے عدالت سینٹر سول جج داسو میں پیش کر کے صاحب
 موصوف نے گاڑی سپرداری پر مالک کو حوالہ کرنے کا حکم کیا گیا۔ جو مالک گاڑی مسمیٰ مجیب الرحمن S/O سون سکنہ چلاس کو دو نفری ضمانت
 پر سابقہ SHO نے حوالہ کیا۔ اور یوں سابقہ SHO نے مورخہ 19.5.2015 کو دریافت ہذا داخل دفتر کرنے کیلئے SDPO کے
 زاریہ بھجوائی۔ اسی دوران سابقہ SHO فیصل علیشاہ تھانہ سازین سے ایلٹ فورس میں تبادلہ ہوا یا خود کیا گیا۔ مورخہ 21.06.2015
 کو جملہ کاغذات امجد خان ASI کو تھانہ میں حوالہ ہوئی۔ اسی دوران مورخہ 27.06.2015 گاڑی متذکرہ کی نسبت بوساطت افسران
 بالا چھٹی انگریزی 1846/MV مورخہ 11.05.2015 بحوالہ ڈائری نمبر 3748 مورخہ 23.06.2015 ETO سوات رزلٹ
 موصول ہوئی۔ اسی رپورٹ میں موٹر کار بالکل بوگس اور جعلی تحریر کیا گیا ہے۔ ASI امجد خان تفتیشی افسر نے کو جناب SDPO سرکل
 نے موصولہ ہر دو رپورٹس کی مزید تصدیق کرنے ETO سوات اور FSI لیبارٹری پشاور سے تحریری طور پر دوبارہ کرنے خود پشاور
 آئے اور جناب ڈائریکٹر FSL سے دوبارہ تصدیق شدہ رائے بابت موٹر کار متذکرہ حاصل کیا ASI مذکورہ نے تمام کارروائی مکمل کر کے ہر
 دو رپورٹس ETO سوات اور FSL پشاور بوگس اور جعلی پائے گئے۔ اس سلسلہ میں ڈائریکٹر FSL نے جناب RPO صاحب ہزارہ
 ریجن کو سابقہ SHO کے خلاف کارروائی کرنے کیلئے استدعا کی۔ ڈائریکٹر FSL کا لیٹر جناب RPO ہزارہ ریجن کو موصول ہو کر DPO
 کو ہستان کو مزید کارروائی کرنے کا حکم دیا۔ جس پر DPO صاحب کو ہستان نے انکوائری شروع کی۔ اور بعد مکمل انکوائری الزام ثابت ہو کر
 سابقہ SHO فیصل علیشاہ کے خلاف مقدمہ علت 15 مورخہ 29.07.2015 جرم 419/420/468/471-2001/20/3 تھانہ سازین میں درج رجسٹرڈ ہوا اور اسکو معطل کیا۔

تفتیش مقدمہ ہذا انٹی کرپشن کو حوالہ کیا۔ مزید معلوم ہوا کہ اسی مقدمہ کے سلسلے میں سابقہ SHO فیصل علیشاہ 2 مہینے
 جلاوٹ داسو جیل میں رہا جو بعد میں ضمانت پر رہا ہوا۔ اسی دوران انکوائری کے جملہ کاغذات جناب سابقہ ڈپٹی کمانڈنٹ ایلٹ فورس نے
 سابقہ SHO کو شوکانوٹس سمری آف الگیشن تقسیم کر کے مزید انکوائری جناب SP ایلٹ فورس ایبٹ آباد کے محمد سعید خان کو حوالہ
 کیا۔ جناب SP صاحب نے انکوائری مکمل کر کے سابقہ SHO فیصل علیشاہ کو سنگین سزا کی تجویز کیا گیا جس پر جناب ڈپٹی کمانڈنٹ
 ایلٹ فورس پشاور نے اسکی تنزیلی کر کے SI سے ASI کر دیا۔ اور یوں کارروائی مکمل ہوئی۔

