

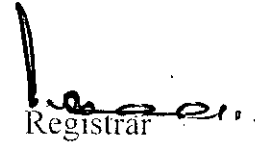
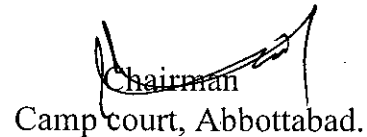
25.05.2017

Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, case to come up for the same on 21.11.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly



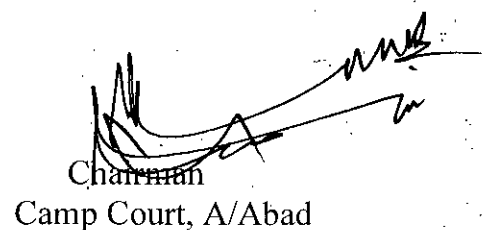
21.11.2017

None for the appellant present. Addl. AG alongwith alongwith Akhlaq Hussain, Inspector (Legal) for the respondents present. Notice issued against the appellant has been received back with the report that the appellant has been involved in some other criminal case. To come up for further proceedings on 19.02.2018 before the D.B at camp court, Abbottabad.

  
Registrar  
Member  
Chairman  
Camp court, Abbottabad.

19.02.2018

None present on behalf of the appellant. Mr. Kabirullah Khattak, Addl. AG alongwith Haq Nawaz, H.C for the respondents present. On the last date, the report was received by this Tribunal, whereby the concerned SHO had reported that the present appellant is absconder in a criminal case. Since none is present on behalf of the appellant as such the present appeal is dismissed for want of prosecution. File be consigned to the record room.

  
Member  
Chairman  
Camp Court, A/Abad

ANNOUNCED  
19.02.2018

18.02.2016

Appellant in person and Mr. Akhlaq Hussain Shah, Inspector (legal) alongwith Mr. Muhammad Siddique, Sr. GP for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 19.9.2016 at Camp Court A/Abad.

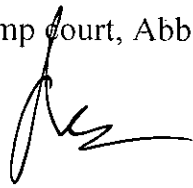
  
Chairman

Camp Court A/Abad

19.09.2016

Appellant in person and Mr. Muhammad Pervez, H.C alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Rejoinder not submitted. Counsel for the appellant has not turned up from Peshawar. Requested for adjournment. To come up for rejoinder and final hearing on 14.2.2016 before the D.B at camp court, Abbottabad.

Member



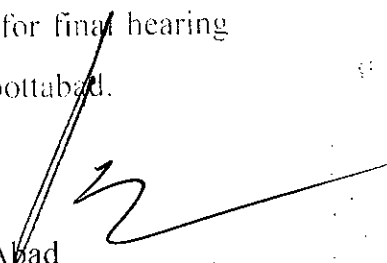
  
Chairman

Camp Court, A/Abad

14.02.2017

Appellant in person and Mr. Muhammad Nazir, Reader alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Rejoinder already submitted. Due to non-availability of D.B arguments could not be heard. To come up for final hearing on 16.05.2017 before the D.B at camp court. Abbottabad.

Member  
Camp court, A/Abad



ابتدائی اطلاعی رپورٹ

File No = 13503-0594898-5

خانہ عالی انسداد جرم 50/50 جرم 1999 مدعی

NoB = 0343-9690876

نمبر رپورٹ شدہ دفعہ 154 نمبر ضابطہ فوجداری

قائد لسان نواب خالد عبدالعزیز ضلع مالسیرہ

نمبر مقدمہ عدلت 121 تاریخ وقت وقوعہ 24/03/16 وقت 13:30 بجے

تاریخ وقت رپورٹ 24/03/16 وقت 14:30 بجے جائیداد برص 24/03/16 وقت 15:00 بجے

مکان سکونت اطلاع دہندہ مستغنیہ فقیر محمد ولد یعقوب سوم سوزلی بصر صوبہ 55/60 سال سکونت محل ڈولہ

مقام کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو زیر دفعہ 34 - 302

مکان وقوعہ فاصلہ اور سمت تھانہ سے روزہ پختہ نزد ننگوڑی ناندہ جانب شمال فاصلہ 4/5 KM ازغمانہ

مکان سکونت لوم ڈالائی جو تفتیش کے حلقہ کی گئی اگر اطلاع درج کرنے میں توقف ہو اور توجہ بیان کرو

مکان سے روانگی کی تاریخ و وقت بطور سنیل رپورٹ

ابتدائی اطلاع نیچے درج کردہ وقت صدر محرم برص صدر لسان نواب

صف صبی 580 کمانہ لسان نواب بدست سنیل لصر 464 موصول پندرہ ذیل سے صدر

کمانہ لسان نواب رپورٹ فقیر محمد ولد یعقوب سوم سوزلی بصر صوبہ 55/60 سال سکونت محل ڈولہ

24/03/16 وقت 14:30 بجے ہمراہ لکھن پیرا اور ننگوڑی کے RHC لسان نواب رپورٹ

رہا ہے کہ میرا بیٹا اور ننگوڑی اور سی ننگوڑی کے نزدیک اور ننگوڑی سے میرا باپا صاحب

کہ کہ لہرت صوبہ 130 او ہے ننگوڑی کی جانب سے سیاہا جبر ولد عبدالغنیان، عبدالغنیان

نہ محمد سرخان، خالد ولد عبدالصمیم باس محلہ سنگھن اور ننگوڑی کی جانب ٹائرننگ کرتے

رہے آئے ان کے ساتھ سیح صمیم ولد سید غلام حسین آریا تھا جو یہی ملزمان بیمار

پہنچے تو صوبہ ن کیا کہ ان کو مار دو جس پر جبر، عبدالغنیان اور خالد نے میر

نے میرا ٹائرننگ کر دیا میں نے پتھر کے سیح سے کمر جاں بچائی ملزمان کی ٹائرننگ سے

رہا اور ننگوڑی سامنے چھائی میرا باپا جی جانب باپا جی ڈولہ پر کہیں کے نزدیک

کمر جاں بچتی پیدائیا واقع پندرہ صوبہ ملدوہ خان، پادرو ولد غلام صیدر، شہر ولد

فقیر محمد سائنا منگل ڈولہ جاوید ولد فقیر محمد سوزلی ننگوڑی کے پتھر خود دیکھا وہ

وقت یہ ہے کہ آج محمد جاوید ولد فقیر محمد اور شہر ولد عبدالغنیان کی معرکہ کی

سی میں لڑائی ہوئی تھی جب میرا بیٹا اور جاوید ایسی میں دھچکا دار بنائی تھی



26.08.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Constable when charged in a criminal case vide FIR No. 293 registered under sections 324/13AO/34 PPC at PS Lasa Nawab on 29.12.2012 and, on the basis of the same, inquiry conducted and appellant dismissed from service vide impugned order dated 20.3.2013 regarding which he preferred departmental appeal which was rejected on 29.7.2015 where-after service appeal was preferred on 17.8.2015.

Appellant Deposited  
Security & Process Fee

That the appellant was acquitted of the charges levelled in criminal case by the Court of competent jurisdiction vide order dated 11.2.2015. That mere registration of a criminal case would not justify departmental action in the shape of dismissal from service.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 17.11.2015 at Camp Court A/Abad as the matter pertains to the territorial limits of Hazara Division.

  
Chairman

17.11.2015

Appellant in person and Mr. Akhlaq Hussain Shah, Inspector (legal) alongwith Mr. Muhammad Siddique, Sr.G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 18.2.2016 before S.B at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad.

