

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 202/2024.

Khalil-ur-Rehman (Ex-Constable No. 6993)S/O Mehrullah Khan, R/O Khwaidad Khel, Lakki Marwat Police Station, Bragi Lakki Marwat.....Appellant.

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others..... Respondents.

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RESPONDENTS

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**Service Appeal No. 202/2024.****Khalil-ur-Rehman (Ex-Constable No. 6993)S/O Mehrullah Khan, R/O Khwaidad Khel, Lakki Marwat Police Station, Bragi Lakki Marwat.....Appellant.****VERSUS****Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others.....Respondents.****PARAWISE REPLY BY RESPONDENTS 1 to 3.****RESPECTFULLY SHEWETH.****PRELIMINARY OBJECTIONS:-****Khyber Pakhtunkhwa
Service Tribunal****Diary No. 13458****Dated 12-06-2024**

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
3. That the appellant has no cause of action and locus stand to file the instant appeal.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
6. That the appellant is trying to conceal the material facts from this Honorable Tribunal.

FACTS:-

1. Correct to the extent that the appellant was appointed as constable in the Police Department. However, the rest of Para is incorrect as perusal of service record the appellant is found inefficient, irresponsible and a habitual absentee as earlier, he remained absent from duty for a total period of 151 days, for which he was awarded several punishments including the punishment of dismissal from service and in this regard there are two bad entries with no good entry at his credit. (Copies of previous punishments are attached herewith as annexure "A & B").
2. Incorrect. The appellant was issued a Govt: Rifle SMG No.15516 alongwith ammunition on 28.11.2021 for the purpose of official duty however, after performance/completion of assigned duty, he deliberately failed to return/deposit the said Rifle and ammunition in the Kot, despite of repeated directions of In charge Kot as evident from DD reports No. 6 dated 08.04.2022 and No. 4 dated 13.06.2022. However, the above Govt: Rifle has been recovered by the local Police of Police Station Mandan from the possession of a private person namely Aman Ullah S/O Younas Khan R/O Metta Khel District Lakki Marwat vide FIR No. 987, dated 25.08.2022 u/s 15-AA Police Station Mandan. Consequently, the said Govt: Rifle was returned by the Court of Ghazanfar Ali Judicial Magistrate-1 Bannu vide Court Order dated 23.09.2022 and deposited in the Police Kot accordingly. (Copies of DD reports and Court Order Sheet is attached herewith as annexure "C, D & E").
3. Correct to the extent that on the allegations of above the appellant was issued Charge Sheet alongwith Summary of Allegations and SI Mira Khan was nominated as Enquiry Officer to probe into the matter.
4. Incorrect. Although the appellant was admitted in the Hospital on 02.09.2022 as contended hence, a question arises here that the said Rifle was issued to him on temporary basis on 28.11.2021 for the purpose of duty, so why did he fail to

- return/deposit the same after performance of such duty. In fact after performance of duty, he took away the Govt: Rifle SMG in question to his home and later on illegally handed over to a private person for his ulterior motives.
5. Incorrect. The appellant is trying to mislead this Hon'ble Tribunal by concealing the actual facts. The reply of Charge Sheet submitted by the appellant was found unsatisfactory by the Enquiry Officer. Moreover, the appellant while posted at FRP Police Lines Lakki Marwat was issued such Govt: Rifle from the General Kot of FRP Lines Lakki Marwat, subsequently on 28.12.2021 he was deputed/posted (with Platoon No. 173) at Police Station BRAGEE, but despite of repeated directions he failed to deposit such Govt: Rifle at General Kot of FRP Police Lines Lakki Marwat. Furthermore, during the course of enquiry the statement of Platoon Muharrar (Mr. Muhammad Muhsin) has been recorded by the Enquiry Officer, wherein he disclosed that during the posting at PS BARGEER the appellant was issued arms and ammunition for official duty from the Sub-Kot of Police Station concerned on routine basis. (Copy of the statement of Platoon Muharrar is attached herewith as annexure "F"). Keeping in view the above facts it is crystal clear that the appellant did not use such Rifle in the performance of official duty during the posting at PS BARGEER, meaning thereby that he was trying to conceal the Govt: Rifle and ammunition deceitfully.
 6. Incorrect. As discussed above the appellant was issued a Govt: Rifle and ammunition from the General Kot of PRP Police Lines Lakki Marwat for official duty and after completion of such duty he was supposed to have deposit the said Rifle in the Kot, but he failed to do so and deliberately/illegally handed over to a private (non concerned) person for his ulterior motives, which is a gross misconduct on his part and also violation of Police Rules 6-10, which is reproduced as bellow:-
 "All Arms, when not in use shall be kept in racks in the armory or other place appointed for the purpose in the Line the Kot In charge under the direct and personal supervision of Lines Officer, at the Police Station and all others places the Officer in command of the detachment shall be directly responsible for the custody and care of all arms borne on charge and for correctness of all issues and respects etc".
 However, he was proceeded against proper departmentally and after fulfillment of all codal formalities he was awarded Major punishment of dismissal from service as per law/rules.
 7. Correct to the extent that all kind of internal orders issued w.e.f 19.10.2022 till 18.11.2022 with regard to earned leave, allotment of SPL constabulary numbers as well as transfer/posting order etc were cancelled by the competent authority vide order dated 21.11.2022 for the best interest of public. However, the appellant deliberately failed to deposit the Govt: Rifle.
 8. Departmental appeal submitted by the appellant was entertained as the relevant record was obtained and the appellant was summoned and heard in person by the appellate authority i.e respondent No. 02, but he failed to present any justification regarding his innocence. Hence, his appeal was rejected on sound grounds.
 9. The revision petition of the appellant was thoroughly examined and rejected on sound grounds.

