


Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	<p>15.01.2019</p> 	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>At Camp Court Abbotabad</u> Appeal No. 986/2017 Date of Institution ... 31.08.2017 Date of Decision ... 15.01.2019</p> <p>Sajjad Ahmed S/o Shahzaman caste resident of House No.21/B Mohallah Rehmatabad, Abbottabad, (Constable Belt No.102) -----Appellant</p> <ol style="list-style-type: none"> Inspector General of Police Khyber Pakhtunkhwa Peshawar. Deputy Inspector General of Police/RPO Hazara Region, Abbottabad. District Police Officer (DPO) Abbottabad. Govt. of Khyber Pakhtunkhwa Peshawar, through Secretary Interior to Govt. of KPK Peshawar. <p align="right">-----Respondents</p> <p>Mr. Muhammad Hamid Mughal.....Member Mr. Hussain Shah.....Member</p> <p align="center"><u>JUDGMENT</u></p> <p><u>HUSSAIN SHAH, MEMBER:</u> - Appellant, learned counsel for the appellant and Mr. Muhammad Bilal Khan learned Deputy District Attorney on behalf of the respondents present.</p> <p>2. The appellant was dismissed from service by respondent No.3 vide order dated 19.05.2017 as a result of the proceeding initiated against him vide charge sheet and statement of allegations issued on 26.04.2017 and subsequent inquiry into the charges/obligations, show cause notices. The appellant duly replied at each stage in his defense. Being aggrieved by the aforementioned order the appellant submitted his departmental appeal on 31.05.2017 to respondent No.2. which is yet to be</p>

replied. Being aggrieved by the order of respondent No.3 and no order of respondent No.2 on his departmental appeal the appellant preferred this service appeal on 31.08.2017 with the prayer that the instant appeal may be accepted, the impugned order may be set aside by exonerating the appellant from charges leveled against him and the appellant may be reinstated in service with all consequential benefits..

3. The learned counsel for the appellant argued that the impugned order being illegal is against the facts, justice and rules of service. The learned council pointed out that the allegation/charge leveled against the appellant vide charge sheet/statement of allegation is concocted. The Respondent No. 3 charged the Appellant that: "You were deployed on Census duty with army in Abbottabad City your were in possession of an un-registered pistol (without number) of 30 bore along with two (02) magazine and Eleven (11) Rounds to Sepoy Muhamamd Asif, which is grave negligence, indiscipline and against the Rule." An inquiry was conducted by the additional SP abbottabad for the purpose of examining and scrutiny of the conduct of the appellant with reference to the charge/allegation. The inquiry officer recorded the statement of the appellant according to which the appellant was deployed for Census duty in the area of banda Sher khan. The group was consisted of the

ASB

appellant, an army sepoy Asif of FFC and a teacher of Mr. Farid of Education department.

4. The appellant was equipped with a government kalanshankop. The appellant denied/confronted the charge of handing over the pistol mentioned in the statement of allegation to the army sepoy. The learned counsel for the appellant referred to the portion of the statement of army sepoy Asif of FFC, given before the inquiry officer, that the aforementioned pistol along with rounds and magazine was recovered from him (Sepoy M. Asif) at the main gate of FFC Abbotabad at the time of coming back for duty after spending his leave in home town Lahore. The learned counsel for the appellant contested the validity finding of inquiry as the same has no legal status in view of the statement of the army Sepoy M. Asif on the ground that the pistol was recovered from the army's Sepoy M. Asif at the Entry Gate of FFC Abbotabad by the army personals and the appellant has been wrongly held responsible for the same. The learned counsel for the appellant further argued that the entire proceedings were initiated under the influence of the statement of the Army's sepoy from whose possession the alleged pistol was recovered. Only this fact put under the shadow of doubts the entire proceedings. Moreover the Appellant's stance about the ownership was not duly

considered or taken into notice by neither of the responding authority nor any attempt made to ensure its authenticity. The only reliance has been made on the statement of a person from whose possession the said pistol was recovered.

5. The Learned Deputy District Attorney appeared before the tribunal on behalf of the responding authorities and contested the facts, grounds, and arguments of the counsel for the appellant and the prayer of the appellant and argued that the proceedings against the appellant were initiated after the commander FF center informed the respondent No. 3 regarding the involvement of the appellant. He further referred to the written comments of the responding department and argued that the appellant had sold the unlicensed/illegal pistol to one Sepoy Muhammad Asif of FF center Abbottabad which was recovered from him (Sepoy Muhammad Asif) at the entry gate of the FF center by the army authorities. The learned Deputy District Attorney further argued that the proceeding against the appellant were according to the prescribed procedure and he was given due opportunity to defend himself. The respondent No. 3 issued the dismissal from service order after examining the inquiry report and the defense of the appellant hence the appeal maybe dismissed with cost as the same as without merit and substance.

Staff

6. Arguments heard. File perused.

7. The Tribunal examined the record and the arguments at Bar and it is found that the recovery of the pistol was made from the Army Sepoy Muhammad Asif after the lapse of many days of the census survey conducted by the group comprising of the appellant, Sepoy Muhammad Asif and a civilian teacher. As per statement of the civilian teacher, Mr. Fareed Muhammad, recorded by the inquiry officer the pistol remained in the possession of both, the appellant and soldier, during the census period. He didn't said anything about the pistol being sold by the appellant or purchased by the Sepoy Muhammad Asif. It is an admitted fact that at the time of recovery the pistol was in the possession of Sepoy Muhammad Asif and it was recovered at the entry gate of the FF center Abbotabad. It is also an admitted fact that the disciplinary proceedings were initiated against the appellant after the interrogation of Sepoy Muhammad Asif by the military authorities. It means that no recovery of the pistol was made from the possession of the appellant. He was charged on the basis of the statement of Sepoy Muhammad Asif. Moreover the ownership of the pistol is also not clear nor any evidence on record exists so as to prove its ownership. In the written comments of the responding department it is mentioned that the appellant sold the said pistol

to Sepoy Muhammad Asif while the inquiry officer has noted in his findings that the said pistol belong to the appellant and it remained with Sepoy Muhammad Asif.

8. It appears from the above discussion that the appellant has been punished for a crime which was not committed directly by him. He has been made responsible for the recovery of the pistol from someone else. The appellant is an educated young man. The penalty of his dismissal from service has barred by him from all opportunities of further employments. In the given circumstances this Tribunal is of opinion that the penalty of dismissal from service is very harsh and hence the punishment of dismissal of the appellant from service is modified and converted into the minor penalty of censure. Resultantly the appellant is reinstated into service. The intervening period shall be treated as leave without pay. The present service appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
MEMBER



(HUSSAIN SHAH)
MEMBER
At Camp Court Abbottabad

ANNOUNCED
15.01.2019

A. No. 986/2017

Sajjad Ahmad vs Govt

27.08.2018

Counsel for the appellant and Shamrez khan SI for the respondents present. Due to summer vacations, the case is adjourned. To come up for the same on 18.10.2018 at camp court Abbottabad.


