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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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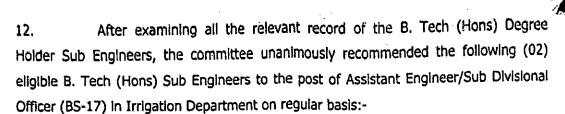
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Incharge Judielal Branch 7/24



- Mr. Khurshid Ahmad.
- Mr. Muhammad Shoaib. ii.

Item No. VI

The Additional Secretary Irrigation Department presented the agenda that 13. (01) No. regular post of Administrative Officer (BS-17) is lying vacant due to creation in the Office of Chief Engineer, newly Merged Areas Irrigation Department which is required to be filled in by promotion on the basis of seniority-cum-fitness from amongst the Superintendents of the Department having at least three years service.

After examining all the relevant record of the Superintendents (BS-17), 14. the committee unanimously recommended Mr. Akhtar Nawaz, Superintendent (BS-17) to the post of Administrative Officer (BS-17) In Irrigation Department on regular basis.

Item No. VII

The Chief Engineer (South) Irrigation Department presented the agenda 15. that (01) No. regular post of Superintendent (BS-17) is lying vacant in the office of Superintending Engineer, Irrigation Circle, D.I. Khan (Circle Cadre) which is required to be filled in by promotion on the basis of seniority-cum-fitness from amongst the Assistants and Senior Scale Stenographers with at least five years service as such.

After examining all the relevant record of the Assistants/Senior Scale 16. Stenographers (BS-16), the committee unanimously recommended Mr. Muhammad Saleem, Assistant (BS-16) to the post of Superintendent (BS-17) in the Circle Cadre, D.I. Khan on acting charge basis due to lack of prescribed length of 05 years service.

The meeting ended with vote of thanks from and to the chair.

Secretary Irrigation Chairman

Chief Engineer (South) Irrigation Department (Member)

Additional Secretary Irrigation Department (Secretary/Member)

Deputy Secretary (Reg-III) Establishment Department (Member)

Section Officer (SR-II)

Finance Department (Member)



Service Appeal No. 379/2022

PESHAWAR

BEFORE: MRS. RASHIDA BANO

MEMBER (J)

MISS FAREEHA PAUL

MEMBER (E)

Amal Khan, Constable No. 1563, Police Station City, Bannu.

...(Appellant)

VERSUS

- 1. Regional Police Officer, Bannu Region Bannu.
- 2. The District Police Officer Bannu.
- 3. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.

...(Respondents)

Mr. Fazal Shah Mohmand

Advocate

For appellant

Mr. Muhammad Jan

District Attorney

For respondents

JUDGMENT

RASHIDA BANO, MEMBER (J): The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

"On acceptance of this appeal, the impugned order dated 22.12.2021 and order dated 15.11.2021 may kindly be set aside and the appellant may kindly be ordered to be restored to the rank of Head Constable."



- 2. Brief facts of the case, as given in the memorandum of appeal, are that appellant was enlisted as Constable in Police Department in the year 2007 and later on he was promoted to the rank of Head Constable. While posted as IHC Police Station Kakki, he registered case FIR No. 351 dated 13.09.2021 under section 9(b) CNSA against the accused Azmar Khan. After registration of FIR, a complaint was lodgedby the accused against the appellant on the basis of which charge sheet alongwith statement of allegation was issued to him which was replied by him. Inquiry was conducted as a result to which major punishment of demotion from the rank of Head Constable to the rank of Constable vide order dated 15.11.2021 was imposed upon the appellant. Feeling aggrieved, he filed departmental appeal, which was rejected on 22.12.2021, hence the instant service appeal.
- 3. Respondents were put on notice, who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned District Attorney and perused the case file with connected documents in detail.
- 4. Learned counsel for appellant argued that the impugned order are illegal, unlawful, without lawful authority and void ab-initio, hence liable to be aside; that appellant has not been treated in accordance with law and rules; that proper inquiry was not conducted and no one was examined in presence of the appellant nor was any opportunity of cross examination was afforded to the appellant; that no show cause notice was issued to the appellant being mandatory under the law, that no chance of personal hearing was afforded to

him and he was condemned unheard which is against the norms of natural justice.