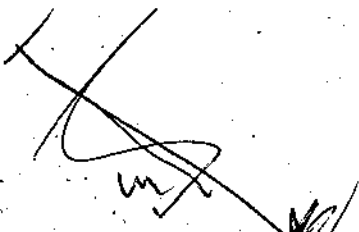
GROUND:-

1. Incorrect. The Govt: Rifle SMG in question was not only issued to the appellant for self protection during duty but also for the purpose of official duty, but he

- deliberately failed to deposit the same after performance of duty, which subsequently recovered from the possession of a private person by the local Police on 25.08.2022. In fact that after completion of official duty the appellant was legally obligated to deposit the Govt: Rifle in the General Kot of FRP Police Lines Lakki Marwat instead he took away the same in violation of Police Rules Chapter 6-10 and handed over to a private person without any cogent reason.
2. Incorrect. The relevant record reveals that the appellant illegally retained the Govt: Rifle with him for a long period of more than 07 months and 28 days without any cogent reason or prior permission of the competent authority. It is worth to mention here that the In Charge Kot has also been directed to the appellant time and again to deposit the Govt: Rifle in Kot concerned, but he used delay tactics, because he illegally and deceitfully handed over the Govt: Rifle to a private person namely Aman Ullah S/O Younas Khan R/O Metta Khel District Lakki Marwat as the same was later on recovered from the above named accused person by the local Police vide FIR No. 987, dated 25.08.2022 u/s 15-AA Police Station Mandan District Bannu. Hence, the contention with regard to handing over of Govt: Rifle to a private individual/person (namely Aman Ullah) by the brother of the appellant self made story.
 3. Incorrect. As the Govt: Rifle was issued to the appellant for the purpose of official duty purely on temporary basis and after completion of duty he was supposed to have deposit the same in the Kot concerned, but he deliberately failed to do so and illegally handed over to a private person as evident from FIR quoted above. (Copy of FIR is attached herewith as annexure "G").
 4. Incorrect. In wake of above allegations the appellant was dealt with proper departmentally as he was issued Charge Sheet alongwith Summary of allegations and Enquiry Officer was nominated in order to conduct enquiry into the matter. After completion of enquiry, the Enquiry Officer submitted his findings report, wherein the appellant was found guilty of the charges leveled against him and recommended for major punishment. (Copies of Charge Sheet, his reply & enquiry report are attached as annexure "H, I & J"). After receiving the findings of Enquiry Officer the appellant was served with Final Show Cause Notice, to which he replied, but his reply was found unsatisfactory. Besides, the statements of all witnesses were record by the Enquiry Officer during the course of Enquiry. (Copies of Final Show Cause Notice, his reply and the statements of witnesses are attached herewith as annexure "K, L, M & N"). A sufficient and proper opportunity of defense at every level in the light of natural justice has been provided to the appellant by the Enquiry Officer and then by the competent authority, but he failed to produce any justification with regard to his innocence.
 5. Incorrect. The appellant deliberately failed to deposit the Govt: Rifle in the Kot concerned. In fact the Govt: Rifle issued to the appellant was subsequently recovered by the local police from the possession of private person namely Aman Ullah and in this regard a criminal case has been registered against the above named accused vide FIR No. 987, dated 25.08.2022 u/s 15-AA Police Station Mandan District Bannu. However, the said Govt: Rifle was returned by the Court of Ghazanfar Ali Judicial Magistrate-1 Bannu vide Court Order dated 23.09.2022 and deposited in the Police Kot accordingly.
 6. Incorrect. The orders passed by the respondents in the case of appellant are legally justified and in accordance with law/rules as the same were issued after fulfillment of due codal formalities.

