


FORM OF ORDER SHEET

Court of _____

Appeal No. 589/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/04/2024	<p>The appeal of Mr. Muhammad Sahkeel received today by registered post through Mr. Rizwanullah Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on . Counsel for the appellant has been informed telephonically.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR, CAMP COURT D.I.KHAN**

Service Appeal No. 889 of 2024

Muhammad Shakeel **VERSUS** Provincial Police Officer/IGP KFK etc

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Dated: 19/04/2024

Your Humble Appellant


Muhammad Shakeel
Through Counsel


Rizwan Ullah Khan
Advocate High Court

**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR, CAMP COURT D.I.KHAN**

Service Appeal No. 589 of 2024

Muhammad Shakeel Son of Bashir Ahmad Caste Rajput Resident of Tariq
Abad, District Dera Ismail Khan (Ex Constable, Belt No.697).

----- (Appellant)

VERSUS

1. Provincial Police Officer/IGP Khyber Pakhtunkhwa, Central Police Office Peshawar.
2. Regional Police Officer/DIG, D.I.Khan.
3. District Police Officer, D.I.Khan

----- (Respondents)

Muhammad Shakeel
Appellant

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER DATED 22-03-2024 OB NO.585-590/24
ISSUED BY RESPONDENT NO.1 REGARDING THE REJECTION OF
REVISION PETITION OF APPELLANT, AGAINST THE IMPUGNED
ORDER DATED 20-09-2021 NO.4036 ISSUED BY RESPONDENT
NO.2 REGARDING THE REJECTION OF DEPARTMENTAL APPEAL
OF APPELLANT AS WELL AS AGAINST THE ORDER DATED 11-01-
2021 OB NO.74 ISSUED BY RESPONDENT NO.3 REGARDING THE
DISMISSAL OF APPELLANT FROM SERVICE.**

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PRAYER IN APPEAL

By acceptance of instant appeal Respondents may kindly be directed to re-
instate the appellant with all back benefits from date of dismissal, by
setting aside the impugned orders regarding the dismissal of appellant

from service. Any other remedy deemed appropriate in the given circumstances may also be granted.

Note:Addresses given above shall suffice the object of service.

Respectfully Sheweth:

Brief facts

1. Appellant was inducted in the Police Department (FRP Range DIKhan) as a constable on 27-07-2007 on regular basis. Since then appellant has been serving and performing his duty with great zeal and honesty. Copy of CNIC is enclosed as **Annexure A.**
2. That on 22-09-2020 F.I.R No.1093 under Section 457 and 380 was registered against petitioner in PS Cant on the basis of said false and boughs FIR as well as on the basis of allegation of theft, appellant was suspended from his service by respondent No.3. Copies of F.I.R along with better copy is enclosed as **Annexure B& B1.**
3. That after facing trial appellant was acquitted by the learned trial court Judicial Magistrate-I DIKhan by passing the order dated 20-12-2022 on the basis statement of the complainant as well as on the basis of benefit of doubt under section 249-A CRPC. Copy of charged framed, statement of PW-I, PW-II and acquittal order dated 20-12-2022 are jointly enclosed as **Annexure C.**
4. That the respondent No.3 without conducting any departmental inquiry against the appellant as well as without giving opportunity of defense to the appellant dismissed the appellant from service by passing the impugned order dated 11-01-2021. Copy of impugned order dated 11-01-2021 is enclosed as **Annexure D.**
5. Then appellant submitted appeal against the order dated 11-01-2021 to the respondent No.2 who rejected the same by passing impugned order

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Appellant

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dated 20-09-2021. Copy of departmental appeal and impugned order dated 20-09-2021 are jointly enclosed as Annexure E.

6. That the appellant filed revision before the respondent No.1 regarding his reinstatement who also rejected the same by passing the impugned order dated 22-03-2024. Copy revision as well as impugned order 22-03-2024 are enclosed as Annexure F.
7. That as per legal requirements, the appellant has been left with no other option but to agitate his grievances before this Honorable Tribunal inter alia on the following grounds:

Grounds:

1. That order passed by the departmental authority impugned hereby are arbitrary, discriminatory, legally and factually incorrect, ultra virus, vide ab initio and militate against the principal of natural justice. Hence liable to be set aside.
2. That appellant is innocent and has been subject to penalty for no fault on his part. Respondent No.1, 2 & 3 failed to follow the prescribed procedure for inquiry and conducted ex-party proceeding against the appellant. Inquiry officer also failed to regulate the departmental inquiry in accordance with law and procedure described for the purpose and as such erred at the very outset of the proceeding, thus causing grave miscarriage of justice as well prejudice to the appellant in making his defense. Therefore the impugned orders are liable to be set aside.
3. That it is the matter of the record that appellant has been vexed in clear defiance of law and principle laid down by superior courts as well as tribunal as could be gathered from the fact and circumstance of the case.

Handwritten signature
Appellant

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4. That respondent No.3 awarded major penalty of dismissal from service to the appellant due involvement of of appellant in F.I.R No.1093 which is false, bhogus and appellant has been acquitted in that F.I.R by the learned trial court by holding that there is no hope of conviction of appellant in F.I.R No.1093 and there is no evidence against the appellant. Therefore the impugned orders against the appellant are illegal and needs to be set aside.

