


Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	25.05.2016	<p><u>BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR</u></p> <p>Appeal No. 1419/2014</p> <p>Muhammad Aslam Versus Regional Police Officer, Bannu Region, Bannu and 2 others.</p> <p><u>JUDGMENT</u></p> <p><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Appellant with counsel and Mr. Muhammad Adeel Butt, Addl. AG alongwith Asghar Ali, H.C for respondents present.</p> <p>2. Muhammad Aslam, ASI here-in-after referred to as the appellant has preferred the instant appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 29.08.2014 whereby he was awarded punishment of reduction to lower position in the seniority list of substantive rank of ASI.</p> <p>3. During the course of arguments learned counsel for the appellant as well as learned Addl. AG relied on order dated 13.04.2015 passed by the Provincial Police Officer according to which Assistant Sub Inspector Yasin Kamal having identical role was awarded minor punishment of forfeiture of one year approved service.</p> <p>4. Since the said Sub Inspector Yaseen Kamal and appellant were facing the same charges as such fairness and fair-play</p>

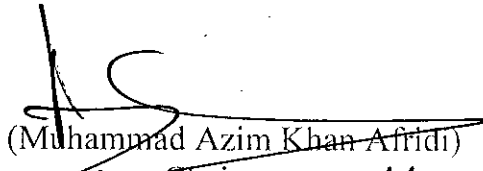
25.05.16

25/5/2016

would require and demand alike treatment with similarly placed accused official/appellant. .

5. In view of the above we accept the instant appeal and modify the punishment awarded in the impugned order dated 29.08.2014 by converting the same to minor punishment of forfeiture of one year approved service of the appellant. Parties are left to bear their own costs. File be consigned to the record room.


(Ahmad Hassan Khan)
Member


(Muhammad Azim Khan Afridi)
Chairman
25.08.16.

ANNOUNCED
25.05.2016

01.02.2016


Appellant in person and Addl: A.G for respondents present.
The learned Member (Executive) is on official tour to Swat, therefore,
Bench is incomplete. To come up for arguments on 1-4-16.


Member

01.04.2016

Counsel for the appellant and Mr. Mir Faraz, Inspector (legal)
alongwith Mr. Muhammad Jan, GP for respondents present. Learned
counsel for the appellant requested for adjournment. Adjourned for
arguments to 25-5-2016 before D.B.


Member


Member

3

11.02.2015

*Appellant's department
Process fees for appeal*

11.02.2015

Counsel for the appellant present. Learned counsel for the appellant contends that the appellant was serving as Sub-Inspector and was awarded major penalty of reduction to the lower position as ASI on 29.8.2014 whereafter departmental appeal was preferred on 22.9.2014 which was not responded and hence the present appeal after lapse of statutory period. That no inquiry was conducted in the prescribed manners. That the appellant was allegedly involved in avoiding ~~the~~ post mortem of deceased Arshad which allegations were denied by the appellant being false.

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 for 12.05.2015 before S.B.

[Signature]
Chairman

11.03.2015

4

12.05.2015

Counsel for the appellant and Mr. Mir Faraz, Inspector (Legal) alongwith Addl. A.G. for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 29.10.2015.

[Signature]
Chairman

29.10.2015

Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Rejoinder on behalf of the appellant submitted, copy whereof is handed over the respondent-department. To come up for arguments on

1.2.16



[Signature]
Member

[Signature]
Member

Form A
FORM OF ORDER SHEET

Court of _____

Case No. 1419/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22.12.2014	<p>The appeal of Mr. Muhammad Aslam presented today by Mr. Saadullah Khan Marwat 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	21.1.2015	<p>This case is entrusted to Panel for preliminary hearing to be put up to the File received from the Hon'ble Bench-1.</p> <p>None is available on behalf of the appellant. Notice be issued to appellant and his counsel. Case to come up for preliminary hearing on 11.2.2015 MAN</p> <p style="text-align: right;"> MEMBER</p> <p style="text-align: center;"><i>noted</i> <i>By</i></p>

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No 1419 /2014

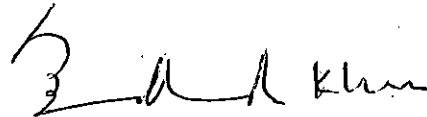
Muhammad Aslam Versus R.P.O & others

I N D E X

S.#	Description of Documents	Annex	Page
1.	Memo of Appeal		1-4
2.	Medical Report, 09.08.2014	"A"	5-7
3.	Mad No. 28, 10.08.2014	"B"	8-9
4.	Report of Incharge, 10.08.2014	"C"	10
5.	Show Cause Notice, 22.08.2014	"D"	11
6.	Reply to Show Cause, 28.08.2014	"E"	12
7.	Reduction Order, 29.08.2014	"F"	13
8.	Representation, 22.09.2014	"G"	14-19

Appellant

Through



Dated: 22.12.2014

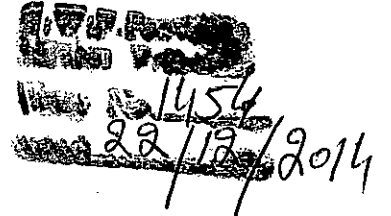
(Saadullah Khan Marwat)
Advocate
21-A Nasir Mension,
Shoba Bazar, Peshawar.
Ph: 0300-5872676

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 1419 /2014

Muhammad Aslam S/o Nabi Bakhsh,
Assistant Sub Inspector, P.S, Ghoriwala, Bannu,

Ex-Sub Inspector, P.S, Saddar, Bannu. Appellant


1454
22/12/2014

Versus

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

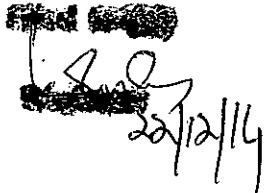
⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL
ACT, 1974 AGAINST OFFICE ORDER NO.
2288/EC, DATED 29.08.2014 OF R. NO. 1,
WHEREBY MAJOR PUNISHMENT OF
REDUCTION TO THE LOWER POSITION IN THE
SENIORITY LIST OF SUBSTANTIVE RANK OF
ASI WAS IMPOSED UPON APPELLANT FOR NO
LEGAL REASON.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That appellant was initial appointed as Constable in the year, 1977 and was promoted to the rank of Head Constable in the year, 1992. Similarly, he was promoted to the rank of ASI in the year, 2004 and to the rank of SI in the year, 2013.


