

4

23.02.2015

Counsel for the appellant present. Learned counsel for the appellant informed the Court that the appellant is dead and hence the appeal stood abated. Orders accordingly. File be consigned to the record.

ANNOUNCED
23.02.2015


Chairman




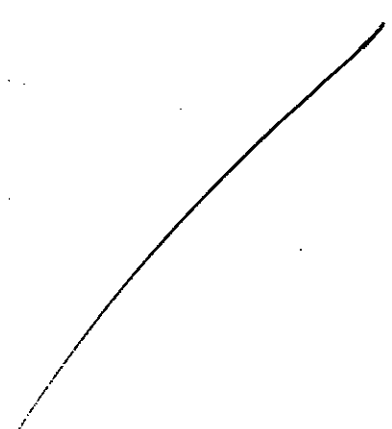
23.02.15

J
18-01-2012

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1318/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10.11.2014	<p>The appeal of Mr. Ghulam Ibrahim presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This case is entrusted to Bench <u>E</u> for preliminary hearing to be put up there on <u>16-01-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	16.01.2015	<p>Counsel for the appellant present. Requested for adjournment as he is not in the know of appellant. Adjourned for preliminary hearing to 23.2.2015.</p> <p style="text-align: right;"> Chairman.</p> 

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

Appeal No. 1318 /2014

Ghulam Ibrahim

V/S

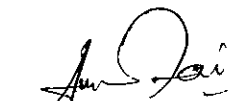
Police Department

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-04
2.	Copy of FIR	- A -	05
3.	Copy of D.D.	- B -	06-08
4.	Copy of Bail Order	- C -	09
5.	Copy of Show Cause Notice	- D -	10
6.	Copy of Reply	- E -	11 - 13
7.	Copy of Order	- F -	14
8.	Copy of Appeal	-G-	15-18
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APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

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

Appeal No. 1318 /2014

Mr. Ghulam Ibrahim, Ex-Constable No, 542,
Bannu Police Lines, Bannu.

K.P.S. Peshawar
No. 1357
10-11-2014

APPELLANT

VERSUS

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

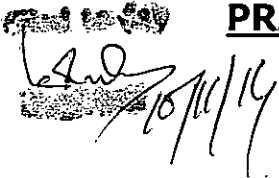
RESPONDENTS

.....

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER DATED 17.10.2014
COMMUNICATED TO THE APPELLANT ON
24.10.2014 WHEREBY THE DEPARTMENTAL
APPEAL AGAINST THE DISMISSAL FROM SERVICE
ORDER DATED 15.08.2014 HAS BEEN REJECTED
FOR NO GOOD GROUNDS.

.....

PRAYER:

 THAT ON ACCEPTANCE OF THIS APPEAL, THE
ORDER DATED 17.10.2014 AND 15.08.2014 MAY
BE SET ASIDE AND THE APPELLANT MAY BE
REINSTATED WITH ALL BACK AND
CONSEQUENTIAL BENEFITS. ANY REMEDY, WHICH
THIS AUGUST TRIBUNAL DEEMS FIT AND
APPROPRIATE THAT MAY ALSO BE AWARDED IN
FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

1. That the appellant joined the Police Department in the year 2009 and has good service record, throughout.
2. That the appellant was falsely charged in a case FIR No.444 dated 15.7.2014 U/S 382/34 PPC. The appellant was put in quater-guard on 23.7.2014 till 29.7.2014, then put in PS Hawalat on 30.7.2014. The appellant remained in Hawalat till 1.8.2014. Then the appellant was sent to jail on 1.8.2014 and released on bail on 5.8.2014 vide order of the competent Court of Law. Copies of FIR, D.D, Bail Order are attached as Annexure-A, B & C.
3. That on the basis of above incident, the appellant was served with show cause notice on 11.8.2014 by the PRO, who was not competent authority for appellant, and the allegations of absence from 15.7.2014 to 7.8.2014, snatching of Rs.12,00,000/- from one Mr. Imran, charged in FIR No.444; dated 15.7.2014 and affecting compromise with the complaint were leveled against the appellant. However, the appellant filed reply to show cause notice and denied all the allegations. Copies of Show cause notice and reply are attached as Annexure D and E.
4. That on 15.8.2014, the appellant was straight away dismissed from service by the R.P.O. Bannu who was not competent authority in case of appellant. However, the appellant filed departmental appeal against that order before the P.P.O. and the same was rejected/filed vide order dated 17.10.2014 which was communicated to the appellant on 24.10.2014, through the DPO Bannu. Copies of Order, appeal and rejection order are attached as Annexure-F, G and H.
5. That now the appellant comes to this Honourable Tribunal on the following grounds amongst the others.