- 5. Conversely, learned District Attorney contended that the appellant has been treated in accordance with law and rules. He further contended that appellant falsely implicated accused Azmar Khan in a fake FIR. In this respect he filed complaint against him on citizen portal in which inquiry was conducted by SDPO Rural-II and the charges were proved in the preliminary inquiry on the basis of which he was awarded penalty of reduction to a lower rank in accordance with law.
- 6. Perusal of record reveals that the appellant was enlisted as Constable in Police Department in the year 2007 and later on he was promoted to the rank of Head Constable. While posted as IHC Police Station Kakki, he registered case FIR No. 351 dated 13.09.2021 under section 9(b) CNSA against the accused Azmar Khan. After registration of FIR, a complaint was lodge by the accused Azmar Khan against the appellant on the basis of which charge sheet alongwith statement of allegation was issued to him which was replied by him. Inquiry was conducted as a result of which major punishment of demotion from the rank of Head Constable to the rank of Constable vide order dated 15.11.2021 was imposed upon the appellant by authority.
- 7. Perusal of inquiry report reveals that inquiry officer recorded statements of Constable Nadeem No. 2245, Muhammad Nazir Khan 673 who are marginal witnesses of recovery memo of the criminal case FIR No. 351 registered against complainant Azmar Khan, Umer Niaz Khan, MHC Constable Bahadur Khan 1021 who accompanied the appellant at the time of recovery and more

importantly of the then accused now complainant Azmar Khan who filed complaint against the appellant on the basis of which inquiry was initiated against the appellant but neither opportunity of cross examination was provided to him nor statement were recorded in his presence which is essential requirements of fair trial, So, he was condemned unheard and awarded major penalty of reduction in rank.

- 8. It is a well settled legal proposition, that regular inquiry is must before imposition of major penalty, whereas in case of the appellant, no such inquiry was conducted. The Supreme Court of Pakistan in its judgment reported as 2008 SCMR 1369 has held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. In absence of proper disciplinary proceedings, the appellant was condemned unheard, whereas the principle of *audi alteram partem* was always deemed to be embedded in the statute and even if there was no such express provision, it would be deemed to be one of the parts of the statute, as no adverse action can be taken against a person without providing right of hearing to him. Reliance is placed on 2010 PLD SC 483.
- 9. For what has been discussed above, we are unison to set aside the impugned orders and sent the matter for de-novo inquiry with direction to provide opportunity of cross examination to the appellant upon all the

witnesses and conclude the de-novo inquiry within sixty days after receipt of copy of this judgment. Costs shall follow the event. Consign.

10. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 23^{rd} day of April, 2024.

(Faveeha Paul) Member (E)

(**RashidaBano**) Member (J)

475 1 11 1

- Learned counsel for the appellant present. Mr. Muhammad Jan 1. learned District Attorney for the respondents present.
- Vide our detailed judgment of today placed on file, we are 2. unison to set aside the impugned orders and sent the matter for denovo inquiry with direction to provide opportunity of cross examination to the appellant upon all the witnesses and conclude the de-novo inquiry within sixty days after receipt of copy of this judgment. Costs shall follow the event. Consign.
- Pronounced in open court in Peshawar and given under our 3. hands and seal of the Tribunal on this 23rd day of April, 2024.

Member (E)

Kaleemullah

Member (J)

_

24.01.2024

Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

On 26.07.2023, learned District Attorney had himself taken adjournment for the purpose of placing on file of the inquiry report and the case was adjourned for 03.10.2023. The inquiry report has not been submitted and even representative of the respondents has not bothered to appear before the Tribunal today. In such a situation, the appeal could not be proceeded with due to lethargic conduct of the respondents. Salaries of respondents No. 1 & 2 are attached in the manner prescribed in Section 260(1)(i) of the Code of Civil Procedure, 1908, till further order. Registrar of this Tribunal shall send copy of this order to Accountant General Khyber Pakhtunkhwa, Peshawar as well as District Accounts Officer Bannu for compliance. District Police Officer Bannu (Respondent No. 2) shall himself produce the entire inquiry record on the next date and to come up for arguments on 23.04.2024 before the D.B. Parcha Peshi given to the parties.