PRAYERS:-

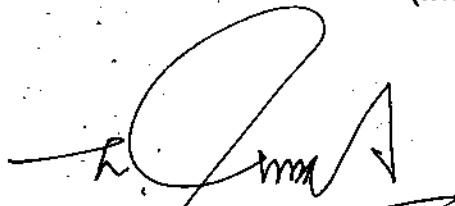
Keeping in view the above facts and circumstances, it is most humbly prayed that the instant service appeal having no locus of standi, is devoid of merits may kindly be dismissed with costs please.



Superintendent of Police, FRP
Bannu Range, Bannu
(Respondent No. 03)
Sartaj Khan
(Incumbent)



Commandant FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 02)
Asif Bahadar (PSP)
(Incumbent)



DIG/Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Dr. Muhammad Akhtar Abbas)
Incumbent

ORDER

This order shall dispose of the enquiry proceedings pending against Constable Khalil Ur Rehman No.6547/FRP as the official was charged for commission of the following miss-conduct.

1. That he was enlisted in Police Department in the year 2007 & afterward during the course of his duties absented himself from duty w.e.from 19-12-2010 to 14-02-2011 with subsequent absence w.e.from 19-02-2011 to 11-03-2011 for the sufficient long period of (77) days without any legal/lawful permission or justification of the competent authority.
2. Besides the above while you were posted at FRP Sub Hqrs Serai Naurang absented yourself from Govt. duty vide daily diary No.7 dated 02-01-2011 during the checking of FRP Hqrs Serai Naurang by SI/PC Raza Khan without any leave or valid permission of the competent authority.
3. That after carry out proper probe / enquiry into allegations leveled against, you were dismissed from service vide this office OB No.376 on 31-05-2011.

After dismissal from service he approached to the Honorable Commandant FRP KPK Peshawar for re-instatement in service, which was perused and examined by the high ups, finally his appeal for re-instatement in service was rejected vide Commandant FRP KPK Peshawar order Endst: No.5395-56/EC dated 19-08-2011.

However he was feeling aggrieved at the outcome of the appeal, he submitted Service Appeal No. No.1986/2011 before the Honorable Service Tribunal KPK Peshawar against the dismissal order No.376 dated 31-05-2011, wherein after regular trial of the appeal Tribunal came to conclusion, according to which he has been re-instated in service by the Service Tribunal KPK Peshawar subject to initiate / conduct De-novo enquiry into the allegations, followed by Commandant FRP KPK Peshawar vide his good office Endst: No.8820-21/SI/Legal dated 27-10-2016 with the directions to issue charge sheet to the delinquent official and submit his service record along with D/file to the office of DSP/FRP HQrs Peshawar for the purpose of denovo enquiry.

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On the directions of the high ups a fresh charge sheet No.2296-97 dated 07-11-2016 was issued, which was properly delivered upon him on 08-11-2016 & Service Record along with all connected papers was submitted to the DSP/FRP Hqrs Peshawar for denovo enquiry proceedings vide this office Memo No.2303/FRP dated 08-11-2016.

After conducting discreet denovo enquiry the same enquiry papers received to this office vide Commandant FRP KPK Peshawar Memo No.10671/SI, Legal dated 28-12-2016 along with findings dated 26-12-2016, wherein it has clarified that plea of ailment taken by defaulter official was considered factual subsequent to proper verification / justification of his medical documents from the concerned hospital vide THQ Hospital Serai Naurang letter No.1413 dated 01-12-2016. Finally enquiry officer DSP/FRP Hqrs recommended that his total absence period of (77 days) as well out of service period may be treated without pay and Judgment dated 22-07-2016 passed by the Honorable Tribunal may stand confirmed.

The record was in hand was checked and examined thoroughly. Keeping in view the undersigned, being a competent authority has taken a lenient view, agree with the recommendations of the inquiry officer and pass order forthwith below mentioned i.e.

- 1) The total absence / Out of Service period of the above named official is to be treated without pay.
- 2) The reinstatement order of aforesaid official passed by the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar vide judgment dated 22-07-2016 is hereby stand confirmed.
- 3) Enquiry proceedings in hand are filed.