GROUNDS:

- A) That the order dated 17.10.2014 and 15.08.2014 are against the law, facts, norms of justice, material on record, and principles of fair play, therefore, not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard and has been penalized for no fault on his part and that too without giving any chance of personal hearing.
- C) That the appellant was in custody of police and that was well in knowledge of the high ups, but despite that the appellant was charged for absence.
- D) That the appellant has been released on bail only and yet declaration of appellant about his innocence or otherwise is to be made by the competent criminal Court, therefore, the appellant can not be legally punished on the mere lodging of FIR.
- E) That the appellant has never affected a compromise, rather it was the statement of the complainant itself by exonerating the appellant from his criminal charge. Thus the effecting compromise and penalty on that basis is unwarranted in law.
- F) That no regular, inquiry conducted and the appellant has been penalized in a slipshod manner, which is the violation of principles of justice and Supreme Court's Judgments.
- G) That the appellant is a Provincial civil servant, but despite that the appellant was not treated under E&D Rules 2011 and has been penalized under P.R. 1975 which is not legally correct.
- H) That the P.R.O. is not competent authority for appellant under the law, therefore, the penalty order passed by PO in respect of appellant is void abinitio and not tenable under the law.
- I) That even the final rejection order is not a speaking order which is in violation of Section-24(A) of the

General Clauses Act as well as Supreme Court's Judgment reported as 1991 SCMR 2330.

- J) That the appellant has not been dealt with in accordance with law and norms of justice.
- K) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

APPELLANT 
Ghulam Ibrahim

THROUGH:



(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

TAIMUR ALI KHAN
ADVOCATE, PESHAWAR.

5

ابتدائی اطلاع رپورٹ

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

تھانہ

تاریخ

۱۹۹۹

33

1	تاریخ و وقت رپورٹ	15 بج (14)	تاریخ و وقت وقوع	15 بج (14)
2	نام و سکونت اطلاع دہندہ و مستغنیث	15 بج (14)	نام و سکونت اطلاع دہندہ	15 بج (14)
3	مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	15 بج (14)	مختصر کیفیت جرم	15 بج (14)
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	15 بج (14)	جائے وقوعہ	15 بج (14)
5	نام و سکونت ملزم	15 بج (14)	نام و سکونت ملزم	15 بج (14)
6	کارروائی جو پیش سے متعلق کی گئی اگر اطلاع درج کرنے میں توقف و تاخیر ہو تو بیان کرو۔	15 بج (14)	کارروائی جو پیش سے متعلق کی گئی	15 بج (14)
7	اقتانہ سے روانگی کی تاریخ و وقت	15 بج (14)	اقتانہ سے روانگی کی تاریخ و وقت	15 بج (14)

382/34

ابتدائی اطلاع رپورٹ

ابتدائی اطلاع رپورٹ

ابتدائی اطلاع رپورٹ

12:07 بجے تمام تھانہ آ کر پورے کورٹ ہاؤس کے دروازے پر موجود پولیس اہلکاروں کو اطلاع دی کہ ایک شخص نے ایک گولی مار کر ایک شخص کو ہلاک کر دیا ہے۔ اطلاع دہندہ نے کہا کہ گولی 9mm کی تھی اور گولی کے نشانوں سے پتہ چلتا ہے کہ گولی گولڈن سٹیٹ کے پاس سے مارا گیا ہے۔ اطلاع دہندہ نے کہا کہ گولی کے نشانوں سے پتہ چلتا ہے کہ گولی گولڈن سٹیٹ کے پاس سے مارا گیا ہے۔ اطلاع دہندہ نے کہا کہ گولی کے نشانوں سے پتہ چلتا ہے کہ گولی گولڈن سٹیٹ کے پاس سے مارا گیا ہے۔

