

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1173/2016

Date of Institution ... 18.11.2016

Date of Decision ... 11.11.2019

Said Azam Khan S/O Haji Mosam Khan, Head Constable, Investigation Office, Ex-ASI/SHO, PS-Naurang, Lakki Marwat. ... (Appellant)

VERSUS

District Police Officer, Lakki Marwat and two others. ... (Respondents)

ARBAB SAIF-UL-KAMAL,
Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK,
Additional Advocate General

--- For respondents

MR. AHMAD HASSAN

MEMBER(Executive)

MR. MUHAMMAD AMIN KHAN KUNDI

MEMBER(Judicial)

JUDGMENT:

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS:

02. Learned counsel for the appellant argued that he joined the Police Department as Constable on 23.12.1986 and finally reached the rank of ASI. On certain allegations, disciplinary proceedings were conducted against the appellant and upon culmination major penalty of reduction to lower position of Constable from the rank of officiating ASI was imposed on him vide order dated 31.05.2016. He filed departmental appeal on 13.06.2016 which was dismissed vide order dated 29.07.2016. This order was assailed by the appellant through revision petition on 05.08.2016, which was partially accepted and penalty of reduction from the rank of

Officiating ASI to Constable was modified/converted to that of Head Constable thorough order dated 08.11.216. The present service appeal was filed by the appellant on 18.11.216. Learned counsel for the appellant further argued that enquiry was not conducted in the mode and manner prescribed in the rules. Defense offered by the appellant was not at all considered by the enquiry officer. Moreover, charges leveled against him were not substantiated through incriminating evidence during the enquiry proceedings.

03. Learned Additional Advocate General argued that being SHO, it was his duty to check daily diary on arrival in Police Station and in case of any irregularity, action was required to be taken under Rule-22(1) Police Rules 1934. FIR no. 719 dated 26.09.2014 under Section-382/506/337-A(II)/34 PPC Police Station Naurang, District Lakki Marwat was chalked out on the complainant of Syed Rehman S/O Haji Aslam Khan regarding snatching of 1500000/- rupees. The act of the appellant proved beyond any doubt malintent on his part after registration of FIR no. 721 dated 26.09.2014 under Section-382/14/149/PPC and the same was done in connivance with the opposite party. Penalty was awarded after observation of all codal formalities.

CONCLUSION:

04. In the present service appeal, the appellant is guilty of different charges as contained in the charge sheet and misuse of power by exerting pressure on ASHO, Inayatullah to register cross case against the appellant. The appellant in his written defense to the charge sheet and statement of allegations out rightly denied the charges leveled against him. He further clarified that no delay occurred in registration of FIR, nor he was chalked down the FIR. FIR was lodged by ASHO,

Inayatullah. Thereafter, a show cause notice was served on the appellant but copy of enquiry report was not annexed with the show cause notice which was a glaring illegality and cannot be ignored. It deprived the appellant from putting up proper defense in response to the show cause notice served on him. Resultantly, he was condemned unheard. Moreover, action of the respondents goes against Article-4 and 10(A) of 1973 Constitution. In these circumstances it cannot be termed as a regular enquiry (PLD 1981 Supreme Court 176).

05. Moreover, the enquiry officer was obligated to have recorded the statement of complainant in the presence of the appellant and also providing him opportunity of cross examination. In the absence of statement of complainant, we were not able to comprehend how charges leveled against the appellant were proved. The appellant under the rules had also right to cross examine all those who had deposed against him. These shortcomings in the findings of the enquiry report made it questionable, disputed and controversial.

06. As a sequel to the above, the appeal is appeal is accepted and impugned orders dated 31.05.2016, 29.07.2016 and 08.11.2016 are set aside. The respondents are directed to conduct de-novo enquiry within a period of ninety days after the date of receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
Member



(MUHAMMAD AMIN KHAN KUNDI)
Member

07.10.2019

Appellant in person present. Mr. Usman Ghani learned District Attorney alongwith Javid Iqbal Inspector present. Appellant seeks adjournment as his counsel is not available. Adjourn. To come up for arguments on 11.11.2019 before D.B


Member


Member

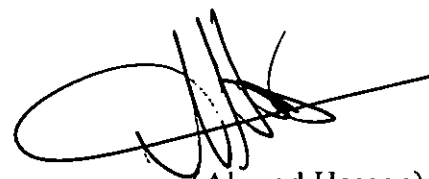
ORDER

11.11.2019

Counsel for the appellant present. Addl: AG alongwith Mr. M. Javed Iqbal, Inspector (Legal) for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is appeal is accepted and impugned orders dated 31.05.2016, 29.07.2016 and 08.11.2016 are set aside. The respondents are directed to conduct de-novo enquiry within a period of ninety days after the date of receipt of this judgment. Parties are left to bear their own cost. File be consigned to the record room.


Announced:
11.11.2019


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

09.07.2019


Learned counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 26.08.2019 before D.B.



Member


Member

26.08.2019


Appellant in person present. Mr. Usman Ghani, District Attorney alongwith Mr. Javed Inspector for respondents present. Appellant seeks adjournment due to general strike on the call of Peshawar Bar Association. Adjourn. To come up for arguments on 18.09.2019 before D.B.


Member


Member

18.09.2019

Junior to counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Javed Iqbal, Inspector for respondents present. Junior to counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 07.10.2019 before D.B.


Member


Member

09.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 19.12.2018.

19.12.2018

Learned counsel for the appellant and Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Learned counsel for the requested for adjournment. Adjourned. To come for arguments on 08.02.2019 before D.B.

Reader

08.02.2019

(Hussain Shah)
Member

(Muhammad Amin Kundi)
Member

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 24.04.2019 before D.B.

(Ahmad Hassan)
Member

(M. Amin Khan Kundi)
Member

24.04.2019

Miss Uzma Syed, Advocate for learned counsel for the appellant and Mr. Ziaullah DDA for the respondents present.

Request for adjournment is made due to engagement of learned senior counsel for the appellant before the Honourable High Court today in many cases.

Adjourned to 09.07.2019 for arguments before the D.B.

Member

Chairman

28.06.2018

Junior to counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 08.08.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

08.08.2018

Appellant Syed Aam Khan in person alongwith his counsels M/S Saadullah Khan Marwat, Advocate and Arbab Saif ul Kamal, Advocate present. Mr. Javed Iqbal, Inspector alongwith Mr. Ziaullah, DDA for respondents present. On one hand spare copy for the member was not annexed with the appeal and on the other hand the above named representative has not brought record of enquiry. As such the appellant is directed to furnish spare copy for member before next date similarly, the above named representative is directed to bring the record of enquiry on 04.10.2018 before D.B.



Member


Chairman

04.10.2018


Appellant absent. Learned counsel for the appellant absent. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Javid Iqbal Inspector for the respondents present. Adjourned. To come up for arguments on 09.11.2018 before D.B.



(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

08.01.2018

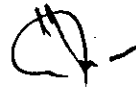
Counsel for the appellant and Addl : AG alongwith Mr. Javid Iqbal, Inspector for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 05.3.2018 before D.B.



(Ahmad Hassan)
Member(E)


(M. Hamid Mughal)
Member (J)

05.03.2018

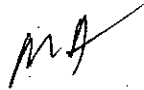
Junior counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Javid Iqbal, Inspector for the respondents present. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 13.04.2018 before D.B.


(Muhammad Hamid Mughal)
Member


(Muhammad Amin Khan Kundi)
Member

13.04.2018


Counsel for the appellant and Addl. AG for the respondents present. The court time is over. To come up for arguments on 28.06.2018 for arguments before the D.B.


Member


Chairman

23.05.2017

Appellant alongwith his counsel present. Mr. Bakht Zameen, Inspector alongwith Mr. Kabirullah Khattak, Assistant AG for the respondents also present. Rejoinder submitted ~~in~~ and requested for adjournment. Adjourned. To come up for arguments on 08.08.2017 before D.B.

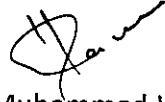

(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

08.08.2017

Appellant in person present. Mr. Bakht Zameen, Inspector alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Arguments could not be heard as lawyer community is on general strike. Adjourned. To come up for arguments on 06.11.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member (J)


(Muhammad Hamid Mughal)
Member (J)

06.11.2017

Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Javed Iqbal, Inspector for the respondents also present. Inquiry report is not available on record. Representative of the department is directed to produce record of inquiry proceedings alongwith inquiry report. Adjourned. To come up for record and arguments on 08.01.2018 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

09.02.2017

Counsel for the appellant and Add: AG* for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 20.03.2017 before S.B.


(ASHFAQUE TAJ)


20.03.2017

MEMBER
Counsel for the appellant and Mr. Zafar Ullah Inspector alongwith Addl: AG for the respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 18.04.2017 before S.B.


Chairman

18.04.2017

Counsel for the appellant and Mr. Jalal, HC alongwith Addl. AG for the respondents present. Written reply submitted. To come up for rejoinder and final hearing on 23.05.2017.

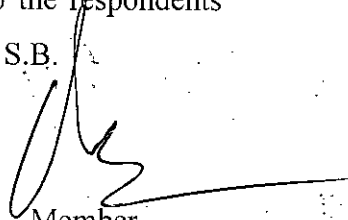

(Muhammad Amin Khan Kundi)
Member

08.12.2016

Counsel for the appellant present. Preliminary arguments heard and case file perused. Perusal of the case file reveals that the appellant was awarded major punishment of reduction to lower rank of Constable from the rank of Officiating ASI vide order dated 31.05.2016. Against the impugned order appellant filed departmental appeal which was filed, however a fresh appeal under Rule-11-A Police Rules, 1975 was filed vide which the punishment was modified and the appellant was reverted from the rank of Officiating ASI to the rank of Head Constable vide impugned appellate order, hence the instant service appeal.