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 918/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17.08.2015	<p>The appeal of Mr. Shabir Ahmad presented today by Mr. Khaled Rehman Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	24-8-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>26-8-15</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 918 /2015

Shabir Ahmad Ex-Constable

.....Appellant

Versus

The PPO and others

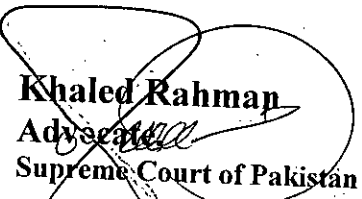
.....Respondents

**INDEX**

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Appeal			1-4
2.	F.I.R.	29.12.2012	A	0-5
3.	Suspension order	31.12.2012	B	0-6
4.	Charge Sheet		C	0-7
5.	Reply to Charge Sheet		D	8-9
6.	Statements of Witness		E	10-17
7.	Inquiry Report		F	18-19
8.	Show Cause Notice		G	0-20
9.	Reply to Show Cause Notice		H	21-22
10.	Impugned order	20.03.2013	I	0-23
11.	Departmental appeal		J	24-25
12.	Impugned appellate order	29.07.2015	K	0-26
13.	Judgment of Acquittal	11.02.2015	L	27-28
14.	Wakalat Nama			29

  
Appellant

Through

  
**Khaled Rahman**  
Advocate  
Supreme Court of Pakistan  
3-D, Haroon Mansion  
Khyber Bazar, Peshawar  
Off: Tel: 091-2592458  
Cell # 0345-9337312

Dated: \_\_\_/08/2015

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 918 /2015**

Shabir Ahmad  
Ex-Constable No.1162  
District Police Mansehra ..... *Appellant*

**VERSUS**

1. The Provincial Police Officer  
Khyber Pakhtunkhwa, Peshawar
2. The Regional Police Officer,  
Hazara Region, Abbottabad.
3. The District Police Officer,  
District Mansehra ..... *Respondents*

**N.W.F. Province  
Service Tribunal**

Diary No. 963

Dated 17-8-2015

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 20.03.2013 PASSED BY RESPONDENT NO.3 WHEREBY APPELLANT WAS IMPOSED UPON THE MAJOR PENALTY OF DISMISSAL FROM SERVICE AGAINST WHICH APPELLANT FILED DEPARTMENTAL APPEAL TO RESPONDENT NO.2 BUT THE SAME WAS REJECTED VIDE IMPUGNED APPELLATE ORDER DATED 29.07.2015.**

**PRAYER:**

On acceptance of the instant appeal, the impugned order dated 20.03.2013 passed by Respondent No.3 and the appellate order dated 29.07.2015 passed by Respondent No.2 may graciously be brushed aside and appellant be reinstated into service with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That appellant was enlisted as Constable in District Police Mansehra on 08.03.2010 and after his appointment he

~~Filed to the~~  
~~Registrar~~  
17/8/15



performed his duties efficiently and dedicatedly and till issuance of the impugned order, he rendered more than 03 years service.

2. That while posted at Police Station Balakot, an F.I.R No.293 dated 29.12.2012 (*Annex:-A*) was registered against the appellant U/S 324/13AO/34 PPC Police Station Lasa Nawab. Pursuant to the F.I.R ibid, appellant was suspended vide order dated 31.12.2012 (*Annex:-B*).
3. That later on, appellant was issued Charge Sheet and Statement of Allegations (*Annex:-C*) on the basis of allegations incorporated in F.I.R. In response to the Charge Sheet and Statement of Allegations, appellant submitted his reply (*Annex:-D*) wherein he denied the charges and explained his position. The reply to the Charge Sheet may be considered as a part of this appeal.
4. That the Inquiry Officer thereafter conducted an irregular, partial and unilateral inquiry wherein statements of the witnesses (*Annex:-E*) were recorded and at the conclusion submitted his Inquiry Report (*Annex:-F*) recommending suitable punishment for the appellant.
5. That thereafter a Final Show Cause Notice (*Annex:-G*) was served upon the appellant containing the same allegations. The Show Cause Notice was properly responded (*Annex:-H*) by the appellant by clarifying his position and denying the allegations. The reply to the Show Cause Notice may be considered as part and parcel of the instant appeal.
6. That as against the recommendation of the Inquiry Officer vide impugned order dated 20.03.2013 (*Annex:-I*), Respondent No.3 imposed major penalty of dismissal from service upon the appellant in violation of the law and without providing any opportunity of personal hearing in hasty manner, against which appellant preferred departmental appeal (*Annex:-J*) to Respondent No.2 but the same was also rejected vide impugned appellate order dated 29.07.2015 (*Annex:-K*), hence this appeal

inter-alia on the following grounds:-

**Grounds:**

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned orders, which are unjust, unfair and hence not sustainable in the eye of law.
- B. That the criminal case was registered against the appellant under a misconception of the facts without any basis and it was for that reason that the Court of learned Additional Sessions Judge-I, Mansehra, after recording the evidence finally acquitted the appellant of the charges vide Judgment dated 11.02.2015 (*Annex:-L*), hence the very charge leveled against the appellant has fallen to the ground declaring the appellant as innocent.
- C. That it is settled legal principle that an accused person is presumed innocent until is proved and convicted by the competent court of law. The mere registration of FIR is accusation simplicitor of the charge and that by itself cannot be equated with conviction until established. The appellant has been subjected to major penalty on the basis of FIR which was subsequently not proved in the court of competent jurisdiction, therefore, the impugned orders are liable to be set aside.
- D. That the appellate authority also failed to abide by the law and even did not look to the grounds taken in the memo of appeal nor did he take into account the subsequent acquittal of the appellant from the criminal charge. Thus the impugned appellate orders are contrary to law as laid down in Rule-5 of the Khyber Pakhtunkhwa Civil Servants (Appeals) Rules-1986 read with Section-24A of the General Clauses Act-1897 read with Article-10A of the Constitution of Islamic Republic of Pakistan, 1973.
- E. That the appellant has rendered more than 03 years service during which period he was never blamed for any kind of charge and keeping in view his previous unblemished service

record, the imposition of major penalty is highly excessive and does not commensurate with the so called guilt of the appellant.

- F. That even the Inquiry Officer conducted a partial, unfair and irregular inquiry in violation of the law inas much as he has failed to provide a proper opportunity of defence to the appellant. Moreover, he has not given any analytical thought to the statements of the witnesses while submitting his Inquiry Report. The Inquiry Report has merely reproduced the charge in his Inquiry Report without giving distinct findings based on the statements of the witnesses. Since the inquiry was unfairly and unjustly conducted with a predetermined mind, therefore, the impugned orders are arbitrary, unjust and hence not sustainable under the law.
- G. That report of the Inquiry Officer is based upon surmises and conjunctures and recommended suitable punishment for the appellant without waiting for the decision of the competent court of law but to the contrary, the competent authority imposed major penalty of dismissal from service upon the appellant which has resulted in serious miscarriage of justice.
- H. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

  
Appellant

Through

  
Khaled Rahman,  
Advocate, Peshawar

Dated: \_\_\_/08/2015

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MHC-PS-Caseworker  
2011-12-20/12

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Annex B

6



POLICE DEPARTMENT

MANSEHRA DISTRICT

ORDER

Constable Shabbir Ahmad No. 1162 while posted as GD PS Balakot has involved himself in case FIR No, 293 dated 29.12.2012 U/S 324/34 PPC 13AO PS Lissan Nawab. He is therefore, suspended and closed to Police Lines with immediate effect.