ابتدائی اطلاع رپورٹ کے مطابق ایک شخص نے ایک گولی مار کر ایک شخص کو ہلاک کر دیا ہے۔ اطلاع دہندہ نے کہا کہ گولی 9mm کی تھی اور گولی کے نشانوں سے پتہ چلتا ہے کہ گولی گولڈن سٹیٹ کے پاس سے مارا گیا ہے۔ اطلاع دہندہ نے کہا کہ گولی کے نشانوں سے پتہ چلتا ہے کہ گولی گولڈن سٹیٹ کے پاس سے مارا گیا ہے۔

Signature

F. A. Khan
15-7-14

(5)

تعداد 13 روز تا 23⁰⁷/₁₄

سید اختر خان صاحب کو 23⁰⁷/₁₄ وقت 10:35 بجے میں
اپنی کارڈنگ کے بارے میں پوچھا گیا اور اس کا جواب
دیا کہ وہ اس وقت کوئی کارڈنگ نہیں کر رہے ہیں اور
اپنی کارڈنگ کے بارے میں پوچھا گیا اور اس کا جواب
دیا کہ وہ اس وقت کوئی کارڈنگ نہیں کر رہے ہیں اور
اپنی کارڈنگ کے بارے میں پوچھا گیا اور اس کا جواب
دیا کہ وہ اس وقت کوئی کارڈنگ نہیں کر رہے ہیں اور

سید اختر خان
کوئی کارڈنگ
نہیں کر رہے ہیں

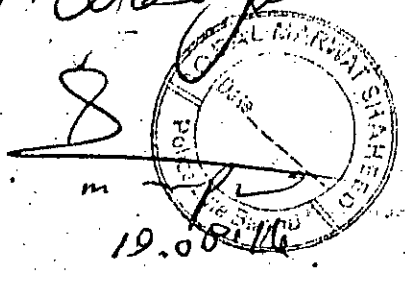
صدا کا ہونا کسی سرکاری ادارے

تعداد 15 روز تا 29⁰⁷/₁₄

سید اختر خان صاحب کو 29⁰⁷/₁₄ وقت 10:35 بجے میں
اپنی کارڈنگ کے بارے میں پوچھا گیا اور اس کا جواب
دیا کہ وہ اس وقت کوئی کارڈنگ نہیں کر رہے ہیں اور
اپنی کارڈنگ کے بارے میں پوچھا گیا اور اس کا جواب
دیا کہ وہ اس وقت کوئی کارڈنگ نہیں کر رہے ہیں اور
اپنی کارڈنگ کے بارے میں پوچھا گیا اور اس کا جواب
دیا کہ وہ اس وقت کوئی کارڈنگ نہیں کر رہے ہیں اور

سید اختر خان
کوئی کارڈنگ
نہیں کر رہے ہیں

صدا کا ہونا کسی سرکاری ادارے



19.08.11

(6)

نقلہ 31 روزانہ 14/8

صوبہ بنوں

پیشوئی ملک - ملک شہزاد خان نے 14/8/56ء کو 16:56 بجے اس وقت
 جسٹی فیکم ابراہیم ولد غلام قادر سکندر راجن آباد آسین محفل جیل عدالت
 غورالوالم حسب طلبہ تھانہ جوڈا خاں سردار فقیر عدالت باہاں حسب 15/7
 جرم 382/34/1111 نمبر میں حسب درخواست عدالت عدالت میں حسب ہمالہ
 لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ
 پیشو عدالت لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ

مناب عالی

نقلہ عدالت اہل

12-8-56



Handwritten signature or initials

8

پہلی

تقدیر 20 روزنامہ 1/8

ضلع بنوں

دراغ والدین: شعیب رضا خان نژاد صفحہ 4 پر وقت 2.30.10 سے 5.00 تک
 وقت پختہ ہو کر 14.08.14 تک از رویشہ کرنے ملزم عدوہ شہزادہ صاحبہ
 پختہ بنوں سے فرسہ آ رہا۔ مناجات پھاہا ہوا ہوا نہ ہوا نہ ہوا
 ابراہیم خان ملک قمر خان مجزاہر قندم 444 صفحہ 7 پر 15 مہ
 38/34 11/11 11/11 11/11 11/11 11/11 11/11 11/11 11/11 11/11
 حاصل کر کے جمع اور وقت اور وقت درشت حضور خوارم دربان میں کیا گیا
 دربان میں سے رسید و ہوا حاصل کر کے جمع کر کے اور وقت اور وقت
 کے۔ دیگر چیزیں ہیں۔ اسم ایڈیشن جمع کیا گیا ہے درست اور
 درست کر کے کیا گیا

بنوں عالی

تقدیر عبدالقادر

12-8-14
 12-8-14



Handwritten signature and initials, possibly 'C.T.C.'

11

9

امدادی مناب جو دستاویز پیش کر کے سزا کی درخواست
 58/16 (پولیس اسٹیشن - 7-14-16) 253
 3A

ORDER-02:
05.08.2014

APP for the State present. Counsel for the Accused/Petitioner present.
 Record received. Complainant present.
 Accused/petitioner namely Ghulam Ibrahim son of Ghulam Qadeer
 resident of Rehman Abad Amin Mughal Khel Distt: Bannu seeks post
 arrest bail in case FIR No. 4-14 dated 15.07.2014 U/Sec: 382/34 PPC at
 Police Station City Bannu,

Today the complainant furnished an affidavit (Ex:PA) with regard to
 compromise with the accused party charged in the instant case. His
 statement duly identified by his counsel, recorded to this effect, wherein he
 raised no objection upon the release of Accused/Petitioner on bail.

Perusal of the record reveals that though accused is directly
 nominated in the FIR but there is a considerable delay in lodging the FIR,
 while no recovery has been made from the accused/petitioner, nor there is
 any confession on part of accused.

The offences are not compoundable, however, when the complainant
 does not prosecute the accused further anymore, hence, keeping in view the
 compromise coupled with the statement of Complainant and the facts and
 grounds mentioned above alongwith the record, the accused is released on
 bail subject to furnishing of bail bond to the sum of Rs.90,000/- (Ninety
 Thousand rupees) with two local and reliable sureties each in the like
 amount to the satisfaction of this Court. Copy of this order be placed on
 Judicial file.

File be consigned to RR after its compilation.

Attor ad
 Copylost
 District & Session Judge
 Bannu
 7-8-14

Announced:
05.08.2014

Hamid Kamal,
 Judicial Magistrate-VI/MOD,
 HAMID KAMAL Bannu.
 Judicial Magistrate-VI
 Bannu

C.A.C

D
10

OFFICE OF THE REGIONAL POLICE OFFICER, BANNU REGION, BANNU.

SHOW CAUSE NOTICE
(Under rules 5 (03) KPK Police Rules, 1975)

I that you Constable Ghulam Ibrahim No. 542 while posted to PS Basya Khel have rendered yourself liable to be proceeded under Rule 5(3) of the Khyber Pakhtunkhwa Police Rules, 1975 for the following misconduct:

1. That on dated 15-07-2014, you deliberately absented yourself from official duty as evident from Daily Dairy No. 7 dated 15-07-2014 PS Basya Khel and remained absented till 07-08-2014.
2. That on that very, you snatched Rs. 1200000/- from one Muhammad Imran Khan s/o Muhammad Karim Khan r/o Miran Shah by aiming pistol at him in the limit of PS City.
3. As a result of which you were charged vide case FIR No. 444 dated 15-07-2014 u/s 382/34 PPC PS City.
4. That, your subsequent compromise with the complaint party has further materialized the above facts. Had you considered yourself to be innocent, you would have to contest the case in the law court and tried for honorably acquaintance.
5. That you this act has earned bad name for the whole force.