Appellant Deposited
Security Process Fee

Since the appeal is within time and the matter required further consideration of this Tribunal therefore, the same is admitted for regular hearing, subject to deposit of security and process fee within 10 days. Notices be issued to the respondents for written reply/comments for 19.01.2017 before S.B.


Member

19.01.2017


Clerk to counsel for the appellant and Assistant AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 09.02.2017 before S.B.


(ASHFAQUE TAJ)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1173/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24/11/2016	<p>The appeal of Sayed Azam Khan resubmitted today by Mr. Saadullah Khan Marwat 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;"> REGISTRAR</p>
2-	5-12-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>8-12-16</u></p> <p style="text-align: right;">MEMBER</p>

The appeal of Mr. Said Azam Khan son of Haji Mosam Khan Head Constable Investigation Office PS Nourang received today i.e. on 18.11.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Annexure-O of the appeal is illegible which may be replaced by legible/better one.

No. 1937 /S.T,

Dt. 21/11/2016


REGISTRAR
SERVICE TRIBUNAL -
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

5/11

Re-submitted after completion.



BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1173 /2016

Said Azam

versus

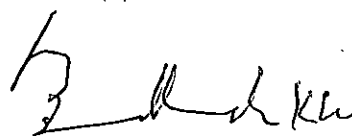
D.P.O & others

I N D E X

S.#	Description of Documents	Annex	Page
1.	Memo of Appeal		1-4
2.	Mad No. 5, dated 26-09-2014	"A"	5
3.	FIR No. 719, dated 26-09-2014	"B"	6-7
4.	Mad No. 5, dated 27-09-2014	"C"	8
5.	FIR No. 721, dated 27-09-2014	"D"	9-10
6.	Show cause notice, dated 25-05-2015	"E"	11
7.	Reply to Notice, 20-05-2015	"F"	12-13
8.	Charge Sheet, 28-12-2015	"G"	14
9.	Reply to Charge Sheet, 30-12-2015	"H"	15-16
10.	Final Show Cause Notice, 09-05-2016	"I"	17
11.	Reply to Final Notice, 16-05-2016	"j"	18-19
12.	Reduction Order, 31-05-2016	"K"	20
13.	Appeal to RPO, Bannu, 15-06-2016	"L"	21-22
14.	Appealed Filed, 28, 29-07-2016	"M"	23
15.	Revision Petition to PPO, 05-08-2016	"N"	24-25
16.	Rejection / Modified Order, 08-11-2016	"O"	26

Appellant

Through



Dated: 17-11-2016

(Saadullah Khan Marwat)
Advocate
21-A Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph: 0300-5872676
0311-9266609

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S. A. No. 1173 / 2016

Said Azam Khan S/o Haji Mosam Khan
Head Constable, Investigation Office,
Ex-ASI/SHO, PS-Naurang,
Lakki Marwat Appellant

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 1203

Dated 18-11-2016

Versus

- 1. District Police Officer,
Lakki Marwat
- 2. Regional Police Officer,
Bannu Region, Bannu
- 3. Provincial Police Officer,
KP, Peshawar Respondents

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT,
AGAINST O.B NO. 121, DATED 31-05-2016 OF R. NO.
1, WHEREBY APPELLANT WAS REDUCTED TO THE
POST OF CONSTABLE FROM THE POST OF ASI OR
OFFICE ORDER NO. 2100/EC, DATED 28/ 29-07-2016
OF R. NO. 2 WHEREBY DEPARTMENTAL APPEAL OF
APPELLANT WAS FILED OR OFFICE ORDER NO.
7035/16, DATED 08-11-2016 OF R. NO. 3 WHEREBY
THE AFORESAID PENALTY WAS MODIFIED TO THE
EXTENT OF REDUCTION OF HEAD CONSTABLE FOR NO
LEGAL REASON.**

Filed to-day

Registrar
18/11/16

Respectfully Sheweth:

**Re-submitted to-day
and filed.**

That appellant was initially appointed as Constable on 23-12-1986 and was promoted to the rank of Head Constable in the year, 2002. The said process was continued and appellant was further promoted to the rank of officiating ASI in the year, 2008 and was confirmed as such on 19-05-2014 w.e.f. 22-02-2013.

Registrar
24/11/16

2. That on 26-09-2014, Naqal Mad No. 5 was scribed by Madad Moharrer by showing appellant on Gusht to Nali Chuk, Nasir Khel, Pithavi Kalay, Mama Khel, Takhti Khel, Thather Khel etc. meaning thereby that appellant was not present in PS Serai Naurang at the time of incident. (Copy as Annex "A")
3. That the said Mad was incorporated into FIR No. 719, dated 26-09-2016, PS Serai Naurang, by Inayat Ullah Khan, Additional SHO of the Police Station by charging 04 accused who snatched Rs. 15-lac from complainant Saeed ur Rehman. He was also beaten and then they decamped from the scene. (Copy as Annex "B")
4. That Madad Moharrer of the said Police Station wrote Naqal Mad No. 5, dated 27-09-2014, stating therein that appellant along with other Police Officials were on gusht to Takhti Khel, Quli Khan, Hakim Khan, Gandi Khan Khel, and back to Police Station at 15:00 (03 pm).(Copy as Annex "C")
5. That on 27-09-2014, FIR No. 721; dated 27-09-2014, was registered at 11:00 am by the said ASHO of the Police Station that 05 accused snatched Rs 10 lacs from Gul Rahim Khan at the said place. The accused mentioned in this FIR was witnesses in the aforesaid FIR No. 719, dated 26-09-2016. (Copy as Annex "D")
6. That on 25-05-2015, appellant was served with Show Cause Notice tainting therein 05 allegations against him but allegations are totally misconceived as there was Land dispute (sale & purchase) between the parties. (Copy as Annex "E")
7. That on 20-05-2015, appellant submitted reply to the charge sheet by denying the allegations that FIR was lodged by ASHO and not by the appellant. He was on gusht etc. (Copy as Annex "F")
8. That on 28-12-2015, appellant was also served with Charge Sheet on the aforesaid allegations by R. No. 1 which was replied in the aforesaid manner. (Copies as Annex "G"&"H")
9. That perhaps inquiry into the matter was initiated but the same was not conducted as per the mandate of Law, yet appellant etc was held responsible for the same but no such enquiry report/ proceeding, were supplied to him.

10. That on 09-05-2016, appellant was served with Final Show Cause Notice which was replied on 16-05-2016 in the above manner. (Copies as Annex "I"&"J")
11. That on 08-08-2016, major penalty of reduction from the rank of ASI to rank of Constable was imposed upon appellant by R. No. 1. (Copy as Annex "K")
12. That on 15-06-2016, appellant submitted departmental appeal before R. No. 2 for setting aside the impugned order which was filed on 28/29-07-2016. (Copies as Annex "L" & "M")
13. That on 05-08-2016, appellant submitted Revision / Mercy / Review / Appeal before Appellate Board for setting aside the impugned orders which was partially accepted and the penalty of reduction from the rank of ASI to the rank of Constable was modified to the extent of Head Constable void order dated 08-11-2016. (Copy as Annex "N" & "O")

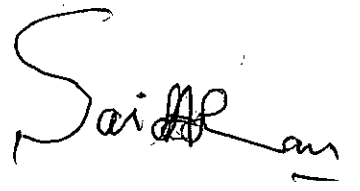
Hence this appeal, inter alia, on the following grounds:

GROUNDS

- a. That from Mad No. 05 dated 26-09-2014 and 27-09-2014, it is quite clear that appellant was out of the police station in connection with gusht of the Suburb area.
- b. That the FIRs were registered by ASHO of the PS; and by the appellant.
- c. That inquiry into the matter was not conducted as per the mandate of Law neither any statement of any witness was recorded in presence of appellant, especially of the complainant Saeed-ur-Rehman nor he was afforded opportunity of cross examination over the witnesses.
- d. That the complainant and the rival party has Land and money dispute, so the case was not of abduction and snatch of money which was later on resolved amicably between the parties.

- e. That the role of appellant in the episode was quite per the mandate of Law and never favored any party in this respect.
- f. That the impugned order are quite illegal and not per the requirements of Law. The same are based on malafide.

It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 31.05.2016, 28.07.2016 and 08.11.2016 of the respondents be set aside and appellant be reinstated/restored to his original post of ASI with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.