22/12/14

2. That on 09.08.2014, at 9 PM Arshad Khan s/o Khair Uz Zaman made suicide by injuring Saqib Khan brother and Mst. Sajida Bibi, his wife. (Copy of Medical Report as annex "A")
3. That vide Mad No. 28, daily dairy dated 10.08.2014 was registered in PS Saddar regarding the incident mentioned therein. (Copy as annex "B")
4. That Incharge of Casualty, Civil Hospital, Bannu, Sarfaraz Khan ASI, recorded report of the father of the deceased namely Khair Uz Zaman Khan s/o Said Rehman that he did not intend to make Postmortem Report of Arshad Khan deceased his son and injured Saqib Khan and Mst. Sajida Bibi, son and daughter in law. (Copy as annex "C")
5. That on 22.08.2014, appellant was served with show cause notice by R. No. 1 on the allegation under KP, Police Rules, 1975 for the misconduct:-

"That a deceased with apparent fire arm injuries with two more individual in injured condition were brought to the DHQ Hospital but ironically neither any autopsy was conducted of the dead body nor investigation conducted as per section 174 Cr.P.C. which is an indicator that you have committed gross misconduct and rendered liable to be proceeded against. (Copy as annex "D")
6. That on 28.08.2014, appellant submitted reply to the charge sheet, stating therein the whole position and denied the same. (Copy as annex "E")
7. That without any enquiry, service of final show cause notice and opportunity of personal hearing, major punishment of reduction to the lower position in the seniority list of

substantive rank of Assistant Sub Inspector was imposed upon appellant by R. No. 1. (Copy as annex "F")

8. That on 22.09.2014, appellant submitted representation before R. No. 2 for setting aside the impugned order but the same met dead response till date. (Copy as annex "G")

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

GR O U N D S :

- a. That from the available record, it is quite clear that appellant showed nowhere any leniency nor extended any relief to anyone in the matter.
- b. That it was prerogative of the legal hears as to whether Postmortem be conducted of the deceased or otherwise.
- c. That the dead and injured bodies were brought straight away to casualty of Civil Hospital, Bannu. It was the sole duty of the Incharge ASI, Sarfaraz Khan to deal with matter as per the mandate of law, if any, but the matter was not tackle as the father of the deceased/injured as given written to not go ahead in the matter. Such position is quite apparent from daily dairy and report dated 10.08.2014.
- d. That appellant was dealt with major punishment and it was the legal duty of the authority to conduct regular enquiry, to serve appellant with final show cause notice and to afford him opportunity of self defence but by not adhering to law, the impugned order is illegal and ab-initio-void.
- e. That R. No. 1 on one hand, served appellant with show cause notice while on the other hand, he himself imposed major punishment upon him, so he acted as double edge weapon i.e. Prosecutor as well as a Judge.
- f. That when charge is denied, then regular enquiry becomes mandatory.

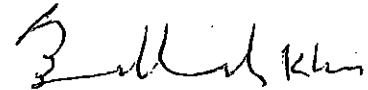
- g. That in the show cause notice of R. No. 1, it nowhere transpires that regular enquiry was dispensed with and moreso, neither any statement of any witness was recorded nor appellant was afforded opportunity of cross examination, being mandatory.
- h. That the impugned order is in total disregard of law and rules, so the same is illegal, incorrect, void-ab-initio and based on malafide.

It is, therefore, most humbly prayed that order dated 29.08.2014 of R. No. 1, be set aside and appellant be reinstated in service/restored to his original position/rank of Sub Inspector with all back benefits, with such other relief as may be deemed proper and just in the circumstances of the case.



Appellant

Through

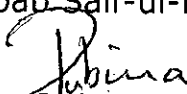


Saadullah Khan Marwat



Arbab Saif-ul-Kamal

&



Miss Robina Naz,
Advocates.

Dated: 22.12.2014

Amal
Amal

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9/8/14

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35-25

9-8-14

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A

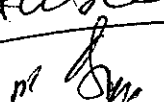
<p>۱۶- کیا یہ سستی یا دیگر سے گلا گھونٹنے کے واسطے استعمال کی گئی تھی۔ یا اگر لین کو اس سے دکھایا گیا تھا تو یہ اس قدر مضبوط ہے کہ اسے ہمارے سکی ہوئی اسکی دو برابر دھری طرف کچے ساتھ اور کس طرح بانڈھا گیا تھا۔</p>	
<p>۱۵- کیا کوئی شے خارجاً مثلاً گیس بھرنے وغیرہ باؤں میں لگی یا متوتی کی مٹی میں پڑی ہوئی تھی یا نہ تھی کہ کسی نیرد میں لگی ہوئی تھی۔</p>	
<p>۱۶- کیا نقش کی موٹے تانبے اور طاقتور شخص کی یا کلا نیرد ضعیف</p>	<p>نارہ طاقتور</p>
<p>۱۷- کیا وہ مضبوط ہے یا لاغر ہے یا مٹری ہو گیا ہے۔</p>	<p>مہر ط</p>
<p>۱۸- طول سے باؤں تک</p>	<p>دو تکر لقر بنا</p>
<p>۱۹- نشانہ شناخت خلل و خال فاعل کے زخم و ضرب و عجزہ کا نمونہ و شکل و صورت</p>	<p>عبدالغنی لقر بنا</p>
<p>۲۰- ظاہری باعث حرکت</p>	<p>اسلم الرشید</p>
<p>۲۱- کیا کوئی ایسے حالاً موجود ہیں یا انہوں نے جاری کیا ہے جس سے معلوم ہو کہ متوتی نے خود کشی کی۔</p>	

نقش کا ہر ایک نقشے پر ایک یا ایک کے نزدیک دستیاب ہو۔

<p>۲۲- جو نقش پر واقع دستیاب ہوں ہر ایک نقشے پر بریجی ڈاکٹر ہر لگائی جانے لگی نقش کے ساتھ لگی ہوئی کچھ کچھ پر پلیرڈیو لیزو میں لکھی گئی۔</p>	<p>۲۳- جو نقش کا نزدیک دستیاب ہو ہر ایک نقشے پر بریجی ڈاکٹر لگائی جائے گا۔</p>
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الفاظ کتبہ ہر جو اوپر لگائی گئی