OB No. 38
Dated: 12/01/2017

[Signature]
Superintendent of Police,
FRP, Bannu

No. 122 /FRP Dated 12/01/2017

Copy of above is submitted to the Commandant FRP KPK Peshawar for favor of information w/r to his good office letter No. quoted above, please.

Attested
[Signature]

14 JAN 2017

(6)

B



ORDER.

This order shall dispose on the appeal of Constable Khalil-ur-Rahman No.6547 of FRP Bannu against the order of SP FRP Bannu Range wherein he was dismissed from service.

Brief facts of the case are that he while posted at FRP HQrs: Serai Naurang absented himself from duty with effect from 02.01.2011 till the date of dismissal from service for a total period of 04 months & 29 days without any leave/permission of the competent authority. He was issued Charge sheet/statement of allegation and SI/PC Syed Rasool Khan of FRP Bannu was appointed as enquiry officer. After enquiry the IO submitted findings wherein he recommended the defaulter for major punishment. He was served with show cause notice but he did not bother to reply. He was also heard in person but his reply was not satisfactory. Therefore he was dismissed from service by SP FRP Bannu Range vide his OB No.376 dated 31.05.2011.

However from the perusal of record and finding of enquiry officers there are no cogent reason to interfere in the order of SP FRP Bannu Range. Therefore his appeal is rejected.

Add: IGP/Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar.

No. 5395-98 /EC dated Peshawar the

19-08/2011 17-8-2011

Copy of above is forwarded to the:-

- 1. Superintendent of Police FRP Bannu Range for information and necessary action w/r to his Memo: No. 1659 dated 04.08.2011. His service record is returned herewith.
- 2. Ex. Constable Khalil-Ur-Rahman No. 6547 S/o Meher Ullah Khan R/o Saeed Khel District Lakki Marwat.

SRE.
Attest with SP Record.
Superintendent Of Police
Bannu
27/8

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M. K. ...
Date: 13/06/22

Date: 13/06/22

OS No - 393
07-07-22

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Call stopped

report

Call on 15/6/22

OK with compliance

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Sir,
Forwarded.

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(8) "D" E12
2-3-9-22 (CR 17)

In The Court Of Ghazanfar Ali Judicial Magistrate-I, Bannu

ORDER-04
23/09/2022

Petitioner Name: Sajjad Ali Khan (7505/HIC), Police Line
Details of the weapon: Kalashnikov No. (313) 56 615516
FIR No: 987 Dated 25/08/2022
Sections: U/S 15 AA
Police Station: Mandan
Last Possessor: Furgan Khan

Record received and the statement of the last possessor/Furgan is also recorded.

Heard.

Record reveals that the vehicle in question has been taken into possession in FIR No.987 dated 25/08/2022 u/s 15 AA of police station Mandan, Bannu. The petitioner was not the last possessor of the weapon but was police official and was keeping the weapon as a police official. The court also perused the official card of the petitioner and summoned the last possessor who appeared and recorded his statement wherein he endorsed that he has got no objection if the weapon is handed over to the petitioner. There is no rival claimant of the weapon in question. Keeping the same in the police station would not only be harmful to the case property but would also serve no purpose especially when investigation is completed.

Therefore, the petition is allowed and S.H.O concerned directed to return the same to the present petitioner subject to furnishing bail bonds to the tune of Rs.150,000/- with two sureties each in the like amount to the satisfaction and production of documents by the S.H.O concerned (if not required in any other case). The petitioner is directed not to dispose of the same and produce the same as required by the court.

Copy of this order sheet be placed on judicial file as well as police file. Retention record if any be returned.

Be consigned

Announced
06/09/2022

| | |
|---------------------------|--|
| 1. Name of Petitioner | |
| 2. Date of Receipt of | |
| 3. Date of Penetration | |
| 4. Date of Delivery | |
| 5. No. of copies | |
| 6. Ordinary Fee | |
| 7. Urgent Fee | |
| 8. Total Fee | |
| 9. Signature of Constable | |

3569 23/9/22
GHAZANFAR ALI
Judicial Magistrate-I, Bannu

Attest
[Signature]

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Hasten

22-8-22
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2/26
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692 (III) 17ND0

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Table with 2 columns and 7 rows. The first column contains numbers 1 through 7. The second column contains handwritten text corresponding to each number.

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CHARGE SHEET

I, Abdul Sattar, Superintendent of Police FRP, Bannu as competent authority, hereby charge you Constable Khalil No.6996/FRP for the purpose departmental enquiry proceedings as follows.