Appellant

Through



Saadullah Khan Marwat

Dated: 17-11-2016



Arbab Saif-ul-Kamal

&



Miss Robina Naz,

Advocates

26-9-74

A

صفحہ 5 روزنامہ 26/9/74

صراحہ دیگر

فردی روانگی سید اعظم خاں 14/9/74 وقت 08:25 بجے

مع اقتدار 26 دفعہ ایلیٹ فورس نوی حدیجہ (مملکت) ص 1

براد گشت لہوری گاڑی سرکاری بنیوں ڈیڑھ بجوں 774

عذرہ حدود نظام نوڈنگ ماروان ہوں۔

والسہ فدائیہ والسنی / مہر مہر خان سید اعظم خاں ملائی صفحہ 26/9 وقت 21:05

میں مع مہر مہر خان وقت عذرہ حدود نظام نوڈنگ سے والی آیا ہوں۔

میں ملحقہ میں سر جہاں نندی لکھنے کے لئے 9mm لٹول (مملکت) ص 1

میں 7 بجے آئے تھے۔ جس میں مقررہ 317/317 15AA نظام نوڈنگ

بجے رشتہ ہوا۔ دریافت مقررہ کے ساتھ نام غیر ملکی خاں وہ سر ڈیڑھ

سے نالی کب تک بنی۔ اس طرح مہر مہر خان سے ایک کھن مقررہ

ہوا۔ جہاں نندی لکھنے کے لئے ایک کھن لٹول 317-435 (مملکت) ص 1

بھی آیا۔ کہ کھن مقررہ میں خاں وہ الزور خاں کے ساتھ کھن کے ساتھ

مقررہ کے لئے اس طرح مہر مہر خان بارڈر نوڈنگ میں مقررہ کے لئے اول خاں

سے مع میں مقررہ کے لئے 671 صفحہ 14/9 506-477 نظام نوڈنگ

کو مقررہ کے لئے مقررہ کے لئے مقررہ کے لئے مقررہ کے لئے

نندی نے مقررہ کے لئے مقررہ کے لئے مقررہ کے لئے مقررہ کے لئے

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B 6 26-9-14

مدفوع نمبر 23

قلم نمبر 23-15 (1)

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ مزید دفعہ 154 مجموعہ ضابطہ نو جداری

۱۷۷۹
۲۳-۹-۱۴

تاریخ: 26/9/14 وقت: 26/9/14 وقت: 18:40

وقت رپورٹ: 26/9/14 وقت: 18:40	جائیدگی: 26/9/14 وقت: 18:40
نیت اطلاع دہندہ مستغنیٹ	سیدالرحمان و ہم حاضری اسلام آباد
نیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	337A II 34. 382-506
واقعہ فاصلہ تھانہ سے اور سمت	مزد اسمان سبل درگی واقعہ پر سڈی گوئڈ ڈونڈ گمانہ شرق شمالیہ
نوعیت ظہم	میر نواز دہ صدر نوآزی بلقیان سبل
نی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	میر نواز دہ صدر نوآزی بلقیان سبل
سے روانگی کی تاریخ و وقت	میر نواز دہ صدر نوآزی بلقیان سبل

ابتدائی اطلاع نیچے درج کرو۔

میر نواز دہ صدر نوآزی بلقیان سبل نے 26/9/14 کو 18:40 بجے اپنے گھر پر ایک گاڑی کے ساتھ ساتھ ایک شخص کو روک دیا۔ گاڑی کے مالک نے کہا کہ وہ میر نواز دہ صدر نوآزی بلقیان سبل کے گھر پر آئے ہیں۔ میر نواز دہ صدر نوآزی بلقیان سبل نے کہا کہ وہ میر نواز دہ صدر نوآزی بلقیان سبل کے گھر پر آئے ہیں۔ میر نواز دہ صدر نوآزی بلقیان سبل نے کہا کہ وہ میر نواز دہ صدر نوآزی بلقیان سبل کے گھر پر آئے ہیں۔

میر نواز دہ صدر نوآزی بلقیان سبل نے کہا کہ وہ میر نواز دہ صدر نوآزی بلقیان سبل کے گھر پر آئے ہیں۔ میر نواز دہ صدر نوآزی بلقیان سبل نے کہا کہ وہ میر نواز دہ صدر نوآزی بلقیان سبل کے گھر پر آئے ہیں۔ میر نواز دہ صدر نوآزی بلقیان سبل نے کہا کہ وہ میر نواز دہ صدر نوآزی بلقیان سبل کے گھر پر آئے ہیں۔

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موجودہ ریکارڈ سب سے سبب سے زیادہ درست ہے۔
 اس میں زیادہ تر تصدیق کی گئی ہے۔ جس میں تصدیق کی گئی ہے۔
 اور اسے صرف یہ رقم یاد کی ہے کہ یہ رقم صرف اس وقت تک
 ہے کہ اسے تصدیق کیا گیا ہے۔ اس میں تصدیق کی گئی ہے کہ
 اسے تصدیق کیا گیا ہے۔

Amir Ashraf
 26-09-14

14/11/04 - سفیدی کا کارڈ جس میں تصدیق کی گئی ہے کہ اس میں تصدیق کی گئی ہے۔

25/11/15 - سفیدی کا کارڈ جس میں تصدیق کی گئی ہے کہ اس میں تصدیق کی گئی ہے۔

20/11/15 - سفیدی کا کارڈ جس میں تصدیق کی گئی ہے کہ اس میں تصدیق کی گئی ہے۔

LHC/NG
 25/11/15

02/02/149

02/02/15 - سفیدی کا کارڈ جس میں تصدیق کی گئی ہے کہ اس میں تصدیق کی گئی ہے۔

LHC/NG
 02/02/15

14/11/14 - سفیدی کا کارڈ جس میں تصدیق کی گئی ہے کہ اس میں تصدیق کی گئی ہے۔

28/11/15 - سفیدی کا کارڈ جس میں تصدیق کی گئی ہے کہ اس میں تصدیق کی گئی ہے۔

11/11/14 - سفیدی کا کارڈ جس میں تصدیق کی گئی ہے کہ اس میں تصدیق کی گئی ہے۔

28/11/15 - سفیدی کا کارڈ جس میں تصدیق کی گئی ہے کہ اس میں تصدیق کی گئی ہے۔

24/11/14 - سفیدی کا کارڈ جس میں تصدیق کی گئی ہے کہ اس میں تصدیق کی گئی ہے۔

20/11/15 - سفیدی کا کارڈ جس میں تصدیق کی گئی ہے کہ اس میں تصدیق کی گئی ہے۔

1/11/15 - سفیدی کا کارڈ جس میں تصدیق کی گئی ہے کہ اس میں تصدیق کی گئی ہے۔

28/11/15 - سفیدی کا کارڈ جس میں تصدیق کی گئی ہے کہ اس میں تصدیق کی گئی ہے۔

17/11/15 - سفیدی کا کارڈ جس میں تصدیق کی گئی ہے کہ اس میں تصدیق کی گئی ہے۔

28/11/15 - سفیدی کا کارڈ جس میں تصدیق کی گئی ہے کہ اس میں تصدیق کی گئی ہے۔

15/11/15 - سفیدی کا کارڈ جس میں تصدیق کی گئی ہے کہ اس میں تصدیق کی گئی ہے۔

02/11/15 - سفیدی کا کارڈ جس میں تصدیق کی گئی ہے کہ اس میں تصدیق کی گئی ہے۔

15/11/15 - سفیدی کا کارڈ جس میں تصدیق کی گئی ہے کہ اس میں تصدیق کی گئی ہے۔

اطلاع کے لیے اطلاع دینے کا خط ہو گا یا اس کی مہر یا نشان لگایا جائے گا اور اسے تحریر کنندہ ابتدائی اطلاع کا خط بطور تصدیق ہو گا۔ حروف الفبا یا سرخ روشنائی سے بالفاظ نام
 ایک لفظ یا شہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں لکھنا چاہئے۔

27-9-14

صباح بلخ

نسخہ روزنامہ 27/9/14

مقام نودنگ

ورد روزنامی سید اعظم خان صلا 27/9/14 وقت 58.30

مقام جمع اعیانہ 26، 25، 24، 23، 22، 21، 20، 19، 18، 17، 16، 15، 14، 13، 12، 11، 10، 9، 8، 7، 6، 5، 4، 3، 2، 1، 1934

ذکرخان 931/، کھمراہ 941/، نایفدراہ 940/، صلح 940/

مقام گنت عدتہ سردو مقام نودنگ با روفا ہوں

ورد 19 والی سید اعظم خان صلا 27/9/14 وقت 58.30

مقام جمع اعیانہ کے وقت عدتہ سردو کے لیے از گنت عدتہ سردو

مقام نودنگ کے والی آباہوں - مہراں گنت کسم فہم

مقامی ناخو شکر و اجماع دونوں میں جمع اعیانہ صلح

مہرورد فہم جمعہ آباہ دیگر خبرت ہی

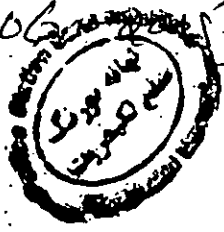
صلا علیہ

نسخہ روزنامہ

استیلا

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27-9-14

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کوئٹہ پولیس ایڈمنسٹریشن نمبر 2286/13 برسر قومہ پولیس ایڈمنسٹریشن نمبر 20.06.2011 (روزنامہ شہزاد) منشی فارم (پولیس)

فارم نمبر 15/01

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 153 مجموعہ ضابطہ فوجداری

Handwritten notes and dates in the margin.

موضوع

تاریخ

43 Date: 9/14/2014 Time: 10:00 AM Location: D...

Table with 2 columns: Date/Time and Description. Includes details about the crime, location (Raza Road), and individuals involved.

Main body of handwritten text detailing the incident, including the arrest of a suspect named 'بندر علی' and the investigation process.

کارروائی کے لیے جس کے ساتھ ساتھ اور درج ذیل کے نام پر بھی
 بنا یا دیکھا جائے۔ جو کہ درج ذیل کے نام پر اور جو
 آئیہ دیکھ کر روکنا۔ کسی میں لکھی جائیں۔ اور یہ بھی
 رپورٹ نمبر 718 سے 269/14 تا 337A-506-382
 کیس میں لکھی ہے۔ دفعہ دیگر فیفا حیدر آباد کے لیے
 رپورٹ نمبر 269/14 کے تحت جو ایک ہی بنائی ہوئی ہے۔ جو
 بالاحوال کے پیش نظر فراہم ہو کر ہے۔ جو ایک دریافت (1574)
 کے تحت حوالہ لیا گیا ہے۔ تاکہ وہ فقالتی معلوم کرے
 جس کے بارے میں اس کے بارے میں لکھی جا رہی ہے

Attest
 Samir

27-09-14

اس کے رپورٹ کے تحت فراہم کیا گیا ہے

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اطلاع کے لیے اطلاع دینے کا دستخط ہوگا اس کی مہر یا نشان لگایا جائے گا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الفبا پر سرخ روشنائی سے بالفاظ نام
 ایک ٹرم یا شہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں، لکھنا چاہئے۔



E 11
**OFFICE OF THE
DISTRICT POLICE OFFICER
LAKKI MARWAT**

Office Phone 0969-538223 Fax No. 0969-538190 E-mail: dpolakki@yahoo.com

No. _____ / dated Lakki Marwat the _____ /2015.