۲۴- نقشہ ختمہ کی مقام کا جہاں نقش دستیاب ہو۔

Attested


رسید وصولی نقض

گفتی منوی کد رهبر نظامی برک کهنه و نقض قرال و مرشد شماره 2

محمد اسی خان ولد و ظفر رحمان مسکن شماره عظمیٰ خان

NIC No: 11101-1428669-1

استغفار از تقفیش
AG

مقام 1
مؤرخه 2014
کوتلاد و دیار زیادہ ستر سائون لرد و لواج
جر تقفیش

معارضان ولد نا علی خان مسکن
شماره عظمیٰ خان
11/01/2014

NIC No: 11101-460008-5

محمد اسی خان ولد عطاء محمد خان
شماره عظمیٰ خان
11/01/2014
کهنه لرد

استغفار
AG

NIC No: 11101-9734674-3

اسی طرح خود میں بہتران علیہ بیان بلائی تائید کرتے ہوئے بتے نشان اٹھوٹے
 اور دستخط سے بنائی میں لفظ راجوں۔ ندی باہا پیراش متوفی
 ارشد خان کاوشکارم۔ خود جن باہا کی ایم ایل سی ہیں زبان پیرے
 کھنڈی پورٹ اٹلا با لخص اندر راجہ اور نام نہایت جھٹکا اس ۱۲۶۷ ارسال
 کھنڈی کی حال ہے دستخط نگری سرورخان کی پوری سٹاف DHO حیدرآباد
 ۱۵/۱۶ کاہنڈی کھنڈی میں اردہ اوٹ ڈف حرف دے ۲۶ پورستہ حیدرآباد
 وند سیرخان کے شکار علیہ لکھن پیراش متوفی ارشد خان کے ہوتے ہوتے
 لیول اپنے آپ پر خانہ نگار کے جسے وہ لکھنڈی میں لکھا ہوا ہے
 اور سی خانہ نگار سے پیراش نام خانہ آدہ سادہ لایا اور اس
 خود حسن زخمی ہوئے ہیں۔ لکھنڈی خانہ آدہ لایا اور متوفی ارشد خان کی
 پوشکارم اور خود جن نے ۱۵۷۷ پورٹ لکھا نہ پیراش سے لکھا پیراش
 ساق خان اور پیراش سادہ سادہ پورہ ارشد خان متوفی اور تیران جبہ
 لیماں ۱۵۷۷ ارشد خان وند لکھا خان ۲ صاحبان جس وند سیرخان ۳
 دانی لکھنڈی دانی پیراش لکھنڈی ساق خان پیراش لکھنڈی اور حرف اوٹ
 ندی کی تائید کرتے ہوئے ہم نشان خود خانہ آدہ لکھا نہ پیراش
 کی ساق پور اوٹ لکھنڈی پیراش لکھنڈی پور لکھنڈی علیہ رت
 لخص اٹلا ہمال نرد لکھنڈی باہا ارسال لکھنڈی پورے ہے

ساق خان لکھنڈی پورے

۱۵/۱۶



Handwritten signature or name in Urdu script, possibly 'M. S. M.' or similar.

میرزا: ضم الزمان خان ولد صدر زمان سکند شہزاد عظیم فیضی لکھنؤ 56/55 سال
 03319257602 پر 7/11/2008 کو 10/10/08 وقت 30:00 بجے عمر آگے لکھی
 وکیل راجندر
 متوجہ ارشد خان بہادر صاحب و جن صاحبہ کے لئے اس سے متعلقہ سوا سے پہلے
 مقیم ہو کر حقیقت کی غور سے اس پر غور کیا گیا ہے کہ اس کی عیاشی و بے عملی سے
 مقیم رہنے والے خانہ مختصر خود میں موجود وقت تقریباً 21:00 بجے کا وقت جو کافی ہے
 ارشد خان نے بڑے بے سہولت اس پر اپنا بڑا خرچہ کیا ہے جس کی خاطر اس سے وہ خود
 لگے کہ اگر شہزادہ زکی ہو کر خود بڑا اور اس کے ساتھ بہت سے بہادر اور خاندان کے
 صاحبہ بھی لگے کہ زکی ہوئے ہیں جنہوں نے خود اپنے اور اپنے والدین کے لئے والدین
 کی طرف سے کافی خرچہ کیا ہے اور ان کے لئے کہ بہت سے ارشد خان راستے میں زحمات
 کی تاب نہ لاتے ہوئے ہیں جن کو اپنا اپنا حصہ بھی دیا ہے اور وہ بھی نہیں ہے
 اور نہ ہی کسی نے خلاف رویہ کرنا چاہتا ہے کہ بہت سے ارشد خان صاحبہ کی شخصیت
 اور دورانِ حیات اس کا اپنے فعل کا پتہ نہیں چلتا ہے کہ بہت سے ارشد خان متوجہ کا ہونے
 اور حضور صلی اللہ علیہ وسلم پر خوشی خود نہیں کرنا چاہتا ہے اور اللہ جل جلالہ
 میں بھی اتنے ہی اتنے ہی ولد صدر الزمان لکھنؤ 56/55 سال بیان بالا کی تائید کرتا ہوں
 اللہ سے متعلقہ سوا سے پہلے ارشد خان لکھنؤ 56/55 سال بیان
 بالا کی تائید کرتا ہوں اللہ میں مسیحی صاحبی اسرار خان وارہ پیرا درخان
 سکند شہزاد عظیم فیضی بیان بالا کی تائید کرتا ہوں اللہ میں مسیحی
 صاحب صدر زمان ولد صدر زمان سکند شہزاد عظیم فیضی بیان بالا کی تائید کرتا ہوں
 اللہ میں مسیحی صاحبی لکھنؤ اشفاق خان ولد صاحبی عبد الرحیم خان سکند
 شہزاد عظیم فیضی بیان بالا کی تائید کرتا ہوں اللہ صاحبی لکھنؤ اشفاق خان
 کو یہ شبہ لگنے سے اس کا بیان صرف یہ صرف خارج بالا ہے کہ میرا سنا یا دیکھا یا بیان
 بیان کو درست تسلیم کرتا ہے کہ بیان انہیں مستحق نہیں ہے اس طرح حضور صلی اللہ علیہ وسلم
 علیہ السلام بیان بالا کی تائید کرتے ہوئے اپنے نشان اٹھائے اور مستحق نہیں ہے اس کا
 یہ تصدیق کرتا ہوں صرف بیان بہت سے ارشد خان کا ہونے کا وہ حضور صلی اللہ علیہ وسلم
 کا اہم اہل نہیں ہیں کہنا چاہئے ہے لہذا اس پر اطلاعاً حضور صلی اللہ علیہ وسلم اور ان کے
 یہ سنا حضور صلی اللہ علیہ وسلم 427 ارسال تھا کہ صدر زمان کی ہے کہ اس پر
 10-8-14