مورخہ 24.04.2016 کو دوبارہ انکوائری کیلئے من SP ایلٹ فورس پشاور کو بھجوائی گئی۔ مورخہ 29.04.2016
 کو انکوائری ہذا کے سلسلے میں مورخہ 12.05.2016 کو سابقہ SHO فیصل علی شاہ کو بغرض قلمبندی بیان پیش کرنے آیا جس کو سنا گیا اور
 بیان لیکر جس پر کراس کیا گیا۔ مزید اس سلسلے میں امجد خان ASI تفتیشی افسر کو مورخہ 25.05.2016 اور جناب خان HC954 کو

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مورخہ 18.05.2016 تھانہ سازین کو یکے بعد دیگرے طلب کر کے بیانات لئے گئے اور ہر دو پر علیحدہ علیحدہ کر اس کئے گئے۔ مورخہ 06.06.2016 کو ہر سہ 3 ملازمین کو دفتر طلب کئے گئے جس کو ایک دو کمرے کے سامنے بٹھائے گئے اور سوالات کئے گئے اور باقاعدہ جرح کی گئی۔ دوران کر اس کرنے سابقہ SHO فیصل علیشاہ نے جعلی اور بوگس رپورٹس MRA سوات اور FSL پشاور کے رپورٹ کے متعلق کوئی صفائی پیش نہ کر سکا۔ دوران جنرل اہزرویشن کے ذریعے یہ بات سامنے آئی کہ سابقہ SHO ہر سوال کا جواب رک رک کر دیتا رہا اور ہر بات پر اس کا منہ خشک ہوتا رہا۔ دوران کر اس جب اس پر یہ سوال کیا گیا کہ آپ کے خلاف اتنی کارروائی ہو چکی ہے آپ کے خلاف مقدمہ درج رجسٹرڈ ہوا ہے۔ پھر بھی آپ نے اپنے بیان میں اپنے آپ کو اس پوری کارروائی سے بے خبر رکھنا اور مقدمہ آپ کے خلاف اچھا بنا آپ کے خلاف جرم ثابت ہونے پر آپ کو رپورٹ کر کے SI سے ASI کر دیا گیا تو اس سلسلہ میں اس کے پاس کوئی ٹھوس جواب نہ تھا۔ انکوآری کے پورے کارروائی کے دوران اس کی باتوں میں کوئی صداقت نہیں پائی گئی۔ کیونکہ ایک آدمی جب اتنا بڑا ریک لیتا ہے۔ تو اس سے آگے مزید بہت کچھ کرنے کی توقع ممکن ہے۔

نتیجہ:-

دوران انکوآری یہ بات سامنے آئی کہ سابقہ SHO نے ہر دو رپورٹس بوگس اور جعلی عدالت سینئر سول جج داسو کو پیش کر کے عدالت نے موٹر کار متذکرہ کو حوالہ مالک کیا۔ گواہان امجد خان ASI اور حباب خان HC 954 کے بیانات لئے گئے جس سے یہ ثابت ہوا کہ سارا کارروائی سابقہ SHO فیصل علیشاہ نے خود کیا ہے۔ اور صرف کاغذات پر فرضی دستخط کر کے امجد ASI کو مارک کیا ہے۔ اسی طرح حباب HC 954 کے بیان کے مطابق رپورٹ FSL ہری پور میں وصول کرنا اس بات کی غمازی کرتا ہے کہ SHO نے جعلی کاغذات MRA اور FSL رپورٹس تیار کئے تھے۔ اور سابقہ SHO فیصل علیشاہ کے ساتھ دفتر FSL اور دفتر ETO سوات سے کوئی ایسا کارملوٹ رہ چکے ہیں۔ مگر یہ پوری کارروائی اور سوچ فیصل علیشاہ کا بنایا ہوا ہے۔