Reader

18.10.2018


Counsel for the appellant present. Mr. Shamraiz Khan, ASI alongwith Mr. Usman Ghani, District Attorney for the respondents present. Rejoinder submitted. To come up for arguments on 15.01.2019 before D.B at camp court, Abbottabad.



Member


Chairman
Camp Court, A/Abad

15.01.2019

Appellant with counsel and Mr. Muhammad Bilal Khan Deputy District Attorney for the respondents present. Vide separate judgment of today of this tribunal placed on file, the impugned orders are set aside; the appellant is reinstated into service with conversion of the major penalty of dismissal from service into issuing of censure. The intervening period between dismissal from service till his reinstated be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Hamid Mughal)
Member


(Hussain Shah)
Member
Camp Court, A/Abad

ANNOUNCED

15.01.2019

A. No-986/2017
Sajjad Ahmad vs Govt

22.02.2018

Clerk to counsel for the appellant and learned Additional Advocate General alongwith Mr. Atif H.C for the respondents present. Written reply not submitted. Representative of the respondents seeks time to file written reply/comments. Granted. To come up for written reply/comments on 18.04.2018 before S.B at camp court, Abbottabad.



Member

Camp court, A/Abad.

18.04.2018

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Shamraiz Khan, Reader for the respondents present. Last chance is given to the department. To come up for written reply on 26.06.2018 before the S.B at camp court, Abbottabad.



Chairman
Camp court, A/Abad

26.06.2018

Appellant Sajjad Ahmad in person alongwith Miss Asma Zaman, Advocate put appearance on behalf of counsel for the appellant. Mr. Shamraiz Khan, S.I (Legal) on behalf of the respondents alongwith Mr. Usman Ghani, District Attorney present. Reply/comments and copy handed over to appellant. To come up for rejoinder, if any and arguments on 27.08.2018 before the D.B at camp court, Abbottabad.



Chairman

Camp court, A/Abad

A. No. 986/2017
Sajjad Ahmad vs Govt

20.10.2017

Counsel for the appellant present. Preliminary arguments heard.

The appellant was dismissed from service on 19.05.2017 against which he filed departmental appeal on 31.05.2017 which was not responded to and thereafter, the present service appeal on 31.08.2017.

The grounds taken up by the learned counsel for the appellant are that the charges have not been proved by the enquiry officer. That no statement of any witness was recorded nor the appellant was given chance of cross examination and the enquiry officer has violated the elements of due process.

The points raised need consideration. The appeal is admitted to full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 16.01.2018 before S.B at camp Court, Abbottabad.

Appellant Deposited
Security & Process Fee

Chairman
Camp Court, A/Abad

16.01.2018



Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 22.2.2018 before S.B at camp court, Abbottabad.

Chairman
Camp court, A/Abad.

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 986/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	31/08/2017	<p>The appeal of Mr. Sajjad Ahmad presented today by Mr. Tahir Fraz Abbasi Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	12-9-2017	<p>This case is entrusted to Touring S. Bench at Abbottabad for preliminary hearing to be put up there on <u>20-10-2017</u>.</p> <p> CHAIRMAN</p>

B

**BEFORE THE WORTHY CHAIRMAN SERVICE
TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 986 /2017

Sajjad Ahmed son of Shahzaman caste Pathan resident of House No.21/B
Mohallah Rehmatabad, Abbottabad. (Constable Belt No.102).

...APPELLANT

VERSUS

Inspector General of Police Khyber Pakhtunkhwa Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

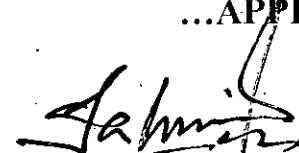
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4.	Copy of charge sheet	16	"C"
5.	Copy of statement of allegation	17	"D"
6.	Copy of enquiry report	18 to 19	"E"
7.	Copy of final show cause notice	20	"F"
8.	Copy of reply	21	"G"
9.	Copy of order of dismissal	22	"H"
10.	Wakalatnama / copy of Appeal	23 to 25	"I"


...APPELLANT

Dated: 23/08/2017

Through


(TAHIR FARAZ ABBASI)
Advocate Supreme Court of Pakistan,
Abbottabad

1

**BEFORE THE WORTHY CHAIRMAN SERVICE
TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 986 /2017

Sajjad Ahmed son of Shahzaman caste Pathan resident of House No.21/B
Mohallah Rehmatabad, Abbottabad. (Constable Belt No.102).

...APPELLANT

Khyber Pakhtukhwa
Service Tribunal

Diary No. 1031

Dated 31/8/2017

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police/RPO Hazara Region, Abbottabad.
3. District Police Officer (DPO), Abbottabad.
4. Govt. of KPK Peshawar, through secretary interior to Govt. of KPK Peshawar.

...RESPONDENTS

Filed to-day

31/8/17
Registrar.

SERVICE APPEAL UNDER SECTION 4 OF
KPK SERVICE TRIBUNAL ACT, 1974, AS
REPRESENTATION / APPEAL WAS
SUBMITTED ON 31/05/2017 BEFORE DIG/RPO
HAZARA RANG RESPONDENT NO.2, BUT
NO DECISION WAS DELIVERED TILL

TODAY, NOR ANY DECISION/ORDER COMMUNICATED/CONVEYED TO PETITIONER BY THE OFFICE OF RESPONDENT NO.2 WHEREIN THE APPEAL AGAINST IMPOSITION OF MAJOR PENALTY DISMISSAL FROM SERVICE BY DPO ORDER DATED 19/05/2017 IS BASELESS AGAINST LAW AND FACTS THE ENQUIRY CONDUCTED AGAINST APPELLANT IS AGAINST FACTS, WITHOUT GIVING OPPORTUNITY OF PERSONAL HEARING AND CROSS EXAMINATION TO WITNESSES IS TOTALLY ILLEGAL AND AGAINST THE LAW AND FACTS.

PRAYER: BY ACCEPTANCE OF INSTANT APPEAL THE PUNISHMENT OF DISMISSAL FROM SERVICE, WHICH IS AGAINST THE FACTS AND WITHOUT ANY FAULT OF APPELLANT, MAY GRACIOUSLY BE SET-ASIDE AND APPELLANT BE EXONERATED FROM CHARGES LEVELED AGAINST THE APPELLANT ON THE BASIS OF ENQUIRY CONDUCTED WITHOUT HEARING

APPELLANT AND WITHOUT ANY PROOF,
MAY GRACIOUSLY ALSO BE EXPUNGED
AND APPELLANT BE REINSTATE IN
SERVICE WITH ALL CONSEQUENTIAL
BENEFITS.

Respectfully Sheweth: -

Brief facts giving rise to the instant appeal

1. That the appellant is employee of police department from the year 2012 and recently passed BI exam after long term and was serving as police constable, when appellant was dismissed from service without any proof of allegations against the law and facts.
2. That in the month of March 2017 appellant was deployed on census duty alongwith army spoy Muhammad Arif and a teacher Farid Muhammad were in a group. We three were deployed for the area Banda Sher Khan

and Banda Noor Ahmed. I performed my duty devotedly and honestly.