Attest
 m 8/14

D 11 22-8-14

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

SHOW CAUSE NOTICE

(Under rules 5 (03) KPK Police Rules, 1975

I That you Mr. Mohammad Aslam ~~off~~ Sub Inspector while posted as ASHO PS Saddar have rendered yourself liable to be proceeded under Rule 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct:

1. That a deceased with apparent fire arm injuries with two more individual injured condition were brought to DHQ hospital but ironically neither any autopsy was conducted of the dead body nor investigation conducted as per section 174 CrPC which is an indicator that you have committed gross misconduct and rendered liable to be proceeded against.

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.

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

Received by M. J. Khan 22-8/014
Dated _____ /2014

No. 2219 /EC dated Bannu, the 22/08/2014.

Copy to DPO/Bannu for information..

Attested
B. R.
Office Superintendent
Range Police Office
Bannu

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

Attested
M. J. Khan

جناب عالی!

بحوالہ شوکاژ نوٹس نمبر 2219 مورخہ 22.08.2014 مجایہ آنجناب آر پی او صاحب بنوں ریج بنوں مشمولہ ہذا معروض ہو کہ مورخہ 09.08.2014 کو میں حسب معمول گشت شبینہ پر تھے کہ بوقت قریب 23:30 بجے شب منجانب مراد خان کنسٹیبل مدد محررتھانہ صدر بزرگ یون اطلاع ملی تھی کہ ایک ڈیڈ باڈی اور دو مجروحین دیہہ شہباز عظمت خیل سے بھی DHQ ہسپتال بنوں لائے گئے ہیں۔ حسب الحکم و ہدایت جناب ڈی ایس پی صاحب ہیڈ کوارٹر بنوں آپ سول ہسپتال بنوں جا کر اگر انچارج کیولٹی سٹاف بنوں کو آپ کے تعاون کی ضرورت ہوئی یا ضرورت تھی تو اس کے ساتھ بھر پور تعاون کریں۔ باقی رپورٹ لکھنا اور ڈیڈ باڈی معہ مجروحین کے کاغذات تیار کرنا اور ان پر دستخط کرنا انچارج کیولٹی سٹاف کا کام ہے۔ جو اس موصولہ اطلاع و ہدایت کے پیش نظر میں ہمراہ نفری پولیس کے فوری طور پر DHQ ہسپتال بنوں جا کر ہسپتال میں ایک ڈیڈ باڈی ازاں ارشد خان متونی و مجروح ثاقب خان پسران خیر الزمان اور مجروحہ مسماہ ساجدہ بیگم بیوہ متونی ارشد خان آمدہ شہباز عظمت خیل موجود پائے جا کر میں متونی معہ مجروحین متذکرہ بالا کیساتھ آئے ہوئے لوگوں سے انکے ولی اور واقعہ ہذا کے بارے حالات معلوم کرنے اور واقعہ ہذا کی بابت رپورٹ لکھنے کے بارے میں پوچھا تو ان کسان نے کہا کہ متونی اور مجروحین کے ولی ولد اش خیر الزمان کی طبیعت اس وقت اس صدمے کی وجہ سے سخت خراب ہے اور رپورٹ دینے کے قابل نہیں ہے۔ جب بھی اسکی حالت سنبھل اور رپورٹ لکھنے کے قابل ہو جائیں تب وہ آپ پولیس کو رپورٹ دیگا۔ اس کے بغیر ہم کچھ بھی نہیں کر سکتے۔ اسکے بعد سرفراز خان ASI انچارج کیولٹی بھی آیا۔ جسکو مراد خان مدد محررتھانہ صدر نے پہلے سے جناب DSP صاحب کے صادر شدہ احکامات سے آگاہ کیا جا چکا تھا اور میں نے بھی سرفراز خان کو جملہ احکامات سے مقررہ طور پر آگاہ کرنے کے بعد میں نے تمام حالات جناب ای ایس پی صاحب ہیڈ کوارٹر بنوں کے نوٹس میں لائے جا کر چونکہ اس وقت میری گشت ٹائم ختم ہونے پر آخر کار سرفراز خان ASI انچارج کیولٹی سٹاف کو ہدایت کی کہ مستغیث کی حالت ٹھیک ہونے پر اسکی باقاعدہ رپورٹ لے لیں اور برائے قانونی کارروائی تھانہ بھجوادیں اس کے بعد میں نے سرفراز خان ASI سے اجازت لیکر ہمراہ نفری کے تھانہ تشریف لے گیا۔ اگلے روز صبح ہونے پر معلوم ہوا کہ میرے آنے کے بعد سرفراز خان ASI انچارج کیولٹی سٹاف ہسپتال بنوں نے مستغیث خیر الزمان ولد سید الرحمان سکنہ شہباز عظمت خیل کی رپورٹ ضبط تحریر میں لایا جا کر بعض اندراج تھانہ بھجوا یا گیا تھا۔ جو رپورٹ ہذا منجانب یسین کمال SHO بحوالہ نمبر 28 روزنامہ 10.08.2014 درج روزنامہ مچہ کر لیا گیا تھا۔ مزید لاء علم ہوں اس میں میرا کوئی قصور نہیں ہے۔

لہذا استدعا ہیکہ من سائل کو جاری شدہ شوکاژ نوٹس ہذا سے معاف فرما کر داخل دفتر کرائز کا حکم صادر فرمایا جاوے اور سائل اندر میں سلسلہ پیش ہونا بھی چاہتا ہے۔

محمد اسلم خان
متعینہ پولیس لائن بنوں
28/8/2014

Atul
Office Superintendent
Range Police Office
Gannu

Atul
no 1/70

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13
29-8-14
POLICE DEPARTMENT.