(Fareelia Paul) Member (E)

(Salab ud Din) Member (J)

Nacem Amin



3rd-Oct. 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. Learned counsel for the appellant seeks adjournment to prepare the brief. Adjourned but as a last chance. To come up for arguments on 24.01.2024 before D.B. P.P given to the parties.

(Muhammad Akbar Khan) Member (E) (Kalim Arshad Khan) Chairman

*Adnan Shah *



Appellant in person present.

Asad Ali Khan, Assistant Advocate General for the respondents present.

Scanned) KP3T Poshawar Appellant requested for adjournment on the ground that his counsel has been appointed as Additional Advocate General, therefore, time may be granted to him to engage another counsel. Adjourned. To come up for arguments on 26.07.2023 before D.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan) Member (E) (Rozina Rehman) Member (J)

26th July, 2023

Kamranullah

- 1. Mr. Kamran Khan, Advocate present and submitted Wakalat
 Nama in favor of appellant. Mr. Fazal Shah Mohmand, Additional
 Advocate General for the respondents present.
- 2. Learned District Attorney requested for adjournment in order to place on file the inquiry report. Adjourned. To come up for arguments on 03.10.2023 before D.B.P.P given to the parties.

(Fareela Paul) Member (E)

(Kalim Arshad Khan) Chairman

Mutazem Shah

19.12.2022

Counsel for the appellant present. Naseer Ud Din Shah learned Assistant Advocate General alongwith Yaqoob Khan H.C for respondents present.

Written reply on behalf of respondents submitted which is placed on file. A copy of the same is handed over to learned counsel for the appellant. To come up rejoinder/arguments on 20.03.2023 before D.B.

(Fareeha Paul) Member (E)

(Rozina Rehman) Member (J)

20.03.2023

Junior to counsel for the appellant present.

Asif Masood Ali Shah learned Deputy District Attorney for the respondents present.

Former made a request for adjournment as senior counsel for

appellant is busy before another Bench of this Tribunal. Adjourned

To come up for arguments on 10.05.2023 before D.B. Parcha Peshi

given to the parties.

(Muhammad Akbar Khan)

Member (E)

(Rozina Rehman) Member (J)

11.10.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

SC KISTON OF POSITION

Written reply on behalf of respondents not submitted.

Learned Additional AG seeks time to contact the respondents for submission of written reply. Adjourned. To come up for written reply/comments on 16.11.2022 before S.B.

(Fareeha Paul) Member (E)

16.11.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Yaqoob Khan H.C for the respondents present.

Reply/comments on behalf of respondents not submitted.

Representative of the respondents requested for time to submit reply/comments on the next date. Last opportunity is granted. To come up for reply/comments on 19.12.2022 before S.B.

(Mian Muhammad) Member (E) 20.05.2022

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant is aggrieved of the impugned order dated 15.11.2021 whereby the major penalty of demotion from the rank of Head Constable to the rank of Constable was imposed on him. The appellant preferred departmental appeal against the impugned order to respondent No. 1 which was decided on 22.12.2021 and his departmental appeal was turned down by the appellate authority. However, it is claimed in Para 6 of the service appeal that the copy of the appellate order was obtained on 09.02.2022 whereafter the instant service appeal was instituted on 07.03.2022. It was further contended that the impugned order is hit by FR-29 because no specific time for the imposed penalty of demotion has been reflected in the impugned order. As the ends of justice have not been fulfilled, the impugned order is not legal in the eyes of law because no Show Cause Notice has been issued to the appellant and no opportunity of cross examination provided to him.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 25.07.2022.

(Mián Muhammad) Member(E)

25.07.2022

Junior to counsel for appellant present.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Reply on behalf of respondents is still awaited. Learned AAG requested for adjournment in order to submit reply. Opportunity is granted. To come up for written reply/comments on 11.10.2022 before S.B.

