


FORM OF ORDER SHEET

Court of _____

Appeal No. 868/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/06/2024	<p>The appeal of Mr. Taimur Khan resubmitted today by Mr. Asif Ali Shah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 27.06.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Taimur Khan received today i.e on 29.05.2024 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

- 1- ✓ Check list is not attached with the appeal.
- 2- ✓ Appeal has not been flagged/marked with annexures marks.
- 3- ✓ Annexures of the appeal are unattested.
- 4- ✓ Affidavit is not attested by the Oath Commissioner.
- 5- ✓ Memorandum of appeal is not signed by the appellant.
- 6- ✓ Copy of dismissal order mentioned in the memo of appeal is not attached with the appeal be placed on it.
- 7- ✓ Copy of departmental appeal against the impugned dismissal order is not attached with the appeal be placed on it.
- 8- (8) Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal be placed on it.
- 9- Appeal be page marked according to the Index.
- 10- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 92 /Inst;/2024/KPST,

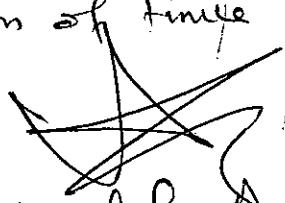
Dt. 30/05 /2024.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.
30/5/24

Asif Ali Shah Adv.
High Court Peshawar.

Respected Sir,


The instant Service Appeal is resubmitted with request for extension of time to remove the aforesaid objections.


Counsel for Appellant

5 days Time extended

Respected Sir,

The instant Service Appeal is resubmitted after all needful & necessary correction. Kindly the appeal may be fixed as earlier as possible.


PTO

R/Su1

However it is further stated that
No charge sheet, statement of allegation
show cause notice and enquiry report
and replies thereto are not
provided to appellant by State.



BEFORE THE SERVICE TRIBUNAL K.P.K.
PESHAWAR

Service Appeal No. 868 /2024

Taimur Khan

.....Appellant

Versus

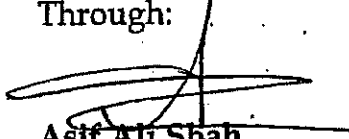
RPO, Mardan & another

..... Respondents

INDEX

S.NO.	PARTICULARS	ANNEXURES	P/NO.
1	Memo of Appeal		1-5
2	Affidavit		6
3	Copy of discharge slip	A	7
4	Copy of FIR	B	8
5	Card of arrest, Naqal mad, Bail order of high court, ASJ & Dismissal Order	C, D, E, F & G	9-16
6	Acquittal Order	H	17-18
7	Departmental appeals & orders	I & J	19-21
8	Wakalathnama		22

Appellant
Through:


Asif Ali Shah

&

Asaf Khan

Advocate High Court, Peshawar

Dated: 29.05.2024

①

BEFORE THE SERVICE TRIBUNAL K.P.K.
PESHAWAR

Service Appeal No. 868 /2024

Taimur Khan S/O Bakhtiar Ali, (Ex-Constable Belt No.758 District Police.Charsadda)

R/O Pordil Koroona, Umarzai, Tehsil & District Charsadda.

.....Appellant

Versus

Director of Public Prosecution
Service Tribunal

13049

29-03-2024

1. Regional Police Officer, Mardan.
2. District Police Officer, Charsadda.

.....Respondents

APPEAL U/S 4 NWFP SERVICE TRIBUNAL ACT
1974 AGAINST THE ORDER OF RESPONDENT NO.
1 DATED: 29.04.2024 WHEREBY THE APPEAL OF
THE APPELLANT AGAINST THE IMPUGNED
ORDER OF RESPONDENT NO.2 DATED: 31.01.2024,
HAS BEEN REJECTED AND DISMISSAL ORDER
OF APPELLANT ISSUED BY RESPONDENT NO.2
DATED: 31.01.2024 WAS MAINTAINED.