BANNU REGION.

ORDER

This order of the undersigned will dispose off the departmental proceedings initiated against Officiating Sub Inspector Mohar mad Aslam Khan, ASHO of PS Saddar by issuing him Show cause notice (Under rules 5 (03) KPK Police Rules, 1975 for committing the following misconduct:-

1. That a deceased with an apparent fire arm injuries with two more individual in injured condition were brought to DHQ hospital but ironically neither any autopsy was conducted of the dead body nor investigation conducted as per section 174 CrPC which is an indicator that he had committed gross misconduct and rendered liable to be proceeded against.

He was served with show cause notice, on dated 22-08-2014, to this effect. He submitted reply to the show cause notice on dated 29-08-2014 which perused and found totally implausible

Keeping in view the grave misconduct and followed by its establishing/proving against him, I have come to the conclusion that he is not fit to serve in the higher rank of Officiating Sub Inspector, hence the undersigned has got no other option except to reduce him to the lower Rank.

Therefore, I, SAJID ALI KHAN, REGIONAL POLICE OFFICER, BANNU REGION, BANNU, in exercise of the powers vested in me under NWFP Police rule 1975; besides reversion from officiating rank hereby impose upon him major punishment of reduction to the lower position in the seniority list of substantive Rank of Assistant Sub Inspector with immediate effect.

Order announced

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

No. 2288 /EC, dated Bannu the 29/8 /2014

Copy of above along with relevant papers are sent to the District Police Officer, Bannu for necessary action.

Attested
B w
Range Superintendent
Range Police Office
Bannu

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

Attested
m sm

To,

The Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.

THROUGH PROPER CHANNEL

Subject: REPRESENTATION AGAINST THE ORDER OF R.P.O NO.2288/EC DATED 29/08/2014 VIDE WHICH THE PETITIONER WAS PUNISHED FOR TO LOWER POSITION IN THE SENIORITY LIST OF SUBSTANTIVE RANK OF ASSISTANT SUB-INSPECTOR.

Respected Sir,

With reference to the order of R.P.O No. 2288/EC dated. 29/08/2014 the petitioner prayed as under:-

1. That the petitioner has been recruited as constable in the police department in the year 1977 and promoted time by time due to outstanding and efficient performance as evident from my service record. During the course of my service up till now no black stigma has been marked on my face which is clear to suggest that I have left no stone unturned in performance of duty.
2. That after recruitment in police department I was fully aware about the sacrifices and devotions of duty which is the basic requirements of police and that is why I have take a stern action against all kind of miscreants and law defilers without caring about the consequences of these hardened criminals.
3. That in the recent past I have been posted as ASHO at different Police stations, and lastly as ASHO at PS Saddar, I all the time kept vigilant eyes on my subordinate staff to perform their duty whole-heartedly without apprehending any danger at the hands of miscreants.
4. That on 10/08/2014 when deceased Arshad Khan, injured Saqib Khan and Mst. Sajida were brought to DHQ Hospital Bannu.

Attoshul
Bzd
Office Superintendent,
Range Police Office
Bannu

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the SDPO/HQrs went to the casualty DHQ Bannu and conveyed the same directions to Sarfaraz Khan ASI and report the matter to SDPO/HQrs.

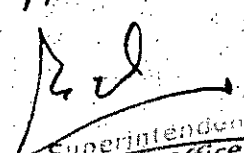
5. That Sarfaraz Khan ASI posted at casualty staff in DHQ Hospital Bannu was duty bound to record the statement of complainant regarding charging of any person for the commission of offence and in this respect on 10/08/2014 when deceased Arshad Khan, injured Saqib Khan and Mst. Sajida were brought to DHQ Hospital Bannu, he has drafted the report in the shape of Murasila on the complaint of complainant Khair ul Zaman Khan confirmed by the injured stating therein that they neither want to charge anybody for the commission of offence nor want conduct the autopsy on dead body/medical examination of the injured and the murasila was dispatched to the PS which was incorporated in roznamcha at S.NO.28 dated 10/08/2014. The copies of this report and documents were forwarded to high-ups for information and the matter was discussed with SDPO/HQrs.

6. That on the same night Safaraz Khan ASI also prepared the injury sheets and inquest report of the deceased and handed over the same to Constable Bakhtiar Ali Khan NO.427 for escorting with the dead body for conducting Post Mortem Examination. But the doctor on duty endorsed a report on the inquest report that the legal heirs do not want the PM Examination of the dead body, therefore, the dead body was handed over to the legal heirs without PM Examination. And later on proceedings u/s 174 CrPc was initiated.

7. That the superior courts of the country have time and again held that conducting/non-conducting of PM Examination and disinterment of the dead body is solely the right of the legal heirs of the deceased.

That the R.P.O is the appellate authority of the petitioner for any kind of punishment and D.P.O is the competent/initial authority for initiation of any action against ASI/SI but the petitioner has been deprived from one forum of appeal in the present situation.(Reference is made to schedule I "Powers of Punishment Table" KPK Police rules, 1975).

9. That the Honorable Supreme court in a case titled "DPO CHINIOT vs MUHAMMAD AYUB" reported in 2013 SCMR

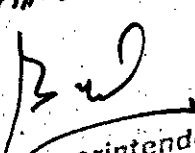
Attested

Office Superintendent
Range Police Office 8.
Bannu

395 held that DPO is the competent authority to initiate proceedings against sub-inspector and not RPO. ✓

10. That the issuing of the one show-cause notice to the petitioner by the R.P.O Bannu in two different incidents is not governed by law and rules as such the petitioner was unable to explain himself properly, rather the same speaks about the exceed of power on the part of competent authority. ✓

11. That on receipt of my reply to the show-cause notice, the authority was duty bound to initiate proper departmental inquiry into the matter for thrashing out the allegations in the light of the evidence but the authority without entrusting the matter for inquiry straight away passed the subject order whereas according to law, major penalty upon the official/officer without proper departmental inquiry is against the spirit of law.