لہذا سابقہ SHO فیصل علیشاہ تھانہ سازین کو جو سزا افسران بالانے دی ہے اس سے متفق ہوں۔ مذید یہ کہ ائندہ کیلئے مستقبل قریب میں سابقہ SHO کو کسی بھی اہم عہدہ پر فائز نہ کیا جائے۔ جس سے مزید آگے بہت کچھ غیر قانونی کام کرنے کی توقع کی جاتی ہے۔ لہذا اس کو اپنے ہی رینک ASI میں رہنے کی سفارش کی جاتی ہے۔

انکوآری رپورٹ مرتب ہو کر گزارش خدمت ہے۔

(Handwritten Signature)

(Handwritten Signature)
سپرٹنڈنٹ آف پولیس
ایلیٹ فورس پشاور ریجن

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Annex-X



Office of the Addl: Inspector General of Police
Elite Force Khyber Pakhtunkhwa Peshawar

No. 15326-31/EF


Dated 21/10/2016

ORDER

This order is hereby passed to dispose of departmental appeal preferred by ASI Faisal Ali Shah of Elite Force Khyber Pakhtunkhwa against the order of the Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar issued vide No. 14656-63/EF, dated 02.12.2015. He was suspended on 31.07.2015 by the then Deputy Commandant Elite Force as he was involved in preparation of a fake FSL and MRA report in order to extend the benefits to the owner of the vehicle with malafied intensions while posted as SHO PS Sazin, district Upper Kohistan. Resultantly, Charge Sheet and Summary of Allegations were issued to him vide No. 9794-99/EF, dated 11.08.2015. Acting SP Elite Force Hazara was appointed as Enquiry Officer, who found him guilty in the matter. Thus, a Final Show Cause Notice was issued to him vide No. 12943/EF, dated 19.10.2015 and was heard in person by the then Deputy Commandant Elite Force but the defaulter official failed to satisfy him. The Enquiry Officer also recommended him for some suitable punishment. Consequently, the then Deputy Commandant Elite Force imposed major punishment of "Reduction in Rank" upon him.


Hence, he preferred an appeal to the competent authority for restoring him to his original rank of Sub Inspector. Subsequently, a Denovo enquiry was ordered by the competent authority and SP Elite Force Peshawar was nominated as Enquiry Officer, who held him guilty in the matter and consent with major punishment of "Reduction in Rank" awarded to him.

I, Syed Fida Hassan Shah, (PSP) Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority heard him in person in Orderly Room held on 18.10.2016. His appeal is rejected as he has been held guilty in both the initial and Denovo enquiries. However, the punishment of reduction in rank would remain effective for two years w.e.f. the original date of punishment i.e. 02.12.2015.


(SYED FIDA HASSAN SHAH) PSP
Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

Copy of above is forwarded to the:-

1. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
2. Senior Superintendent of Police, Elite Force, Hazara.
3. RI, Elite Force, Khyber Pakhtunkhwa, Peshawar.
4. EC/SRC, Elite Force, Khyber Pakhtunkhwa, Peshawar.
5. ASI Faisal Ali Shah through SSP Elite Force Hazara.





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Office of the Addl: Inspector General of Police
Elite Force Khyber Pakhtunkhwa Peshawar



No. 15326-31/EF

Dated 21/10/2016

ORDER

This order is hereby passed to dispose of departmental appeal preferred by ASI Faisal Ali Shah of Elite Force Khyber Pakhtunkhwa against the order of the Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar issued vide No. 14656-63/EF dated 02.12.2015. He was suspended on 31.07.2015 by the then Deputy Commandant Elite Force as he was involved in preparation of a fake FSL and MRA report in order to extend the benefits to the owner of the vehicle with malafied intentions while posted as SHO PS Sazin, district Upper Kohistan. Resultantly, Charge Sheet and Summary of Allegations were issued to him vide No. 9794-99/EF dated 11.08.2015. Acting SP Elite Force Hazara was appointed as Enquiry Officer, who found him guilty in the matter. Thus, a Final Show Cause Notice was issued to him vide No. 12943/EF, dated 19.10.2015 and was heard in person by the then Deputy Commandant Elite Force but the defaulter official failed to satisfy him. The Enquiry Officer also recommended him for some suitable punishment. Consequently, the then Deputy Commandant Elite Force imposed major punishment of "Reduction in Rank" upon him.