Filed to-day

Registrar

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL THE
IMPUGNED ORDER OF RESPONDENT NO. 1
DATED:29.04.2024 WHEREBY THE APPEAL OF THE
APPELLANT AGAINST THE IMPUGNED ORDER
OF RESPONDENT NO.2 DATED:31.01.2024, HAS
BEEN REJECTED AGAINST DISMISSAL FROM

2

BEEN REJECTED, MAY KINDLY BE SET ASIDE/
REVERSED AND RESULTANTLY THE DISMISSAL
ORDER OF APPELLANT FROM SERVICE ISSUED
BY RESPONDENT NO.2 DATED: 31.01.2024 MAY
ALSO BE SET ASIDE AND THE APPELLANT MAY
BE REINSTATED IN SERVICE WITH ALL BACK
BENEFITS.

Respectfully Sheweth:

1. That the appellant was serving in Police Department as Constable Belt No.758 in District Police District Charsadda.
2. That the appellant has some health and psychological issues for rehabilitation and health management he was admitted on 22.06.2023 in Al-Syed Hospital Haji Abad Dahki Tehsil Tangi District Charsadda and was discharged on 24.08.2023 after complete rehabilitation, and during this stay in hospital he was remained in hospital for considerable time. (copy of discharge slip is attached as annexure-A)
3. That the appellant reported for performing his duties to his high ups but on 08.09.2023 the appellant has been charged in a concocted case FIR No.538 U/S-398/399/400/401 PPC in Police Station Umarzai, Charsadda. (Copy of FIR is attached as annexure-B)
4. That the appellant was arrested and due to harassment by the hands of the police office took abode and due to parents illness the appellant did not join the investigation. On 26.09.2023 the appellant was arrested and also involved in another case but in both cases he was release from the judicial custody on 11.11.2-23. The respondents started proceedings against the appellant in his absentia but after release, the appellant joined the proceeding but the respondent No.2 without observing the legal formalities passed the impugned

3

order of dismissal from service, passed on 31.01.2024. (Copies of card of arrest, Naqalmad, Bail Order of High Court and Additional Sessions Judge, Charsadda and dismissal order from service are attached as Annexure-'C,D,E,F&G')

5. That the appellant appeared before the court of Additional District & Session Judge, Charsadda and join the trial and the prosecution withdrawn the charges against the appellant and an order of Acquittal / Discharged has been passed vide Order dated:15.05.2024. (Copy of Acquittal order is attached as Annexure-H)
6. That the appellant approached to respondent No.1 and filed departmental appeal against the impugned dismissal Order dated: 31.01.2024 but unfortunately without hearing and affording opportunity to defend himself straight away refused to hear the appellant and dismissed the departmental appeal without informing and communicating the appellant, the appellant got knowledge of the impugned Order dated: 29.04.2024 on 05.05.2024.
(Departmental Appeal & impugned Orders dated:29.04.2024 are attached as Annexure-'I, & 'J').
7. That the appellant now approaches this Honourable Tribunal against the above said order on the following grounds amongst the others.

Grounds:

- a) That the aforementioned orders of dismissal of the appellant are illegal unlawful without authority / jurisdiction and being based on the mala-fide intention is liable to be set-aside.
- b) That no inquiry proceedings as prescribed under the prevailing laws was ever conducted, still in the findings of the punishment was awarded the major penalty of dismissal from service without mentioning any reasons and passed the impugned orders illegally.