That by reason of above, as sufficient material is placed before the undersigned; therefore it is decided to proceed against you in general police proceeding without aid of enquiry officer:

That the misconduct on your part is prejudicial to good order of discipline in the police force

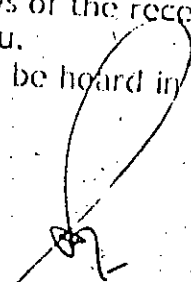
That your retention in the police force will amount to encourage in efficient and unbecoming of good police officers:

That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against your by awarding one or more of the kind punishments as provided in the rules.

You are, therefore called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.

You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
You are further directed to inform the undersigned that wish to be heard in person or not.

Grounds of action are also enclosed with this notice.


(SAJID ALI KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu.

To,

The Regional Police Officer,
Bannu.

Subject: REPLY TO THE SHOW CAUSE NOTICE

Sir,

Kindly refer to your No- Nil dated Nil the petitioner prayed as under:-

1. The petitioner has been recruited in police Deptt: as Constable and after undergoing basic training in the training institution, reported back in the district for performance of duty and since then performing the duty with great zeal and zest and utmost satisfaction of my superior.
2. That the allegations referred in the show cause notice is not based upon facts because the petitioner has not been blamed for any such charges throughout my service. The officers under whom control I have been posted were very much satisfied from my performance of duty and this is why that no complaint what so ever has been made against me regarding any charges or any other act which amounts against the spirit of police force. The petitioner has been charge falsely by the complainant Muhammad Imran khan in case FIR No. 444 dated 15/7/14 U/S 382/34 PPC PS city.
3. Complainant Muhammad Imran charge unknown accused for snatching away amount of Rs. 12 lacs from his possession vide traveling on a motorcycle which resulted in registration of present case. The accused were shown recognized through their faces at the time of report. The matter was investigated and later on I was booked in the present case.
4. That aggrieved from my involvement in the present case by the police and complainant I approached the complainant party regarding my innocence through the elders of illaqa/jirga members. After seeking time

[Handwritten Signature]

by the complainant by the jirga members regarding thinking over the offer, accordingly complainant party put the condition of taking oath by the petitioner on Holy Quran regarding my innocence. I accepted the offer and accordingly in presence of jirga members I took the oath on Holy Quran and the complainant party was got satisfied about my innocence.

- 5. That my absence from duty was not willful rather it was because of my confinement in quarter guard as well as in the judicial lockup. When someone is in judicial lockup he cannot attend the duty hours and this fact was in the knowledge of all the officers of police including the IO of PS city as evident from the record of the case. In this circumstances my absence was beyond my control for which I cannot be blamed.
- 6. That the snatching of amount of 12 lacs from the possession of accused by myself has been proved false because after accepting the oath by the complainant party and found me innocent, this charges has not been left against me and the entire exercise conducted against me for my involvement in the case is futile and ultimate result will be acquittal.
- 7. That according to contents of FIR complainant shown recognized the accused through their faces but when I was arrested in the instant case, neither any identification parade of myself was conducted by the police from complainant nor any face feature has been advanced in the report tailing with my face feature. In this circumstances the charge against me was based upon malafide.
- 8. That according to dictas of Supreme court/service tribunals, no person can be dealt with departmentally in light of registration of criminal case unless and until convicted by the competent court. The case mentioned above is in the initial stage and during the course of bail petition, the complainant submitted affidavit before the court regarding my innocence and the learned court has also recorded the statement of complainant vide which I have been declared as innocent.

AGC

- 9. That the learned court has not released me on bail because of compromise because the offence is not compoundable but release me on bail found no linkage of myself with the commission of offence coupled with my innocence and the statement of complainant regarding my innocence. In such eventually the charges of charge sheet regarding my release on the basis of compromise is not governed by law.
- 10. That according to the ruling of the higher courts no officer/official will be proceeded departmentally on the basis of criminal charge against him unless and until the proceeding is terminated on the conviction of accused. The same principal has been adopted in the fundamental rights of the constitution of Islamic Republic of Pakistan 1973 but in my case though the complainant has been satisfied regarding my innocence, I have been charge sheeted which will certainly discourage me and other police officer/officials.
- 11. That an official of police deptt knows the consequents of the criminal Act, therefore, no one can dare to involve himself in such like activities. Being a poor man I have joined the police deptt and is the only supporter of my family. Depriving me from service or causing any kind of other loss to my service will certainly ruined my family. I have performed my duty honestly, devotedly and efficiently through out my service.