Issue charge sheet.

*[Signature]*  
District Police Officer  
Mansehra

OB  $\frac{246}{31-12-12}$

*[Signature]*  
District Police Officer  
Mansehra

B

CHARGE SHEET

Annex "C" (7)

I, Sher Akbar, District Police Officer, Mansehra as Competent Authority, hereby charge you Constable Shabbir Ahmad No. 1162 as follows.

You, Constable Shabbir Ahmad No. 1162 posted at PS Balakot has involved yourself in Case FIR No. 293 dated 29.12.2012 U/S 324/34 PPC 13AO PS Lissan Nawab.

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

You are therefore, required to submit your written defense within 07 days of the receipt of this charge sheet to the enquiry officer.

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 follow against you.

Intimate whether you desire to be heard in person or otherwise.

Statement of allegation is also enclosed.

*Attested*  
*Muv*

District Police Officer,  
Mansohra

*[Signature]*  
District Police Officer,  
Mansehra



عالمہ عدالت میں لاکر پیش کیا اور ایک یوم کی مراسمت پولیس جاہل کرنے  
والیں کھانے گئے ہیں نے محمد نذیر  $20/01/01$  صاحب سے اس معاملہ کے  
بارے میں دریافت کی جس سے مجھے بتایا کہ SHO صاحب نے تمہارے خلاف  
PP 324/13A0 میں مقدمہ راج کیا ہے اور مقدمہ پولیس پارٹی پر میرے  
فائرنگ کرنے کے نتیجہ میں درج رہ گیا ہے اور یہ کہ مجھ کو  
گلاشٹون کوڈ شدہ ای کارٹوس اور ایک چاقو بھی ڈالا گیا ہے۔ دوسرے  
جن مجھے عدالت میں پیش کرنے جیل بھیج دیا گیا۔

FIR مقدمہ عدالت 293/12 جس میں مجھے تاق چارج کیا گیا ہے کا  
مطالبہ کرنے سے پالا گیا کہ جس کتاب پوش نے پولیس پارٹی  
پر فائرنگ کی تھی وہ مصطفیٰ مصروف FIR بمسلمہ کسپٹل کھار اور مقدمہ راج  
کیے ہوئے کھار لیکن میں پولیس ایڈھان کو حالی ہاتھ لیفٹر کتاب  
سے علاقی ہوا اور مجھ پر گلاشٹون کوڈ شدہ 05 کارٹوس ڈال کر زمین  
بے گناہ مقدمہ میں کھنا دیا بلکہ عدالت میں میری مدد فرامی اور سوائی کا  
سامان اٹک پید کیا گیا۔

میں نے اپنے دشمنوں کا سب سے پہلے اپنی جان بچانی تھی اور پولیس  
کے آنے پر ان کے ساتھ آجانے پر پولیس جو کہ میرے جیک  
کے افراد اور میرے ساتھی تھے بے دوسروں کی فائرنگ میرے  
کھاتے میں ڈال کر مجھے جیل تک پہنچانے پر اتساہوں کیا ہے  
جس بے گناہ ہوں۔ اور مقدمہ رکھتا ہوں کہ چارج شدہ  
سے مجھے سزا کیا جا سکتا ہے میرے بیان کی درستگی کے لیے RHC  
کساں کا ریکارڈ دیکھا جا سکتا ہے۔

شیر احمد بے 1162

Attest  
M. A.  
District Police Office,  
Mansehra





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Handwritten text in Urdu script, possibly initials or a signature.

11624

Large handwritten signature in Urdu script, possibly 'J. J. J.' or similar.

Attested.

S.D.P.O. Shinkasa  
Distt. Manshera

بیان ازان شاہدانیوں پر 1231 متبع نماز لسانِ ذلت سے دریافت کیا گیا۔

Mr. A. District Police Officer Mansoura

صرف 29/12 کو مہی اور اثرت پر 968 کی رائیڈ رائٹ شہر دہلی جو دہلی سے واپس لوٹتے تھے اور مقام بندھوڑی پہنچے تو ہر خیابان پر 68 اور کانسٹیبل 952

متبع چکی دھکن بھی دوسرے سٹیبل میں بندوں اور دکان کے چار ناموں کے بندھوڑی پر تمام برائیاں ایک نصاب میں لکھی گئیں اور پھر پورے ہندوستان پر جاری

کئے گئے گانا گارہ کیا گیا ہم یہاں تک گئے اسی آبادی میں جو اثرت رائیڈ پر آواز دیکر گیا، اس کو پورے چور ہے جب مذکورہ شخص کو یہ علم ہوا کہ اس میں اس کے پاس کچھ نام لکھے وہ وہیں دریں دریں سے لے کر اس کے پاس لے گیا اور وہاں کے

جو جو اثرت رائیڈ پر جوالی کاروائی میں 3 نام لکھے گئے ہم متنبہ طور پر دریں رائیڈ پر مذکورہ شخص کا نصاب شروع کیا مگر گئے بندھوڑی کے درمیان

کی آڑ اور اثرت کا نام لکھا گیا ہے جو مذکورہ شخص کے پاس لکھا گیا ہے جو ہم نے مذکورہ کا نصاب شروع کیا اسی دوران ایک اور شخص کا نام لکھا گیا ہے

ہم پتھر کیا جو خوش متھی سے ہمیں گئے وہ اثرت رائیڈ پر آواز لگنے سے اس کی اپنی پوزیشن بندھوڑی کاروائی میں لکھی گئی ہے اس میں مذکورہ شخص پر دو نام لکھے

ہم ان کے پاس آواز لگنے سے اثرت کھالی مت مارو میں کانسٹیبل سیر ہوں ہیں اور ہم کانسٹیبل بندھوڑی اور سیر کمال کو ہم نے اسی طرف بلایا جو کچھ اس کے پاس

اس سے ایک نام لکھا گیا جو رائیڈ اثرت کے پاس لکھا گیا ہے مذکورہ سیر کمال سے کلمہ شکوت لکھا گیا ہے اس سے پوچھا گیا کہ اس کے پاس کیا لکھا ہے

میں کانسٹیبل سیر ہوتا ہوا کہ اسے ناموں میں لکھا گیا تھا، ایک نام لکھا گیا ہے اس کی آواز لگائی وہ سمجھا، اس کی دھکن سے اس کا نام لکھا گیا ہے

جوالی کاروائی کے جو دو نام لکھے ہیں وہ جو کلمہ شکوت SHO کے پاس لکھے گئے ہیں

خود کو بے رحمی کے ساتھ بھڑک کر دیکھا  
تھا۔ اس کا علم ہے کہ اس کا جسم دربارہ اس  
کے لئے بے رحمی سے خود کو بھڑک

Shahin

Shahin

Shahin

Shahin

Shahin

Attested:

S.D.P.O. District  
Distt. Muzaffargarh

بیان از ان کا کہ میں نے 956 شمع نماں لگا کر ان کے سر پر ان کے بیان کیا  
 کہ وہی خواتین کے ساتھ منگنی ڈھری گیا ہے وہ 10 سے بھی  
 شب در بیان 29/12/30  
 اس کی ڈھری کے لئے سے اراکام دی اس وقت کہ وہی وہی سے  
 اس کی علم نہ تھا کہ وہی ختم کر کے مر گیا ہے وہی ختم کر کے 1963  
 ہفت 22000 روپے ہمارے دست پر خود لکھے ہوئے ہیں وہی سے  
 یہ علم ہون پر ایسی بیان سے خود دست ہے

*[Signature]*  
 محمد نذیر 956 شمع نماں لگا کر ان کے

Attested.