3. That in the month of April I received show cause notice from DPO Abbottabad alleging that a pistol was being recovered from Army Spoy Muhammad Arif, who is charging you for ownership of Pistol, hence, explain your position. I replied the show cause notice that I have got no concern with the pistol. Copies of show cause notice & reply are annexed as Annexure "A" & "B" respectively.

4. That, DPO / respondent No.3 issued charge sheet alongwith statement of allegation and also directed enquiry and Additional Superintendent of Police Abbottabad was appointed Enquiry Officer. Enquiry was not conducted fairly and properly. Enquiry is based on malafide, against the law and facts and without hearing appellant and giving opportunity of cross examination to witnesses. That after enquiry final show cause notice was issued to which reply was submitted. In spite of no proof against

appellant DPO / Respondent No.3 was adamant to dismiss appellant from service, which shows the personal grudge and ego problem. Appellant was dismissed by DPO through order dated 19/05/2017. Copies of charge sheet, statement of allegation, enquiry report, final show cause notice, reply, and order of dismissal are annexed as Annexure "C", "D", "E", "F", "G" & "H" respectively.

5. that appellant preferred appeal against the order of DPO that DIG/RPO Hazara Division again held enquiry and S.P was appointed enquiry officer, who gave his report, but same was not responded. Till now decision/order is awaited and no order / decision was communicated/conveyed. Copy of appeal is annexed as Annexure "I".
6. That being aggrieved by the order of respondent No.3 and without any order of respondent No.2, petitioner is constrained to submit appeal within time. Hence, appellant prefers the instant appeal before this

Honourable Tribunal inter-alia on the following grounds;-

GROUND:-

- (a) That impugned order of punishment dismissal from service is quite illegal, against law and facts and also against the justice and rules of service which is not maintainable, hence, is liable to be set-aside.
- (b) That it is admitted fact that nothing was recovered from appellant, rather 30 bore pistol alongwith 2 magazines and 11 X rounds were recovered from the possession of Army Spoy Muhammad Arif at main gate of FFC Abbottabad. This fact is also admitted in enquiry report, just to save his skin the Army spoy charged the appellánt, which is totally wrong and baseless,

without any proof. Even statement of accused is not admissible against any other person, especially when there is no evidence against other person. Hence punishment on the statement of accused without any other proof is not only against the justice but also illegal which requires immediate interference by this Honourable Court.

- (c) That the enquiry report is ex-parte without adopting the proper mode and without enquiry independent witnesses and without giving opportunity of cross examination on the witnesses, as such it could be held that principles and procedure of due process of law and fair trial has not been followed which are against the principles of natural justice. The competent authority did not act as per law rather was influenced by the letter of Commandant FF Center. Hence, penalty not sustainable in the eye of law.

- (d) That it is discriminatory and highly objectionable that Army official from whom pistol was recovered is enjoying his service without any penalty while police official from whom nothing was recovered and innocent is facing hardship and major penalty of dismissal from service. This double standard amounts to be in justice and against the norms of justice which requires immediate setting aside of impugned order.
- (e) That it is equally important to highlight that the penalty, which is awarded has to commensurate with the offence, which has been allegedly committed by the official. Reliance can be placed on cases titled "Saeed Ahmed Awan V/s Registrar Lahore High Court Lahore (2013 PLC (C.S) 928 and Secretary to Govt. of the Punjab Food Department Lahore & others V/s Javeed Iqbal & others

(2006 SCMR 1120). Merely because of the fact that major penalty of removal or dismissal from service has been provided in the statue Book, the same has to be awarded will be a very harsh decision. Admission of guilt by some one can not be attributed to the appellant and held responsible for the actions of others.

In view of the above facts, it is requested that the appellant may graciously be exonerate from any kind of charge and punishment dismissal from service may graciously be set aside and appellant be reinstate in service with all consequential benefits.

Dated: 23/08/2017

Through


...APPELLANT


(TAHIR FARAZ ABBASI)

Advocate Supreme Court of Pakistan,
Abbottabad

VERIFICATION:

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.


...APPELLANTS



**BEFORE THE WORTHY CHAIRMAN SERVICE
TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2017

Sajjad Ahmed son of Shahzaman caste Pathan resident of House No.21/B
Mohallah Rehmatabad, Abbottabad. (Constable Belt No.102).

...APPELLANT

VERSUS

Inspector General of Police Khyber Pakhtunkhwa Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

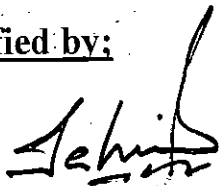
AFFIDAVIT

I, Sajjad Ahmed son of Shahzaman caste Pathan resident of House No.21/B
Mohallah Rehmatabad, Abbottabad. (Constable Belt No.102), do hereby
solemnly affirm and declare that the contents of foregoing appeal are true
and correct to the best of my knowledge and belief and nothing has been
concealed therein from this Honourable Court.

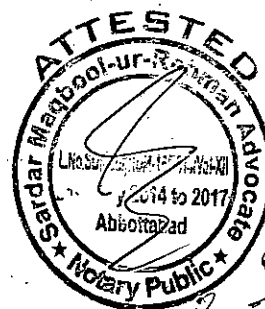


DEPONENT

Identified by:



(TAHIR FARAZ ABBASI)
Advocate Supreme Court of Pakistan
Abbottabad



23/8/2017

**BEFORE THE WORTHY CHAIRMAN SERVICE
TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2017

Sajjad Ahmed son of Shahzaman caste Pathan resident of House No.21/B
Mohallah Rehmatabad, Abbottabad. (Constable Belt No.102).

...APPELLANT

VERSUS

Inspector General of Police Khyber Pakhtunkhwa Peshawar & others.

...RESPONDENTS

**APPLICATION FOR SUSPENSION OF IMPUGNED
ORDER DATED 19/05/2017 OF RESPONDENT NO.3
AND APPELLANT BE ALLOWED TO CONTINUE
HIS SERVICE TILL DECISION OF APPEAL.**

Respectfully Sheweth;-

1. That the above titled appeal is being filed before this Honourable Court and present application is integral part of the same.
2. That as per facts of the case, appeal is prima facie strong, balance of convenience is in favour of appellant and in case of discontinue from his

service, appellant shall suffer badly and cause irreparable loss.

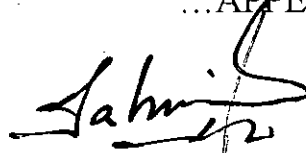
It is therefore, requested that till decision of appeal impugned order be suspended and appellant be allowed to continue his service.