12. That the basic principle of enquiry laid down in the books of law is to dig out the truth. When after taken into consideration for and against statements recorded by the enquiry committee/CO, the enquiry officer/enquiry committee is duty bound to provide full opportunity to the defaulting officer for his self-defense and this theory has time and again been incorporated in the judgment of August Supreme Court of Pakistan, as well as the Service Tribunal but in respect of the allegations leveled against me no opportunity have been provided to me for recording the statements which is against the spirit of law of Constitution, law of the lands but also against the natural justice. Had any such opportunity been provided to me and I have produce attached documentary proof the result on part of myself would have been otherwise.

Attached

 Office Superintendent
 Range Police Office
 Bannu

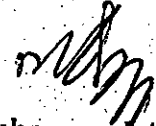
13. That the petitioner's case comes within the scope of principle of "audi alteram partem", i.e. that no one should be condemned unheard.

14. That while assessing the allegations of the show-cause notice as well as my reply to the show-cause notice, the worthy RPO has not gone to the real facts and awarded major penalty of reduction in rank in the seniority list.

15. That the authority has imposed major penalty upon the petitioner in spite of the fact that the petitioner has got very clean record throughout the service tenure which can be ascertained from the service record of the petitioner.

In light of the above fact and circumstances, it is requested that the order of RPO dated 29/08/2014 may kindly be set aside and the petitioner's seniority may be restored keeping in view the bald allegation and my lengthy and devoted service. I may also be heard in person.

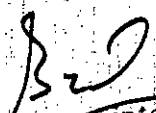
Yours obediently,



Muhammad Aslam
Sub Inspector Police,
Bannu.

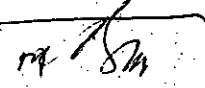
Dated, 22-09-2014

Attested



Office Superintendent
Range Police Office
Bannu

Attested



188

23-9-14

From: - The District Police Officer,
Bannu.

To: - The Regional Police Office,
Bannu Region, Bannu.

No. 14541 /dated Bannu, the 23 / 9 /2014

Subject: APPLICATION/APEAL.

Memo :-

Enclosed please find herewith a self explanatory application in r/o ASI Muhammad Aslam in c/w his punishment awarded by your office vide Order Endst; No.2288 dated 29.8.2014 for favour of perusal and onward submission to CPO submission Peshawar.

EC

[Signature]
25/9
26/14

[Signature]
District Police Officer,
Bannu. ✓

Attested
[Signature]
Office Superintendent
Range Police Office
Bannu

Attested
[Signature]

19

24-9-14

From: - The Regional Police Officer,
Bannu Region, Bannu.

To: - The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No:- 2536 /EC dated Bannu, the 29/09/2014.

Subject:- REPRESENTATION.

Memo:-

Enclosed please find herewith a representation in R/O ASI
Mohammad Aslam requesting therein for set asiding the punishment of
reduction awarded to him vide this office order endst: No. 2288/EC dated 29-
08-2014 for favour your kind perusal and consideration please.

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

Attested
M. S. M.

Attested
Office Superintendent
Range Police Office
Bannu

بعد الت چاپ سروس ٹریبونل صوبہ سرحد پشاور

مخبر اسم
بنام
محکمہ لوئس وشرہ
اسلام آباد
دعویٰ اپیل

باعث تحریر یہ اینکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے اسٹیشن آفیسر خان سردانہ ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے رضی نامہ و تقرر ثالثہ و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور رضی دعویٰ اور درخواست بر قسم کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری بیکطرفہ یا اپیل کی برآمدگی اور مستثنیٰ نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی سے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقدمہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بغیا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا مد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 12/20
14

العبد

العبد

العبد

11
ارباب سید انکال
ایڈووکیٹ
S. P. Pina
من روایت تاز
ایڈووکیٹ

محمد اسم

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1419/2014.

Muhammad Aslam S/O Nabi Bakhsh, Assistant Sub-Inspector, P.S, Ghoriwala, Bannu,
Ex-Sub Inspector, P.S, Saddar, Bannu..... (Appellant)

VERSUS

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

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS No.1, 2 & 3.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

- 1) That the appeal of appellant is barred by law & time.
- 2) That the order of respondent No.3 is very much legal.
- 3) That the appeal is not maintainable in its present form.
- 4) That the appellant has concealed the material facts from the Honorable Tribunal.
- 5) That the appeal is bad in law due to non-joinder and mis-joinder of necessary parties.
- 6) That the appellant has approached the Honorable Tribunal with unclean hands.
- 7) That the appellant has got no cause of action and locus standi to file the instant appeal.
- 8) That the appellant has been estopped by his own conduct to file the appeal.

OBJECTIONS ON FACTS

- 1) Pertains to record.
- 2) Correct to the extent that deceased Arshad Khan and two other injured were brought to emergency DHQ Hospital but appellant and others officials while on duty did not conducted autopsy ^{through Doctor} not conducted investigation u/s 174 CrPc. Appellant committed gross misconduct by not performing his official duty bound by law & rules.
- 3) Correct to extent that after delay of about one day, Sarfaraz ASI and Yaseen Kamal SHO P.S Saddar prepared report and entered in daily dairy Police Station Saddar which has no legal footing" under the law and they were also dealt departmentally for the said misconduct. After inquiry and opinion of Prosecution, the report was converted in FIR. Copy enclosed as Annexure "A"
- 4) Incorrect. Appellant Sarfaraz ASI and SHO Yasin Kamal have intentionally committed misconduct by not conducting of autopsy through doctor and conducting investigation u/s 174 CrPc. They delayed the matter for the reasons best known to them: ~~and on the next day.~~

N


- 5) Correct. As sufficient material was placed before the respondent No.1 and General Police proceedings under Rules 5(03) KPK Police Rules 1975 was initiated.
- 6) Correct to extent that reply appellant was found baseless, Unconvincing and unsatisfactory.
- 7) Incorrect. ~~As~~ the misconduct on the part of appellant was clear indicator and sufficient material, therefore, show cause notice under rules 5(03) in General Police proceedings, without aid of inquiry Officer KPK Police Rules 1975 was issued to appellant and after his reply, that was not found plausible, Punishment was awarded.
- 8) The representation of appellant was baseless and unconvincing.