4

- c) That the punishment awarded to the appellant was not proportionate with his fault and he was awarded the maximum punishment and the punishing authority did not fulfill the legal requirement for the service of notice and initiating inquiry as per law and passed the impugned order, which have no value in the eyes of law.
- d) That the appellant was absent due to the reasons mentioned above, and not intentional, the appellant after release joined the proceedings but unfortunately the respondents did not pay any heed to the situations narrated and documents produced to them that's why the impugned Orders / Judgments of the respondents are nullity in the eyes of law and the appeal merits acceptance.
- e) That no process/procedure as prescribed in the service laws were ever adopted by the respondent department, nor he was ever served with statement of allegation and a final show cause notice as this is the basic requirement under the prevailing service laws/rules.
- f) That no legal requirement has ever been fulfilled in the appellant case and this factum is clear from the impugned orders, hence, the orders were passed in haphazard manner and liable to be set aside
- g) That the dismissal order of the appellant was not in accordance/in-proportionate with the allegations leveled against the appellant and it was a harsh punishment as against the misconduct whatsoever mentioned in the proceedings.
- h) That the appellant has been acquitted from the charges leveled against him and every acquittal in the eyes of law is honorable acquittal, hence the impugned order of dismissal from service on this ground is nullity in the eye of law.
- i) That the impugned dismissal order is issued with out giving any opportunity of hearing to appellant and passed the impugned orders without fulfilling the legal requirements in slipshod manner, such practice adversely effects efficiency of incumbents and also reduces their confidence and faith in public.


5

- j) That the appellant has not been given an opportunity to cross examine any of the witnesses neither the statement of witnesses has been recorded in presence of appellant and never supplied a copy of so called enquiry report which is he clear-cut violation of the Government Servant (Efficiency and Discipline) Rules 2011 and fundamental rights enshrined in the constitution of Islamic Republic of Pakistan, 1973.

IT IS, THEREFORE, HUMBL Y PRAYED THAT ON ACCEPTANCE OF THIS APPEAL THE ORDER OF DISMISSAL FROM SERVICE PASSED BY THE RESPONDENTS MAY PLEASE BE SET-ASIDE AND THE APPELLANT MAY BE REINSTATED BACK TO HIS SERVICE WITH ALL BACK BENEFITS.

ANY OTHER RELIEF WHICH THIS HON'BLE TRIBUNAL DEEMS PROPERLY AND HAS NOT BEEN ASKED PROPERLY MAY ALSO BE GRANTED.



Appellant
Through: 
Asif Ali Shah
&
Asaf Khan
Advocate High Court, Peshawar

Dated:29.05.2024

VERIFICATION:

It is verified that (as per information given me by my client) all the contents of the instant appeal are true and correct and nothing has been concealed intentionally from this Hon'ble Tribunal.

Advocate 

Note:

That no such like petition / Appeal on this subject matter has earlier been filed before this Hon'ble Tribunal.


Advocate

6

BEFORE THE SERVICE TRIBUNAL K.P.K.
PESHAWAR

Service Appeal No. _____/2024

Taimur Khan

.....Appellant

Versus

RPO, Mardan & another

..... Respondents

Affidavit

It is hereby solemnly affirm and declare on oath that all the contents of the instant appeal are true and correct to the best of my Knowledge and belief and nothing has been concealed intentionally from this Honourable Court.

Further is solemnly affirm that I got knowledge of the impugned order on 29.04.2024 when I visited the office, I have not intimated about the impugned before 05.05.2024.

Rda
Deponent

7

Annex "A"

Drug Rehabilitation Center

الامجد نشیات ہسپتال

ناہی آباد اسلامی سٹیٹ ہسپتال

0345-4886728 ڈاکٹر امجد علی

0347-8889735 ڈاکٹر امجد علی

مریض کا نام: تمور خان

مریض کے والد کا نام: مختیار علی

دوسرا نام: مکتبہ بابہ سید

جس کے ساتھ باہر چارج کیا؟ نہیں

نشانی کارڈ نمبر: 22-6-2023

مریض کا رجسٹرڈ نمبر: 662

دوسرا نام: 24-8-2023

Amjad Ali, EO
Al Syed Foundation

مریض کا رجسٹرڈ نمبر: 662

دوسرا نام: 24-8-2023

زیر نگران: **الامجد فاؤنڈیشن**

ATTESTED

Annex "C" (9)