5. The allegations of theft and recovery were false and appellant was malafidely inducted in the FIR No.1093. The departmental inquiry and whole proceeding against the appellant was conducted at the back and in the absence of appellant and appellant was never given any opportunity to defend himself which show ill-will, malifidely, personal grudges and discriminatory attitude of respondents. Appellant was never given any chance to cross examine the witness, no opportunity of personal hearing was given to appellant as well as no final show-cause notice served to the appellant and even not any dismissal order was communicated to the appellant. No charge sheet or statement of allegation was served on the appellant and no any witness examined against the appellant. No any type written reply called from the appellant and appellant was never given any right of defense. Hence impugned orders are void, illegal, discriminatory, ex-party, against the police rule 1975 and liable to be set aside.

Shankar
Appellant

Q

6. That appellant had sufficient length of service approximately 13 years rendered for the department honestly and efficiently but whole proceeding against the appellant are against the E&D rule, inquiry procedure and service laws. Hence impugned orders are patently unwarranted, illegal, nullity in the eyes of law and liable to be set aside.

7. That the learned trial court acquitted the appellant on merit under section 249-A CRPC by holding that there is no hope of conviction of appellant and there is no evidence against the appellant hence acquittal of appellant is honorable acquittal and it proved that appellant was

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innocent and falsely involved in the F.I.R No.1093. Appellant never committed any misconduct during his whole service and never guilty of any offence during his whole professional career. All the departmental proceedings were conducted at the back of appellant which amounts to condemn unheard and against the constitutional and fundamental rights of the appellant. Hence appellant may kindly be reinstated at his service with all back benefits.

8. That the council for the appellant may graciously be allowed to raise additional grounds at the time of arguments.

It is, therefore, most humbly prayed on the acceptance of instant appeal Respondents may kindly be directed to reinstate the appellant with all back benefits from date of dismissal from his service, by setting aside the impugned orders regarding the dismissal of the appellant from service.

Any other relief which this Honorable Court deems appropriate in the given circumstances of the case may also be granted to the appellant.

Shakil

Your Humble Appellant

Shakil

Muhammad Shakeel
S/o Bashir Ahmad
R/o Tariq Abad
Ex-Constable, 697

Date 19/4/2024

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**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR, CAMP COURT D.I.KHAN**

Service Appeal No. _____ of 2024

Muhammad Shakeel

VERSUS

Provincial Police Officer/IGP Kpk etc

Attested by
3rd Commissioner
District 8
[Signature]

AFFIDAVIT

I, **Muhammad Shakeel** Son of Bashir Ahmad Caste Rajput Resident of Tariq Abad, District Dera Ismail Khan, the appellant, do hereby solemnly affirm and declare on oath that contents of above Appeal are true & correct to best my knowledge and that nothing has been concealed from this Honorable Court.

[Signature]
DEPONENT

CNIC# 12101-7239-272-3
19/4/2024

Identified by:

[Signature]

RizwanUllah Khan
Advocate High Court

ANX # A



PAKISTAN National Identity Card

ISLAMIC REPUBLIC OF PAKISTAN

Name
Muhammad Shakil



Father Name
Bashir Ahmad

شکیل



Gender	Country of Stay
M	Pakistan
Identity Number	Date of Birth
12101-7239272-	04.04.1988
Date of Issue	Date of Expiry
31.05.2019	31.05.2029

Holder's Signature

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8

8

12101-7239272-3



اسماء علی خان

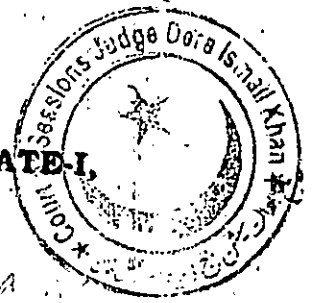
Registrar General of Pakistan

10105124686

آگندہ کارڈ ملنے پر قریبی لیڈ بکس میں ڈال دیں

ANA = C

(11)



In the Court of
SALEEM-UR-REHMAN JUDICIAL MAGISTRATE-I,
Dera Ismail Khan

Charge Sheet

Case FIR # 1093 Dated 22/09/2020 u/s 457-380-411 PPC PS Cantt, D.I.Khan

The State Versus

Muhammad Shakeel s/o Bashir Ahmed
caste Rajpoot r/o Tariq Abad DIKhan.

Accused facing trial

I, **SALEEM-UR-REHMAN**, Judicial Magistrate-I, D.I.Khan do hereby charge you the accused named above as follows:

Firstly: That on 21/22.09.2020 at unknown time within the criminal jurisdiction of PS Cantt, you accused named above committed criminal trespass in the house of complainant, so you thereby committed offence punishable u/s 457 PPC, within my cognizance.

Secondly: That on the same date, time and place you accused committed theft in the house of complainant, so you thereby committed offence punishable u/s 380 PPC, within my cognizance.

Thirdly: That during interrogation on pointation of you accused local police recovered stolen property vide recovery memo dated 09.10.2020 (fully detailed in the said memo), so you thereby committed offence punishable u/s 411 PPC, within my cognizance.

I direct you to be tried for the above charge within my cognizance.

8/4/21
SALEEM-UR-REHMAN

Judicial Magistrate-I, D.I.Khan

Note: -The charge has been read over and explained to the accused.

Q) Do you understand the charge?

Ans) Yes.

Q) Do you plead guilty or claim trial?

Ans) No, I am innocent and claim trial.