9  
*[Signature]*  
 S.D.P.O Station  
 Dist: Mansohra

Attested  
*[Signature]*  
 District Police Officer,  
 Mansohra

بیان ازان خرافت پر 436 متبع ED نماں لسان سیررافت بیان کیا۔

سب در بیان 29/12/35 کو مری حوالہ نماں پرا فوی ڈوی 60207 تا 60208

تک نفی کائنات سیر پرا 1161 کو انما رام SHD مہ سے کائنات فو پرا 4963

کو فوی مردان نماں در سیر خرافت کیا نما جو سب سے ای ڈوی عم کو پرا پرا

کائنات فو پرا مرحام یا ۔ پر ایسی بیان سے جو درست ہے

الہیٰ *Signature*

وہ خرافت EO

XXIX - سوال پرا

بیان کا وقت بھی دروغ کوئی ہے یا ایک یا کردار مسلمان کی طرح سے ہے

پر اگر کوئی تکلیف کا ماننا بھی کرے تو اس سے کہے اور کیا پروردگار کی کوئی

کے مردان کائنات سیر خرافت نماں نما

میں حکمتا بیانی حوں، الزام ملنے کائنات سب و خرم 29/12/35 سیر خرافت نماں نما

واجب

الہیٰ *Signature*

Attested.

*Signature*

District Police Officer,  
Mansehra

9  
Dist. Mansehra



بیان ازان خرافت فر 968 متبعہ قوانہ لسانی نواب نے بدریافت بیان کیا کہ  
 مورخہ 29<sup>12</sup> کو میری اور شاہد اقبال نمبر 1231 کی رائیڈ ریسٹ سٹیرونگلی  
 موجود تھے جب سٹیرونگلی سے والیس آ رہے تھے۔ مقام پنلوڑی پہنچے  
 تو محمد مختیار نمبر 68 اور کانسٹیبل بدل 452 متبعہ جیوی دکن موٹر سائیکل  
 میں پٹرول پمپ کے پمپ سے سڑو آئے۔ مقام پنلوڑی پہنچے تو اچانک ایک  
 لٹاب پوش شخص مصلح بقول روڈ پر نمودار ہوا ہمیں رکھے گا اور  
 لیا ہم رک گئے اسی اثناء میں شاہد اقبال نمبر 1231 کو آواز دی کہ اسی کو  
 پکڑو یہ چور ہے جب مذکورہ شخص کو پکڑا گیا وہاں کہ اس نے جس شخص کو  
 کو روکا ہے وہ پولیس والے ہیں اس نے جھانچے ہوئے پولیس باڈی پر دو فائر  
 کئے جو ابی کاروائی میں ہیں نے پشیل سے ہیں فائر لے ہم نے صبر کہ  
 طور پر مذکورہ شخص کا تعاقب کیا مگر گئے پکڑ دینے کے درختوں  
 کی آڑ اور اندھیرے کا فائدہ اٹھاتے ہوئے مذکورہ شخص جھاگ جانے  
 میں کامیاب ہوا ہم نے مذکورہ کا تعاقب جاری رکھا اسی دوران ایک  
 اور شخص نے ہم پر فائر کیا جو خوش قسمتی سے ہم بچ گئے ہیں نے  
 کانسٹیبل شاہد کو با آواز بلند لیا کہ ابھی ایسی پوزیشن لے کر جو ابی فائرنگ  
 کریں جس پر شاہد نے مذکورہ شخص پر دو روڈ فائر کئے اس شخص نے  
 با آواز بلند کیا کہ محمد اشرف وہاں مجھے بت مارو ہیں کانسٹیبل سٹیرونگلی  
 اور ہم نے فائرنگ بند کر دی اور سٹیرونگلی کو ہم نے اپنی طرف بلا دیا  
 جس نے گنبر ایٹ کے عالم میں ایک فائر اور کیا جو میرے پاؤں کے پاس زمین  
 پر لگا نام نے مذکورہ سٹیرونگلی سے کلاشنکوف تھپے میں لڑکے اس سے پوچھا  
 وہاں آئیے اب کیا کہوں گی جس پر کانسٹیبل سٹیرونگلی نے بتلایا کہ وہ اپنے سامنے کے  
 گھر جا رہا تھا کہ اچانک فائر کی آواز آئی وہ سمجھا کہ آسا یا ساسی دکن نے  
 اس پر فائر کیا ہے جس نے جو ابی کاروائی کرنے ہوئے فائر کیا ہے نام نے  
 فریڈے لیٹ 540 صاحب کو اطلاع دی جو موقع پر آئے جنھوں نے سٹیرونگلی  
 سے پوچھا کہ کس کے بعد کانسٹیبل میں بیٹھا کر دکانے لے گئے میرا وہی بیان  
 ہے

الکھنڈ

درجہ نمائند الزام علیہ بنام رائیڈ ریسٹ فر 968

XXX- سوال نمبر 1- اپنے بیان کی تائید فرمائیں اور اسے توثیق فرمائیں کہ اس کے ساتھ کسی اور کے دل سے

Attested

Day and Date

نویس کے

ایک



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۱۰۰

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District Police Officer  
Muzaffargarh  
Mr. [Signature]

۵۱۵۱۵۱۵۱۵۱۵۱۵

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Police Station  
Mansoura

District Police Officer,  
Mansoura

Attestee

Attestee

968/1  
[Signature]

1162/1  
[Signature]

Handwritten text in Arabic script, appearing to be a list or record of names and details, possibly related to a police report or administrative document. The text is written in a cursive style and includes several lines of entries, some with checkmarks or initials.

XXXXXX

XXXXXX

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968/1 E.O.

xxx سوال نمبر 6 :- جب آپ نے پتہ پڑا تو کیا اسے مندر کتاب سے لیا اور کیا آپ اسے منسب نے

تھا اور کیا مگر ضرور دیا تھا؟  
جواب :- جی ہاں مندر کتاب میں لیا اور ہم نے آپ کو مندر سے لیا

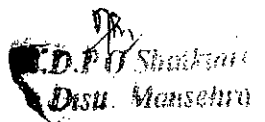
اپنے مگر صحیح دیا تھا کہ مندر آپ کو مندر سے لیا

xxx سوال نمبر 7 :- کیا اس میں کپڑوں کے ہیں ملے جنکوف میں بھی ہیں یا نہ ہیں

جواب :- مگر کیا دیا؟

میں ملے ہیں آپ کے ہیں ملے جنکوف میں بھی ہیں یا نہ ہیں آپ کو مگر صحیح لیا  
سوال :- تو آپ مندر سے لیا تو منسب نے منسب سے لیا

Attested.