- As per report of Kot Head Constable Police Line II Bannu vide daily dairy No.21 dated 26-08-2022, that one Govt: SMG Rifle bearing No.(313)56-14615516 along with 01 Magzine containing 30 Rounds, were distributed upon you for the performance of Govt: duty, but so far the same have not been deposited in the General Kot.
- That you have been contacted through Phone call with the direction to deposite the same in the Kot, but ~~in spite~~ of directions you failed to do so, which speaks inefficiency & lack of interest in duty being discipline force member.
- Such act on your part is against service discipline and amounts gross misconduct/ negligence in duty.

1. By reason of the above you appear to be guilty of misconduct under the Police Rules 1975 (As amended vide Khyber Pukhtunkhwa gazette Notification, No.27th of August 2014) and have rendered yourself liable to all or any of the penalties specified in the said rules.
2. You are therefore, directed to submit your defense within 07 days of the receipt of this Charge Sheet to the enquiry officer.
3. Your written defense, if any, should reach to the Enquiry Officer within 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 be taken against you.
4. You are directed to intimate whether you desire to be heard in person.
5. A statement of allegation is enclosed.

6996

شیر نواز B/0 حیدر علی خان



دستور / نشان / کتب / شیر نواز

0311-9072671

شیر نواز

11201-0663474-9

شیر نواز

31-08-022

شیر نواز

Sattar
Superintendent of Police,
FRP, Bannu

Attestation

شیر نواز

بخدمت جناب سپرنٹنڈنٹ آف پولیس FRP بنوں

جواب منجانب خلیل الرحمان

از چارج شیٹ اینڈ سمر آف الیکیشن نمبر 28-1027 مورخہ 31-08-2022

جناب عالی ذیل عرض ہے۔

(1) یہ کہ من سائل کا ایک کٹک تعلیم ہے۔ مورخہ 26/8/2007 کو بطور کانسیبل FRP میں بھرتی ہو کر نہایت خوش اصولی اور جانفشانی سے اپنی ڈیوٹی کرتا رہا ہوں۔

(2) یہ کہ من سائل کی ڈیوٹی تھانہ برگی میں تھی جو کہ ضلع لکی مروت اور بنوں ڈویژن کا نہایت خطرناک علاقہ جانا جاتا ہے۔ اور تقریباً طالبان اور ٹارگٹ کلرز کی اماں گاہ ہے۔ اور یہ کسی سے ڈھکی چھپی بات نہ ہے۔ یہ کافی پولیس افسران، ماتحت ٹارگٹ ہو کر شہید ہو چکے ہیں۔ اس لئے عام طور پر پولیس اہلکاران اور افسران سرکاری اسلحہ سے لیس پھرتے ہیں۔ اور اپنی جان و مال کی حفاظت کرتے ہیں۔ مجھ پر پولیس لائن کورٹ سے کلاشنکوف نمبر 56-14615516-313 No. معہ ایک میگزین اور 30 کارٹوس مہیا کئے گئے جو کہ سرکاری ڈیوٹی کے دوران حفاظت کے لئے استعمال کرتا رہا ہوں۔

(3) یہ کہ من سائل 24-08-2022 کو پولیس ڈیوٹی پر اسی علاقہ میں پولیوٹیم کی حفاظت پر معذور تھا۔ ڈیوٹی ختم ہوئی تو شام کو اپنے گھر واقع لکیمروت آیا اچانک خطرناک بخار میں مبتال ہوا اور پھر ہسپتال لے جایا گیا۔ اور ہسپتال میں بے ہوشی کی حالت میں من جواب دہندہ کا اپریشن ہوا۔ (نقل میڈیکل کاغذات لف ہیں۔

(4) یہ کہ مورخہ 25-08-2022 کو من سائل ہسپتال میں داخل تھا۔ جو کہ ہمارا رشتہ پڑوسی مسمی امان اللہ عرف مانی ولد یونس سکنہ مینا خیل لکی مروت میرے گھر پر آ کر میرے بھائی عبدالرحمان کو کہا کہ اس کا رائل نقل (جو کہ الگ رائل نقل تھا) اسکو دے دی جاوے۔ جس پر برادر ام نے بغیر دیکھے مانی خان کی رائل نقل کی بجائے من جواب دہندہ کی رائل نقل غلطی سے دے دی۔ جسکا من جواب دہندہ کو علم نہ تھا کیونکہ من سائل بے ہوشی کی حالت میں ہسپتال میں داخل تھا۔