Certified under section 364 Cr. P.C.

D.I.Khan
Dated 08/04/2021
R.O & A C

Muhammad Shakeel
CNIC No.12101-7239272-3

TESTED
Examiner /

16-4-21

8/4/21
SALEEM-UR-REHMAN
Judicial Magistrate-I, D.I.Khan

Handwritten notes at the top of the page include "20/12/2020", "18/12/2020", and "2/6/2021". There is a circular stamp from the "Court of Sessions, District Dikhan" and a handwritten number "12" in a circle. Other handwritten marks include "b.h.", "J.D. 6", and "20-2".

State Vs Muhammad Shakil

FIR No. 1093 dated 22.09.2020 U/S: 457-380-411 Police Station Cantt Dikhan

PW - 01
27.01.2022

Statement of Muhammad Aslam MHC Police Station

Yarik Dikhan.

Stated on oath that during those days I was posted as MHC at Police Station Cantt Dikhan. That report of the complainant I registered FIR in the instant case and read over the contents of FIR to the complainant. I correctly incorporated the contents of report of complainant into the shape of FIR which is Ex.PA. Today I have seen the copy of FIR which is correct and correctly bear my signature.

XX: - I had entered the report of roznamcha. Today I have seen the judicial file on which the roznamcha regarding the report is not present. That the FIR was lodged on the report of complainant and no prior inquiry was carried out before the registration of FIR. That in the report the complainant had reported about property stolen which include 14 lacs rupees and ornaments. I do not remember the exact value of ornaments. It is incorrect to suggest that there is cutting in the date of occurrence in the FIR. I do not remember the name of munchi through I sent the copy of FIR to the I.O. I am not asked the complainant regarding delay of lodging of report nor he deposed anything before me. It is incorrect to suggest that I have lodged the FIR on the direction of Adil Waqar media person who is related to the complainant. That no other person was accompanied the complainant at the time of lodging of FIR. That I handed over the copy of FIR immediately after I register the FIR but I do not know what time it was. It is incorrect to suggest that I have falsely deposing against the accused in the court today. It is incorrect to suggest that my statement is concocted one.

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RO & AC

ATTESTED
Examiner /

16-4-24

SALEEM UR-REHMAN
Judicial Magistrate-1, D'Khan
Judicial Magistrate
D'Khan

Handwritten signature at the bottom left corner.

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محرکار بنام محمد شکیل

13

FIR # 1093

پٹانی اڈا سرور تاج دار تاج ملوک قوم شنواری سکڑہ حال

آباد ضلع DIK شناختی کارڈ نمبر: 9-12101-9457796-9
0334-7215574



حلفاً بیان کیا کہ مورخہ 20/09/22 تک کوئی شخص

اسے اس وقت گھر میں خوابیدہ تھے

مگر دو روز گھر میں سمونے ہوئے تھے

صبح بیدار ہوئے تو دیکھا اولہ والے حصے میں

سامان گھومنا کھانسی پر الماری کے اندر

14 لاکھ روپے نقد اور ایک ملود طلائی سینہ

عدم موجود پائے جو کوئی نامعلوم شخص

اسی وقت شب میرے گھر میں داخل ہوئے

صلہ مندرجہ رقم و زیور چوری کر کے لے گئے

تھے جس سے اپنے گھر میں بوقت شب داخل ہوئے

رقم 14 لاکھ روپے اور طلائی زیور ایک تولا

چوری کرنے کے جانے پر برخلاف نامعلوم

اشدہ صبر حسب ضابطہ راز حال دعوہ نمبر 16

EXAMINER

22/09/20

مورد

1093

مقدمہ نمبر

گاہ میں پر مقدمہ نمبر

رقم 457,380 PPC ٹھانہ کنسٹریکشن برائے

ملتان درج رجسٹر ہوا۔ FIR جاری کر کے

پڑھ کر مجھے سنائی و سمجھائی گئی۔ جس کی

کو میں نے درست تسلیم کرنے اپنے دست

ثبت کیے۔ امروز میں لفظ FIR دیکھ کر

تو کہ صحیح درست اور لفظ EXPA

ہے I.O نے میرے نشانہ پر لفظ

موقع مرتب کیا۔ میرا نتیجہ بیان 64

قلمبند کیا۔ بعد میں دوران تفتیش مکرم

میری دعوتیاری زیر دفعہ 64

ہوا اور مال سرورہ برآمد ہوا۔ مکرم حسب

ہوا۔ میرا بیان 64

EXPI ہے۔ مال سرورہ میں

کردر مطابق حالانکہ مکمل وصول کر لیا ہے

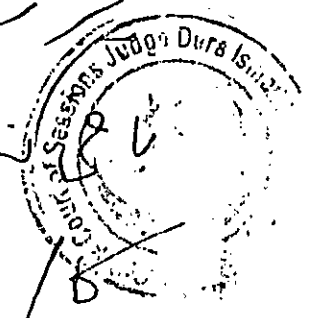
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TEED

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یہ کہ درست ہے کہ ماسین فریقین خانگی طور