Dated: 23/08/2017

Through



...APPELLANT



(TAHIR FARAZ ABBASI)

Advocate Supreme Court of Pakistan,
Abbottabad

AFFIDAVIT:

I, Sajjad Ahmed son of Shahzaman caste Pathan resident of House No.21/B Mohallah Rehmatabad, Abbottabad. (Constable Belt No.102), do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



DEPONENT



OFFICE OF THE DISTRICT POLICE OFFICER ABBOTTABAD

No. 137/DA Dated Abbottabad the 21/4/2017

SHOW CAUSE NOTICE

Under Rule (3) KPK Police Rules, 1975

1. That you Constable Sajjad No. 102 Police Station City have rendered yourself liable to be proceeded under Rule 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct.
 1. You were deployed on Census Duty with Army in Abbottabad City. You were in possession of an un-registered Pistol (without number) of 30 bore alongwith 02 Magazines and 11 x Rounds and you gave this pistol alongwith 02 Magazines and 11 x Rounds to Sepoy Muhammad Asif, which is grave negligence undiscipline and against the Rules.
2. That by reason of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general police proceedings without aid of Enquiry Officer.
3. That the misconduct on your part is prejudicial to good order of discipline in the police force.
4. That your retention in the police force will amount to encouragement of inefficient police officer in the force.
5. That by taking cognizance of the matter under enquiry the undersigned as competent authority under the said Rules, propose stern action against you by awarding one or more of the kind punishment as provided in the Rules.
6. You are, therefore, called upon to Show Cause as to why you should not act be dealt in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred above.
7. You shall submit reply to this Show Cause Notice within 07 days of the receipt of the Notice, failing which on exparty action be taken against you.
8. You are further directed to inform the undersigned that whether you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

Sd/-

**District Police Officer,
Abbottabad**

Received by _____
Dated ____/____/2017.

Annexure "A"

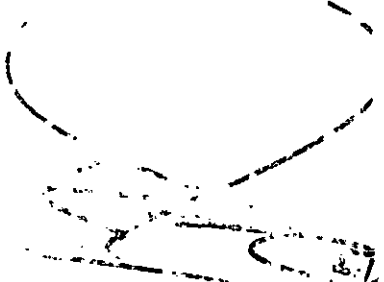
OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No. 137/P.O. Dated Abbottabad, the 21.04.2017

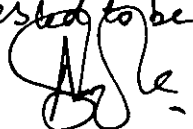
Under Rule (3) KPK Police Rules, 1975

1. That you, Constable Sajid No. 92, Police Abbottabad City, have rendered you self liable for disciplinary action under Rule 3 of the Khyber Pakhtunkhwa Police Rules, 1975 for following misconduct;

- 1. You were deployed on Census Duty with Army in Abbottabad City. You were in possession of an un-registered Pistol (without number) of 30 bore along with 02 Magazines and 11 x Rounds and you gave this Pistol along with 02 Magazines and 11 x Rounds to Sepoy, Muhammad Asif, which is grave negligence and discipline and against the Rules.
- 2. That by reason of above, as sufficient materials is placed before the undersigned therefore you are liable for disciplinary action in general for the reasons stated above without aid of friendly Officer;
- 3. That the misconduct on your part is prejudicial to good order of discipline in the Police force
- 4. That your retention in the Police force will amount to encouragement of inefficient and undisciplined officer in the force
- 5. That by taking consideration of the letter to the effect that the undersigned as District Authority under the said Rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the Rules.
- 6. You are, therefore, called upon to Show Cause as to why you should not be dealt in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred above.
- 7. You shall submit reply to this Show Cause Notice within 07 days of the receipt of the notice failing which appropriate action shall be taken against you
- 8. You are further directed to inform me underlined that whether you wish to be heard in person or not
- 9. Grounds of action are also enclosed with this notice.


 District Police Officer
 Abbottabad

Recd. _____
 Date: ____/____/2017.

Attested to be true copy.


(14)

Annexure 'B'

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No. 137/PA, Dated Abbottabad, the 24/05/2017

GROUNDS OF ACTION


That you Constable Sajjad No. 102, Police Station City, committed following misconduct:-

1. You were deployed on Census Duty with Army in Abbottabad City. You were in possession of an un-registered Pistol (without number) of 30 bore along with 02 Magazines and 11 x Rounds and you gave this Pistol along with 02 Magazines and 11 x Rounds to Sepoy Mubammad Asif, which is grave negligence, indiscipline and against the Rule.

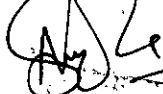
By reasons of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules, 1975, hence these grounds of action.



District Police Officer
Abbottabad



Attested to be true copy



(15)

To

The District Officer,
Abbottabad.

Annexure "B"


Subject: REPLY OF SHOW CAUSE NOTICE.

Respected Sir,

It is earnestly submitted that grounds of show cause notice were misperceived. I have not handed over any pistol alongwith magazine and rounds etc to anyone. I am law abiding citizen besides a responsible police official (Mr. Muhammad Asif, Army personnel mentioned in the show cause notice had performed census duty with me and perhaps in order to save his skin he held me responsible for the weapon recovered from him.) It is worth mentioning here that No such recovery had been made from me by any authority, as such, I am not guilty and totally innocent in the instant case.

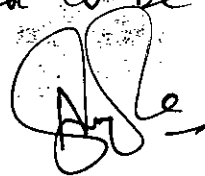
(I am a dedicated, compliant and dutiful police official and I even can't imagine to handover an illegal weapon to anyone.) It is, therefore, humbly prayed that I may kindly be exonerated and the show cause notice served upon me may kindly be withdrawn, please.

Obediently yours


(Sajjad Ahmed)
Police Constable
Belt No. 102

Dated: 27th April, 2017.

Attested to be true copy.

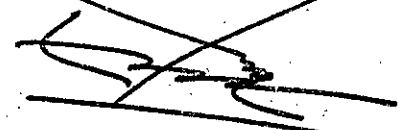


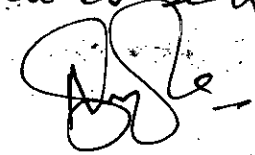
(16)

CHARGE SHEET

Annexure "C"

- 1). I. Syed Ashfaq Anwar (PSP) District Police Officer Abbottabad as competent authority hereby charge you Constable Sajjad No. 102 Police Station City, as explained in the attached statement of allegations.
- 2). You appear to be guilty of misconduct under Police disciplinary rules 1975, and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet in the Enquiry Officer.
- 4). Your written defense, if any should reach the Enquiry Officer with in 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.
- 5). Intimate whether you desire to be heard in person or otherwise.
- 6). A statement of allegation is enclosed.


SYED ASHFAQ ANWAR (PSP)
District Police Officer
Abbottabad

Attested to be true copy


(17)

DISCIPLINARY ACTION

Annexure "D"

I Syed Ashfaq Anwar (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that you Constable Sajjad No. 102 Police Station City, have rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975.