اور آپ کو مندر سے لیا اور منسب نے منسب سے لیا  
منسب نے منسب سے لیا اور منسب نے منسب سے لیا

xxx

اسے منسب سے لیا اور منسب نے منسب سے لیا  
منسب نے منسب سے لیا اور منسب نے منسب سے لیا

xxx سوال نمبر 8 :- اگر میں منسب سے لیا اور آپ کو منسب سے لیا

منسب نے منسب سے لیا اور منسب نے منسب سے لیا  
منسب نے منسب سے لیا اور منسب نے منسب سے لیا

جواب :- منسب نے منسب سے لیا اور منسب نے منسب سے لیا  
منسب نے منسب سے لیا اور منسب نے منسب سے لیا



District Police Officer  
Manshehra

M. V. Akhtar

Mr. Superintendent of Police  
Circle Shimshal

Attest: M. V. Akhtar

Shoaib  
Hull HS8

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3/11/15-XXX

4/11/15-XXX



OFFICE OF THE DEPUTY SUPERINTENDENT  
OF POLICE CIRCLE SHINKIARI.

No. \_\_\_\_\_ Dated \_\_\_/02/2013.

*Annex "F"*

18

To

The District Police Officer,  
Mansehra.

Subject

FINDING OF DEPARTMENTAL ENQUIRY AGAINST CONSTABLE SHABBIR AHMED NO. 1162 POLICE STATION BALAKOT MANSEHRA UNDER THE K.P.K DISCIPLINARY RULE 1975.

**Memorandum.**

Please refer to your office Endst: No. 5209-10/PA dated 31-12-2012 attached in original.

The departmental enquiry against Constable Shabbir Ahmed No. 1162 PS Balakot has received, in which he has alleged that he involved himself in case FIR No. 293 dated 29-12-2012 u/s 324/34 PPC/13 AO PS Lissan Nawab Mansehra.

For the purpose of scrutinizing the facts enquiry in hand was marked to the undersigned to probe into. I started the process of enquiry in the light of above leveled allegation, and summoned to Constable Shabbir Ahmed No. 1162, Constable Shahid Iqbal No. 1231, Constable Sohaib No. 1158, Constable Muhammad Ashraf No. 968, HC Muhammad Mukhtiar No. 68, Constable Muhammad Bilal No. 952, MHC Ghulam Rasool PS Lissan Nawab and Iftikhar Ahmed Inspector RI Police Line Manshera the then SHO PS Lissan Nawab, whose appeared before the undersigned. I examined them and recorded their statements they made cross questions from each other, I also made court questions from them, proceeding of enquiry are enclosed.

➤ **FINDING:-** →

From the perusal of above circumstances as well as the statements of alleged Constable Shabbir Ahmed No. 1162 and other, I observed that Constable Shahid Iqbal No. 1231, Constable Sohaib No. 1158, rider constable Muhammad Ashraf No. 968, HC Muhammad Mukhtiar No. 68, rider constable Muhammad Bilal No. 952 were present on usually night gusht duty. When they reached at village Panggori a muffled

F

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face person signal to them for stop. On his signal police officials were stopped, when the muffled face person saw that those are police mans, he run-away from the spot and also made fire upon the police party. Police party also fired upon him and rushed towards the accused, but in van. At the mean time police party saw another person hiding in the bushes, when the above person saw the police party he started the firing upon them. Police party also fired upon him; resultantly the said person cries and told the police party please stop the firing that "he is constable Shabbir". Police officials stopped the firing; Constable Shabbir Ahmed No. 1162 came near them. Police officials informed the SHO Iftikhar Ahmed regarding the occurrence who told the police party that accused Constable Shabbir Ahmed No. 1162 may be released. On the order of SHO police officials released the Constable Shabbir.

Next morning Iftikhar Ahmed SHO PS Lissan Nawab re-called the Constable Shabbir Ahmed No. 1162 alongwith his un-license Kalashinkove in PS Lissan Nawab and confined him in the lock-up and also registered the above cited case against the alleged Constable Shabbir Ahmed No. 1162 which shows the Mala fide of Inspector Iftikhar Ahmed the then SHO PS Lissan Nawab, for that he also held responsible.

Any how after conducting detail enquiry the allegation leveled against the Constable Shabbir Ahmed No. 1162 has been proved, hence he is recommended for **SUITABLE PUNISHMENT**.

Submitted please.

*Sd/-*  
**Dy: Supdt: of Police,  
Circle Shinkhari.**

Encls: (22).

Annex - "G"

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FINAL SHOW CAUSE NOTICE

You Constable Shabbir No. 1162 were proceeded against departmentally with the allegation that while posted at PS Balakot you involved yourself in case FIR No. 293 dated 29-12-2012 U/S 324/34 PPC 13 AO PS Lissan Nawab.

In this connection you were proceeded against departmentally. Mr. Mukhtiar Ahmad DSP Shinkhari Enquiry Officer after conducting proper departmental enquiry has submitted his report and proved the charges leveled against you. The enquiry officer recommended punishment for you. I am agree with the report of Enquiry Officer and therefore, hereby finally call upon you Constable Shabbir No. 1162 to show cause as to why you should not be awarded major punishment under the Khyber Pakhtunkhwa Police Disciplinary Rules 1975. In case your written reply is not received within 07 days after the receipt of this final show cause notice it shall be presumed that you have no defense to offer. You are also allowed to appear before the undersigned, if you so desire. (Copy of the finding of the Enquiry Officer is also enclosed).

  
District Police Officer,  
Manshra

No 925/PA Dt 5-03-2013

  
District Police Officer,  
Manshra

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This office order will dispose off the departmental enquiry

Annex "A"

21

Attested  
District Police Officer,  
Mansehra

## جواب فائل شوکار نوٹس

جناب عالی!

بحوالہ مشمولہ فائل شوکار نوٹس نمبری 925/PA مورخہ 05.03.2013 مجاریہ  
جناب DPO صاحب مانسہرہ جس میں مجھ پر الزام ہے کہ میں نے اپنے آپ کو مقدمہ  
علت نمبر 293 مورخہ 29.12.2012 جرم 324/34PPC/13AO تھانہ لساں  
نواب میں ملوث کیا کے بارہ میں ذیل معروض ہوں۔

عالیجاہ!

سائل مورخہ 29.12.2012 سے قبل تھانہ بالا کوٹ میں تعینات تھا اور تھانہ  
بالا کوٹ سے مجھے ریفریٹر کورس کے لئے پولیس لائن مانسہرہ بھیجا گیا۔ پولیس لائن مانسہرہ سے  
معدہ دیگر نفری کے بسلسلہ اسپیشل ڈیوٹی دھنکہ شریف کے عرس میں بھیجا گیا۔ میں پنکوڑی علاقہ  
تھانہ لساں نواب کارہاشی ہوں۔ مورخہ 29.12.2012 شام 6:00 بجے کے قریب اپنی  
ڈیوٹی ختم کر کے دھنکہ واپس گیا میرے گھر سے بذریعہ موبائل فون والدہ صاحبہ کی بیماری کے  
اطلاع ملی۔ جس پر میں نے اپنے اچارج محمد فیاض SC کے نوٹس میں لگانے کے لئے پتہ  
براری کی مگر گارڈ کمانڈر صاحب موجودہ نہ تھے دیگر نفری کے نوٹس میں لگا کر خود گھر آیا۔ والدہ  
صاحبہ کو گھر سے RHC لساں نواب صاحب لے گیا ان کا علاج و معالجہ کرایا۔ بعدہ والدہ صاحبہ  
کو گھر بھیج کر میں خود بوجہ دشمن داری دوسرے راستہ سے گھر جانے کیلئے روانہ ہوا۔ جب نزد  
پنکوڑی پہنچا تو فائرنگ کی آواز آئی۔ میں قریب ہی آڑ لے کر چھپ گیا کہ کہیں فائر کرنے  
والے میرے دشمن نہ ہوں۔ اتنے میں موٹر سائیکلوں کی آواز سنائی دی جو مجھ سے کافی دور پہنچ کر  
رک گئے پھر فائرنگ کی آواز سنائی دی میں اپنی آڑ چھوڑ کر بھاگ نکلا پولیس ملازمان نے مجھے  
گھیر لیا جن کو میں نے اپنا تعارف کروایا جنہوں نے مجھے چھوڑ دیا۔ گھر پہنچنے سے تقریباً  
1/2 گھنٹہ بعد مجھے شعیب 1158 گنرڈ رائیور SHO صاحب نے فون کر کے روڈ پر بلایا