(5) جو مانی رائل نقل لے گیا تو SHO منڈان نے مانی سے رائل نقل قبضہ کر کے 15AA کی FIR مانی کو دے دی۔ جو کہ مالمقدمہ کے طور پر تھانہ میں جمع ہوئی اور بعد میں بذریعہ سپرداری جنرل کورٹ پولیس لائن نمبر 1 کے انچارج حوالہ کیا ہے۔

(6) من جواب دہندہ بستر مرگ پر پڑا تھا۔ بدیں وجہ ساری کہانی سن کر میرے لئے وبال جان بن گئی۔ من جواب دہندہ کا دو بار اپریشن ہوا۔

Attested

(7) اندریں سلسلے افران بالا سے استدعا ہے کہ اس میں میری کوئی دیدہ دانستہ طور پر کوئی بدعتی نہ ہے۔ اور نہ ہی من جواب دہندہ کے بس میں کوئی عمل تھا۔ من جواب دہندہ اپنی بیماری کی وجہ سے محتاجی کی حالت میں پڑا تھا۔

لہذا استدعا ہے کہ جو جو بات بالا من جواب دہندہ کی محتاجی، چھوٹے بال بچوں کی خاطر رحم کرتے ہوئے من جواب دہندہ کے خلاف چارج شیٹ بغیر کسی مزید کارروائی کے منسوخ فرمائیں۔
تاحتیات دُعا گور ہونگا۔
نیز جناب والا کے حضور پیش ہو کر زبانی اپنی استدعا پیش کرنا چاہتا ہوں۔

جواب دہندہ خلیل الرحمان ولد مہر اللہ سکنہ محلہ خواستہ ادخیل ضلع کی مروت
Attest

Attest
H-70

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MAHASTEN

Send final cover notice
to
0614122

31/01/22
E. O. F. P. R. 3

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"K"

No. 1131

Dated 06/10/2022

FINAL SHOW CAUSE

I, **Abdul Sattar**, Superintendent of Police, FRP Bannu Range, Bannu as competent authority, under Rule 5(3) of the Khyber Pakhtunkhwa Police rules (As amended vide Khyber Pakhtunkhwa gazette Notification, No.27th of August 2014) for the following misconduct hereby serve upon you **Khalil No.6996/FRP** this Final Show Cause notice.


- As per report of Kot Head Constable Police Line II Bannu vide daily dairy No.21 dated 26-08-2022, that one Govt: SMG Rifle bearing No.(313)56-14615516 along with .01 Magazine containing 30 Rounds, were distributed upon you for the performance of Govt: duty, but so far the same have not been deposited in the General Kot.
- That you have been contacted through Phone call with the direction to deposite the same in the Kot, but in despite of directions you failed to do so, which speaks inefficiency & lack of interest in duty being discipline force member.
- Such act on your part is against service discipline and amounts gross misconduct/negligence in duty.
- That consequent upon the completion of enquiry conducted through enquiry officer FRP, Bannu submitted findings report and reported that the allegations contained in the charge sheet have fully been proved against the defaulter Constable **Khalil No.6996** of FRP Bannu is proved.

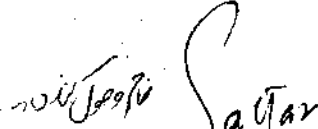
As a result. I, as a competent authority, have tentatively decided to impose upon you one for more punishments including dismissal as specified the rules.

You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you.

If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

The copy of the findings of the Enquiry Officer is enclosed.




 Superintendent of Police,
 EPP, Bannu

11201-9419467-536/2022-03/60998887

12-10-2022

Attested



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بخدمت جناب سپرنٹنڈنٹ آف پولیس FRP بنوں