فہم، ۱۴۴۱ھ

مادہ گرفتار، تاریخ ۲۶ ستمبر

گفتار

صفحہ 538 سے 8 2/3 ص 401 / 400 / 399 / 398

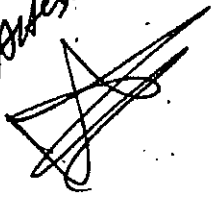
بمقام - منظور دلہ، مختار، سابقہ سرحدیوں کی طرف سے
جس کا نام

قدیم بھوانی، جس کا نام "بلا" ہے، جو ۱۴:۳۰ بجے صبح
۴ بجے گرفتار کیا گیا، مادہ گرفتاری جاری کر کے
اطلاقی طور پر ہے۔

~~ASi-PS-023~~
26-9-023

حلیہ ملزم

گندوی سیوان رنگ - درہنہ، زمین
نمبر 5-7، پتہ قریب 26/2 مل
زمین زمین مال، بلوچستان
پتہ قریب دارو اس اس اس

Assessed


mob. 0314-2728481

CNIC-17101-1596277-3

26-9-23

APM-PS 222

Handwritten signature and text, possibly "APM-PS 222" and "26-9-23".

Handwritten signature and text, possibly "APM-PS 222" and "26-9-23".

Main body of handwritten text, appearing to be a list or notes, written in a cursive script. It includes various numbers and names, such as "APM-PS 222" and "26-9-23".

Handwritten text at the bottom of the page, including "APM-PS 222" and "26-9-23".

11

Handwritten signature

Annex "E"

R/sir - the said order is available in CFMS Report submitted please

Judgment Sheet

PESHAWAR HIGH COURT, PESHAWAR
(Judicial Department)

Cr.M BA No.4178-P/2023
Taimur Khan Vs the State



Date of hearing: 27.10.2023

Mr. Inam Khan, Advocate, for the petitioner.

Ms. Shakeela Begum, AAG, for the State.

Supdt Session Comd Chd verification for

*SYED IFTIKHAR SIDDIQ
Addl. Dist. J. Chd*

*ASJ-10, Chd
8/11/23*

JUDGMENT

ABDUL SHAKOOR, J. Having failed to get the concession of bail from the Court of learned ASJ-IV, Charsadda, vide order dated 05.10.2023, petitioner (Taimur Khan), has moved the instant petition for the same relief in case FIR No.620 dated 26.09.2023 registered under Section 11-B of KP CNS Act, 2019 at Police Station Umarzai (District Charsadda).

2. Allegation against the petitioner is that he was apprehended by the local police while having in his possession 369 grams ice recovered from the side pocket of his shirt. Hence, ibid FIR.

3. Arguments heard and record perused.

4. It was the case of prosecution in the FIR that accused-petitioner was selling the narcotics at the place of occurrence, however, despite prior information, the complainant / seizing officer

Attended

TESTED
NOV 2023
Copyng Agenc
5 Sec

(12)

not bother to conduct a test purchase before his arrest to support his version. Moreso, it is also a begging question to be resolved during trial that whether the recovered narcotics was in sachet form or otherwise. Besides, the Prosecution is yet to explain that despite recovery of narcotics from the possession of accused-petitioner on 26.09.2023, why it was sent to Malkhana of the PS concerned on 30.09.2023, as the record is silent about any statement of the Moharrir of the PS or the carrier in this regard. In this scenario the question of safe custody of case property will best be determined by the learned Trial Court after recording pro and contra evidence. While assessing tentatively, this Court believes that an arguable case for the grant of bail is made out.

5. It may not be out of place to mention here that if prosecution, after further enquiry collects some concrete evidence connecting the accused petitioner with commission of the offence, it can move this Court for cancellation of his bail.

6. Resultantly, the instant bail petition is allowed and petitioner, named above, is admitted to bail provided he furnishes bail bonds in the sum of

~~REGISTER~~

06 NOV 2023
 Exam. for
 Enforcing Agency Branch
 Courts of Distt & Sessions Judge
 Charsadda

ES


13


Rs.200,000/- (Rupees two lac) with two sureties,
each in the like amount, to the satisfaction of the
learned trial Court. The sureties must be local,
reliable and men of means.