STATEMENT OF THE ALLEGATIONS

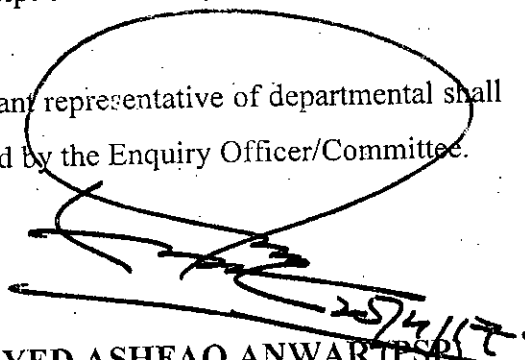
1). You were deployed on Census Duty with Army in Abbottabad City. You were in possession of an un-registered Pistol (without number) of 30 bore along with 02 Magazines and 11 x Rounds and you gave this Pistol along with 02 Magazines and 11 x Rounds to Sepoy Muhammad Asif, which is grave negligence, indiscipline and against the Rule.

2). For the purpose of scrutinizing your conduct with reference to the above, allegations, an Enquiry Committee consisting of the following is constituted.

Mr. Shams-ur-Rehman, Addl: SP, Abbottabad.

3). The Enquiry Officer/Committee shall in accordance with the provision of this ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action the accused.

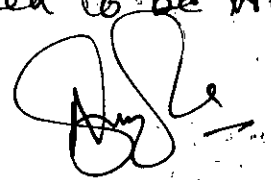
4). The accused a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.


SYED ASHFAQ ANWAR (PSP)
District Police Officer
Abbottabad

No: 138 /PA, Dated Abbotabad the 26/04 /2017.

CC:

1. Constable Sajjad No. 102 Police Station City, with the direction to submit his defense within 07 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer of the date, time and place fixed for the purpose of departmental proceedings.

Attested to be true copy


(18)

**FINDING OF THE DEPARTMENTAL ENQUIRY CONDUCTED AGAINST
CONSTABLE SAJJAD NO.102 OF PS CITY ABBOTTABAD**

Annexure "E"

BRIEF OF ALLEGATIONS:

A departmental enquiry was received by the W/District Police Officer, Abbottabad against Constable Sajjad No.102 of PS City Abbottabad on the allegation that "he was deployed on Census Duty with Army in Abbottabad City. He was in the possession of an un-registered Pistol (without number) of 30 bore alongwith 02 Magzines and 11x Rounds and he gave this pistol aongwith 02 Magazines and 11x Rounds to Sepoy Muhammad Asif which is grave negligence, indiscipline against the Rule".

PROCEEDINGS:

The Undersigned summoned the defaulter constable alongwith other staff deployed for Census duty with him to enquire the matter, statements were recorded as well cross examined which are furnished as under:-

**STATEMENT OF
DEFAULTER CONSTABLE:**

According to statement of defaulter official he was deployed for Census duty in the area of Banda Sher Khan and Banda Noor Ahmed in the jurisdiction of PS Mirpur. He alongwith Army Sepoy Asif of FFC and Civil Teacher Farid of Education Department were performing duty in a group. He stated that he was equipped with Government Kalashnikov and did not have any Pistol etc. as alleged. He refused the charge for handing over pistol to Army Sepoy.

**STATEMENT OF ARMY
SEPOY MUHAMMAD ASIF
OF FFC ABBOTTABAD:**

According to statement of Sepoy Muhammad Asif of FFC Abbottabad that they were deputed for Census duty. Similarly he told to Constable Sajjad of Police for devoted firing, on the very next day Constable Sajjad bring a 30 bore pistol and they fired at Banda Sher Khan at an unpopulated place in which he fired 03 rounds and constable Sajjad fired 02 rounds. After it, he taken the Pistol to FFC Centre and the same remained in his possession. While the Census duty was at the final stage, he called to Constable Sajjad to take his arm but Constable Sajjad told him that he is at Sikandrabad and he can't return back at the same day. At least the same again remained in his possession. After lapse of few days he sanctioned leave and proceeded to his house at Lahore, whereas when he arrive back and reached at main Gate of FFC Abbottabad, the same was seized at main gate.

**STATEMENT OF TEACHER
FARID MUHAMMAD :-**

Teacher Farid Muhammad was also deputed for census duty with Constable Sajjad and Army Sepoy Asif, he was also summoned to enquire the matter who in his statement stated that Constable Sajjad was equipped with Government Rifle Kalashnikov as well a Pistol was also with him which was usually taken by him as well by Sepoy Asif but mostly the same remained into the possession of army Sepoy. One day when the said constable came late on Census duty the same remained with Army Sepoy Asif. Similarly both of these also fired in the area of Banda Sher Khan. The Pistol remained approximately 15/20 days in possession of both these officials.

FINDINGS:

After scrutinizing the statement of all concerned as well cross examination it has been observed that Army Sepoy showed desire for devoted fire and on the very next day defaulter Constable brought Pistol 30 bore which were unlicensed and both of they fired in the area of Banda Sher Khan in the jurisdiction of Circle Mirpur and usually the Pistol remained in the possession of Army Sepoy Muhammad Asif. On other hand the charged official is not accepting for this illegal owner of pistol as well to bring the same for devoted firing on the wish of army sepoy which shows that he is still not accepting his guilty.

Similarly, defaulter official is held responsible for handing unlicensed pistol in a disciplined force and his undisciplined act during Census duty is also objectionable, whereas he was also given Government Rifle for safety purpose. He also creates trouble between Army and Police Forces due to this offensive actively.

Subsequently record of defaulter official is also scrutinized in which previously he offended indiscretion with DSP Mirpur and awarded censure, his attitude toward senior officers is also noticeable.

Keeping in view of above, including recommendation of major punishment, case is also required to be registered for keeping unlicensed Pistol despite of Government Rifle which was also handed-over to him for safety.

Submitted for favour of kind perusal please.

PA.
Issue FSCW today
DPOT/ATD

[Signature]
ADDL: SUPERINTENDENT OF POLICE,
ABBOTTABAD.

Attested to be true copy
[Signature]

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No: 168/PA, Dated Abbottabad, the 4th 15th 2017.

FINAL SHOW CAUSE NOTICE
(Unit Rule (3) KPK Police Rules, 1975)

Annexure 'F'

1. That you ~~FC~~ Sajjad No. 102 PS City, rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct;
 - I. You were deployed on Census Duty with Army in Abbottabad City. You were in possession of an un-registered Pistol (without number) of 30 bore along with 02 Magazines and 11 x Rounds and you gave this Pistol along with 02 Magazines and 11 x Rounds to Sepoy Muhammad Asif, which is grave negligence, indiscipline and against the Rule.
 - II. During proper departmental enquiry the allegations have been proved against you.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings without aid of Enquiry Officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encouragement of inefficient Police officers in the force.
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said Rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the Rules.
6. You are, therefore, called upon to Final 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.
7. You will submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

Dismissed from service
delivered

4157/14
District Police Officer
Abbottabad

Received by *[Signature]*
Dated 04/05/2017

OB 110
dt- 19-5-17

Attested to be true copy.
[Signature]

BEFORE THE HON'BLE DISTRICT POLICE OFFICER ABBOTTABAD
(COMPETENT AUTHORITY)

WRITTEN STATEMENT OF CONSTABLE SAJJAD AHMAD BELT NO.102
POLICE STATION CITY ABBOTTABAD

Respected Sir,

Annexure "G"

Kindly refer to the Final Show Cause Notice bearing No. 168/PA dated 04.05.2017 regarding disciplinary action against me.