راہی نامر یو جکا ہے کوئی رجسٹر



یہ کہ درست ہے کہ میں موقع

حیثیت میں گواہ نہ ہوگا۔ یہ بھی درست

ہے کہ حال سہولت کی میرے سامنے

کوئی برآمدگی نہ ہوئی ہے۔ یہ درست ہے

کہ ملزم کی ضمانت راہی نامہ کی بنیاد پر ہوئی

یہ کہ اگر عدالت حضور النور ملزم کو بری فرمادے

تو مجھے کوئی اعتراض نہ ہے۔ یہ درست ہے

ملزم کے گریبان ہو اور میں نے کچھ میں ملزم

Amir

کی خلاف دیکھو بری کی۔ یہ درست ہے علاوہ ازاں

مقدمہ اور بھی مقدمات ماسین فریقین مختلف عدالتوں

میں زیر سماعت ہیں۔ میں ملزم کی خلاف مزید کوئی

کہ منوں۔ سو

میں کہ درست تسلیم

علاقہ JM-2 داد

TESTED Examiner

16

Case No. 266/2 of 2020
State Vs. Muhammad Shakeel



IN THE COURT OF
MAZHAR ALI KHAN, JUDICIAL MAGISTRATE-I,
DERA ISMAIL KHAN

Case No. 266/2 of 2020
The State Vs. Muhammad Shakeel

Or :- 18
20/12/2022

JMI
19/12/2020
20/12/2022

APP for the State present. Accused on bail present.
Complainant Sarwar Taj in person present. PWs are absent.

Statement of complainant named above recorded as PW-01.
Thereafter, accused Muhammad Shakeel moved an application
under section 249-A Cr. P.C. Notice of same given to the
complainant/Prosecution for today. Arguments on above-mentioned
application heard and available record gone through.

Accused/petitioner **Muhammad Shakeel** son of Bashir
Ahmad is facing trial in case FIR No. 1093, dated 22/09/2020,
charge under section 457/380/411-PPC, Police Station Cantt,
D.I.Khan.

Perusal of record reveals that initially the complainant/PW-
01 lodged the report against the unknown accused and later on
nominated the accused/petitioner in the instant case without
disclosing any source of information/satisfaction. Apart from this,
the complainant/PW-01 during cross examination admitted that
there are other criminal/civil litigation pending between the parties,
hence in such a situation the element of false implication of

~~W~~
133/C
JMI
2022

NOTED
Examiner
K-1

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accused/petitioner in the instant case cannot be ruled out. Similarly, the complainant/PW-01 also admitted that neither he is eye witness of the alleged occurrence nor recovery has been effected before him. Furthermore, the complainant/PW-01 admitted that he has effected compromise with the accused/petitioner and raised no objection upon his acquittal in the instant case.

Although the offence to which the accused are charged is non compoundable, but it is repeatedly held by the Superior Courts that when the complainant is not ready to depose against the accused then rest of the prosecution evidence become redundant, which also creates heavy doubts and dents into the case of complainant/prosecution and cut the roots of the case. It is pertinent to mention here that the compromise is always considered as redeeming factor and it put an end to a long-lasting blood shed enmity.

Keeping in view the above mentioned reasons, there is no hope of conviction of the accused facing trial in the instant case even if the prosecution witnesses are examined rather it would be a futile exercise and wastage of precious time of the Court, therefore, while accepting the application under section 249-A Cr.P.C. I acquits the accused facing trial namely Muhammad Shakeel from the charges so levelled against him. Accused is on bail, hence his sureties are absolved from the liabilities of bail bonds. Case

Shakil
16-4-20

ATTESTED
(Signature)
16-4-20

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property, if any be dealt in accordance with law after expiry period of appeal/revision.

File of this Court be consigned to Record Room of Hon'ble District & Sessions Judge, D.I.Khan after its completion & compilation.

Announced
20/12/2022

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Mazhar Ali Khan
Judicial Magistrate-I,
Dera Ismail Khan

ATTESTED
Examined by
16-4-24

General No. 4856
 Application received on 16/12/24
 Date of Copying 16/12/24
 Date of Delivery 16/12/24
 No. of Words 12
 Copies 1
 From [Signature]
 To [Signature]
 Date 16/12/24
 Copy No. 1
 Signature of [Signature]

Attested by
[Signature]



ANX 10
19

OFFICE OF THE
ICT POLICE OFFICER,
DERA ISMAIL KHAN

Tel: (0966) 9280062
Fax (0966) 9280293

No.172/EC

Dated: 11/01/2021

ORDER

This order will dispose of departmental proceedings conducted against Constable Muhammad Shakeel No.697 of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

It has been reported by SP/Investigation DI Khan vide his office letter No.11048/Inv: dated 06.10.2020, that he while posted at Police Jnco DI Khan, a case FIR No.1093, dated 22.09.2020 U/S 457-380 PPC PS/Cantt: DI Khan was registered against him. This act on his part amounts to gross misconduct which is punishable under the rules

He was served with charge sheet/statement of allegations. An enquiry was conducted into the matter through Mr. Muhammad Aslam Khan Addl: SP: DI Khan, under Police Rules-1975 ammended-2014. The Enquiry Officer submitted his finding report in which he stated that the above named Constable is found guilty of the charges levelled against him. Enquiry Officer recommended that he may kindly be awarded Major Punishment.

Keeping in view of finding and recommendations of the Enquiry Officer, the undersigned came to the conclusion that the charge levelled against the accused official has been established beyond any shadow of doubt because he is acquittal in this case was not "honourable". Being part of a disciplinary force, his act is a stain on the name of the force.