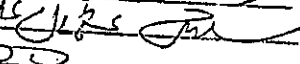


Announced:
27.10.2023

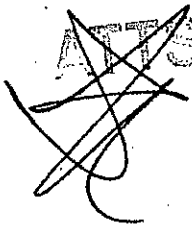
AG

JUDGE

ORIGINAL TO THE COURT COPY

Examiner / Mcharrir
Copying Agency Branch
of Dist. & Sessions Judge
Channadda

ATTESTED,

06 NOV 2023
Copying Agency
Courts of Dist.

no 229
Date of Application 6-11-23
Name of Applicant 
Words 1200
Fee 12/- 00
Urgent Fee 37/- 00
Signature of Copyist & Date 
Date 6-11-23
Date 7-11-23


~~ATTESTED~~


Annex "F"

(14)

IN THE COURT OF
SYED IFTIKHAR SHAH ADDITIONAL SESSIONS JUDGE-IV,
CHARSADDA.

Taimur Khan----Vs---- State

Bail Application No. 532/BA of 2023

Date of institution:03.10.2023

Date of hearing.....05.10.2023

ORDER-02:

05.10.2023

1. **Accused/Petitioner** (Taimur Khan) through Mr. Inam Khan, Advocate.
2. **Respondent** (State) by Mr. Sameen Ahmad learned APP for the State.
3. The present accused/petitioner **Taimur Khan S/O Bakhtiar R/O Badwani Kaly Umarzai, Charsadda** has applied through this post arrest bail petition for his release on bail in connection with case FIR No. 538 dated 08.09.2023 U/S. 398/399/400/401 PPC registered at Police Station Umarzai, Charsadda.
4. Brief facts of the case as per FIR are that complainant Zulfiqar Khan SHO, reported the matter to local police that accused/petitioner namely Taimur Khan along with other co-accused named in F.I.R are members of a gang involved in heinous kind of crime of theft and robbery. Thus, with these allegations case F.I.R was registered against accused/petitioner and other co-accused. Hence, the instant bail petition.
5. I heard the arguments of learned counsel for the accused/petitioner and learned APP for the State and perused the record.
6. Perusal of record reveals that accused/petitioner is directly nominated in case FIR by the complainant, however except the allegations contained in the FIR, there is no incriminating evidence to connect him with the commission of offence. The offence with which

SYED IFTIKHAR SHAH
Addl. District & Sessions Judge-IV
Charsadda

05/10/23

15

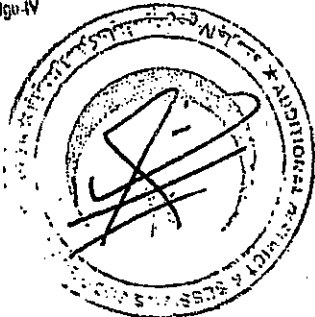
accused/petitioner is charged falls under prohibitory of section 497 Cr.PC, however bail can be granted to accused/petitioner in such like cases when he otherwise on merits of case is entitled for the grant of bail. The investigation to extent of accused/petitioner is complete and he is no more required for the purpose of investigation. There seems no logical reason to keep accused/petitioner behind the bars for an indefinite period. There is no previous record regarding involvement of accused/petitioner in such like cases in the past. Furthermore, no confessional statement is made by accused/petitioner before any competent court of law. The grant of bail is only a temporary arrangement in which accused/petitioner is handed over into the hands of sureties who are duty bound to produce him before court of law during the trial and it does not tantamount to acquittal.

7. Thus, for reasons mentioned above, it could be held safely that case of accused/petitioner is one of further inquiry and he is entitled to the grant of concession of bail. Resultantly, this bail application of accused/petitioner is accepted and he be released subject to furnishing bail bonds in the sum of *Rs.80,000/- (Rupees Eighty Thousands only)* with two sureties to the satisfaction of this Court. Sureties must be local, reliable and men of means.