SCANNED KPST Peshawar

> (Rozina Rehman) Member (J)

Form- A FORM OF ORDER SHEET

Court or		<u> </u>
N1 -	270/20	22

	Case 140	
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/03/2022	The appeal of Mr. Amal Khan resubmitted today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.
2-	·	This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on 11.64.2022
		CHAIRMAN
	11.04.20	No one is present on behalf of the appellant. Notice
	Hidget Clo Ford shah Asc Noted on 14/4/22	be issued to the appellant and his counsel for the date fixed. To come up for preliminary hearing before the S.B
·	Go Fazal star ASC Noted on 14/4/22	on 20.05.2022. Chairman

The appeal of Mr. Amal Khan, Constable No. 1563, Police Station City Bannu received today i.e. on 07.02.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1. Index of the appeal attached with the appeal is incomplete which may be completed < according to Khyber Pakhtunkhwa Service Rules, 1974.
- 2. Memorandum of the appeal is unsigned which may be signed by the appellant.
- 3. Checklist is not attached with the appeal.
- 4. Appeal has not been flagged/marked with annexure marks.
- 5. Annexures of the appeal may be attested.
- 6. Affidavit attached with the appeal is not attested by the Oath Commissioner.
- 7. Copy of Enquiry report is not attached with the appeal which may be placed on it.
- 8. Application for condonation of delay attached with the appeal is unsigned.
- 9. Annexures D, F, H and K attached with the appeal are illegible which may be replaced by legible/better one.
- 10. Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Mr. Fazal Shah Mohmand Adv. Pesh.

Complaited after necessary complaition.

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 379 /2022

SCANNED KPST Peshawar

Amal Khan.....Appellant

VERSUS

RPO and others.....Respondents

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5.	Copy of Charge Sheet & Reply	D&E	11 - 14
6.	Copy of Order dated 15-11-2021	F	15
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Dated:-04-03-2022

Through

Appellant

FAZAL SHAH MOHMAND

ADVOCATE,

SUPREME COURT OF PAKISTAN.

<u>OFFICE:</u>- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841 **Email:**- fazalshahmohmand@gmail.com

1-16

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 379_/2022

Khyber Pakhtukbwa Service Tribunal

Diary No. 383

07/03/2022

Amal Khan, Constable No 1563, Police Station City, Bannu.

.....Appellant

VERSUS

- 1. Regional Police Officer, Bannu Region Bannu.
- 2. District Police Officer, Bannu.
- **3.** Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 22-12-2021 OF
RESPONDENT NO 1 WHEREBY DEPARTEMNATL APPEAL
OF THE APPELANT FILED AGAINST THE ORDER DATED 1511-2021 OF RESPONDENT NO 2 HAS BEEN
REJECTED/TURNDOWN.

PRAYER:-

On acceptance of this appeal the impugned Order dated 22-12-2021 and order dated 15-11-2021 may kindly be set aside and the appellant may kindly be ordered to be testered to the rank of Hiconstable with all back benefits.

Respectfully Submitted:

Registrary 7/3/2022

department in the year 2007 and with the passage of time was promoted to the rank of Head Constable and since enlistment the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.

That the appellant was transferred to Police Station Kakki in the year 2016 and was then posted as IHC Police Station Kakki and the appellant registered Case FIR No 351 dated 13-09-2021 Under Section 9(b)CNSA at Police Station Kakki against accused Azmar Khan. (Copy of FIR is enclosed as Annexure A).

-2-17

- 3. That soon after the registration of FIR, the accused Azmar Khan filed complaint against the appellant on Pakistan Citizen Portal upon which preliminary inquiry was conducted by the SDPO Bannu. (Copy of Complaint & Preliminary inquiry is enclosed as Annexure B & C).
- 4. That there after Charge Sheet with Summary of Allegations was issued to the appellant on the allegations of registering fake/bogus FIR which the appellant replied in detail refuting the allegations and bringing the true facts on record. (Copy of Charge Sheet & Reply is enclosed as Annexure D & E).
- 5. That an illegal inquiry was conducted in violation of law and rules on the subject, on the basis of which the appellant was awarded the punishment of demotion from the rank of Head Constable to the rank of Constable vide Order dated 15-11-2021. (Copy of Order dated 15-11-2021 is enclosed as Annexure F).
- That the appellant filed departmental appeal before respondent No 1 which was turned down vide Order dated 22-12-2021, however copy of which was not communicated to the appellant and the appellant obtained copy of the same on 09.02.2022 the appellant even again approached respondent No 2. (Copy of Departmental appeal & Order dated 22-12-2021 is enclosed as Annexure G & H).
 - **7.** That the impugned Orders dated 15-11-2021 and order dated 22-12-2021 are against the law, facts and principles of justice on grounds inter-alia as follows:-

GROUNDS:-

- **A.** That the impugned Orders are illegal, unlawful, without lawful authority and void ab-initio.
- **B.** That mandatory provisions of law and rules have been badly violated by the respondents and the appellant has not been treated according to law and rules in violation of Article 4 and 25 of the Constitution.
- **C.** That no proper inquiry was conducted, no one was examined in presence of the appellant nor was any opportunity of cross examination afforded to the appellant.