SHOW CAUSE NOTICE UNDER POLICE RULES 1975.

Whereas, you ASI Said Azam while posted as SHO PS Naurang have rendered yourself liable to be proceeded under Rule-5 (03) of the Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct:-

1. *One Saeed-ur-Rehman s/o Aslam Khan r/o Serai Naurang submitted an application before the w/ Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar that on 26.09.2014 he while going Punjab for buying Cattle was intercepted by accused person namely Mohammad Nawaz etc near Parade ground Serai Naurang, who beat him and snatched away 15 lacs rupees. He went to Police Station Naurang in injured condition, where the Police Station staff humiliated him and after several applications his case was registered vide FIR No. 719 dated 26.09.2014 u/s 382/506/337-A (ii)/ 34 PPC PS Naurang.*
2. *That he (Said Azam SHO PS Naurang) had taken illegal gratification from the accused party and got registered a cross case vide FIR No. 721 dated 27.09.2014 u/s 382/148/149 PPC PS Naurang for ulterior motives which is totally fake & false.*
3. *That he has used illegal powers and despite knowing the facts, ordered to ASHO Inayatullah to register cross case against the applicant Saeed-ur-Rehman etc.*
4. *That he has no good reputation and also creating problems for the District Police.*
5. *That you have been found an inefficient and negligence Police Officer having no interest in your official duty.*

You are therefore, found guilty of misconduct, as defined in section-2 (iii) of KPK Police Rules 1975 and as such are liable to action under section 3 of the said Rules.

Based on the above facts, I am satisfied that no enquiry is needed in this case as contained in section 5.3 clauses (a) & (C) under the said Rules.

Now, therefore, you ASI Said Azam are called upon under section 4 (1) of the KPK Police Rules 1975, to show cause within 15 days of the issuance of this notice, as to why one or more penalties including major penalty of dismissal from service should not be imposed upon you.

NOTE:

Take note that if you failed to submit reply in compliance of this Show Cause Notice within the stipulated time, it will be presumed that you have nothing to offer in your defense and in that case, an ex-parte action shall straightaway be taken against you without any further notice.

Attested
Said Azam

Said Azam
District Police Officer
Lakki Marwat. 25/5/15

جناب عالی!

بحوالہ مشمولہ شوکاژ نوٹس معروض ہوں کہ:

فقہہ نمبر 1: اس فقرہ میں مستغیث سعید الرحمان نے من سائل بشمول جملہ شاف پر الزام لگایا ہے کہ اسکی رپورٹ بروقت درج نہیں ہوئی اور ساتھ ساتھ اسکی عزت نفس کو مجروح کیا گیا ہے بعدہ کئی درخواست ہاء کے بعد اسکی طرف سے FIR نمبر 719 مورخہ 26.09.2014 جرم 382/506/337 A(II)/34PPC تھانہ نورنگ درج کی گئی۔

جواباً معروض ہوں کہ مدعی بالانے بوقت بجے 18:20 تھانہ نورنگ جا کر عنایت اللہ ASHO کو رپورٹ کی تھی، جس کی رپورٹ عنایت اللہ خان ASHO نے ضبط تحریر میں لا کر بوقت 18:40 بجے FIR مقدمہ عنوان بالا درج رجسٹر کی ہے۔ اور FIR کے اندراج میں کسی قسم کی تاخیر نہیں ہوئی ہے صرف 20 منٹ کی قلیل عرصہ میں رپورٹ ضبط تحریر میں لا کر مضروب کا نقشہ ضرر مرتب کیا گیا اور زیر حفاظت کنسٹیبل جاوید 146/FC ہسپتال نورنگ بھیجوا یا گیا ہے۔

FIR پر میرا دستخط نہ ہے اور نہ ہی مذکورہ مدعی نے من سائل کو کوئی رپورٹ کی ہے اور نہ ہی اس بابت جسٹس آف پیس یا افسران بالا کو کوئی تحریری درخواست دی ہے۔ FIR بروقت درج ہوا ہے بدیں امر فقرہ نمبر 1 FIR نمبر 719 کی روشنی میں قابل پزیرائی نہیں ہے۔

فقہہ نمبر 2: اس کے متعلق عرض ہے کہ مدعی سیف الرحمن نے میرے خلاف غلط اور بے بنیاد الزامات لگائے ہیں اس کے بارے سیف الرحمن نے کوئی بھی ٹھوس ثبوت پیش نہ کر سکا ہے۔ مذید مذکورہ FIR نمبر 721 مورخہ 27.09.2014 جرم 382/148/149 PPC تھانہ نورنگ نہ تو من سائل نے درج کیا ہے اور نہ ہی FIR پر میرا دستخط مثبت ہے اور نہ ہی من SHO اس وقت تھانے میں موجود تھا۔ اس بابت DD رپورٹ نمبر 5,19 روزنامہ 27.09.2014 روانگی دواپسی لف ہیں۔ چونکہ من سائل تھانے میں موجود ہی نہیں تھا اور میرے عدم موجودگی میں ایڈیشنل SHO عنایت اللہ کنٹرول کر رہا تھا۔ جو عنایت اللہ خان ASHO نے قانونی تقاضوں کے مطابق ڈیوٹی سرانجام دی ہے۔ جو وہ زبردفعہ 154 ضف کے تحت پابند تھا۔ اور بعدہ دوران تفتیش زبردفعات 156/157/169 ضف اور پولیس رولز اس بابت اجازت دیتا ہے۔ کہ حقیقت صفحہ مثل پر لایا جائے لیکن ابتدائی طور پر کوئی بھی پولیس آفیسر جرم قابل دست اندازی پولیس میں کسی قسم کی رپورٹ درج کرنے سے منع یا انکار نہیں کر سکتا ہے۔


فقہہ نمبر 3: اس بابت عرض ہے کہ من سائل نے کبھی بھی عنایت اللہ ASHO کو اپنے حدود اختیار سے تجاوز یا غیر قانونی

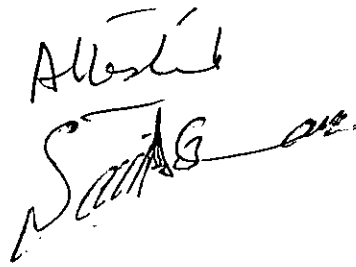
کام کرنے کا کبھی نہیں کہا، اگر کہا ہوتا تو مذکورہ ASHO کے پاس اختیار تھا کہ وہ افسران بالا کو میرے متعلق شکایت کرتا۔ مذکورہ ASHO کا اب تک خاموش رہنے کا مقصد یہی رہا ہے کہ اس نے آخری وقت میں اپنے آپ بچانے کی خاطر سارے گناہوں کا بوجھ من سائل کے کندھوں پر ڈالنے کی کوشش کی ہے۔ حالانکہ مذکورہ ASHO کے پاس اس بابت کوئی ٹھوس ثبوت نہیں ہے۔

فقہہ نمبر 4: اس بابت عرض ہے کہ من سائل نے 28 سال سروس میں اپنے محکمہ، عوام اور اپنے ملک کے لئے لاتعداد قربانیاں دی ہیں۔ اور یہ اسی بات کا واضح ثبوت ہے کہ من سائل پچھلے 28 سال سے اپنی ڈیوٹی محکمہ پولیس میں احسن طریقے سے نبھاتا رہا ہوں اور کبھی بھی افسران بالا کو شکایت کا موقع نہیں دیا ہے۔

فقہہ نمبر 5: اس بابت عرض ہے کہ من سائل نے کسی قسم کی غیر قانونی کام نہیں کیا ہے چونکہ من سائل کے خلاف کسی قسم کی تحریری ثبوت موجود نہیں ہے۔ بلکہ تمام تحریری ثبوت بشمول FIR نقل مدت روز نامہ سائل کی بے گناہی ثابت کرنے کے لئے کافی ہے۔

لہذا استدعا ہے کہ من سائل کو جاری شدہ شوکاژ نوٹس بلائید کاروائی داخل دفتر کرنے کا حکم صادر فرمائیں۔ تاحیات دعا گور ہوں گا۔


سید اعظم خان ASI
انوسٹی گیشن آفس کمی مروت
20-5-15



CHARGE SHEET UNDER NWFP POLICE RULES 1975.

I Syed Ali Akbar Shah District Police Officer, Lakki Marwat as competent authority hereby charge you ASI Said Azam while posted as SHO Naurang:-

1. One Saeed ur Rehman s/o Aslam Khan r/o Serai Naurang submitted an application before the W/ Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar that on 26.09.2014 he while going to Punjab for buying cattle was intercepted by accused person namely Mohammad Navaz etc: near Parade ground Serai Naurang, who beaten him and stashed away 15 Lacs rupees. He went to Police Station Naurang in injured condition, where the Police Station staff humiliated him and after several applications his case was registered vide FIR No. 719 dated 26.09.2014 u/s 382/506/337-A (ii)/ 34 PS Naurang.
2. That you (Said Azam SHO Naurang) had taken illegal gratification from the accused party and got registered a cross case vide FIR No. 721 dated 27.09.2014 u/s 382/148/149 PS Naurang for ulterior motives which is totally fake & false.
3. That you have used illegal powers and despite knowing the facts, ordered to ASHO Inayatullah to register cross case against the applicant Saeed ur Rehman etc.
4. That you have no good reputation and also creating problems for the District Police.
5. That you have been found an in-efficient and negligence Police Officer having no interest in your official duty.
6. That this all shows gross misconduct on your part and make liable to be punished under Police Rules-1975.