Therefore, in exercise of powers conferred upon me under the ibid rules I, Arif Shahbaz Wazir, District Police Officer, DI Khan, award him Major Punishment of Dismissal from Police Service, with immediate effect.

OB No. 74 1

Dated: 12-01-2021

ARIF SHAHBAZ WAZIR, PSP
District Police Officer,
Dera Ismail Khan

124
Application received on 15.1.2021
Copying fee accounted on _____
Judgement sent for copying on _____
FC: Muhammad Shakeel
No. 697
Name of case _____
Case completed on 15.1.2021
Case closed on 15.1.2021
Case of _____ Appeal

Muhammad Aslam Khan

Muhammad Aslam Khan
Appellant

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

سروس اپیل

اپیل دربارہ بحالی سروس

THROUGH PROPER CHANNEL

بخدمت جناب عزت مآب یسین فاروق صاحب

ڈپٹی انسپکٹر جنرل آف پولیس، ڈیرہ اسماعیل خان

بحوالہ آرڈر بک نمبر 172/EC مورخہ 11.01.2021

بحوالہ آرڈر بک نمبر 74 مورخہ 12.01.2021

مجاریہ جناب ڈسٹرکٹ پولیس آفیسر صاحب، ڈیرہ اسماعیل خان

Appellant

Applicant

ایکس کنسٹیبل محمد شکیل نمبر 697

حال ڈسمن، ضلع ڈیرہ اسماعیل خان

موبائل نمبر 0340-920-7193

جناب عالی!

سائل حسب ذیل عرض رساں ہے۔

1. یہ کہ سائل مورخہ 27.07.2007 کو محکمہ پولیس میں بطور کنسٹیبل بھرتی ہو کر اپنی ڈیوٹی نہایت ہی جانفشانی اور دیانتداری سے انجام دیتا رہا ہے اور کبھی بھی آفسران بالا کو شکایت کا موقع فراہم نہیں کیا ہے بلکہ احسن کارکردگی پر ہمیشہ انعام و کرام سے نوازا گیا ہوں۔

2. یہ کہ من سائل کو ایک سوچی سمجھی اسکیم کے تحت مخالفین نے ایک جھوٹے چوری کے الزام میں پھنسایا جس پر مقدمہ علت نمبر 1093 مورخہ 22.09.2020 جرم 457/380 درج رجسٹر تھانہ کینٹ ہوئی جس پر جناب DPO صاحب نے سائل کو بحوالہ آرڈر بک نمبر 74 مورخہ 12.01.2021 بغیر کسی انکواری و چارج شیٹ اور پرسنل ہیرنگ، سزا کے طور پر نوکری سے برخاست کر دیا۔ جو کہ انصاف کے تقاضوں کے منافی اور زیادتی ہے۔

4. یہ کہ من سائل کی 13 سالہ خدمات پولیس کو بالائے تاق میں لا کر من سائل کو محض ایک جھوٹے مقدمے کی بنیاد پر نوکری سے برطرف کر دیا۔ جس کا ابھی تک عدالت میں Trial بھی نہیں چلا تھا۔ جبکہ بمطابق Fundamental Rules عدالت کے فیصلہ آنے تک کسی قسم کی سزا دینا انصاف کے تقاضوں کے منافی ہے۔ جہاں تک راضی نامہ کا تعلق ہے وہ صرف Bail کی حد تک ایک دوسرے کو پابند کرنے کے لئے کہ ایک دوسرے کو کسی قسم کا نقصان نہیں پہنچائے گے۔ جبکہ مقدمہ ابھی عدالت میں ٹرائل پر بھی نہیں آیا ہے۔

ساتھ ساتھ
Addressee
[Signature]

عالیجا!

سائل سائل نے محکمہ پولیس میں اپنے 13 قیمتی سال پولیس کی خدمات میں اپنی ڈیوٹی کو عبادت سمجھ کر گزارے ہیں۔ اور کبھی بھی آفسران بالا کو شکایت کا موقع فراہم نہیں کیا ہے۔ من سائل شادی شدہ ہونے کے ساتھ ساتھ اپنے معصوم بچوں کا واحد کفیل ہے جو نوکری ختم ہونے پر روڈ پر آگئے ہیں۔ من سائل کی 05 ماہ سے تنخواہ بھی بند ہے۔ من سائل کو ایک جھوٹے الزام میں مخالفین نے ایک سوچی سمجھی اسکیم کے تحت پھنسایا ہے۔ جبکہ سائل کو قاعدہ اور قانون کے مطابق ڈیفنس کا موقع دیئے بغیر سزا دی گئی جو کہ انصاف کے مترادف ہے۔

جناب عالی! اللہ پاک نے آپ کو وسیع اختیارات سے نوازا ہے اور آپ ہمارے مائی باپ ہیں۔ اور اب آپ ہی ہمارا سہارا ہیں۔

استدعا!