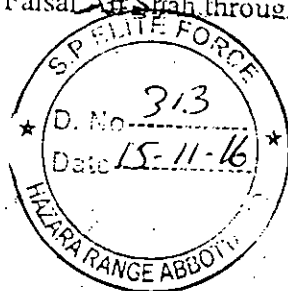
Hence, he preferred an appeal to the competent authority for restoring him to his original rank of Sub Inspector. Subsequently, a Denovo enquiry was ordered by the competent authority and SP Elite Force Peshawar was nominated as Enquiry Officer, who held him guilty in the matter and consent with major punishment of "Reduction in Rank" awarded to him.

I, Syed Fida Hassan Shah, (PSP) Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority heard him in person in Orderly Room held on 13.10.2016. His appeal is rejected as he has been held guilty in both the initial and Denovo enquiries. However, the punishment of reduction in rank would remain effective for two years w.e.f. the original date of punishment i.e. 02.12.2015.

(SYED FIDA HASSAN SHAH) PSP
Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

Copy of above is forwarded to the:-

1. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
2. Senior Superintendent of Police, Elite Force, Hazara.
3. RI, Elite Force, Khyber Pakhtunkhwa, Peshawar.
4. EC/SRC, Elite Force, Khyber Pakhtunkhwa, Peshawar.
5. ASI Faisal Ali Shah through SSP, Elite Force Hazara.



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PEASHAWAR.

Service Appeal No. 1195/2016.

Faisal Ali Shah (Appellant)

Versus

Provincial Police Officer and others (Respondents)

Subject:- COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully Sheweth.

PRELIMINARY OBJECTIONS:-

- a) The appeal has not been based on facts.
- b) The appellant is estopped to file the appeal.
- c) The appeal is barred by law and limitation.
- d) The appellant has got no cause of action to file the present appeal.
- e) The appeal is bad for mis-joinder and non-joinder of necessary parties.
- f) Appellant has wrongly impleaded Commandant Elite Force Khyber Pakhtunkhwa instead of Addl: IGP Elite Force.
- g) The appellant has not come to the Honorable Tribunal with clean hands.

FACTS:-

1. Correct to the extent of passing the impugned orders as the appellant while posted as SHO Police Station Sazin District Upper Kohistan seized a suspected Motor Car No. B-9100/ Swat under section 523, 550 Cr.P.C. He joined hands with the alleged owner of the vehicle and in order to manage grant of "Superdari" of the vehicle to the alleged owner manipulated and concocted bogus Forensic Science Laboratory (FSL) and Motor Registration Authority (MRA) reports and produced the bogus reports before the Honorable Court with ulterior motive of acceptance of the "Superdari" application. Show notice based on the above allegations was issued to appellant. Copies of the bogus FSL and MRA reports prepared by the appellant are enclosed as Annexure-A and B respectively.
2. Correct to the extent that show cause notice based on the allegations explained in reply to Para-1 of the facts of appeal was issued to appellant.
3. Incorrect, the reply submitted by appellant in response to the show cause notice was found unsatisfactory therefore charge sheet and

statement of allegation were issued to appellant and inquiry officer was appointed for scrutinizing the conduct of appellant with reference to the charges leveled against him.