جواب منجانب خلیل الرحمان

جواب Final Show Cause Notice مورخہ 06-10-2022

جناب عالی ذیل عرض ہے۔

- (1) یہ کہ من سائل نے بطور کانسٹیبل FRP میں بھرتی ہو کر نہایت خوش اصولی اور جانفشانی سے اپنی ڈیوٹی کرتا رہا ہوں۔
- (2) یہ کہ من سائل کی ڈیوٹی تھانہ برگی میں تھی جو کہ ضلع کلکتی مروت اور بنوں ڈویژن کا نہایت خطرناک علاقہ جانا جاتا ہے۔ اور تقریباً طالبان اور ٹارگٹ کلرز کی امان گاہ ہے۔ اور یہ کسی سے ڈھکی چھپی بات نہ ہے۔ یہ کافی پولیس افسران، ماتحت ٹارگٹ ہو کر شہید ہو چکے ہیں۔ اس لئے عام طور پر پولیس اہلکاران اور افسران سرکاری اسلحہ سے لیس پھرتے ہیں۔ اور اپنی جان و مال کی حفاظت کرتے ہیں۔ مجھ پر پولیس لائن کوٹ سے کلاسکوف نمبر 56-14615516 (313) No. مع ایک میگزین اور 30 کارٹوس مہیا کئے گئے جو کہ سرکاری ڈیوٹی کے دوران حفاظت کے لئے استعمال کرتا رہا ہوں۔
- (3) یہ کہ من سائل 24-08-2022 کو پولیس ڈیوٹی پر اسی علاقہ میں پولیوٹیم کی حفاظت پر معمور تھا۔ ڈیوٹی ختم ہوئی تو شام کو اپنے گھر واقع کیمبروت آیا اچانک خطرناک بخار میں مبتال ہوا اور پھر ہسپتال لے جایا گیا۔ اور ہسپتال میں بے ہوشی کی حالت میں من جواب دہندہ کا اپریشن ہوا۔ (نقل میڈیکل کاغذات لف ہیں۔
- (4) بیکہ مورخہ 25-08-2022 کو من سائل ہسپتال میں داخل تھا۔ جو کہ ہمارا راستہ پڑوسی مسی امان اللہ عرف مانی ولد یونس سکندہ مینا خیل کلکتی مروت میرے گھر پر آ کر میرے بھائی عبدالرحمان کو کہا کہ اسکا رائل (جو کہ الگ رائل تھا) اسکو دے دی جاوے۔ جس پر برادر ام نے غلطی سے اسکی رائل کی بجائے من جواب دہندہ کی سرکاری رائل دے دی۔ جسکا من جواب دہندہ کو علم نہ تھا کیونکہ من سائل بے ہوشی کی حالت میں ہسپتال میں داخل تھا۔
- (5) جو منی مانی رائل لے گیا تو SHO منڈان نے مانی سے رائل قبضہ کر کے 15AA کی FIR مانی کو دے دی۔ جو کہ مقدمہ کے طور پر تھانہ میں جمع ہوئی اور بعد میں بذریعہ سپرداری جنرل کوٹ پولیس لائن نمبر 1 کے انچارج حوالہ کیا ہے۔
- (6) من جواب دہندہ بستر مرگ پر پڑا تھا۔ بدیں وجہ ساری کہانی سن کر میرے لئے وبال جان بن گئی۔ من جواب دہندہ کا دوبارہ اپریشن ہوا۔
- (7) اندر میں سلسلے افسران بالا سے استدعا ہے کہ اس میں میری کوئی دیدہ دانستہ طور پر کوئی بدینتی نہ ہے۔ اور نہ ہی من جواب دہندہ کے بس میں کوئی عمل تھا۔ من جواب دہندہ اپنی بیماری کی وجہ سے محتاجی کی حالت میں پڑا تھا۔

لہذا آپ صاحب کے روبرو التجا ہے کہ بوجوہات بالا من جواب دہندہ کی محتاجی، چھوٹے بال بچوں کی خاطر رحم کرتے ہوئے من جواب دہندہ کے کاروائی کو ختم کئے جا کر معافی عطا فرمائی جاوے۔ اور ملازمت پر بحال کیا جاوے۔
تاحیات دُعا گور ہونگا۔

مورخہ 15-10-2022

جواب دہندہ خلیل الرحمان ولد مہر اللہ سکندہ محلہ خواں سید ادخیل ضلع کلکتی مروت

0316 - 0998887

11201-9418467-5

18-10-022

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بیان ازل HC نمبر 7884 ایاز کوٹ پولیس اسٹیشن کی سرور FRP

HC مذکورہ کو دفتر SP FRP سے منوں طاہر الہ بادریافت بیان کرتا ہے کہ میں ایاز کوٹ

نے کسٹل خلیل کو رائل پولیس کے سرور سے منوں ڈیوٹی پر 28/11/2022 پر تقسیم کیا

تھا۔ میں ایاز کوٹ سے جانے سے پہلے تو سزا کے کوٹ ایاز نے یہ رائل فرم 15516

سزا کا کسٹل خلیل اللہ خان 6983 پر تقسیم شدہ جانے میں دیا تھا۔ میں ایاز کوٹ

نے گاڑیوں کو رائل پولیس سے منوں ڈیوٹی پر تقسیم کیا، لیکن جمع کرنا

سے سال منوں کرتا تھا۔ قسم قسم کے ہمارے بیان تھا۔ اس پر بیان سزا کے ایاز کوٹ نے

مطابق روزنامہ FRP کی بحوالہ درجہ 06 تاریخ 22/11/2022 احتیاطاً ریکورڈ ہی درجہ روزنامہ کیا تھا۔ پھر