That it amounts to in efficiency and disinterest in the performance of official duty which amounts to gross mis-conduct on your part which makes you liable to be punished under Police Rules 1975.

This amounts to grave mis-conducts on your part warranting departmental action against you, as defined in section-6(i) (a) of the NWFP Police Rules 1975.

1. By reason of the above, you appear to be guilty or misconduct under section - 02 (iii) of the NWFP Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) and & b of the said rules.
2. You are therefore directed to submit your written defense **within seven days (7)** of the receipt of this Charge Sheet to the Enquiry Officer.
3. Your written defense if any, should reach to 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, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in persons.

No. 12786 / Dated Lakki Marwat the 28-12- / 2015.

Allesit
Said Azam

Syed Ali Akbar Shah
(Syed Ali Akbar Shah) PS
District Police Officer,
Lakki Marwat.
23/12/15

بحوالہ مشمولہ چارج شیٹ مجاریہ ڈی پی او صاحب لگی مروت معروض ہے کہ

فقہہ نمبر 1:- اس فقرہ میں مستغنیث سید رحمان نے من سائل بشمول جملہ سٹاف پر الزام لگایا ہے کہ اس کی رپورٹ بروقت درج نہیں ہوئی اور ساتھ ساتھ اس کی عزت نفس کو مجروح کیا گیا ہے۔ بعدہ کئی درخواستوں کے بعد اس کی طرف سے FIR No. 719 مورخہ 26/09/2014 جرم 34-382-506/337A(2) پی پی سی تھانہ نورنگ درج کی گئی۔

جو اباً معروض ہوں کہ مدعی بالانے بوقت 18:20 بجے تھانہ نورنگ جا کر عنایت اللہ ASHO کو رپورٹ کی تھی جس کی رپورٹ ضبط تحریر میں لا کر بوقت 18:40 بجے FIR مجرم بالا درج رجسٹر کی گئی اور کسی قسم کی تاخیر نہیں ہوئی ہے صرف 20 منٹ کی قلیل عرصہ میں رپورٹ تحریر کر کے مضروب کا نقشہ ضرر مرتب کیا گیا اور جاوید 146/FC کے ذریعے ہسپتال بھجوا یا گیا ہے۔

FIR پر نہ میرا دستخط ہے اور نہ ہی مدعی نے مجھے رپورٹ کی ہے اور نہ ہی اس بابت جسٹس اف پیس یا افسران کو کوئی تحریری درخواست دی ہے۔ FIR بروقت درج ہوا ہے اس وجہ سے فقرہ نمبر 1 FIR No. 719 کی روشنی میں قابل پزیرائی نہیں ہے۔

فقہہ نمبر 2:- اس کے متعلق معروض ہوں کہ مدعی نے میرے خلاف غلط اور بے بنیاد الزامات لگائے ہیں۔ اس بارے میں مدعی کوئی بھی ٹھوس ثبوت پیش نہ کر سکا۔ مزید مذکورہ FIR No. 721 مورخہ 27/09/014 جرم 149-382/148 پی پی سی تھانہ نورنگ نہ تو من سائل نے درج کیا ہے اور نہ ہی FIR پر میرا دستخط ہے اور نہ ہی میں تھانہ میں موجود تھا۔ اس بابت رپورٹ مد نمبر 5، 19 روز نامہ

27/09/014 روانگی اور واپسی لف ہے اور میری عدم موجودگی میں عنایت اللہ ASHO کنٹرول کر رہا تھا جو عنایت اللہ ASHO نے قانونی تقاضوں کے مطابق ڈیوٹی سرانجام دی ہے جو وہ زبردفعہ 154 ض ف کے تحت پابند تھا لیکن ابتدائی طور پر کوئی بھی پولیس افسر جرم قابل دست اندازی پولیس نے کسی قسم کی رپورٹ درج کرنے سے منع یا انکار نہیں کر سکتا ہے۔

فقہہ نمبر 3:- اس بابت عرض ہے کہ من سائل نے کبھی بھی عنایت اللہ ASHO کو اپنے حدود اختیارات سے تجاوز یا غیر قانونی کام کرنے کا نہیں کہا، اگر کہا ہوتا تو مذکورہ ASHO کے پاس اختیار تھا کہ وہ افسران بالا کو میرے متعلق شکایت کرتا۔ مذکورہ ASHO کا اب تک خاموش رہنے کا مقصد یہی رہا ہے کہ اس نے آخری وقت میں خود کو بچانے کی خاطر سارے گناہوں کا بوجھ من سائل کے کندھوں پر ڈالنے کی کوشش کی ہے حالانکہ مذکورہ ASHO کے پاس اس بابت کوئی ٹھوس ثبوت نہیں ہے۔

فقہہ نمبر 4:- معروض ہوں کہ من سائل نے 28 سال سروس میں اپنے محکمہ، عوام اور اپنے ملک کے لئے لاتعداد قربانیاں دی ہیں اور یہ اس بات کا واضح ثبوت ہے کہ من سائل اپنی ڈیوٹی محکمہ پولیس میں احسن طریقے سے نباتا رہا ہوں اور کبھی بھی افسران بالا کو شکایت کا موقع نہیں دیا ہے۔

فقہہ نمبر 5:- اس بابت معروض ہوں کہ من سائل نے کسی قسم کی غیر قانونی کام نہیں کیا ہے۔ چونکہ من سائل کے خلاف کسی قسم کی تحریری ثبوت بھی موجود نہیں بلکہ تمام تحریری ثبوت بشمول FIR، نقل مدت روزنامہ سائل کی بے گناہی ثابت کرنے کے لیے کافی ہے۔ لہذا استدعا ہے کہ من سائل کو جاری شدہ چارج شیٹ بلا مزید کارروائی داخل دفتر کرنے کا حکم صادر فرمائیں۔ تاحیات دعا گو رہوں گا۔

سید اعظم خان
 ASI
 انوسٹی گیشن آفس لکی مروت
 30.12.2015

استدعا
 سید اعظم خان



17
OFFICE OF THE
DISTRICT POLICE OFFICER
LAKKI MARWAT

Office Phone 0969-538240 Fax No. 0969-538244 E-mail: dpolakki@yahoo.com

No. 2059 / dated Lakki Marwat the 9-05 /2016.

FINAL SHOW CAUSE NOTICE.

Whereas, you ASI Said Azam while posted as SHO PS Naurang have rendered yourself liable to be proceeded under Rule-5 (03) of the Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct:-

1. One Saeed-ur-Rehman s/o Aslam Khan r/o Serai Naurang submitted an application before the w/ Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar that on 26.09.2014 he while going Punjab for buying Cattle was intercepted by accused person namely Mohammad Nawaz etc near Parade ground Serai Naurang, who beat him and snatched away 15 lacs rupees. He went to Police Station Naurang in injured condition, where the Police Station staff humiliated him and after several applications his case was registered vide FIR No. 719 dated 26.09.2014 u/s 382/506/337-A (ii)/ 34 PPC PS Naurang.
2. That he (Said Azam SHO PS Naurang) had taken illegal gratification from the accused party and got registered a cross case vide FIR No. 721 dated 27.09.2014 u/s 382/148/149 PPC PS Naurang for ulterior motives which is totally fake & false.
3. That he has used illegal powers and despite knowing the facts, ordered to ASHO Inayatullah to register cross case against the applicant Saeed-ur-Rehman etc.
4. That he has no good reputation and also creating problems for the District Police.
5. That you have been found an inefficient and negligence Police Officer having no interest in your official duty.
6. That this speaks of gross misconduct on your part and make you liable to be punished under Police Rules, 1975.

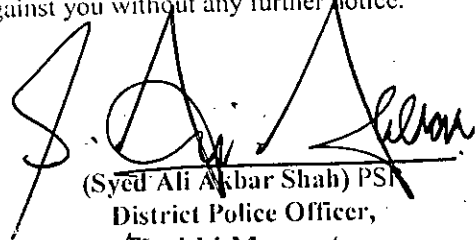
Superintendent of Police Investigation, Lakki Marwat Mr. Tauheed Khan was appointed as Enquiry Officer. The Enquiry Officer after conducting proper departmental enquiry submitted his finding wherein the allegations leveled against you was established.

NOW THEREFORE, I, Syed Ali Akbar Shah, District Police Officer, Lakki Marwat call upon you through this Final Show Cause Notice within seven (07) days of the receipt of this Final Show Notice that as to why you should not be awarded a major punishment including dismissal from Service as provided under Police Rules, 1975. Also state whether you want to be heard in person.

NOTE:

Take note that if you failed to submit reply in compliance of this Final Show Cause Notice within the stipulated time, it will be presumed that you have nothing to offer in your defense and in that case, an ex-parte action shall straightaway be taken against you without any further notice.

Attested
Said Azam


(Syed Ali Akbar Shah) PSI
District Police Officer,
Lakki Marwat.