ORDER

This office order will dispose off the departmental enquiry

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District Police Officer,  
Mansehra

میں روڈ پر آیا افتخار خان SHO معہ نفری موجود تھے جو مجھے اپنے ساتھ گاڑی میں سوار کر کے تھانہ لے آئے اور مجھ سے پوچھ گچھ کر کے چھوڑ دیا دوسرے دن صبح 8:00 بجے تھانہ آنے کو کہا۔ دوسرے دن جب آٹھ بجے میں تھانہ پہنچا تو مجھے گرفتار کر لیا گیا۔ اور دن بھر تھانہ میں بٹھائے رکھا 3:00 بجے قریب مجھے مانسہرہ عدالت میں لا کر پیش کیا اور ایک پوم کی حراست پولیس حاصل کر کے واپس تھانہ لے گئے میں نے محمد نذیر SI/OI صاحب سے اس معاملہ کے بارے میں دریافت کی جس نے مجھے بتایا کہ SHO صاحب نے تمہارے خلاف PPC 324/34/13AO میں مقدمہ رجسٹر کیا ہے اور مقدمہ پولیس پارٹی پر میرے فائرنگ کرنے کے نتیجے میں درج رجسٹر کیا گیا ہے اور یہ کہ مجھ ایک کلاشنکوف لوڈ شدہ 5 کارٹوس اور ایک چاقو بھی ڈالا گیا ہے دوسرے دن مجھے عدالت میں پیش کر کے جیل میں بھیج دیا گیا۔

OHC/OR.  
DPD Manshra

FIR مقدمہ علت نمبر 293/12 جس میں مجھے ناحق چارج کیا گیا ہے کا مطالبہ کرنے سے پایا گیا کہ جس نقاب پوش نے پولیس پارٹی پر فائرنگ کی تھی وہ مطابق مضمون FIR بمسئلہ پستل تھا اور منہ پر نقاب کئے ہوئے تھا۔ لیکن میں پولیس اہلکاران کو خالی ہاتھ بغیر نقاب کے ملاقی ہوا اور مجھ پر کلاشنکوف لوڈ شدہ 05 کارٹوس ڈال کر نہ صرف بے گناہ مقدمہ میں پھنسا دیا بلکہ علاقہ میں میری بدنامی اور رسوائی کا سامان الگ پیدا کیا گیا۔

میں نے اپنے دشمنوں کا سمجھ کر اپنی جان بچائی تھی اور پولیس کے آنے پر ان کے سامنے آ جانے پر پولیس جو کہ میرے محکمہ کے افراد اور میرے ساتھی تھے نے دوسروں کی فائرنگ میرے کھاتے میں ڈال کر مجھے جیل تک پہنچانے میں بڑا تعاون کیا ہے۔

میں بے گناہ ہوں میرا اس معاملہ سے کسی قسم کا کوئی تعلق نہیں ہے۔ اور امید رکھتا ہوں فائنل شو کا نوٹس سے مجھے مبرا کیا جائے گا میرے بیان کی درستگی کے لئے RHC ساس کا ریکارڈ دیکھا جاسکتا ہے۔

شہر احمد بندہ 1162 مسیحہ خانم باگھ کھٹ سال نور پور راول

Amir  
Manshra

11-03-013

Annex "I"

23

ORDER

This office order will dispose off the departmental enquiry proceeding against Constable Shabbir Ahmad No. 1162 who was proceeded against departmentally with the allegation that while posted at PS Balakot has involved himself in Case FIR No. 293 dated 29-12-2012 U/S 324/34 PPC 13-AO PS Lissan Nawab.

The Enquiry Officer Mr. Mukhtiar Ahmad DSP Shinkhari conducted departmental enquiry proceeding against the delinquent Constable Shabbir Ahmad No. 1162. After completion of all the codal formalities he submitted his report and proved the charges leveled against delinquent Constable Shabbir Ahmad No. 1162. Consequently he was issued Final Show Cause Notice under Khyber Paktunkhawa Police Disciplinary Rule 1975. In response to which he submitted his written statement which was found unsatisfactory. On March 18, 2013, the delinquent Constable Shabbir Ahmad No. 1162 was heard in person in Orderly Room. However, he could not convince the undersigned with his defense.

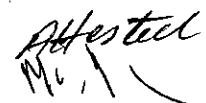
Therefore, I, the District Police Officer, Mansehra order Dismissed from service to the delinquent Constable Shabbir Ahmad No. 1162 under Khyber Paktunkhawa Police Disciplinary Rules 1975.

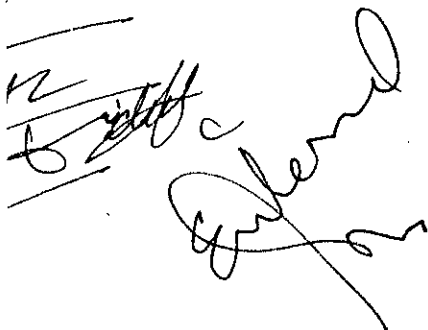
Order announced.

OB No 62

Dated 20-03-2013

  
District Police Officer,  
Mansehra

  
District Police Officer,  
Mansehra



Annex "J"

**BEFORE THE D.I.G. HAZARA RANGE  
ABBOTTABAD**

24

**APPEAL AGAINST THE ORDER OF D.P.O.  
MANSEHRA VIDE WHICH THE APPELLANT HAS  
BEEN DISMISSED FROM SERVICE.**

Respected Sir,

The brief facts leading to the instant appeal are arrayed as follows:-

1. That, the appellant joined service as a Constable in Police Department and was deputed to carry out duties at the Urs of Tanhakka Baba. The petitioner received an information regarding the illness of her mother and sought permission from the incharge of guard. The petitioner proceeded to Lassan Nawab where his mother and maternal uncle's son came over there. The petitioner took his mother for check up before the medical officer and after getting her examined she was sent with her cousin to the house, whereas the petitioner left on a packdandi leading to Village Pangori, as the petitioner has enmity therefore, he avoided to go on the main road. When the petitioner reached at some distance on the said Packdandi, the firing started and the petitioner sate on the way and in the meanwhile the police constables reached over there, inquired from the petitioner and the petitioner told them the whole truth, the petitioner went in their company and met also the SHO. The petitioner was permitted by the SHO and on the following day the petitioner was

25

called to the Police Station and the fake and fictitious case was planted by the SHO in order to save his own skin. The petitioner satisfied the SHO by taking Holy Quran that he is altogether innocent, but he was bent to involve the petitioner. Even today the petitioner can satisfy yourself that he is innocent and has been made escape goat and the Kalashnikov and the knife was planted in order to strengthen the fabricated case, the petitioner has absolutely no concern with the alleged allegations rather who so ever were the culprits made their escape goat and the petitioner was involved by the SHO in order to show his progress to high ups.