بحوالہ درجہ 04 مطابق روزنامہ 22/11/2022 احتیاطاً ریکورڈ ہی درجہ ہے جس پر غائب

آرڈر کی رقم جس میں نہ ہوتی ہے۔ اس پر غائب۔ اس پر غائب۔ اس پر غائب۔ اس پر غائب۔ اس پر غائب۔

کے احوال ہمارے لئے۔ اس پر غائب۔ اس پر غائب۔ اس پر غائب۔ اس پر غائب۔ اس پر غائب۔

لہذا میں تجھے علم ہوا کہ رائل فرم 15516 قبضہ پولیس ہو گیا ہے۔ اور FIR لی درجہ

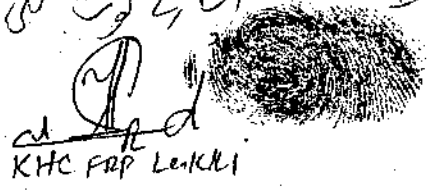
کسٹل خلیل اللہ خان 6998 پر تقسیم ہو گیا ہے۔ اس پر غائب۔ اس پر غائب۔ اس پر غائب۔


اس پر غائب۔ اس پر غائب۔ اس پر غائب۔ اس پر غائب۔ اس پر غائب۔ اس پر غائب۔

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7884 HC ایاز کوٹ کی سرور FRP

Mob: 0345-9254291
CNIC: 11201 3089406-7
Dated: 01-09-2022


KHC FRP Leikli

Attested


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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 202/2024.

**Khalil-ur-Rehman (Ex-Constable No. 6993) S/O Mehrullah Khan, R/O Khwaidad
Khel, Lakki Marwat Police Station, Bragi Lakki Marwat.....Appellant.**

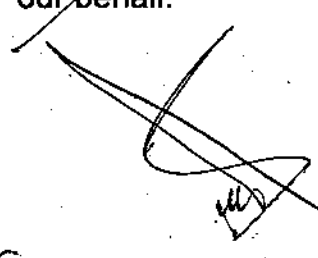
VERSUS


**Inspector General of Police, Khyber Pakhtunkhwa, Peshawar &
others.....Respondents.**

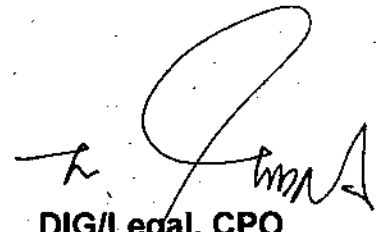
AUTHORITY LETTER

Respectfully Sheweth:-

We respondents No. 1 to 3 do hereby solemnly authorize Mr. Ghassan Ullah ASI FRP HQrs; to attend the Honorable Tribunal and submit affidavit/Para-wise comments required for the defense of above Service Appeal on our behalf.


**Superintendent of Police, FRP
Bannu Range, Bannu
(Respondent No. 01)
Sartaj Khan
(Incumbent)**


**Commandant FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 02)
Asif Bahadar (PSP)
(Incumbent)**


**DIG/Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)
(Dr. Muhammad Akhtar Abbas)
Incumbent**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 202/2024.

**Khalil-ur-Rehman (Ex-Constable No. 6993)S/O Mehrullah Khan, R/O Khwaidad
Khel, Lakki Marwat Police Station, Bragi Lakki Marwat.....Appellant.**

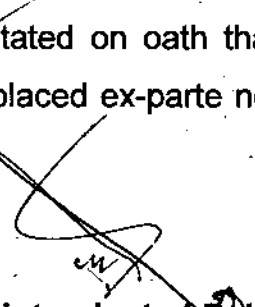
VERSUS

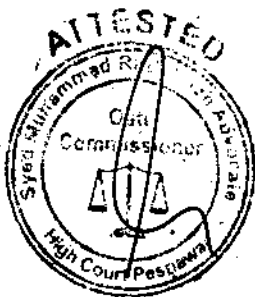
**Inspector General of Police, Khyber Pakhtunkhwa, Peshawar &
others.....Respondents.**

AFFIDAVIT

I respondent No. 01 do hereby solemnly affirm and declare on oath that the contents of the accompanying Para-wise Comments is correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Court.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off/costs.


**Superintendent of Police FRP,
Bannu Range, Bannu.
(Respondent No. 01)
Sartaj Khan
Incumbent**



13 MAY 2024