OBJECTIONS ON GROUNDS OF APPEAL.


- a) Incorrect. He with other official had committed burking by delaying and converting cognizable offence into non-cognizable. Subsequent FIR as annexure "A" is the ample proof of occurrence.
- b) Incorrect. It does appeal to mind of prudent person that occurrence of one dead and two injured is the suicide. Some of the legal heirs have concealed the facts. After inquiry, it came to light that it was murder and attempt to commit murder case.
- c) Incorrect. Appellant being duty officer was directed to deal the dead and injured in Hospital but he did not perform his official duty for ulterior motives.
- d) Rules 5(03) KPK police rules 1975 is very much clear where in only show cause notice is sufficient for imposing major punishment. All the opportunities of defence were provided to the appellant under the rules. Regular inquiry final show-cause notice are mandatory not explained in the afore said rules.
- e) Incorrect. The respondent No1 while noticing grave misconduct of appellant and other officials in homicide occurrence acted in accordance with rules of KPK Police rules 1975 and passed order which is legal and based on justice.
- f) Incorrect. Regular inquiry is not mandatory under rules 5(03) KPK police rules 1975.
- g) Incorrect. Show cause notice with grounds of action issued to appellant is comprehensive and in detail. The appellant was proceeded in general police proceedings without aid of enquiry officer.
- h) Incorrect. The order is based on facts and in accordance with law/rules. All the codal formalities were observed by the Enquiry Officer during departmental proceedings which is quite legal and in accordance with law/rules.

Prayer:

In view of the above facts and stated reasons, it is humbly prayed that the appeal of appellant is devoid of legal force, may kindly be dismissed with costs.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.2)


Regional Police Officer,
Bannu Region, Bannu.
(Respondent No.1)


District Police Officer,
Bannu.
(Respondent No.3)

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1419/2014.

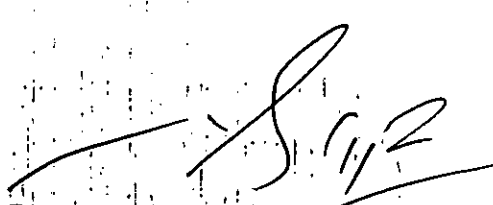
Muhammad Aslam S/O Nabi Bakhsh, Assistant Sub-Inspector, P.S, Ghoriwala, Bannu,
Ex-Sub Inspector, P.S, Saddar, Bannu..... (Appellant)


VERSUS


- 4) Regional Police Officer Bannu Region, Bannu.
- 5) Provincial Police Officer, KP, Peshawar.
- 6) District Police Officer, Bannu..... (Respondents)

COUNTER AFFIDAVIT

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


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.2)


Regional Police Officer,
Bannu Region, Bannu.
(Respondent No.1)


District Police Officer,
Bannu.
(Respondent No.3)

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1419/2014.

Muhammad Aslam S/O Nabi Bakhsh, Assistant Sub-Inspector, P.S, Ghoriwala, Bannu,
Ex-Sub-Inspector, P.S, Saddar, Bannu..... (Appellant)


VERSUS


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


AUTHORITY LETTER.

Mr. Mir Faraz Khan Inspector Legal Bannu is hereby authorized to appear before The Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the above cited case.

He is authorized to submit and sign all documents pertaining to the present appeal.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.2)


Regional Police Officer,
Bannu Region, Bannu.
(Respondent No.1)


District Police Officer,
Bannu.
(Respondent No.3)

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWARS.A No. 1419/2014

Muhammad Aslam Versus R.P.O & Others

REPLICATION**Respectfully Sheweth,****PRELIMINARY OBJECTION.**

All the 8 preliminary objections of respondents are illegal and incorrect. No reason in support of the same is ever given as to why the appeal of appellant is barred by law & time, order of R. No. 3 is very much legal, appeal is not maintainable in its present form, concealment of material facts from the Hon'ble Tribunal, appeal is bad in law due to non & mis-joinder of necessary parties, unclean hands, appellant has got no cause of action & locus standi to file the instant appeal and estopped by his own conduct.

ON FACTS

1. Needs no comments.
2. Admitted correct to the extent of deceased and injured persons. The relatives of the deceased/injured were not interested to carry out the autopsy, being internal home matter, so appellant could not be held responsible for not conducting of the autopsy of the deceased/injured personals.

3. In response to this para, it is submitted that Sarfaraz ASI and Yaseen Kamal SHO were also held responsible and they were then reverted one step, however on departmental appeal, SHO was restored to his original position while appellant was not treated at par with, thus discriminated.
4. Not correct. The para of the appeal is correct.
- 5-6. As above.
7. Not correct. The matter was not dealt with as per the mandate of law as neither any statement of any witness(s) was recorded in presence of appellant nor he was afforded opportunity of cross examination, service of final show cause notice and opportunity of self defence. Moreso, SHO was let free and appellant was dealt with illegally.
8. Not correct. The para of the appeal is correct.

GROUND S:

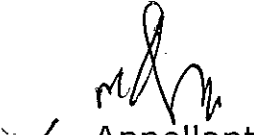

All the grounds of the reply are illegal and incorrect while that of the appeal are legal and correct. The same are reaffirmed again. A part from the aforesaid contentions when SHO was also held responsible for not dealing the matter up to logical conclusion then how he was restored to his original position with all pomp and show and appellant was punished severely. The relatives of the deceased/injured were not interested in Medical Examination nor anyone was charged for the commission of offense, being home dispute, then appellant has no role in the matter and when autopsy and Medical Examination was carried out by the appellant but the relatives were not prosecuting anyone then what would be the result of the case. The authority did not look into the

matter, being home issue, so the punishment was not commensurate with the matter.

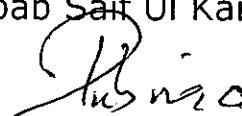
It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

Through

Dated: .05.2015


Appellant

Saadullah Khan Marwat

& 
Arbab Saif Ul Kamal


Miss Rubina Naz
Advocates,

AFFIDAVIT

I, Muhamad Aslam S/o Nabi Bakhsh, 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 and that of the 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.