بحوالہ مشمولہ فائل شوکا زونٹس مجاریہ جناب ڈسٹرکٹ پولیس آفیسر، لکی مروت، معروض ہوں، کہ:

فقہہ نمبر 1- اس فقرہ میں مستغیث سید رحمن نے من سائل بشمول جملہ شاف پر الزام لگایا ہے کہ اس کی رپورٹ بروقت درج نہیں ہوئی ہے اور ساتھ ساتھ اس کی عزت نفس کو مجروح کیا گیا ہے۔ بعدہ کئی درخواستوں کے بعد اس کی طرف سے مقدمہ نمبر 719 مورخہ 26.09.2014 جرم 34 PPC (ii)/37-A/506/382 تھانہ نورنگ درج کی گئی۔

جواباً معروض ہوں، کہ مدعی بالانے بوقت 18:20 بجے تھانہ نورنگ جا کر عنایت اللہ ASHO کو رپورٹ کی تھی۔ جس کی رپورٹ ضبط تحریر میں لا کر بوقت 18:40 بجے FIR جرم بالا درج رجسٹر کی گئی اور کسی قسم کی تاخیر نہیں ہوئی ہے۔ صرف 20 منٹ کی قلیل عرصہ میں رپورٹ تحریر کر کے مضروب کا نقشہ ضرر مرتب کیا گیا اور جاوید 146/FC کے ذریعے ہسپتال بھجوا دیا گیا ہے۔

FIR پر نہ میرا دستخط ہے اور نہ ہی مدعی نے مجھے رپورٹ کی ہے اور نہ ہی اس بابت جسٹس آف پیس یا افسران کو کوئی تحریری درخواست دی ہے۔ FIR بروقت درج ہوا ہے اس وجہ سے فقرہ نمبر 1 مقدمہ نمبر 719 کی روشنی میں قابل پزیرائی نہیں ہے۔

فقہہ نمبر 2: اس کے متعلق معروض ہوں کہ مدعی نے میرے خلاف غلط اور بے بنیاد الزامات لگائے ہیں۔ اس بارے میں مدعی کوئی بھی ٹھوس ثبوت پیش نہ کر سکا۔ مزید مذکورہ مقدمہ نمبر 721 مورخہ 27.09.2014 جرم 382/148/149 ت۔ پ تھانہ نورنگ نہ تو من سائل نے درج کیا ہے اور نہ ہی FIR پر میرا دستخط ہے۔ اور نہ ہی میں تھانہ میں موجود تھا۔ اس بابت رپورٹ نمبر 5، 19 روز ناچھ 27.09.2014 روانگی اور واپسی لف ہے۔ اور میری عدم موجودگی میں عنایت اللہ ASHO کنٹرول کر رہا تھا۔ جو عنایت اللہ ASHO نے قانونی تقاضوں کے مطابق ڈیوٹی سرانجام دی ہے جو وہ زبردفعہ 154 ض۔ ف کے تحت پابند تھا لیکن ابتدائی طور پر کوئی بھی پولیس آفیسر، جرم قابل دست اندازی پولیس نے کسی قسم کی رپورٹ درج کرنے سے منع یا انکار نہیں کر سکتا ہے۔


فقہہ نمبر 3- اس بابت عرض ہے کہ من سائل نے کبھی عنایت اللہ ASHO کو اپنے حدود اختیارات سے تجاوز یا غیر قانونی کار کرنے کا نہیں کہا، اگر کہا ہوتا تو مذکورہ ASHO کے پاس اختیار تھا کہ وہ پولیس افسران بالا کو میرے متعلق شکایت کرتا۔ مذکورہ ASHO کا اب تک خاموش رہنے کا مقصد یہی رہا ہے۔ کہ اس نے آخری وقت میں خود کو بچانے کی خاطر سارے گناہوں کا بوجھ من سائل کے کندھوں پر ڈالنے کی کوشش کی ہے۔ حالانکہ مذکورہ ASHO کے پاس اس بابت کوئی ٹھوس ثبوت نہیں ہے۔

فقہہ نمبر 4- معروض ہوں کہ من سائل نے 28 سال سروس میں اپنے محکمہ، عوام اور اپنے ملک کیلئے لاتعداد قربانیاں دی ہیں اور یہ اس بات کا واضح ثبوت ہے کہ من سائل اپنی ڈیوٹی محکمہ پولیس میں احسن طریقے سے نبھاتا رہا ہوں اور کبھی بھی پولیس افسران بالا کو شکایت کو مروج نہیں دیا ہے۔


فقروہ نمبر 5۔ اس بابت معروض ہوں، کہ من سائل نے کسی قسم کی غیر قانونی کام نہیں کیا ہے۔ چونکہ من سائل کے خلاف کسی قسم کی تحریری ثبوت بھی موجود نہیں بلکہ تمام تحریری ثبوت بشمول FIR، نقل مدت روز نامہ سائل کی بے گناہی ثابت کرنے کیلئے کافی ہے۔ لہذا استدعا ہے، کہ من سائل کو جاری فائل شوکاژ نوٹس بلا مزید کارروائی داخل دفتر کرنے کا حکم صادر فرمائیں۔

تاجیات دعا گور ہوں گا۔

مورخہ 16.05.2016


سید اعظم خان ASI

انویسٹی گیشن آفس لکی مروت۔


Sida Aqil Khan

ORDER.


This order of the undersigned will disposed off the Departmental Enquiry initiated against OASI Said Azam while posted as SHO PS Naurang vide Charge Sheet No.12784-85 dated 28.12.2015,(under Police Rules 1975) was found to indulge in the following allegations:-

1. One Saeed-ur-Rehman s/o Aslam Khan r/o Serai Naurang submitted an application before the w/ Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar that on 26.09.2014 he while going Punjab for buying Cattle was intercepted by accused person namely Mohanumad Nawaz etc near Parade ground Serai Naurang, who beat him and snatched away 15 lacs rupees. He went to Police Station Naurang in injured condition, where the Police Station staff humiliated him and after several applications his case was registered vide FIR No. 719 dated 26.09.2014 u/s 382/ 506/337-A (II)/ 34 PPC PS Naurang.
2. That he (Said Azam SHO PS Naurang) had taken illegal gratification from the accused party and got registered a cross case vide FIR No. 721 dated 27.09.2014 u/s 382/148/149 PPC PS Naurang for ulterior motives which is totally fake & false.
3. That he has used illegal powers and despite knowing the facts, ordered to ASHO Inayatullah to register cross case against the applicant Saeed-ur-Rehman etc.
4. That he has no good reputation and also creating problems for the District Police.
5. That you have been found an inefficient and negligence Police Officer having no interest in your official duty.

Charge Sheet based upon summary of allegation was served upon him and Mr. Tauheed Khan SP/Investigation, Lakki Marwat was appointed as Enquiry Officer. The Enquiry Officer after conducting proper departmental enquiry submitted his finding wherein, the allegation leveled against OASI Said Azam then SHO PS Naurang was proved. After this he was issued Final Show Cause Notice vide F.S.C.N. No.2659 dated 09.05.2016 and properly been served upon him on 13.05.2016. He submitted reply to Final Show cause Notice on 16.05.2016, which perused and found implausible. The defaulter OASI was also heard in person in Orderly Room.

After going through the enquiry file, the undersigned reached to the conclusion, that the delinquent OASI then SHO PS Naurang has badly failed to offer his defence in reply to Final Show Cause Notice as well as in his personal hearing regarding the above mentioned allegations.

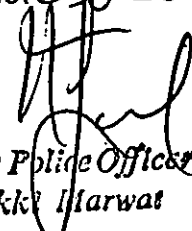
Therefore, I, Muhammad Hasan Iqbal District Police Officer, Lakki Marwat, in exercise of the powers vested in me, under Khyber Pakhtunkhwa Police Rules 1975, hereby impose upon him major punishment of reduction to the lower position of Constable from the rank of Off. Assistant Sub Inspector with immediate effect.

Order announced:O.B No. 1211Dated: 31-05/2016.No. 3297-3300DA-8-6-016

 District Police Officer
 Lakki Marwat

Copy of above is submitted for favour of information to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar w/r to CPO, Peshawar Memo: No. 140/PA/AIG/E, dated 26.02.2015 and Memo: NO.1835-39/1/PO dated 24.02.2015..
2. The Regional Police Officer, Bannu Region, Bannu w/r to his office Endest: NO.497/EC dated 26.02.2015, Memo: No. 1765/EC, dated 12.08.2015. & Memo: No. 923/EC, dated 15.04.2015
3. The Superintendent of Police Investigation, Lakki Marwat.
4. HC, EC, OHC & PO for necessary action.

 District Police Officer
 Lakki Marwat

Accepted

 Distt: Police Officer
 Lakki Marwat

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15-6-16

Before the Worthy Regional Police Officer BANNU Region BANNU

Subject:- Departmental appeal against the order OB NO. 121 dated 31/05/2016 passed by DPO Lakki Marwat whereby the appellant was awarded major punishment i.e. Reduction to lower position of constable.

Respectfully:

- 1- That the appellant has joined Police Department on 23/12/1986 and on account of good performance, he achieved promotion to the rank of ASI and confirmed vide order # 1372-76/EC dated 14/05/2014.
- 2- That the order of DPO Lakki Marwat is against law, justice and facts on record.
- 3- That the charges levelled against the appellant are baseless and has no concern with him. In fact both the FIRs in question have been scribed by Add. SHO Inayat Ullah P.S Naurang while at that time, the appellant was busy in other duty outside Police Station Naurang. Photo copies of DD Report enclosed for perusal.
- 4- That the Inquiry officer has not conducted the inquiry in fair manner and wrongly made responsible the appellant with the Add. SHO (Inayat Ullah).
- 5- That the competent authority i.e. DPO Lakki Marwat has malafidely awarded major punishment to appellant and left the principal accused without punishment.
- 6- That the appellant is not responsible for the fault committed by Inayat Ullah Add. SHO P.S Naurang.
- 7- That there is no fault or negligence on the part of appellant by going through both the FIRs lodged by Add. SHO P.S Naurang.
- 8- That the impugned order of DPO Lakki Marwat is very harsh, cruel and against the fundamental right and natural justice.
- 9- That the appellant has served the Police Department for about 30 years and it will be unjustified to reduct the appellant to rank of Constable from the ASI.