4. Correct to the extent that charge sheet and statement of allegation were issued to appellant and his reply was found unsatisfactory, therefore regular inquiry was conducted through responsible Police Officer and proper opportunity of defense was provided to appellant.
5. Incorrect the reply submitted by appellant in response to the charge sheet and statement of allegations was found unsatisfactory therefore the inquiry officer continued regular inquiry to find out truth of the charges leveled against the appellant.
6. Incorrect, the inquiry officer conducted regular inquiry. He in addition to examination of record also examined the witnesses and submitted finding report stating therein that the charges were proved. Copy of the finding of inquiry officer is enclosed as Annexure-C. In addition to departmental charges criminal case vide FIR No. 75/2015 Under Section 409, 420, 468, 471, 200, 201, 34 PPC Police Station Sazin was also registered. Copy of FIR is enclosed as Annexure-D. Furthermore, the inquiry officer also brought on record the genuine FSL report and MRA report which are enclosed as Annexure-E and F.
7. Final show cause notice based on the finding of inquiry officer was issued to appellant and reply received in response to the show cause notice was found unsatisfactory. The impugned order was passed in the light of finding report of the inquiry officer.
8. Incorrect the reply submitted by appellant in response to the final show cause notice was found unsatisfactory.
9. Incorrect, as explained in reply to Para-I of the appeal, appellant was behind the preparation of bogus FSL and MRA reports. The inquiry officer has brought on record sufficient evidence about the of played by appellant in preparation of bogus documents.
10. Incorrect, according to the inquiry report appellant himself managed FSL report of the vehicle by visiting to Peshawar and stayed for six (6) days at Peshawar. He received the report from Habab Khan HC at Haripur Bazar and then manipulating bogus FSL report. Amjad Khan ASI later on collected the original / genuine FSL report from FSL.

11. Incorrect, Amjad Khan ASI collected the genuine reports on the directions of SDPO.
12. Incorrect, appellant managed grant of "Superdari" of vehicle to the alleged owner and Amjad Khan ASI conducted fair investigation and exposed the fraud committed by the appellant.
13. Incorrect, according to the inquiry reports appellant was behind producing the bogus reports before the Honorable Courts.
14. Incorrect, appellant has admitted that bogus FSL and MRA reports were prepared and according to the inquiry reports appellant was behind preparation of forged documents.
15. Incorrect, according to the inquiry report appellant prepared the forged documents and the authority passed the impugned orders based on the inquiry reports and reports of concerned District Police Officer and Regional Police Officer.
16. Incorrect, there was no force and substance in the departmental appeal of appellant and the appellate authority correctly rejected the departmental appeal.
17. Incorrect, the appellant authority before rejecting the departmental appeal made efforts for verifying the facts and then passed speaking order in the departmental appeal.
18. Incorrect, the appellant authority order is in accordance with the law provided in FR-29. Therefore, the order is legal and worth retention.
19. Incorrect, proper opportunity of defense was provided to appellant and he failed to defend the charges leveled against him, therefore the impugned orders are worth retention.

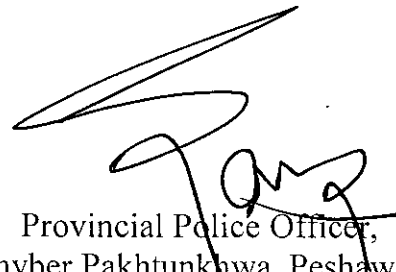
GROUNDS:-

- a. Incorrect, the impugned orders are just, legal and have been passed in accordance with law and rules. The impugned orders do not suffer from any illegality, irregularity and technical faults. The orders are comprehensive and detailed.
- b. Incorrect, proper inquiry was conducted wherein the charges leveled against appellant were reported proved by the inquiry officer.
- c. Incorrect, issuance of fresh charge sheet is not mandatory in de-novo inquiry proceeding.
- d. Incorrect, the inquiry officer examined witnesses and record and then submitted finding report.

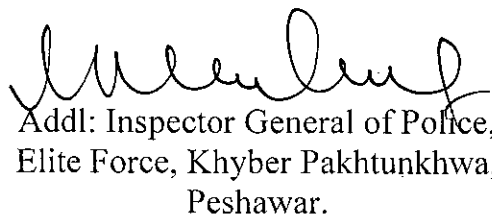
- e. Incorrect, the inquiry officer has submitted detailed inquiry report which has already been enclosed as Annexure-C.
- f. Incorrect, opportunity of defense and personal hearing was provided to appellant as evident from the impugned orders.
- g. Incorrect, appellant was found guilty of the charges leveled against him during course of inquiry.
- h. Incorrect, long service is no ground in defense of serious proved charges.

PRAYERS:-

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



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



Addl. Inspector General of Police,
Elite Force, Khyber Pakhtunkhwa,
Peshawar.