It is therefore, requested that on acceptance of appeal, the impugned order may kindly be set aside and the appellant may kindly be reinstated in service.

Dated: \_\_\_\_\_

Shabir Ahmed, Constable No.1162, resident of Village Pangori, P/O Lassan Nawab, Tehsil and District Manshra.  
.....Appellant

min / &

Amner "K"

(26)

8221  
31/7/15


ORDER

This is an order on the representation of *Ex-Constable Shabbir Ahmad No.1162* of Mansehra District against the order of major punishment i.e. dismissal from service by the District Police Officer, Mansehra vide his OB No.62 dated 20-03-2013.

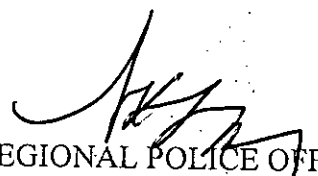
Facts leading to his punishment are that he while posted at PS Balakot has involved himself in Case FIR No.293 dated 29-12-2012 U/S 324/34 PPC 13-AO PS Lassan Nawab.

Proper departmental enquiry was conducted by Mr. Mukhtiar Ahmad DSP Shinkiyari. After conducting a detailed enquiry, the E.O proved him guilty. On the recommendation of E.O, the District Police Officer Mansehra awarded him major punishment of dismissal from service.

He preferred an appeal to the undersigned upon which the comments of the DPO Mansehra were obtained. He was heard in OR where he offered no cogent reason in his defense to prove his innocence. After thorough probe into the enquiry report and the comments of the DPO Mansehra, it came to light that the defaulter is involved in the commission of offence in case FIR No. 293 dated 29-12-2012 U/S 324/34 PPC 13-AO PS Lassan Nawab and the punishment awarded to him by the DPO Mansehra i.e. dismissal from service is genuine. Therefore, appeal is *filed*.

  
REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

No. *6082* /PA Dated Abbottabad the *29/7* /2015.  
Copy of above is forwarded to the District Police Officer, Mansehra for information and necessary action with reference to his Memo: No.224/PA, dated 8-1-2014.

  
REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

*PA/OTC*  
For information &  
*7/9.*

  
DPO/MA  
31-7-15

ATTESTED  
  
District Police Officer  
Mansehra

K

Annex "L"  
1

27

ORDER:31

11.02.2015.

Both the accused namely Shabir is present on bail with his counsel. Learned SPP for the State present.

1. Accused is facing trial in case vide FIR No. 293 dated: 29.12.2012, Under Sections 13.A.O of Police Station Lassan Nawab District Mansehra.

2. Succinctly stated facts of the instant case are that complainant /SHO P.S Lassan Nawab was present on gusht at Dhanaka road near walidad on the eventful day i.e 29.12.2012, in the meanwhile, rider Shahid F.C No.1231 telephonically informed him to reach village Pangori. On this information, the SHO alongwith other police contingents reached there at 21.45 Hrs, where Shahid constable F,C No.1231, constable rider Mohammad Ashraf F.C No.968 , Mukhtiar Head Cosntable and constable Bilal Police Post Dakhan(P.S) Lassan Nawab were present. Rider Shahid told the complainant that he alongwith his companions in connection with gusht was going from Shero Gali to Lassan Bazar, at about 21.20 Hrs, he reached near Pangori, all of sudden a muffled face person duly armed with pistol appeared and prevented him, in the meantime rider Mohammad Ashraf also reached at the spot, who asked him to apprehend the muffled face person. On this the said muffled face person decamped in the fields. The police party followed him, but he resorted firing on the police party in order to commit their Qatl-e-Amd and ran away by taking the benefit of darkness. During the course of this process another person also made firing on the police party and in retaliation, the police party also resorted firing on that person. In the meantime, the said person loudly stated that he is Shabir constable and asked Mohammad Ashraf not to kill him. The said person came to the police, who was duly armed with loaded Kalashnikov containing five live rounds and a knife. He surrendered before the police alongwith Kalashnikov without

11-2-15 W

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TESTED  
4.8.15





course of his cross-examination stated that it took about 10 to 15 minutes on the spot, which means that the cross-examination of PW.4 is also contradictory of PW.3. Similarly the I.O of the case Mohammad Nazir Khan S.I stated that during the spot inspection from the place of accused Shabir, one empty of 7.62 bore discharging fresh small was recovered and he sealed the same into parcel No.3 by affixing 3 seals of monogram S.S, whereas according to the report of FSL: Ex.PW.6/3 available on file, transpires that parcel No.3 was having three seals of I.A monogram, through which it can be presumed that either the I.O is wrong or the report of FSL: is at wrong footing, both are contradictory to each other. According to the contents of Murasila the persons who was duly armed with pistol also made fire on the police party, but the I.O did not recovered the empty of 30 bore pistol, and this fact is proved by PW.2, who admitted it correct in his cross-examination that no empty of 30 bore was recovered from the spot. He also admitted that recovery memo Ex. PW2/1 was prepared in the P.S, which is clear cut violation of law and having no intrinsic value as well as can not be trustworthy, & truthful. There are glaring contradictions in the statements of prosecution witnesses, sanctity of which can not be relied upon.

7. Keeping in view the above facts and circumstance of the case, floating of the surface of record; further proceedings in the instant case would be a futile exercise, rather it would be wastage of precious time of the Court and it would serve no useful purpose. As such, by accepting the application filed under section 265-K Cr. P.C, the accused facing trial is hereby acquitted under section 265-K Cr. P.C. Sureties of the accused are discharged from the liabilities of bail bonds. Case property Kalashnikov be kept intact, subject to the expiry of period of appeal/revision and thereafter, it be confiscated in favour of state. File be consigned to the record Room after its completion and compilation.

Announced.  
11.02.2015.

*[Signature]*  
Garryal via Multi  
7.11.14  
Sessions Judge  
Ludhiana

ATTESTED  
4.8.15

7552  
4.8.2015  
*[Signature]*

4.08.2015  
4.08.2015  
*[Circular Stamp]*

17

WAKALAT NAMA

IN THE COURT OF KPK Service Tribunal Pesh

Shahid Ahmad

Appellant(s)/Petitioner(s)

VERSUS

the PPO and other

Respondent(s)

I/We Appellant do hereby appoint  
Mr. Khaled Rehman, Advocate in the above mentioned case, to do all or  
any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case; or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this \_\_\_\_\_

Attested & Accepted by

Khaled Rehman,  
Advocate, Peshawar.

18  
Signature of Executants

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No.918/ 2015.

Shabir Ahmed No.1162 .....(PETITIONER)

Versus

Inspector General of Police and & Two others..(RESPONDENTS)

Subject:- **REPLY ON BEHALF OF RESPONDENTS.**

Respectfully Sheweth:

Respondents very humbly submit as follows:-

**PRELIMINARY OBJECTIONS:-**

- a) The appeal is not based on facts and appellant has got no cause of action or locus standi.
- b) The appeal is not maintainable in the present form.
- c) The appeal is bad for non-joinder of necessary and mis-joinder of unnecessary parties.
- d) The appellant is estopped by his own conduct to file the appeal.
- e) The appeal is barred by law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

**FACTS:-**

1. Pertains to record.
2. The appellant while posted ~~at~~ in PS Balakot has involved himself in case FIR No. 293 dated 29.12.2012 u/s 324/34 PPC PS Lissan Nawab. During the investigation, the investigating officer found the appellant guilty and submitted complete challan before the court. The Honorable Court vide order dated 11.02.2015 acquitted the appellant u/s 265K

CrPC on account of contradiction in the statements of prosecution witnesses.