Handwritten signature

(Muhammad Ali Khan)
Regional P

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Prayer:

Keeping in view the above narrated facts, it is humbly prayed that the impugned order of DPO Lakki Marwat may kindly be declared illegal and set-aside and the appellant may be awarded all back consequential benefit.

Said Azam Khan
SAID AZAM KHAN

(Appellant) (Ex ASI, SHO P.S Naurang)

Dated:- 13/06/2016

Attested
Said Azam Khan

Attested
Said Azam Khan

(Muhammad Ali Khan)PSP
Regional Police Officer,
Bannu Region

M

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28-7-16

POLICE DEPARTMENT

BANNU REGION

ORDER

My this order will dispose off the departmental appeal in respect of Constable Said Azam of Lakki District Police against the order of Major punishment of his reduction, in rank from the rank of Head Constable/OASI to the rank of Constable, passed by DPO/Lakki vide OB: NO.121 dated 31.5.2016 for committing the following omissions:-

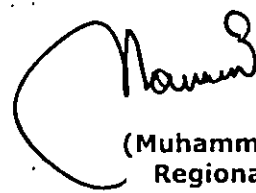
1. One saeed-ur-Rehman s/o Aslam Khan r/o Serai Naurang submitted an application before the W/PPO/KPK, Peshawar that on 26.9.2014, he, while going Punjab for buying cattle was intercepted by accused person, namely, Muhammad Nawaz etc near Parade ground Serai Naurang, who beat him and snatched away 15-lacs rupees. He went to Police Station Naurang in Injured condition, where the Police Station Staff humiliated him and after several applications, his case was registered vide FIR NO. 719 dated 26.9.2014 u/s 382/506/337-A (ii)/34 PPC PS: Naurang.
2. That he had taken illegal gratification from the accused party and got registered a cross case vide FIR No. 721 dated 27.9.2014 u/s 382/148/149 PS PS: Naurang for ulterior motives which is totally fake & false.
3. That he had used illegal powers and despite knowing the facts, ordered to ASHO Inayatullah to register cross case against the applicant Saeed-ur-Rehman.
4. That he has no good reputation and also creating problems for the Distt: Police.
5. That he has been found an inefficient and negligence Police Officer having no interest in his official duty.

The said Police Official was charge sheeted based upon statement of allegations and Mr. Tauheed Khan SP/Invest Lakki was appointed as enquiry officer. The Enquiry Officer submitted his findings, wherein the allegations against the said delinquent Police officer were proved

His service record/enquiry proceedings was thoroughly perused and he was heard in person in orderly room on 26.7.2016.

I, Muhammad Ali Khan PSP, Regional Police Officer, Bannu Region, Bannu in exercise of the powers vested in me, after thoroughly perusal the record, the subject enquiry proceedings and hearing the appellant in orderly room on 26.7.2016 have come to the conclusion that the Official Constable Said Azam has a tainted record, is incorrigibly corrupt, earlier been dismissed and compulsorily retired for his misconduct and corruption. Hence, the instant appeal is filed.

Order Enounced.

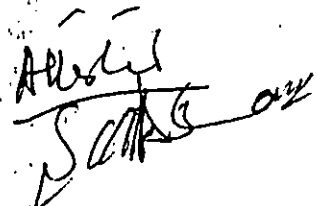


(Muhammad Ali Khan)PSP
Regional Police Officer,
Bannu Region, Bannu.

No. 2100 /EC, dated. 29/7/2016. 28/7/16

Copy to :-

- The District Police Officer, Lakki for inf: & n/action w/r to his office Memo: No. 3896 dated 12.7.2016.



(Muhammad Ali Khan)PSP
Regional Police Officer,
Bannu Region, Bannu.

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5-8-16

**Before the Worthy Provincial Police Officer Khyber Pakhtunkhwa
Peshawar**

Subject:- Departmental appeal against the order OB NO. 121 dated 31/05/2016 passed by DPO Lakki Marwat whereby the appellant was awarded major punishment i.e. Reduction to lower position of constable.

Respectfully:

- 1- That the appellant has joined Police Department on 23/12/1986 and on account of good performance, he achieved promotion to the rank of ASI and confirmed vide order # 1372-76/EC dated 14/05/2014.
- 2- That the order of DPO Lakki Marwat is against law, justice and facts on record.
- 3- That the charges levelled against the appellant are baseless and has no concern with him. In fact both the FIRs in question have been scribed by Add. SHO Inayat Ullah P.S Naurang while at that time, the appellant was busy in other duty outside Police Station Naurang. Photo copies of DD Report enclosed for perusal.
- 4- That the Inquiry officer has not conducted the inquiry in fair manner and wrongly made responsible the appellant with the Add. SHO (Inayat Ullah).
- 5- That the competent authority i.e. DPO Lakki Marwat has malafidely awarded major punishment to appellant and left the principal accused without punishment.
- 6- That the appellant is not responsible for the fault committed by Inayat Ullah Add. SHO P.S Naurang.
- 7- That there is no fault or negligence on the part of appellant by going through both the FIRs lodged by Add. SHO P.S Naurang.
- 8- That the impugned order of DPO Lakki Marwat is very harsh, cruel and against the fundamental right and natural justice.
- 9- That the appellant has served the Police Department for about 30 years and it will be unjustified to reduct the appellant to rank of Constable from the ASI.

PESHAWAR
RUCPO.

Prayer:

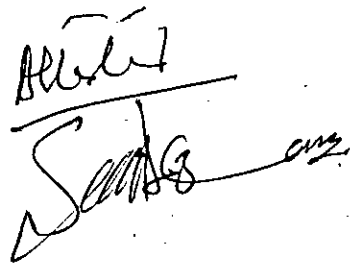
Keeping in view the above narrated facts, it is humbly prayed that the impugned order of DPO Lakki Marwat may kindly be declared illegal and set-aside and the appellatant may be awarded all back consequential benefit.



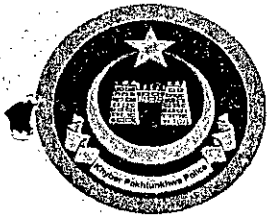
SAID AZAM KHAN

(Appellant) (Ex ASI, SHO P.S Naurang)

Dated:- 05/08/2016



1-III, CPO, Peshawar
1-IV, CPO, Peshawar
1-V, CPO, Peshawar



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

No. S/ 7035 /16, Dated Peshawar the 08/11/2016.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by **Constable Said Azam Khan (the then Offg: ASI)**. The appellant was awarded punishment of reduction from the rank of Officiating ASI to lower position of Constable by DPO/Lakki Marwat vide OB No. 121, dated 31.05.2016 on the following allegations:-

- i. One Saeed-ur-Rehman s/o Aslam Khan r/o Serai Naurang submitted an application before the Worthy IGP/Khyber Pakhtunkhwa that on 26.09.2014, he while going Punjab for buying cattle was intercepted by accused person namely Muhammad Nawaz etc near parade ground Serai Naurang who beat him and snatched away 15 Lac rupees. He went to Police Station Naurang in injured condition, where the Police Station staff humiliated him and after several applications, his case was registered vide FIR No. 719 dated 26.09.2014 u/s 382/506/337-A (ii)/34 PPC PS Naurang.
- ii. That he had taken illegal gratification from the accused party and got registered a cross case vide FIR No. 721 dated 27.09.2014 u/s 382/148/149 PS Naurang for ulterior motives which is totally fake & false.
- iii. That he had used illegal powers and despite knowing the facts, ordered to ASHO Inayatullah to register cross case against the applicant Saeed-ur-Rehman.
- iv. That he has no good reputation and also creating problems for the district police.
- v. That he has been found an inefficient and negligence police officer having no interest in his official duty.

Meeting of the Appellate Board was held on 02.11.2016, wherein the appellant present and heard in person. He was awarded punishment of reduction from the rank of Officiating ASI to lower position of Constable vide order dated 31.05.2016. Since the officer was confirmed ASI, he can only be reverted to the rank of Head Constable only.

Therefore, the Board decided that his penalty of reduction from the rank of Officiating ASI to lower position of Constable is hereby modified into reduction from the rank of Officiating ASI to Head Constable.

This order is issued with approval by the Competent Authority.

(MUHAMMAD ALI M SHINWARD) PSP
DIG/HQrs:

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. S/ 7036-43/16,

Copy of the above is forwarded to the:

1. Regional Police Officer, Bannu.
2. District Police Officer, Lakki Marwat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-III, CPO, Peshawar
7. Office Supdt: E-IV, CPO, Peshawar.
8. Central Registry Cell (CRC) CPO.

Auxes

BEFORE THE HONOURABLE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No. 1173 /2016

Syed azam Khan s/o haji masoom khan
Head constable, Investigation office,
Ex-ASI/SHO, PS Naurang,
Lakki Marwat

..... (Applicant)

VERSUS

Provincial Police Officer Khyber Pakhtunkhwa Peshawar & others (Respondents)

PARA WISE COMMENTS / REPLY ON THE ABOVE SUBJECT SERVICE APPEAL ARE SUBMITTED BY THE RESPONDENTS NO.1,2 &3.

Preliminary Objections

1. That the appeal of applicant is badly time barred.
2. That the appeal is not maintainable in its present form.
3. That the appellant has concealed the actual facts from this Honorable service Tribunal.
4. That the appeal is bad in law due to non- joinder and mis- joinder of unnecessary parties.
5. That the appellant has approached Honorable Tribunal with unclean hands.
6. That the appellant has got no cause of action and locus – standi to file the instant appeal.
7. That the appellant has been estopped by his own conduct, as well as by law.