لہذا بذریعہ درخواست استدعا ہے کہ سائل کی سزا معاف فرماتے ہوئے عدالت کے فیصلہ آنے تک من سائل کو بحال فرمایا جاوے۔ اور سائل کی 05 ماہ کی بند شدہ تنخواہ کھولی جائے۔ سائل اپنے اہل و عیال کے ہمراہ آپ جناب کے لئے تازیت دعا گور ہے گا۔ جناب کا اقبال بلند رہے۔

رض

سائل ایکس کنسٹیبل محمد شکیل نمبر 697، حال ڈسمس، ضلع ڈیرہ اسماعیل خان

موبائل نمبر 0340-920-7193

کنسٹبل

کنسٹبل

Attested



Office of the Regional Police Officer

1653
24/19

OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGH N

No. ES Date: DI Khan this

ORDER

This order disposes of a departmental appeal filed by Ex-Constable Muhammad I. Shakeel No.627 of District Police DI Khan against the impugned order of Major Punishment (Dismissal from Service) by DPO D.I.Khan, passed vide his office OB No.74 dated 12.01.2021, on the following allegations:

"As reported by SP Investigation DI Khan, vide his office letter No.11405/Inv. dated 03.10.2020, i.e., while posted at Police Lines DI Khan, a case FIR No.1093 dated 22.09.2020 u/s 457-380 PPC PS Cantt DI Khan was registered against him."

1. DPO DI Khan served the appellant with charge sheet. Enquiry into the matter was got conducted into through Muhammad Aslam Khan Adil, SP DI Khan who concluded that allegation stood proved against the appellant and that he was found guilty of the charges levelled against him. The Enquiry Officer further stated that the appellant might be awarded any of the major punishments. Consequently, the appellant was awarded major punishment of Dismissal from Service vide the impugned order OB No.74 dated 12.01.2021.

2. The appellant preferred an appeal against the impugned order on 20.01.2021. His appeal was sent to DPO DI Khan for comments and provisions of his service record vide this office letter No.393/ES dated 25.01.2021. DPO DI Khan, vide his office memo No.911/EC dated 19.02.2021, furnished comments on the subject appeal wherein he justified his impugned order.

3. The appellant was heard in person in Orderly Room on 22.06.2021. He stated that he was being victimized for having illicit relations with the wife of the complainant of the said case No.1093/20. He showed objectionable pictures & videos of the said lady with him. Perusal of the record has also revealed that the following two FIRs stand registered against him:

- i) FIR No.297 dated 18.04.2021 u/s 506 PPC PS Cantt
- ii) FIR No.329 dated 26.04.2021 u/s 506 PPC PS Cantt

4. Perusal of the record, pictures and videos of the appellant Ex-Constable Muhammad Shakeel with the wife of the complainant reveal that he has not only been found to have been stealing the property of case FIR No.1093/2020 but has also been indulged in enticing wife of the complainant of FIR No.1093/2020 PS Cantt DI Khan. The pictures & videos further reveal that he has not only enticed her to act as a Trojan Horse against her husband & family but also apparently collected enough material (videos, pictures and audio recordings of the lady) to potentially blackmail her in future. The appellant appears to be all set to become Brains for this lady. Such an evil minded, trust-breaker appellant needs to be weeded out of a law enforcement agency (Police) whose primary task is to protect life, property & honor of citizens.

5. Keeping in view the above, I, SHAUKAT ABBAS, PSP, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule-11(4) (a) of Police Rules 1972, uphold the major punishment order of Dismissal from service by DPO DI Khan. His appeal is hereby rejected being mootless.

(SHAUKAT ABBAS) PSP
Regional Police Officer
Dera Ismail Khan

No. 4036 ES

Copy of above is sent to the DPO DI Khan for information with reference to his office memo No. 911/EC dated 19.02.2021 alongwith his service record i.e. (Service Roll & Family Missal). The appellant may please be informed accordingly.

*Recd
S.P. (1)
24/19*

FC/HC/102/19

(SHAUKAT ABBAS) PSP
Regional Police Officer
Dera Ismail Khan

*OB 1547 ✓
DT 24-09-2021*

DPO/DI Khan

Amended

39
27.12.2022
EX-FC = Muhammad Shakeel
No = 147
27.12.2022
20.12.2022
For Appeal

OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

ORDER

This order disposes of a departmental appeal filed by EX CONSTAB Muhammad Shakeel No. 697 of district Police Dikhan against the impugned order of major punishment - (Dismissal from service) - by DPO DIK. passed vide his office OB No 74.

" AS reported by SP Investigation Dikhan, vide his office letters No 11408/inv dated 06-10-20 He while posted at Police Line Dikhan, a case FIR No. 1093 dated 22-09-2020 u/s 457-380 PPC PS Cantt Dikhan was registered against him"

- 1) DPO DIKHAN served the appellant with charge sheet. Enquiry into the matter was got conducted into through MUHAMMAD ASLAM KHAN Addl: SP D-I-K. who concluded that allegation stood proved against the the appellant and he was found guilty of the charges levelled against him. The Enquiry officers further stated that the appellant might be awarded any of the major punishment consequently, the appellant was awarded major punishment of dismissal from service, vide the impugned order OB No. 74 dated 12-01-2021.
- 2) The appellant preferred an appeal against the impugned order on 20-1-2021. His appeal was sent to DPO-D-I-Khan for comments and provision of his service record vide the office letters no 393/ES dated 25-1-2021 - DPO D-I-Khan - vide his office memo no 911/EC dated 19-2-2021, furnished comments on the subject appeal wherein he justified his impugned order.
- 3) The appellant was heard in person in orderly Room on 22-6-2021. He stated that he was being victimized for having illicit relation with the wife of complainant of the said case no 1093/20. He showed objectionable pictures & videos of the said lady with him. Perusal of the record has also revealed that the following FIRs stand registered against him.
 - i) FIR No. 297 dated 18-4-2021 u/s 506 PPC PS Cantt.
 - ii) FIR No. 320 dated 26-4-2021 u/s 506 PPC Cantt.
- 4) Perusal of the record pictures and videos of the appellant EX-constable Muhammad Shakeel with the wife of the complainant reveal that he has not only been found to have been stealing the property of case FIR No. 1093/2020 but has also been indulged in enticing wife of the complainant of FIA No 1093/2020 PS Cantt D-I-Khan. The pictures and video further