In this respect it is earnestly submitted that grounds of the final show cause notice were misperceived. I again refute the allegations leveled in the final shown cause notice. Affirming solemnly it is stated that I have not handed over any pistol alongwith magazine and rounds etc to anyone. None has provided any proof regarding handing over of the weapon in question prior or during the course of inquiry. It is worth mentioning here that No such recovery had been made from me by any authority, as such, I am not guilty and totally innocent in the instant case.

It is re-iterated that I am a dedicated, compliant and dutiful police official and I even can't imagine to handover an illegal weapon to anyone. Keeping in view the factual position as mentioned above, it is humbly prayed that I have recently passed my B1 exam after long term and hard efforts .I may kindly be exonerated of the charges so as to save my career from spoiling, please.

Atst:
Plz call for OR.
9/PA
12/5

Obediently yours



(Sajjad Ahmed)
Police Constable
Belt No. 102

12-5-17

Attested to be true copy



CPS
S Banda
Dobetter
Vaccancy
Fackat

102 (22)

Annexure "H"

ORDER

This office order will dispose of the departmental enquiry against **Constable Sajjad No. 102** who was deployed on Census Duty with Army in Abbottabad City. He was found in possession of an un-registered Pistol (without number) of 30 bore along with 02 Magazines and 11 x Rounds and later on he gave this Pistol along with 02 Magazines and 11 x Rounds to Sepoy Muhammad Asif FF Centre. The pistol was recovered from Sepoy Muhammad Asif by management of FF Centre and Commandant FF Centre reported the same vide letter No. 517/6/A/2TB dated 19-04-2017. It is a grave negligence, indiscipline on part of the constable and also against the Rules.

He was issued Charge Sheet along with statement of allegations. Mr. Shams-ur-Rehman Addl: SP Abbottabad was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent officer and recorded statements of all concerned. He was provided ample opportunity to defend himself and rebut the allegations leveled against him. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings, wherein allegations as per Charge Sheet have been proved. Consequently he was issued Final Show Cause Notice. He was summoned to appear in Orderly Room on 18-05-2017. He was given a patient hearing but he had nothing plausible to state in his defence.

Forgoing in view, the undersigned is of the considered opinion that there is no chance that **Constable Sajjad No. 102** will become a good Police Officer. His further retention in service is bound to affect the discipline of the entire force. Based on the recommendation of the Enquiry Officer, the undersigned has come to the conclusion that the charges against the delinquent officer of procurement/possession of illegal weapon (30 bore pistol) and its further delivery to Sepoy Muhammad Asif of Pakistan Army stand established. Consequently, I, Syed Ashfaq Anwar, PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of Dismissal from service with immediate effect.

Order announced.

OB#110
19-5-2017

19/5/17
District Police Officer
Abbottabad
aj

Attested to be true copy
AS

Attaches to the main copy

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1915
2017

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Annexure "I"

(23)

(45)

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(25)

ABA number 57
 BC No. 10-2595
 Name of Advocate طاہر فرزند عباسی

S.No. 59298



Head Clerk
District Bar Association
Abbottabad

وکالت نامہ

بعدالت ابجد میں صاحب سروس ٹریڈیونگ کمپنی کے آفیسر

عنوان: سجاد احمد بنام IGP 03145014916

منجانب: ایپیلرینٹ نوعیت مقدمہ سروس ایپل

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جدوجہد ہی برائے پیشگی یا تصفیہ مقدمہ بمقام ایپٹ آباد کے لیے طاہر فرزند عباسی ایڈووکیٹ سپریم کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشگی پر خود یا بذریعہ مختار خاص رو بروعدالہا حاضر ہوتا ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشگی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داختم صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر تائیدی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے پیر و نجات از پکھری صدر اپیل اور برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا تنگی علیحدہ محتانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشگی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔ مورخہ 2017/08/22
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ دن ماہ سال

Accepted

Sahmir
22/8/17

Advocate 03145014916
Oppellant 03429524321

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

Service Appeal No. 986/2017

Sajjad Ahmed son of Shahzaman Caste Pathan resident of House No. 21/B
Mohallah Rehmatabad, Abbottabad (Ex-Constable Belt No. 102).

...APPELLANT

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police/ RPO Hazara Region, Abbottabad.
3. District Police Officer (DPO), Abbottabad.
4. Govt. of Khyber Pakhtunkhwa Peshawar, through Secretary Interior Govt. of KPK, Peshawar.

...RESPONDENTS

Parawise Comments on behalf of Respondents

Respectfully Sheweth:

PRELIMINARY OBJECTION:-

1. That the appellant has no cause of action.
2. That the appellant has not come to this Tribunal with clean hands.
3. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
4. That the appellant is estopped by his own conduct.
5. That the appeal is barred by law.
6. That the appellant has suppressed the material facts from the Honourable Tribunal hence not entitled for any relief and appeal is liable to be dismissed without further proceeding.

UP ON FACTS:-

Para No.1: Correct to the extent that he was enlisted as constable in Police Department in the year, 2012 and he was dismissed from service due to his involvement when he was deployed

on Census duty with Army in Abbottabad City, he was found in possession of an unauthorized pistol (without number) of 30 bore alongwith two magazines and 11 rounds and later on he gave the pistol to Sepoy Asif of FF Centre. Pistol was recovered from the Sepoy Muhammad Asif by management of FF Centre and Commandant FF Centre reported the same vide letter No. 517/6/A/2TB dated 19.04.2017 to Respondent No.3. (Copy of the letter is annexed as Annexure "A").

Para No.2. Correct to the extent of his deployment on Census duty with Army at Abbottabad.

Para No.3. Correct that he was served with Show Cause notice after receiving a written letter from Commandant FF Centre wherein it was alleged that Sepoy Muhammad Asif has charged the ownership of pistol to the appellant due to which departmental proceedings were initiated against him.

Para No.4 Correct to the extent of issuing show cause and statement of allegations, the enquiry officer has independent and fairly conducted enquiry, wherein all legal formalities have been observed. He was also provided ample opportunity to defend himself and rebut the allegations leveled against him but he could not satisfy the enquiry officer and as per finding report allegations have been proved. Consequently he was issued final show cause notice and he has also been provided personal hearing opportunity in OR but again he failed to rebut the allegations, hence he was dismissed from service in accordance with law.

Para No.5. Correct to the extent of representation/ appeal to the respondent No. 2 where he was personally heard in OR but again he failed to satisfy the appellate authority hence his

appeal was filed vide Order No. 3476/PA dated 28.08.2017.
(Copy of order is attached as Annexure "B").