Keeping in view the above facts and circumstances, it is requested that the I Show cause notice may kindly be filled without further action and I may also be heard in person. The relevant documents pertaining to the bail matters, statement of complainant and affidavit of the complainant are attached for ready reference.

Handwritten signature/initials

Yours Obediently
Handwritten signature
 FC/Ghulam Ibrahim
 Constable No. 542
 PP Basia Khel

POLICE DEPARTMENT.

BANNU REGION.

ORDER

14

My this order will dispose of the departmental proceedings initiated against Constable Ghulam Ibrahim No. 542 by issuing show cause notice to him, who while posted to PS Basya Khel had committed the following misconduct:-

1. That on dated 15-07-2014, he deliberately absented himself from official duty as evident from Daily Dairy No. 7 dated 15-07-2014 PS Basya Khel and remained absented till 07-08-2014.
2. That on that very day i.e 15-07-2014, he snatched Rs. 1200000/- from one Muhammad Imran Khan s/o Muhammad Karim Khan r/o Miran Shah by aiming pistol at him in the limit of PS City.
3. As a result of which, he was charged vide case FIR No. 444 dated 15-07-2014 u/s 382/34 PPC PS City.
4. That, his subsequent compromise with the complaint party has further materialized the above facts. Had he considered himself to be innocent, he would have to contest the case in the law court and tried for honorably acquaintance.

Proper show cause notice was served upon him on dated 11-08-2014. He submitted reply to the show cause notice on dated 15-08-2014. His reply to the show cause notice was found implausible/unsatisfactory coupled with the fact that the accused officers was involved in criminal case and deals with illegal arms/ammunition which is evident from DD No. 27 dated 15-08-2014 PS City. During persona hearing, he also failed to satisfy the undersigned.

Being a stigma on the face of police force and habitual absentee, the undersigned has got no other option except to kick him out from the force.

Therefore, I, SAJID ALI KHAN, Regional Police Officer, Bannu Region, Bannu, in exercise of the powers vested in me under NWFP Police rule 1975 hereby dismiss him from service with immediate effect and the unauthorized absence from duty is treated as without pay.

Order announced

(SAJID ALI KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu.

No. 2154 /EC, dated Bannu the 15/8 /2014

Copy of above along with enquiry file is sent to the District Police Officer, Bannu for necessary action.

(SAJID ALI KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu.

OASi/SRC/PO

In Information sent

Other 2/4/2014

Arrested

DPD Bannu

Handwritten initials and marks on the right side of the page.

To,

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

**Subject: REPRESENTATION AGAINST THE ORDER OF
REGIONAL POLICE OFFICER BANNU
BEARING NO. 2154 /EC DATED 15/8/14 VIDE
WHICH THE PETITIONER WAS DISMISS
FROM SERVICE.**

Respected Sir,

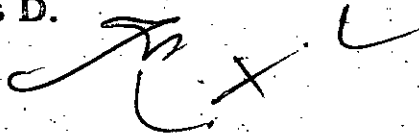
1. That the petitioner was served with a show cause notice by the RPO Bannu Region Bannu for the omission of the following misconduct.
 - a. That on dated 15/7/14, you deliberately absented yourself from official duty as evident from DD No. 7 dated 15/7/14 PS Basia Khel and remained absented till 07/08/14.
 - b. That on that very, you snatched Rs. 1200000/- from one Muhammad Imran Khan r/o Miran shah by aiming pistol at him in the limit of PS City.
 - c. As a result of which you were charged vide case FIR No. 444 dated 15/7/14 U/S 382/34 PPC PS city.
 - d. That your subsequent compromise with the complainant party has further materialized the above facts. Had you considered yourself to be innocent, you would have to contest the case in the law of court and tried for honorably acquaintance.
 - e. That you this act has earned bad name for whole force.