All High Ill

24-A

Reveal that he has not only enticed her to act as a Trojan horse against her in future. The appellant appears to be all set to become Brutus for this lady. Such an evil minded-trust breaker appellant needs to be needed out of law enforcement agency (Police) whose primary task is to protect life, property and honor of citizens.

6) Keeping in view the above SHAUKAT ABBAS PSP, Regional Police D-I-Khan excess of the power conferred upon me under Rules 11(4) (a) of Police Rules 1975 uphold the major punishment order of dismissal from service by DPO D-I-KHAN. his appeal is hereby rejected being merities

(SHAUKAT ABBAS) PSP
Regional Police officer
D-I-KHAN

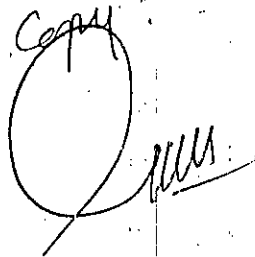
No. 4036/ES

copy of above is sent to the DPO D-I-Khan for information with reference to his office memo no. 911/EC dated 19-2-2021, along with his service record i.e (Service Roll and Fauji Missal) The appellant may please be informed.

SHAUKAT ABBAS PSP
R-P.O
D-I-K.

Attested to be

True Copy



بخدمت جناب اسپیکٹر - پولیس خیبر پختونخواہ پشاور

تعمیرات اپیل برائے بحال فرمانے جانے من سائل (کانشیلر محمد شکیل نمبر 697)

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

۱۔ یہ کہ من سائل مورخہ 27/07/2007 کو محکمہ پولیس میں بطور کانشیلر بھرتی ہوا۔ اور اپنی ڈیوٹی نہایت ہی جانفشانی، دیانتداری سے سرانجام دیتا رہا کبھی بھی افسران بالا کو شکایت کا موقع نہیں دیا۔ بلکہ احسن کارکردگی پر ہمیشہ انعام و میڈل حاصل کرتا رہا۔

۲۔ یہ کہ من سائل کو ایک سوچی سمجھی اسکیم کے تحت مخالفین نے ایک جھوٹے چوری کے مقدمہ میں پھنسا یا جس پر FIR نمبر 1093 غلط، بے بنیاد طور پر تھانہ کینٹ میں درج رجسٹر ہوئی۔ جسکی بنیاد پر سائل کو نوکری پر آنے سے روک دیا گیا اور سائل کو بغیر سنے دفاع کا موقع دیئے زبانی نوکری پر آنے سے منع کر دیا گیا۔

۳۔ یہ کہ من سائل نے محکمہ پولیس میں 13 سال خدمات سرانجام دیں مگر سائل کو ایک جھوٹے مقدمہ کی بدولت نوکری پر آنے سے روک دیا گیا اور نکال دیا گیا۔ ابھی تک عدالت میں نہ تو ٹرائل چلا تھا اور نہ ہی عدالت نے کوئی الزام کی نسبت فیصلہ دیا تھا۔ اب ٹرائل چلنے کے دوران سائل پر الزام غلط ثابت ہوا ہے۔ اور سائل مقدمہ مذکورہ سے زبردفعہ 249 A ضابطہ فوجداری کے تحت بوجہ عدم شہادت مقدمہ سے بری ہو چکا ہے۔ نقل حکم ایف۔

۴۔ یہ کہ سائل اب الزام سے اور جھوٹے مقدمہ مذکورہ بالا سے بری ہو چکا ہے سائل نے نہ تو کبھی نوکری اور ڈیوٹی کے دوران Mis Conduct کیا ہے اور نہ ہی کبھی ڈیوٹی یا فرض شناسی میں کوئی کوتاہی کی ہے سائل کو غلط الزام اور غلط FIR مذکورہ پر نوکری سے فارغ کیا گیا ہے۔ جو کہ غلط اور جھوٹی ثابت ہوئی ہے۔ اور سائل اب بری ہو چکا ہے۔

Attest

۵۔ یہ کہ سائل کے خلاف نہ تو کوئی انکوائری کی گئی، نہ ہی سائل کو Personal Hearing کیلئے بلا یا گیا ہے اور نہ ہی سائل کے خلاف انکوائری کے دوران کوئی گواہان کے بیانات ریکارڈ کیے گئے ہیں اور نہ ہی سائل سے بیان لیا گیا ہے بلکہ قواعد و ضوابط کی پاسداری کے بغیر انکوائری کے بغیر اور بغیر مقدمہ نمبر 1093 کے فیصلے کا انتظار کئے سائل کو نوکری سے فارغ کرنا سائل کے بنیاد پر آئینی و قانونی حقوق کی خلاف ورزی ہے۔ اور سروس روٹز ریگولیشن اور پولیس روٹز کی خلاف ورزی ہے سائل پر نہ تو فرد جرم عائد کیا گیا اور نہ ہی چارج شیڈ کا جواب طلب کیا گیا۔ سائل کے خلاف ایک طرفہ کارروائی کر کے سائل کو سزا دی گئی۔ جو کہ Condemn Unheard کے