8. Record be returned alongwith copy of this order. File be consigned to Record Room of learned District & Sessions Judge, Charsadda after completion and compilation.

Announced
05.10.2023

SYED IFTIKHAR SHAH
Add: District & Sessions Judge-IV
Charsadda



(Syed Iftikhar Shah)
Additional Sessions Judge-IV,
Charsadda.

05/10/23
SYED IFTIKHAR SHAH
Add: District & Sessions Judge-IV
Charsadda

~~ACCEPTED~~

Arrested
[Signature]
28/11/23

[Signature]
05/10/23

ORDER

Annex "G"

16

This order will dispose-off both departmental enquiries against Constable Taimoor No. 758, while posted at Police Lines Charsadda, Charged/involved in case FIR No. 538 dated 08.09.2023 u/s 398/399/400/401 PPC, PS Umerzai, which is highly objectionable and earns bad name for the force. Beside this he also remained absent from his duty for 172 days without any leave or prior permission from his senior officers. This shows his inefficiency and lack of interest in the performance of his duties.

On the above allegations he was suspended vide O.B No. 1283 dated 19.09.2023 and issued 02 Charge Sheets together with statement of allegations under, Section 5 Sub Section 3 of Police Rules 1975. Mr. Sanobar Khan SP Investigation Charsadda and Mr. Nasarullah Khan DSP HQrs Charsadda were nominated as inquiry officers respectively for probing into the matter against him and they after fulfillment of codal formalities had submitted their findings, recommending him for ex-parte action in one enquiry while for major punishment in other.

Subsequently, FC Taimoor No. 758, was issued Final Show Cause Notices U/S 5(3) Police Rules 1975, reply to one was received but found unsatisfactory.

On 30.01.2024 he was summoned to the office of undersigned and heard in person in orderly room. He was asked regarding his absence and involvement in criminal case but he failed to satisfy the undersigned with his reply, nor produce any cogent reason in his defense. After perusal of the enquiry papers & recommendation of the enquiry officer, The undersigned reached to the conclusion that the delinquent official doesn't deserve to be the part of disciplined force further more. Hence, he is hereby awarded the major punishment of dismissal from service and his absence period is also treated as without pay.

(Nazir Khan) PSP
DISTRICT POLICE OFFICER
CHARSADDA

O.B No. 59

Date 31/01/2024

No. 137-40 /HC, dated Charsadda the 31/01/2024

CC.

Pay Officer: AS
EC/FMC
I/C Lab

~~ANNEX~~

Annex "H"

17

J.(Criminal) 209

GS&PD.979/1-PHC-20 P OF 100L-20.03.15/PHC Jobs/NWFP (Criminal) 209 & 2010 for SJAC

Form "A"
FORM OF ORDER SHEET

Court of ASJ-I

Case No. 68/SC of 2023

Serial No	Date	Order or of ter proceedings with Signature of judge or Magistrate and that of parties or counsel where necessary
1	2	3

OR-13 15.05.2024

IN THE COURT OF FARHANA TABASSUM,
ADDITIONAL SESSION JUDGE-I, CHARSADDA

SC No.68 of 2023
State... Vs... Taimour etc

Learned APP Irfan present for State.

Accused Ishfaq, Ibrar, Said Bacha and Abdur Rehman are absconding. Accused Qasim Khan and Azam Khan present in custody at jail warrant while accused Ijaz, Taimour, Arab Khan and Shams-ul-Qamar absent. Accused Luqman present on bail. Learned counsel Ilyas Khan advocate attended the Court for accused Luqman and Shamsul Qamar and moved an application for exemption of accused Shamsul Qamar, placed on file. The same is allowed and said accused is exempted for today.

Learned APP moved an application for withdrawal of instant case u/s 494 Cr.P.C r/w 4-C (2) Prosecution Act against all accused, placed on file. Arguments heard.