(Respondent No. 2)



Dy: Commandant Elite Force,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 3)



Office of the Superintendent of Police,
Elite Force Hazara Region Abbottabad.



No. 405 E/F

Date: 07-10-15

To: The Deputy Commandant,
Elite Force Khyber Pakhtunkhwa.

Subject: FINDING REPORT OF ENQUIRY AGAINST FAISAL ALI SHAH EX SHO
POLICE STATION SAZEEN UPPER KOHISTAN NOW SUSPENDED CLOSE
ELITE FORCE HOS KHYBER PAKHTUNKHWA PESHAWAR.

With reference to your office Endst: No. 9794-99/ EF dated 11-08-2015, the under signed has been deputed to conduct enquiry against Faisal Ali Shah Ex: SHO Sazeen, Kohistan now posted as SI in Platoon No. 45 Elite Force Khyber Pakhtunkhwa to probe the matter of preparing and using fake FSL reports, whereby motorcar vehicle No. B 91100 swat, the subject of enquiry u/s-156(3) was got released on superdari through court.

The undersigned during the course of enquiry took in to possession the relevant paper relating to initiation of enquiry against the delinquent officer which includes summary of allegation, charge sheet, show cause notice as well as replies of the officers. From the perusal of document it is obvious that the RPO had suggested in the concluded Para of his letter to move Anticorruption corruption authorities KPK for legal action at their end.

During the course of enquiry the roles of delinquent officers involved in the matter was minutely thrashed out which depicted that the major role of tempering with the documents in focused on Faisal Ali Shah Ex SHO Sazeen Kohistan. The other roles of Hijab Constable is also found objectionable as he violated the normal procedure of taking such reports form FSL Peshawar and instead handed it over to the Faisal Ali Shah where all the entire episode seems to have been started. Had the constable taken the laboratory report direct to the concerned offices of the DPOs of upper and lower Kohistan, the SHO would not have been able to change the entries in order to benefit the accused party. Although the role of constable is at lower pedestal yet under the given circumstances he cannot be absolved off his liability to safely carry the impugned reports to the concerned office.

The Mohammad Riaz Khan DSP/ SDPO circle shitiyal Kohistan was also examined who had affirmed that in fact soon after the seizure of the vehicle in question Faisal Ali Shah Ex SHO verified through VVS system and told him that a Toyota Corolla Model 1975 registered in the documents while the recovered vehicle was 20D of 2005 Model. It is worth mentioning that when the matter was already clarified by the SHO himself through VVS system, how he managed to prepare fake documents though it was in the knowledge of high ups.

The act of the SHO is not only highly objectionable but is a stigma on Police department where case properties worth millions of rupees is kept in Police Station, the act of the SHO has put the image of Police Department at stake by intentionally preparing fake documents and benefiting the accused party.

Superintendent
Elite Force
Hazara Region Abbottabad

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Handwritten initials: C/S

1-7-10

In the light of all above it is obvious that the charges mentioned in the charge sheet against the SHO Faisal Ali Shah are proved therefore it is recommended that he may be awarded appropriate punishment. As the matter of registration of case against the SHO is in pipeline with the anticorruption department as earlier it was registered in the local Police Station and the case of public servants are dealt with Anticorruption department also suggested against Hijab Constable who to some extent facilitated the SHO in his crime.

It is further suggested that in the meantime the head of prosecution, Kohistan may be approached to lodge an application before the competent forum challenging the release of the vehicle and necessary action against the sureties.

Submitted please.

Note: Enquiry papers are enclosed.

Superintendent of Police,
Elite Force, Hazara Region
Abbottabad

RILEF

ISSUE F.S.C.A.I

Call Sp Elite Hazara

Dy Commr
16/10/015

30/11/015

Discussed with Enquiry Officer.
The accused is given Major
punishment of reduction in rank.