091-9210927

Secret
Branch

زمرے میں آتا ہے اور Natural Justice کی خلاف ورزی ہے۔

۶۔ یہ کہ سائل کو آج دن تک ذرہ تو نوکری سے پر خستگی کا کوئی حکم موصول ہوا ہے اور نہ ہی اس بابت کوئی اطلاع

دی گئی ہے۔ سائل کو تینہ پولیس کی طرف سے تاحال کوئی باقاعدہ Dismissal Order موصول نہیں ہوا

ہے۔

۷۔ یہ کہ سائل کو جب نوکری سے روکا گیا تو سائل کی تنخواہ بند تھی تو سائل نے ایک اپیل درخواست DIG

صاحب کو گزاری تھی مگر سائل کوئی شنوائی کا موقع نہیں دیا گیا تھا سائل نے اپنی بر خستگی کے حکم کی نقول کی

درخواست گزاری ہے جسکی نقول لف ہے۔ مگر سائل کو تاحال کوئی Dismissal Order موصول نہیں ہوا

ہے۔ نقل درخواست لف ہیں۔

۸۔ یہ کہ سائل پر الزام غلط ثابت ہوا ہے۔ سائل کو غلط طور پر سائل کی عدم موجودگی میں سزا کیا گیا ہے جو کہ

سائل کی بنیادی حقوق کے خلاف ورزی ہے۔

لہذا استدعا ہے کہ من سائل کو ملازمت پر with all back benefits بحال فرمایا جائے۔

بورڈ 102/202

(کا نشیبل چورنگیوں نمبر 697) سائل

لنسا

August 1997

لنسا



OFFICE OF THE
INSPECTOR GENERAL OF
KHYBER PAKHTUNKHWA
PESHAWAR.

28

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-PC Muhammad Shakeel No. 697. The applicant was dismissed from service by DPO Dera Ismail Khan vide OB No. 74, dated 12.01.2021 on the allegations that he while posted at Police Lines DI Khan, he was found involved in a case vide FIR No. 1093, dated 22.09.2020 u/s 457-380 PPC PS Cantt DI Khan for having illicit relations with the wife of the complainant of the said case No. 1093/20. As per E.O a complainant namely Sarwar Taj registered FIR No. 1093 U/S 457/380 PS Cantt against unknown accused. After the enquiry, the complainant accused PC Muhammad Shakeel of robbing his house. The said constable was arrested & cash of 12 lacs PKR & 1 Tola gold jewelry were recovered from the his house. The stolen cash/gold jewelry was hidden in a hole in the yard of Muhammad Shakeel's house. The video recording of the recovery is also present. After this, the complainant reached a compromise with PC Shakeel. He was acquitted on compromise basis by the court of Judicial Magistrate, DI Khan vide judgment dated 20.12.2022.

The Appellate Authority i.e. Regional Police Officer Dera Ismail Khan rejected his appeal.

Meeting of Appellate Board was held on 01.03.2024 wherein petitioner was heard in person. The petitioner contended that the FIR was frivolous.

Perusal of enquiry papers revealed that the allegations leveled against the petitioner has been proved. The petitioner failed to submit any cogent reason in his self-defence. The Board sees no ground and reasons for acceptance of his petition, therefore, his petition is hereby rejected.

Sd/-

A. VAL KHAN, PSP

Additional Inspector General of Police
HQrs: Khyber Pakhtunkhwa, Peshawar

No. 885-590/24, dated Peshawar, the 22-03-2024.

Copy of the above is forwarded to the;

1. Regional Police Officer Dera Ismail Khan. Service Record - Fauji Missal - 190 Pages and Copy of complete Enquiry File = 36 Pages of the above named Ex-PC received vide your office Memo: No. 2212/IC, dated 28.03.2023 is returned herewith for your office record.
2. District Police Officer, Dera Ismail Khan.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IG/PHQrs: Khyber Pakhtunkhwa, Peshawar
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: B-IV CPO Peshawar.

(FADIL VAL KHAN) PSP, QPM
AIC/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

گواہوں سے من سوال کو محکمہ پولیس میں گذری سے برخواست کیا گیا ہے اور
 من سوال نے اپنی گذری بحالی کی اپیل مناب (محکمہ صاحب کوئی نہیں جو
 خارج ہو چکی ہے۔ من سوال کو (محکمہ صاحب سے خارج اپیل کی صورت
 کنٹرول کی ضرورت ہے
 لہذا اصحاب والد سے استدعا ہے کہ من سوال کو متذکرہ آرڈر کی صورت
 کنٹرول فراہم کیے جائے۔

پس گواہوں سے

05/04/24

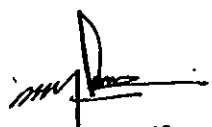
الذاریہ
 قلم نگار، تبلیغ / 697 سالہ کانسٹیبل کانسٹیبل پولیس
 سید

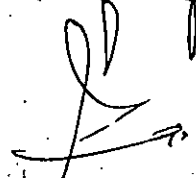
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 DPO/D.I. Khan
 5/4


 DSP L. Khan
 05-04-24

Allowed

District Police Officer
 Dera Ismail Khan