OBJECTION ON FACTS

Respectfully Sheweth

1. Pertains to record. Hence no comments.
2. Correct to the extent that the appellant was not present in police station but being a Station House Officer, it was his primary duty to check daily dairy on arrival to Police Station, if he found any irregularity or illegality according to Rule 22 (1) Police Rules 1934, then he should inscribed it in daily Dairy but he failed to do so..

3. Incorrect. An FIR No. 719 dated 26.09.2014, (instead of 26.09.2016) u/s (s) 382/506/337A(II)/34 PPC PS: Naurang District Lakki Marwat, was chalked out directly on complaint of Saeed-ur-Rahman s/o Haji Aslam khan r/o Sharif Abad Nar Sahibzada Khust against 04 accused for snatching of Rs.15 Lac instead of inscribing his complaint in Daily Dairy.
4. Incorrect. Reply has already been given in para-2.
5. Incorrect. Reply was already been given in para-2.
6. Incorrect. The allegations mentioned in charge sheet along with statement of allegation & in show cause notice were stand proved after conducting proper departmental enquiry by the enquiry officer. Moreover, the sections of law as mentioned in FIR reveals that there are no elements of land dispute occur between the parties.
7. Incorrect. The allegation leveled against the Appellant were proved during the enquiry proceeding and being Station House Officer , he was duty bound to check over irregularities & illegalities in the record of police Station and inscribed it in daily dairy of Police Station.
8. Pertains to record, hence, needs no comments.
9. Incorrect. Proper departmental enquiry has been conducted against the Appellant according to law/ rules and the allegations leveled against the Appellant has proved beyond any shadow of doubt, therefore, he was punished by the respondents No. 1. Moreover, the Appellant was supplied with enquiry reports / proceeding on his demand.
10. Pertains to record, hence, needs no comments.
11. Pertains to record, hence, needs no comments.
12. Pertains to record, however respondent No. 2 has the authority to reject file the appeal on valid grounds.
13. Incorrect. The applicable board proceeded according to law/ rules, and much leniency has been extended by the appellate board.

The respondents department submits their comments with the following grounds:-

OBJECTION ON GROUNDS

- a) Correct to the extent that the Appellant was not present in Police Station but being a Station House Officer it was his primary duty to check Daily Dairy on arrival to police Station, if he found any irregularities & illegalities according to Rules 22 (1) of Police Rules 1934, then he should inscribe it in Daily Dairy but he failed to do so.
- b) Incorrect. Reply has already been given in above Para.
- c) Incorrect. The enquiry proceeding were conducted according to law/ rules by the respondent department. All opportunities of self- defense i.e cross examination, statement of witness (Inayat Ullah ASHO) were recorded to the Appellant.
- d) Incorrect. According to Section 382/506/34/337A (ii) PPC, of FIR No. 719, dated 26.09.2014, reveals that motive was snatching of Rs.15-Lacs & beating the complainant instead of land dispute between the parties.
- e) Incorrect. The act of appellant after the occurrence shows that it was pre-planned with opposite party and registration of FIR No.721 dated 26.09.2014 U/S 382/148/149 PPC,

confirmed his malafide intention in the whole episode which was proved during enquiry proceedings.

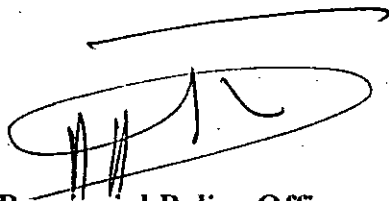
- f) Incorrect. The Appellant was treated in accordance with law rules and there is no malafide intention on the part of respondent Police Department.

PRAYER

Therefore, it is , most respectfully submitted before this Honorable Service Tribunal, that the present Service Appeal filled by Head Constable Syed Azam may very graciously be dismissed with cost.



**Regional Police Officer ,
Bannu Region, Bannu**


**Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar**


**District Police Officer,
Lakki Marwat.**

BEFORE THE HONOURABLE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No. 1173 /2016

Syed azam Khan s/o haji masoom khan
Head constable, Investigation office,
Ex-ASI/SHO, PS Naurang,
Lakki Marwat

..... (Applicant)

VERSUS

Provincial Police Officer Khyber Pakhtunkhwa Peshawar & others (Respondents)

COUNTERT AFFIDIVIT

We, the respondents do hereby solemnly affirm and declare that the contents of the attached para wise comments are true and correct to the best of our knowledge and belief and nothing has been withheld or concealed from this Honorable Tribunal


Regional Police Officer ,
Bannu Region, Bannu


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar


District Police Officer,
Lakki Marwat.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No. 1173 /2016

Syed azam Khan s/o haji masoom khan
Head constable, Investigation office,
Ex-ASI/SHO, PS Naurang,
Lakki Marwat

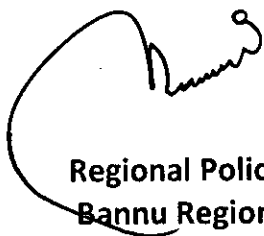
..... (Applicant)

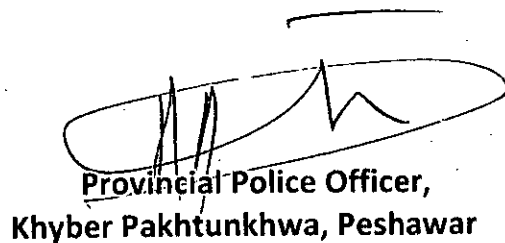
VERSUS

Provincial Police Officer Khyber Pakhtunkhwa Peshawar & others (Respondents)

AUTHORITY LETTER

Mr. Ayub khan SI/ Legal Lakki Marwat is hereby authorized to appear before the Service Tribunal K.P, Peshawar on the behalf in the cited case. He is also authorized to submit any documents pertaining to the subject case/ appeal with the prior consolation of AGP, of respective Tribunal.


Regional Police Officer,
Bannu Region, Bannu


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar


District Police Officer,
Lakki Marwat.

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A. No. 1173/2016

Said Azam Khan

versus

D.P.O & Others

RELICITATION**Respectfully Sheweth,****PRELIMINARY OBJECTIONS:**

All the 7 preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is time barred, not maintainable, concealed actual facts, bad in Law due to non and mis-joinder of necessary parties, unclean hands, no cause and locus standi and estoppel.

ON FACTS:

1. Needs no comments.
2. Admitted correct to the extent of not present in Police Station. All the record was checked as no illegality was committed. All was done in prescribed manner.
3. Not correct. The said FIR under the said Sections was registered in the Police Station by the complaint Saeed ur Rehman against the four (04) accused who snatched Rs. 15 lacs from him. The matter was quite clear so there was no need of scribing any Daily Dairy.
4. Not correct. Madad Moharrir scribed Naqal-e-Mad No. 05 dated 27-09-2014 showing appellat on gasht to various villages.
5. Not correct. The para of the appeal is correct regarding snatching of Rs. Ten (10) lacks from Gul Raheem Khan at the aforesaid place by the said gang.
6. Not correct. The para of the appeal is correct regarding Land dispute between the parties of the aforesaid gang. Show Cause Notice was misconceived as no FIR was lodged by him but by ASHO.

7. Not correct. No allegation was ever proved because the same was not pertaining to him. The Enquiry was not conducted as per the mandate of Law. No irregularity was in the record of the Police Station.
8. Not commented upon by the respondents regarding Charge Sheet and reply there to.
9. Not correct. The procedure of Enquiry has been given in the Law but the same was not followed in letter and spirit, while on the other hand, it was held time and again by the apex court that a thing should be done in a manner which is prescribed by Law and not otherwise. The Enquiry Report / proceedings was even not attached with the reply what to speak of its provision to appellant.
10. Not commented upon by the respondents regarding Final Show Cause Notice and its reply there to.
11. As above regarding penalty of reduction in rank from the rank of ASI to the rank of Constable.
12. As above regarding rejection of appeal.
13. Not correct. The para of the appeal is correct regarding conversion of penalty from the rank of ASI to the rank of Head Constable from Constable as per available record.

GROUND S:

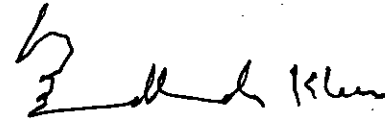
All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are again adopted.

Note:- appellant is now promoted to the rank of ASI but on temporary basis while on the other hand, removal of stigma requires interference of the hon'ble Tribunal.

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


Appellant

Through


Saadullah Khan Marwat
Advocate,

Dated: 23-05-2017

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A. No. 1173/2016

Said Azam Khan versus Superintendent & Others

AFFIDAVIT

I, Said Azam Khan appellant do hereby solemnly affirm and declare that contents of the **Appeal & rejoinder** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

ATTESTED



A circular attestation stamp with the word "ATTESTED" at the top. Inside the circle, there is a handwritten signature and the date "23/5/2017". The stamp also contains some illegible text around the perimeter.

Said Azam Khan

DEPONENT

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2031 /ST

Dated 20 / 11 / 2019

To

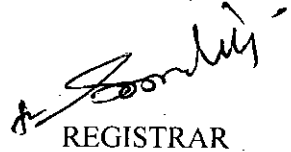
The District Police Officer,
Government of Khyber Pakhtunkhwa,
Lakki Marwat.

Subject: -

JUDGMENT IN APPEAL NO. 1173/2016, MR. SAID AZAM KHAN.

I am directed to forward herewith a certified copy of Judgement dated 11.11.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.