[Handwritten signature]

2. That the petitioner furnished detail explanation and reply to the above charges but were not considered on merit and a major punishment of dismissal from service was imposed upon him vide Order No. 2154/EC dated 15/08/14 by the RPO Bannu.

GROUNDS FOR APPEAL:-

1. The appointing authority of a constable is the DPO and is also authorized and empowered to dismiss the said constable on the basis of grave misconduct but in my case directly show cause notice was issued by the RPO who is the appellant authority.
2. In the initial stage proper charge sheet and statement of allegation were not issued and thus proper departmental proceedings were ignored. In the absence of proper departmental proceedings neither the complainant party nor the IO were examined and the petitioner was deprived of the cross examination.
3. The absence period from 15/7/14 to 07/08/14 was not verified and during this period he remained in quarter guard in police line and subsequent after arrest in case FIR No. 444 dated 15/7/14 U/S 382/34 PPC PS city Bannu remained in central jail Bannu and released order of bail was made by the court on 05/08/14. Therefore it is evident that my absence from duty was not deliberately and willful. **The copy of the releases from Quarter guard and bail order of the court are annexed as C & D.**



(17)

4. The petitioner is not been nominated and charged in case FIR No. 444 dated 15/7/14 U/ 382/34 PPC PS city by the complainant but it was lodged against unknown accused. It was the brought day case but no description of the accused party was given in the report by the complainant as well as by the police officer who registered the case. **The copy of the FIR is annexed as "E".**

5. No doubt the petitioner was arrested by the Investigating officer on the suspicion but no recovery of pistol or stolen cash was made from him. Neither he has made confession before the police nor any identification parade was got held by the Investigating officer. I and my all relatives ensured the police pertaining to the innocence to the police and as well as complainant party, therefore, the complainant gave his no objection statement about granting bail. In the absence of any evidence against the petitioner he was released on bail by the court. **(The copy of the statement on oath of the complainant is annexed as annexure "F").**

6. The petitioner has not affected compromise with the complainant party. Neither in the court order nor in the statement of the complainant compromise was mentioned.

7. The petitioner was heard in person by the RPO Bannu but the complainant and the IO was not summoned and was heard to ascertain the truth and falsehood of the charges.

RCX

8. That for the sake of justice no government servant will be proceeded departmentally on the basis of criminal charge unless and until the trial is terminated on the conviction of the accused.

9. There are no adverse remarks or any conviction in his service role since recruitment up till now.

PRAYER:-

In the light of the above facts and circumstances, it is humbly requested that the order of RPO Bannu dated 15.8.2014 may kindly be set-aside and the punishment imposed upon me may kindly be recalled for the best interest of my clean and devoted service. It is further stated that the petitioner may kindly be also provided a chance for personal hearing.

Yours Obediently,

FC = GHULAM IBRAHIM

BELT NO. 542

District Bannu.

C + L



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR

H

19

No. 7690 /E-IV dated Peshawar the 17/10/2014

To: The District Police Officer,
Bannu.

Subject: APPEAL

Memo.

9593
23/10/14

Please refer to your letter No. 2520/EC dated: 23.09.2014 on the subject noted above.

The Appeal of Ex-Constable Ghulam Ibrahim No. 542 of district Police Bannu for re-instatement in service was examined by the competent authority and filed.


(PERVEZ ILLAHI)

Registrar
For Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar.

16/11/14

SRE/OASi

For further disposal
completion of record

Amir
DPO/Bannu
21/10/2014

24-10-14

C.A.C

VAKALAT NAMA

20

NO. _____/20

IN THE COURT OF SERVICE TRIBUNAL PESHAWAR

GHULAM IBRAHIM (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

POLICE DEPTT. (Respondent)
(Defendant)

I/We GHULAM IBRAHIM

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

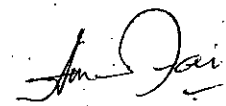
I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding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

Dated _____/20



(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:
Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240