The perusal of record reveals that complainant Zulfiqar Ali Khan SHO of PS Umerzai, Charsadda alleged in crime report that he was receiving complaints from general public regarding involvement of accused 1) Shamsul Qamar, 2) Qasim, 3) Said Bacha, 4) Taimour, 5) Abdur Rehman, 6) Ibrar and 7) Ishaq alongwith some unknown other persons in shape of different groups, duly armed with weapons are making plans for committing serious offences. That they in the darkens of night and on the strength of their firearms do commit theft and robbery from time to time and place to place but no one report against them due to their fear and it was necessary to control them. Consequent there upon, FIR No.538 was registered on 08.09.2023, u/s 398/399/400/401 PPC at PS Umerzai, Charsadda against accused facing trial and other persons.

The complete challan with the proceeding u/s 512 Cr.P.C was submitted to Court wherein twelve accused persons had been charged. During proceedings, separate supplementary challans against accused Qasim Khan, Azam Khan, Arab Khan, Shamsul Qamar, Taimour and Ijaz were also

FARHANA TABASSUM
Addl. District & Sessions Judge
Charsadda

ATTESTED

25 MAY 2024

Examiner
Copying Agency Branch
Dist. & Sessions Judge
Charsadda

submitted. Accused were summoned accordingly and Section 265-C Cr.P.C was complied with accused Ijaz, Luqman, Shamsul Qamar, Qasim, Azam Khan and Arab Khan at different dates. The case was still at the stage of attendance when learned APP moved an application for withdrawal of instant case u/s 494 Cr.P.C r/w 4-C(2) of Prosecution Act, placed on file.

It was observed from record that complainant SHO in crime report alleged the accused named therein are involved in theft, snatching, house breaking and other such like cognizable offences but a single complaint among public was not placed on file. No statement of anyone among the public was recorded. No occurrence took place at all and no one reported any occurrence. Similarly, no previous history about any accused regarding his involvement in such like offences was placed on file. The record is totally silent about the previous history of any accused with respect to their involvement in theft or robbery cases. There is neither any private complaint nor any material available on file which could show that the accused belong to any gang of robbers or dacoits. Relevant register kept in the police station had not been associated for the purpose of showing their names as history sheeters. No iota of evidence is available on file to connect the accused facing trial with the commission of alleged offences. No recovery or discovery was effected from any of the accused who were arrested. There is no statement of any witness to support the allegations of complainant. None of the accused made any judicial confession. The case had further been weakened as the prosecution itself opined that it is not a fit for conducting trial of accused persons.

In view of above discussed facts and record, there is no probability of conviction of accused persons on the basis of available material and further proceedings in the instant case would be futile exercise therefore all accused including absconding stands discharged u/s 494 (a) Cr.P.C due to no evidence. The accused Ijaz, Taimour, Arab Khan, Shams-ul-Qamar and Luqman, they are on bail, their bail bonds stand cancelled and sureties are discharged from the liabilities of bond. Accused Qasim Khan and Azam Khan are in custody, be set free, if not required in any other case.

Case property, if any be disposed off in accordance with law. File be consigned to record room after its necessary completion and compilation.

Announced
15-05-2024

ATTESTED

FARHANA TABASSUM
Addl; Sessions Judge-I,
Charsadda

25 MAY 2024

Examiner
Copying Agency Branch
Courts of Distt & Sessions Judge
Charsadda

15-5-24

FARHANA TABASSUM
Addl; District & Sessions Judge
Charsadda
15-5-24

[Faint handwritten notes and scribbles in the top left corner.]

[Faint handwritten notes and scribbles in the top right corner.]

[Faint handwritten notes in the middle left section.]