3. Correct. The appellant was proceeded against under the disciplinary rules and was given opportunity to join the enquiry proceedings accordingly submitted his reply.
4. The enquiry officer, after conducting proper, regular and impartial enquiry found the appellant guilty and recommended him for suitable punishment. ( inquiry report is annexed as annexure "A")
5. Correct. To the extent of reply but his reply was not satisfactory.
6. The competent authority, after giving the appellant opportunity of defense and also heard the appellant in orderly room but he could not convince the competent authority. Hence the competent authority passed the order of dismissal which is perfectly in accordance with law.


**Grounds:-**

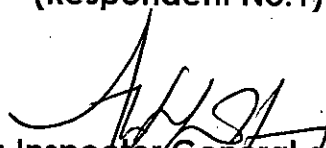
- a. Incorrect. The appellant has rightly been treated in accordance with Law and rules.
- b. Incorrect. The appellant was awarded punishment of dismissal from servers' on the basis of criminal charge which has been proved during the departmental proceedings. Although the appellant has been acquitted from the court u/s 265K CrPC yet his involvement was proved in the case during departmental proceedings.
- c. Incorrect. The appellant after registration of FIR, was properly charge sheeted and during the enquiry proceedings. The charges leveled against him were proved due to which the appellant was awarded major panelty.
- d. Incorrect. The appellant authority proceeds perfectly in accordance with Law and keeping in view the gravity of allegation dismissed the


- departmental appeal. Hence the appellate orders are perfectly in accordance with Law and rules.
- e. Incorrect. The punishment awarded to appellant fully commensurate with the gravity of allegations/ charges leveled against him.
  - f. Incorrect. The enquiry was proper, fair and according to rules prevalent on the subject. The appellant was awarded full opportunity to defend his case and also awarded full opportunity of personal hearing but he could not rebut the charges leveled against him.
  - g. Incorrect. The enquiry officer proceeded against in accordance with rules and submitted his report based on cogent reasons the competent authority dismissed the appellant from serves after taken into consideration the report of enquiry officer.
  - h. That the respondents would offer after ground during arguments.

**PRAYER:**

It is, therefore, humbly prayed that the appeal may graciously be dismissed with cost.

  
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)

  
Dy: Inspector General of Police,  
Hazara Region, Abbottabad  
(Respondent No.2)

  
District Police Officer,  
Mansehra  
(Respondent No.3)

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL**

**PESHAWAR**

Service Appeal No.918/ 2015.

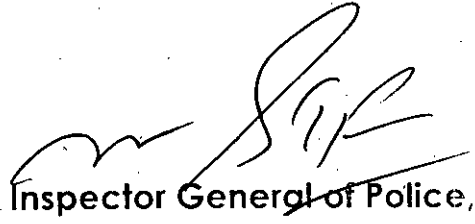
Shabir Ahmed No.1162 .....(PETITIONER)

Versus

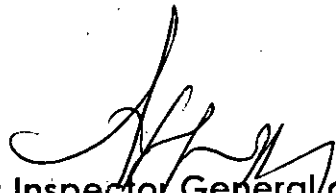
Inspector General of Police and & Two others..(RESPONDENTS)

**AFFIDAVIT.**

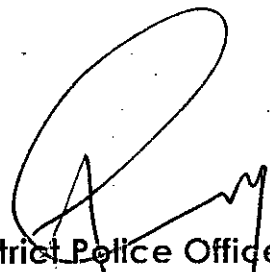
Verified that contents of the written reply are true and correct to the best of our knowledge and beliefs and nothing has been concealed or suppressed from this honorable tribunal.



Inspector General of Police,  
Khyber Pakhtunkhawa, Peshawar  
(Respondent No.1)



Dy: Inspector General of Police,  
Hazara Region, Abbottabad  
(Respondent No.2)



District Police Officer,  
Mansehra  
(Respondent No.3)



OFFICE OF THE DEPUTY SUPERINTENDENT  
OF POLICE CIRCLE SHINKIARI.

No. \_\_\_\_\_ Dated \_\_\_/02/2013.

*Annex 'A'*

18

To

The District Police Officer,  
Mansehra.

Subject

FINDING OF DEPARTMENTAL ENQUIRY AGAINST CONSTABLE SHABBIR  
AHMED NO. 1162 POLICE STATION BALAKOT MANSEHRA UNDER THE  
K.P.K DISCIPLINARY RULE 1975.

**Memorandum.**

Please refer to your office Endst: No. 5209-10/PA dated 31-12-2012 attached in original.

The departmental enquiry against Constable Shabbir Ahmed No. 1162 PS Balakot has received, in which he has alleged that he involved himself in case FIR No. 293 dated 29-12-2012 u/s 324/34 PPC/13 AO PS Lissan Nawab Mansehra.

For the purpose of scrutinizing the facts enquiry in hand was marked to the undersigned to probe into. I started the process of enquiry in the light of above leveled allegation, and summoned to Constable Shabbir Ahmed No. 1162, Constable Shahid Iqbal No. 1231, Constable Sohaib No. 1158, Constable Muhammad Ashraf No. 968, HC Muhammad Mukhtiar No. 68, Constable Muhammad Bilal No. 952, MHC Ghulam Rasool PS Lissan Nawab and Iftikhar Ahmed Inspector RI Police Line Manshera the then SHO PS Lissan Nawab, whose appeared before the undersigned. I examined them and recorded their statements they made cross questions from each other, I also made court questions from them, proceeding of enquiry are enclosed.

➤ **FINDING:-** →

From the perusal of above circumstances as well as the statements of alleged Constable Shabbir Ahmed No. 1162 and other, I observed that Constable Shahid Iqbal No. 1231, Constable Sohaib No. 1158, rider constable Muhammad Ashraf No. 968, HC Muhammad Mukhtiar No. 68, rider constable Muhammad Bilal No. 952 were present on usually night gusht duty. When they reached at village Panggori a muffled

face person signal to them for stop. On his signal police officials were stopped, when the muffled face person saw that those are police mans, he run-away from the spot and also made fire upon the police party. Police party also fired upon him and rushed towards the accused, but in van. At the mean time police party saw another person hiding in the bushes, when the above person saw the police party he started the firing upon them. Police party also fired upon him; resultantly the said person cries and told the police party please stop the firing that "he is constable Shabbir". Police officials stopped the firing; Constable Shabbir Ahmed No. 1162 came near them. Police officials informed the SHO Iftikhar Ahmed regarding the occurrence who told the police party that accused Constable Shabbir Ahmed No. 1162 may be released. On the order of SHO police officials released the Constable Shabbir.

Next morning Iftikhar Ahmed SHO PS Lissan Nawab re-called the Constable Shabbir Ahmed No. 1162 alongwith his un-license Kalashinkove in PS Lissan Nawab and confined him in the lock-up and also registered the above cited case against the alleged Constable Shabbir Ahmed No. 1162 which shows the Mala fide of Inspector Iftikhar Ahmed the then SHO PS Lissan Nawab, for that he also held responsible.

Any how after conducting detail enquiry the allegation leveled against the Constable Shabbir Ahmed No. 1162 has been proved, hence he is recommended for SUITABLE PUNISHMENT.

Submitted please.

Dy: <sup>DP</sup>Supdt: of Police,  
Circle Shinkhari.

Encls: (22).

PA  
Issue F.S.C.N.  
DPO Munsehra