26/11/015

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Bestiwa

C-1-20

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95

451

P/S Pattan

JUSTICE THROUGH SCIENCE
FORENSIC SCIENCE LABORATORY POLICE INVESTIGATION, PESHAWAR.
EXAMINATION REPORT FORM (D2)
REPORT OF CHEMICAL EXAMINER
F.S.L., PESHAWAR.

Lab. No. S.V:- 15-622-0-15 Dated. 27-04-2015/20

Received. One Motor Car vehicle Reg. No. PSKJ-1682/NCP

From. District Police Officer Lower Kohistan.

Letter No.1079/PA, Dated 23-04-2015, DD.No.17, P/S Pattan Lower Kohistan.
Vide

For verification/chemical examination of chasis/Engine numbers.

The vehicle in question was subjected to chemical treatment and observed the following.

No. S Before chemical treatment.
1. Chassis No.

No. S After chemical treatment.
1. Chassis No.


HN11S-663625

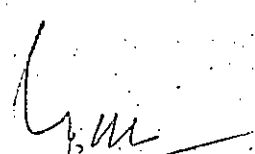
HN11S-663625

Opinion:-

Chemical examination of the chassis number of the vehicle in question revealed that:-

No other number has been deciphered on its chassis number.


(ZAFAR ISLAM)
(Chemical Expert)
FSL, Peshawar.

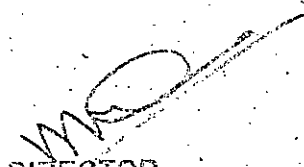

(MUHAMMAD ZEB KHAN)
(Chemical Examiner)
FSL, Peshawar.

No. 10787 /FSL Dated Peshawar the 29-4-2015

The opinion of the Chemical Examiner is forwarded to the: SP Investigation Lower Kohistan.
The receipt may be acknowledged and the vehicle in question may be collected from this Laboratory.

Note: this report bears Emboss mark.




DIRECTOR,
FORENSIC SCIENCE LABORATORY,
POLICE INVESTIGATION, KHYBER PAKHTUNKHWA,
PESHAWAR.

OFFICE OF THE EXCISE & TAXATION, MOTOR REGISTERING AUTHORITY

DISTRICT SWAT

GT ROAD RAHIM ABAD SWAT TEL NO :0946-9240170

45

1846.../MV

dated...11.../...05/2015

The District Police Officer,
Kohistan.

Subject:- VERIFICATION OF REGISTRATION.

Reference your letter No.890/PA, dated.22-04-2015 on the subject noted above.

As per this office record particulars of motor car No.B-9100(Swat) are as under:

Make and Model	Toyota Corolla, 2005
Registration No.	4008621
Chassis No.	CE120-0018204
Owner's Name:	Muhammad Shoab s/o Muhammad Ismail r/o Moh:Haji Muhammad Ismail, Rangmohala, Mingora, Distt:Swat.

Moreover photocopy of registration received with your above quoted letter is entirely fake /bogus, fabricated and has not been issued by this office.

Suzain
Shahid
mla & report

EXCISE AND TAXATION OFFICER/
MOTOR REGISTERING AUTHORITY,
SWAT

7/5/15
M.M. Uddin

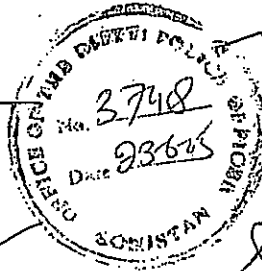
District Police Officer,
Upper Kohistan

S.H.O. Suzain

*For information and
report.*

M.M.