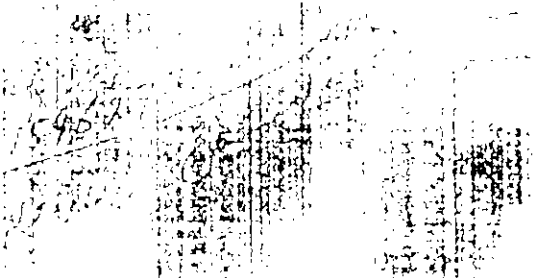
[Faint handwritten notes in the middle right section.]

[Faint handwritten notes in the lower middle left section.]

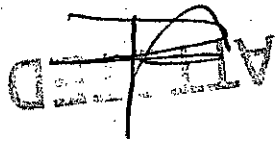
[Faint handwritten notes in the lower middle right section.]

[Faint handwritten notes in the bottom left section.]

[Faint handwritten notes in the bottom right section.]



۳- 17101-159697-3
۴- ۱۵۹۶۹۷-۱۷۱۰۱



22.2.2024
8344-2920968

۱- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران
۲- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران
۳- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران

۴- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران
۵- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران
۶- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران

۷- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران
۸- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران
۹- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران

۱۰- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران
۱۱- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران
۱۲- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران

۱۳- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران
۱۴- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران
۱۵- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران

۱۶- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران
۱۷- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران
۱۸- در خصوص درخواست صدور مجوز برای احداث کارخانه تولید کاشی در شهر تهران

198

"Best copy"

Annex "J"

(29)

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Taimoor No. 758 of Charsadda District Police against the order of the District Police Officer, Charsadda, whereby he was awarded major punishment of dismissal from service vide OB: No. 59 dated 31.01.2024. The appellant was proceeded against departmentally on the allegations that he while posted at Police Lines Charsadda, Charged/involved in case FIR No. 538 dated 08.09.2023 u/s 398/399/400/401 PPC Police Station, Umerzai, which is highly objectionable and earns bad name for the force.

Besides, he was also remained absent from his duty for 172 days without any leave or prior permission of the competent authority.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Superintendent of Police Investigation, Charsadda and Deputy Superintendent of Police, Headquarters, Charsadda were nominated as Enquiry Officers. The Enquiry Officers after fulfilling codal formalities submitted his findings to the then District Police Officer, Charsadda, recommended the delinquent Officer for ex-parte action and for awarding major punishment.

He was issued Final Show Cause Notices, reply to one was received and found unsatisfactory.

He was also provided opportunity of self defense by summoning him in the Orderly Room by the District Police Officer, Charsadda on 30.01.2024, but he failed to advance any cogent reason in his defense. Hence, he was awarded major punishment of dismissal from service vide OB: No. 59 dated 31.01.2024.

Feeling aggrieved from the order of the District Police Officer, Charsadda, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 17.04.2024.

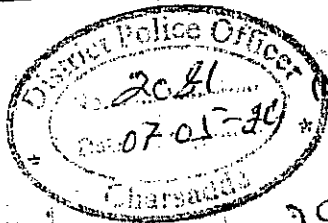
From the perusal of the enquiry file and service record of the appellant, it has been found that allegations of misconduct against the appellant have been proved beyond any shadow of doubt. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in such heinous crime brought a bad name for

~~ADJUSTED~~

entire Police force in the eyes of general public. Therefore, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. Besides, during the course of personal hearing, he could not present any cogent justification to warrant interference in the order passed by the competent authority.

Keeping in view the above, I, **Najeeb-Ur-Rehman Bugvi, PSP Regional Police Officer, Mardan**, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.



Najeeb
**(Najeeb-Ur-Rehman Bugvi) PSP
Regional Police Officer,
Mardan.**

No. 1076 /ES, Dated Mardan the 29 / 04 /2024.

Copy forwarded to District Police Officer, Charsadda, for information and necessary action w/r to his office Memo: No. 225/EC dated 11.03.2024. His Service Record is returned herewith.

(*****)

*E-c
for ref action*

*11 DPO Charsadda
07-05-2024*

~~ATTACHED~~