DEPONENT



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

No. S/ 2405 /15, Dated Peshawar the 13/04/2015.

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by **Assistant Sub-Inspector Yasin Kamal** against the punishment order i.e reversion from Officiating rank of Sub Inspector to substantive rank of ASI and placing him at the bottom of seniority list by RPO/Bannu vide his order No. 2289/EC, dated 29.08.2014.

His previous appeal was filed by the Appeal Board vide No. S/609/15, dated 13.02.2015. He submitted a review petition against the punishment awarded to him.

In the light of recommendations of Review Appeal Board Meeting held on 01.04.2015, the Board examined his review petition alongwith other connected papers in detail as well as his previous record. The recommendations/opinion of review appeal board, the punishment of **Ex-SI Yasin Kamal** i.e reduction to lower position in the seniority list of substantive rank of ASI is hereby set aside and awarded him minor punishment of forfeiture of one (01) year approved service as he cannot be absolved from duties of SHO, at that time.

Sd/-
NASIR KHAN DURRANI
Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

No. S/ 2406-13 /15,

Copy of the above is forwarded to the:

1. Regional Police Officer, Bannu.
2. Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar w/r to his memo: No. 1862/EC, dated 18.02.2015.
3. PSO to IGE/Khyber Pakhtunkhwa, CPO Peshawar.
4. PRO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. PA to AIG/Establishment CPO, Peshawar.
8. Office Supdt: E-II, E-II CPO Peshawar.

(MUHAMMAD ALI KHAN)
DIG/Trg:
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

13/4

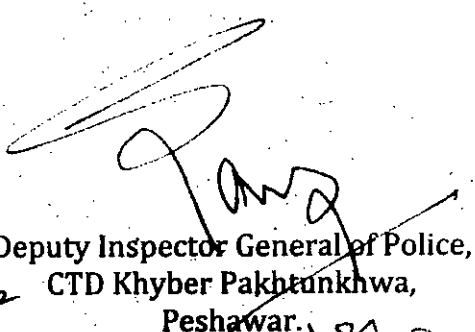
OFFICE OF THE
DY: INSPECTOR GENERAL OF POLICE,
COUNTER TERRORISM DEPARTMENT,
KHYBER PAKHUNKHWA, PESHAWAR

No. 1862/EC, Ph#091-9216748-49
dated 18/02/2015. Fax # 091-9216531

To The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Subject:- **REVIEW APPEAL IN R/O ASI YASIN KAMAL KHAN.**

Enclosed find herewith a review petition (self-explanatory) along-with connected documents consisting upon 11-pages, submitted by ASI Yasin Kamal Khan No. 20/B, of this unit in connection with restoration of his reversion order is forwarded herewith for favour of perusal, please.


Deputy Inspector General of Police,
CTD Khyber Pakhtunkhwa,
Peshawar. 18/2

No. 1863/EC,

Copy to SP/CTD Bannu Region for favour of information with reference to his office letter No. 346/CTD, dated 17/02/2015.

of the deceased boy be conducted after 1 . DISINTERMENT AND BURIAL OF HIS BONE
out after proper investigation under relevant section of law. 1

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S.A.F. A.I.R. A.D.S.C. 2014

**BEFORE THE HONORABLE PROVINCIAL POLICE OFFICER, KHYBER
PAKHTUNKHWA, PESHAWAR.**

THROUGH PROPER CHANNEL:

Subject: **REVISION PETITION AGAINST THE ORDER NO. S/609/15, DATED
29.01.2015 OF INSPECTOR GENERAL OF POLICE, KHYBER PAKHTUNKHWA,
PESHAWAR WERE BY APPEAL DATED 22.09.2014 OF THE APPELLANT WAS
REJECTED/FILED.**

Respectfully Sheweth,

1. That the appellant had joined the Police department as PASI, after qualifying the requisite Public Service Commission examination.
2. That after the completion of requisite courses, the appellant was posted to different Police Stations in the capacity of ASI, where the appellant served the Police department to the entire satisfaction of senior Police Officers.
3. That due to sheer devotion & dedication in the discharge of official duties and in recognition of services rendered to Police Department, the appellant was promoted to the next rank of Sub Inspector.
4. That appellant remained posted to various Police Stations in the capacity of Addl: SHO, where due to extra ordinary performance the appellant was posted as SHO PS Saddar Bannu where all out efforts were endeavored to up-laud the name of Police Department.
5. That while performing duty as SHO PS Saddar the worthy Regional Police Officer, Bannu Region, Bannu served the appellant with Show Cause Notice based upon grounds of action (copy annexed "A & B") to the effect:-
 - a. That a deceased with apparent fire arms injuries with two more individuals in injured condition were brought to DHQ Hospital, Bannu, but ironically neither any autopsy was conducted of the dead body nor investigation conducted as per section 174 Cr.P.C which is an indicator that he had committed gross misconduct and rendered liable to be proceeded against.
 - b. That on August 18, 2014 an IDP was gun-down by unknown suspects in the close proximity of PS Saddar Bannu. However, an FIR was lodged on 21.08.2014 after hiatus of three days and that too on the pacific directions of DPO, Bannu.
 - c. That his this act was in total contravention with section 154 Cr.P.C and established norms and procedures of Police Rules.
6. That the appellant had filed a comprehensive reply to the Show Cause Notice and grounds of action wherein the whole situation was explained & denied the allegations leveled against him (copy attached as Annexure "C").
7. That on 29.08.2014 worthy Regional Police Officer, Bannu Region, Bannu with out affording an opportunity of personal hearing straight away passed an ex-parte order imposing major punishment of reduction to the lower position in the seniority list of substantive rank of ASI with immediate effect vide his office order Endst: No. 2289/EC, dated 29.08.2014 (copy attached as Annexure "D").
8. That the appellant had filed an appeal before the honorable Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar which was also rejected/ filed vide order Endst: No. 610-17/15, dated 29.01.2015 (copy attached as Annexure "E").

of the deceased boy be conducted after disinterment and fact be fig-ale
out after proper investigation under relevant section of law.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 960 /ST

Dated 6/6/2016


To

The Regional Police Officer,
Bannu Range Bannu.

Subject: - **JUDGMENT**

I am directed to forward herewith a certified copy of Judgement dated 25 .5.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.