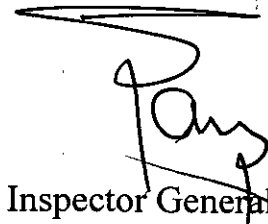
Para No.6. That orders of the respondent No. 2 & 3 are in accordance with law and no prejudice has been caused to the appellant and the present appeal of the appellant is liable to be dismissed on the following grounds:

GROUND.

- a. Incorrect, impugned order of the punishment awarded to the appellant is based on law and rules.
- b. In reply to Para 'b', it is submitted that the appellant had sold an unlicensed/ illegal pistol to one Sepoy Muhammad Asif of FF Centre Abbottabad which was recovered from him. During the enquiry, allegation against the present appellant was proved. Hence, he was awarded major punishment.
- c. Incorrect, proper departmental enquiry was initiated, wherein he was provided ample opportunity of personal hearing and cross examining, but he could not furnish plausible explanation against the allegations leveled against him. Hence, he was awarded legal punishment i.e dismissal from service. (Copies of the statement of Sepoy Muhammad Asif and cross examination of the appellant are annexed as Annexure "B" & "C").
- d. That the pistol was recovered from Sepoy Muhammad Asif by the FF Authority and Commander FF Centre informed the respondent No. 3 regarding the involvement of appellant. Later on during departmental enquiry statement of Sepoy Muhammad Asif was also taken who in the presence of appellant admitted that the said pistol was given to him by the appellant and the same was recovered from him on the gate of FF Centre.
- e. That para 'e' is incorrect. Being an employee of the disciplined force he was required to show high level of adherence to rules but he violated both rules and discipline of Police Department.

PRAYER.

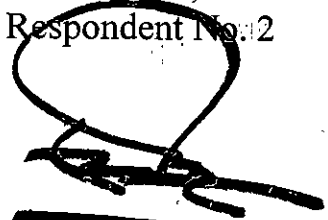
It is therefore, respectfully prayed that appeal of the appellant is without merit and substance and is liable to be dismissed with cost.



Inspector General of Police
Khyber Pakhtunkhwa Peshawar
Respondent No. 1 & 4



Deputy Inspector General of Police,
Hazara Region, Abbottabad
Respondent No. 2



District Police Officer
Abbottabad
Respondent No. 3

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

Service Appeal No. 986/2017

Sajjad Ahmed son of Shahzaman Caste Pathan resident of House No. 21/B
Mohallah Rehmatabad, Abbottabad (Ex-Constable Belt No. 102).

...APPELLANT

VERSUS

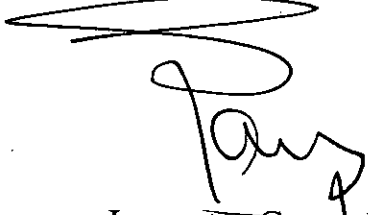
1. Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police/ RPO Hazara Region, Abbottabad.
3. District Police Officer (DPO), Abbottabad.
4. Govt. of Khyber Pakhtunkhwa Peshawar, through Secretary Interior Govt. of KPK, Peshawar.

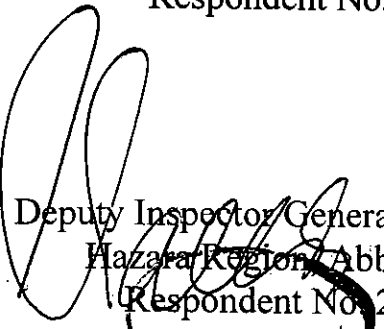
...RESPONDENTS

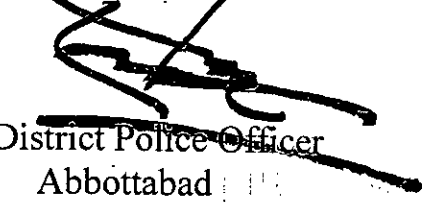
AFFIDAVIT.

We, do hereby affirm on oath that the contents of written reply are true to the best of our knowledge & belief and nothing has been concealed from the honorable Service Tribunal.

Submitted please.


Inspector General of Police
Khyber Pakhtunkhwa Peshawar
Respondent No. 1 & 4


Deputy Inspector General of Police,
Hazara Region, Abbottabad
Respondent No. 2


District Police Officer
Abbottabad
Respondent No. 3

RESTRICTED

Frontier Force Regimental Centre
Abbottabad
Telephone Military: 33762
Case File No. 517 /6 /A/2TB
19 April 2017

To: District Police Officer Abbottabad
Information: FFC - A Branch
FFC - HQ TW

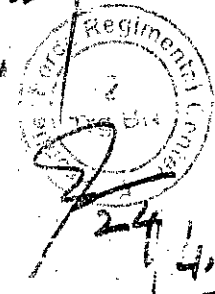
Subject: Possession of Arms Without Licence

1. It is intimated that Police constable Sajad Ahmed of Police Station City Abbottabad, resident of Tehsil & District Abbottabad, Village & Post office Rahmatabad having mobile number 0310-1870675, was employed on census duty with Army in Abbotabad City. The above named Constable was in possession of un registered Pistol (without number) of .30 bore alongwith 2 x magazines and 11 x rounds.
2. Police Constable Sajad Ahmed lend his Pistol (without Number) alongwith 2 x magazines and 11x rounds to Sepoy Muhammad Asif, which is contrary to good military order and discipline. Commandant of Frontier Force Regimental Centre has taken a very serious view of this act.
3. Disciplinary action has taken against Sepoy Muhammad Asif and was awarded regrious imprisonment. In view of above you are requested to take strict stance against Constable Sajad Ahmed for having in possession an unregistered Pistol (without number) and further lending it to Sepoy Muhammad Asif, fully in knowledge of being contrary to law act.

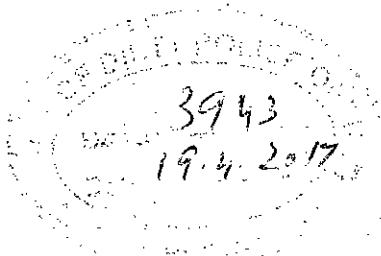
4.8A Forwarded for necessary action, please.

Issue of sheet
add. sp to conduct enquiry and report

PA
sent to this
with cc to this
CO. plz
19/4
Lieutenant Colonel
Commanding Officer
(Muhammad Adil Bahadur)



RESTRICTED



1088

FM 102 25
ORDER

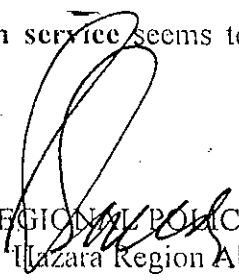
This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by **Ex-Constable Sajjad No: 102** of Abbottabad District against the order of major punishment i.e. **Dismissed from service** awarded by the DPO Abbottabad vide his OB No.110 dated 19.05.2017.

Facts leading to his punishment are that the appellant was deployed for Census Duty with Army in Abbottabad City. A 30 bore unlicensed Pistol alongwith 02 Magazines and 11 Rounds were in his possession which were handed over to Sepoy Muhammad Asif of FF Centre. The pistol was recovered from Sepoy Muhammad Asif by Security Staff of FF Centre during checking at the main gate. The Commandant FF Centre reported the same to DPO Abbottabad vide his office letter No: 517/6/A/2TB dated 19.04.2017.