SDPO. Shahid
25-6-15
25-6-15



PASION 31
27-6-15

Attest
Supdt. Elite Force

is of the Senior Civil Judge JM case no 21511
 & the vehicle the owner on Superdax - later on a other MRA
 report NO 1846 MV dated 11-5-2015 was received through -
 report claimed from MRA Swat - according that the Registration of
 of the above mentioned vehicle was fake and fabricated at the
 same time FSL duplicate report was also collected by ASI Amjad
 Khan from FSL Laboratory in which it was concluded that earlier
 report regarding that vehicle is fake while the original report of
 FSL which was handed over to He Habab No 593 - Bkt the same was
 not received. During the course of enquiry He Habab No 593 -
 disclosed that he had handed over the original report to Ex
 SHO/SI Faisel Ali Shah in handover on his desire - in light of
 above it is very clear that Ex SHO Faisel Ali Shah with connivance
 of other Police officials prepared fake FSL and MRA report in
 order to extend the benefit to the owner of the vehicle illegally
 with malafied intension which shows professional gross misconduct
 and criminal negligence act on the part of Ex-SHO MR. Faisel
 Ali Shah presently posted at Elite force - it is therefore -
 suggested that necessary departmental action may be initiated
 against the above officials for negligence in lawful duty and anti
 Corruption Establishment Department Govt. of Punjab
 Pakhtunkhwa for further legal action, as the SI is presently
 posted in Elite Police and the whole episode points to active
 connivance by some members of FSL as well. sd- Regional
 Police Officer Hazara Atollabad. NO 11594-96/R. Copy of above
 is forwarded to the (1) Director FSL Peshawar for information
 with reference to their letter NO 1219-21 dated 2-7-2015 -
 (2) PSO to Provincial Police Officer Khyber Pakhtunkhwa for inf-
 ormation - (3) District Police Officer Upper Kohistan with the dis-
 action to coordinate with. Dtg Enquiry & Inspection as well
 as, Director FSL Peshawar for providing all legal assistance and
 also to register case against defaulters.

Sd/-
 29-7-2015

اطلاع کے لیے اطلاع دہندہ کا دستخط ہو گا یا اس کی ہیر یا نشان لگایا جائے گا۔ اور اس پر تحریر کنندہ کی اطلاع کا دستخط بطور تصدیق ہو گا۔ حروف الفبا یا سرخ روشنائی سے باقائمان نام
 ایک لازم یا شہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں لکھنا چاہئے۔

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In the matter of:
Appeal No. 1195/2016

Faisal Ali Shah ASIV/S.....PPÓ/IGP & others
(Appellant) **(Respondents)**

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully Sheweth:

The appellant submits his rejoinders under:

Preliminary Objection:

- a. Contents incorrect and misleading; the instant appeal has been filed by including all the facts required for just and proper decision of the lis.
- b. Contents incorrect and misleading, no rule of estoppel is applicable in the instant case.
- c. Contents incorrect and misleading the appeal has been filed well within the prescribed period of limitation.
- d. Contents incorrect and misleading, the appellant has been awarded with the penalty illegally and that too without any fault on his part by the respondents; hence he has got every cause of action and locus standi to file the instant appeal.
- e. Contents incorrect and misleading, all the necessary parties have been arrayed in the instant appeal.
- f. Contents incorrect and misleading, departmental appeal addressed to the Addl. IGP Elite Force was decided by the Commandant Elite Force KPK thus respondent No.2 was rightly impleaded.

- g. Contents incorrect and misleading, the appellant has come to the Tribunal with clean hand.

ON FACTS:

Contents of para No.1 to 19 of the appeal are correct; and the reply submitted to these paras by respondents in para-1 to 19 is incorrect and misleading hence denied.

GROUND:

All the grounds "A" to "H" taken in the memo of appeal are legal and will be substantiated at the time of hearing of appeal and reply submitted to these paras by respondents from "A" to "H" is incorrect and misleading hence denied.

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

Through:

Appellant

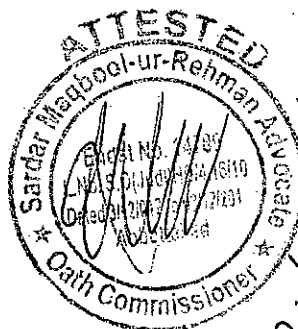
(Mohammad Aslam Tanoli)
Advocate High Court, at Haripur

Dated: 21-12-2017

AFFIDAVIT:

It is stated on oath that the contents of this Rejoinder as well as that of the titled Appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honourable Tribunal.

Dated: 21-12-2017



Deponent/Appellant