He was awarded major punishment of **Dismissed from service** by DPO Abbottabad after conducting proper departmental enquiry by Mr. Shams-ur-Rehman, Addl: SP Abbottabad.

After receiving his appeal, comments of DPO Abbottabad were obtained. From the perusal of enquiry report it revealed that the defaulter official is held responsible for handing unlicensed pistol in a disciplined force and his undisciplined act during Census duty is also objectionable whereas he was also given Government Rifle for safety purpose. He also created trouble between Army and Police Forces due to this offensive actively and his attitude toward senior officer is also noticeable. The undersigned called him in OR and heard in person where he failed to explain any plausible reason in his defense. Therefore the punishment awarded to him by the DPO Abbottabad i.e. **Dismissed from service** seems to be genuine, hence his appeal is filed.


EA/OM/81
For on 10/8
DPS/RU
28/8


REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. 3476/PA Dated Abbottabad the 28/8 /2017.

Copy of above is forwarded to the DPO Abbottabad w/r to his Memo: No: 6225, dated 14.07.2017 for information and necessary action.

8549
28-8-17


REGIONAL POLICE OFFICER
Hazara Region Abbottabad

M. D. B. 1911
The Secretary

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۲۶ کہتا ہے کہ یہ شیطان ہے اس لیے۔

۲۷ جتنا کوشش کرے گا سب سے بڑا۔

۲۸ کہتا ہے کہ یہ شیطان ہے اس لیے۔

۲۹ جی ہنس۔ کوشش سے صرف غارتگری کی ہے۔

۳۰ کہتا ہے کہ اس سے سب سے بڑا دن رہی۔

۳۱ ۱۵/۱۶ دن۔

۳۲ کہتا ہے کہ سب سے بڑا کوشش؟

۳۳ جی ہنس۔ اس کا لاشعور بھی ہے۔

۳۴ کہتا ہے کہ سب سے بڑا کوشش۔

۳۵ کہتا ہے کہ سب سے بڑا کوشش؟

۳۶ کہتا ہے کہ سب سے بڑا کوشش۔

M. D. ...
۴۴ ...
...
...
...

بیتاں سجاد رحیم سے اگے ڈس اسٹے ابا دے ہینا

تمہ فرم سہارا میں عرصہ ڈیوٹی بلڈ ہاؤس سے قان سے

بلڈ ہاؤس نور احمد سے اور نکھارے عوانہ سے ملی ہو

عین محمد صفحہ 34524 - FFC اسٹے ابا دے عوانہ سے

D313-4146774 اور ایک سولینڈر سے فریہ محمد احمد سے

ڈسٹریکٹ کالگا۔ فریہ یا اس مٹا سٹوف سے کورٹی ڈیو

کے ڈیوٹی۔ فریہ یا اس کو سولڈر سے نہیں کہا، سے نے

فوج کے ساتھ کو کورٹی سے سولڈر سے

محمد

سجاد رحیم سے

صفحہ 34524 سے

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Before the Worthy Chairman Service Tribunal, Khyber Pakhtunkhwa, Peshawar.

Service Appeal No. 986/2017

Sajjad Ahmad Vs IGP, KPK & Others

Service Appeal

Rejoinder, Reply of Comments

Respectfully Sheweth:-

PRELIMINARY OBJECTION

1. Incorrect. Appellant has got cause of action, which is obvious from averments of appeal.
2. Incorrect.
3. Incorrect.
4. Incorrect. No conduct of appellant have been shown, which comes within preview of estoppel.
5. Incorrect. No law has been shown under which appeal is barred by any law.
6. Incorrect. Para No. 6 of comments is completely baseless and without any facts.

FACTS

1. Para No 1 of appeal is correct, while para No. 1 of comments is totally baseless. Neither appellant was found in possession of any pistol nor any pistol, magazines and any rounds were recovered from appellant. This para of comments is false, baseless and contradictory, just to save the skin of sepoy Mohammad Asif, appellant was scapegoat, which was highly objectionable on the part of police department.
2. Para No. 2 of appeal is correct, which is also admitted by respondents.
3. Para No. 3 of appeal is correct, while police official under pressure made scapegoat to appellant and wrongly initiated proceedings against appellant.
4. Para No. 4 of appeal is correct, while para No. 4 of comments is totally wrong and baseless. Show cause notice, charge sheet, comments, statement recorded and enquiry report are much contradictory that on bird view point shown false and themselves enough

for setting aside dismissal order. At the time of arguments every contradiction shall be pointed out. Remaining para of comments is wrong and baseless.

5. Para No 5 of appeal is correct, while that of comments is incorrect. The inquiry report of SP, who was appointed as inquiry officer by the RPO has not been brought on record and deliberately concealed as that the inquiry was in favor of appellant and appellant was exonerated from charges leveled against appellant.
6. Para No 6 is correct, while that of comments is incorrect. Orders are leveled to be set aside.

GROUNDS

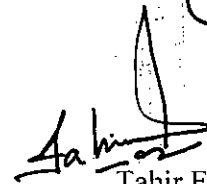
- a. Para No "a" of grounds of appeal is correct and is as per law, while reply of comments is wrong, against the law and facts.
- b. Para No "b" of grounds of appeal is correct while that of comments is wrong. There is no proof of selling any pistol to sepoy Mohammad Asif, rather sepoy Mohammad Asif never claimed of purchasing any pistol from appellant, hence just to defend wrong orders a factious and concocted story has been narrated by respondents which is without any proofs.
- c. Para No "c" of grounds of appeal is correct while that of comments is incorrect. Statement of sepoy Mohammad Asif and cross shown is enough for falsely involving and charging appellant. Sepoy Mohammad Asif admits facts regarding pistol.
- d. Para No "d" of grounds of appeal is correct while that of comments is incorrect. The person from whom pistol was recovered, what action has been taken against him, whether he has been dismissed from service, answer is in negative, which shows the injustice done and making scapegoat to innocent appellant. Appellant was punished on statement of accused/ culprit, which is totally against the law.
- e. Para No "e" of grounds of appeal is correct while that of comments is incorrect.

PRAYER

Prayer of comments is against the law and as per facts narrated in appeal. Hence it is requested that the appellant may graciously be exonerated from any kind of charge and

punishment of dismissal from service may graciously set-aside and appellant be reinstated in service with all consequential benefits.


Appellant


Through
Tahir Faraz Abbasi


Dated: 27/ 08/ 18

Advocate Supreme Court of
Pakistan at Abbottabad.

VERIFICATION

Verified on oath that contents of foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.

Appellant


Sajjad Ahmad
Appellant

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 339 /ST

Dated 26 - 2 - /2019


To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Abbottabad.

Subject: - JUDGMENT IN APPEAL NO. 986/2017, MR. SAJJAD AHMAD.

I am directed to forward herewith a certified copy of Judgement dated 15.01.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR,
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.