- **D.** That no Show Cause Notice was issued to the appellant being mandatory under the law.
- **E.** That the impugned order is in violation of FR 29 as no period has been specified and the impugned order is as such in total disregard of the law on the subject.
- **F.** That the appellant never registered fake/bogus case against the said accused rather after recovery of contraband the case was lodged, as there no ill will or previous acquaintance of the appellant with the said accused.
- **G.** That the appellant only registered the case which was further handed over to the investigating officer for investigation and even challan was submitted by the SHO concerned, in these circumstances how the appellant could be held responsible.
- H. That the contraband was recovered vide recovery memo of even date site plan was prepared and the contraband was also sent to FSL on the very day but even then if FSL report is missing the same fault cannot be attributed to the appellant hence too the impugned orders are liable to be set at naught. (Copy of Complete Challan form, recovery memo, Site plan, application to FSL & Judgment dated11-10-2021 is enclosed as Annexure I).
- I. That the FSL report was later on received which is in positive however the same was received after complete challan was submitted. (Copy of FSL report is enclosed as Annexure J).
- J. That even the appellant was selected for Intermediate colleagues rather juniors to him have joined the same course while the appellant was not allowed to join the same, thus causing irreparable loss to the appellant. (Copies of documents are enclosed as Annexure K).
- **K.** That the appellant was not afforded opportunity of personal hearing.
- **L.** That since illegal termination from service, the appellant is jobless.

M. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Dated:-04-03-2022

Through

Appellant

FAZAL SHAH MOHMAND

ADVOCATE, Supreme Court of Pakistan.

LIST OF BOOKS

- **1.** Constitution 1973.
- 2. other books as per need

CERTIFICATE:

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal

ADVOCATE

<u>AFFIDAVIT</u>

I, Amal Khan, Constable No 1563, Police Station City, Bannu, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

DEPONENT

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No/2022	
Amal Khan	Appellant
VERSUS	
RPO and others	Respondents
Application for condonation of de	lay if any

Respectfully Submitted:-

- **1.** That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
- **2.** That the grounds of appeal may be considered as integral Part of this application.
- **3.** That since the impugned order is void ab-initio and even otherwise the impugn order was not communicated to the appellant in time rather the same was communicated to the appellant on .. and as such the instant appeal is well within time further more lis are to be decided on merit instead of technicalities.
- **4.** That the law as well as the dictums of the superior Courts also favors decisions of cases on merit.

It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.

Dated:-04-03-2022

Through

Appellant

FAZAL SHAH MOHMAND

ADVOCATE,

SUPREME COURT OF PAKISTAN.

AFFIDAVIT

I, Amal Khan, Constable No 1563, Police Station City, Bannu, do hereby solemnly affirm and declare on oath that the contents of this **Application**, are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

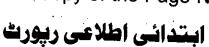
DEPONENT

المعوبة فيريخونخوا فارم فبراك رابتداني اطلاعي ريورك فارم نمبر۲۳-۵۰(۱) (فائيل) ابتداني اطلاع بسبة جرم قابل دست اندازي پوليس رپورث شده زير دفعه 154 مجموعه ضابط فوجداري فأنه محكى ضلع منورس تاري ووري ونوسر اج 13 ووست 13:00 ع 351 تاري دُوفت رپورٹ 20 عوست 10 13 مي مالائل مي 30 دون 13:40 ك أيام وسكونت اطلاع دبهند وومستعزيه 03319778206 HC 1161 / تخضر کیفیت جرم (معدد فعه) حال اگر بجمالیا گیا ہو۔ 9 BICNSA جائے وقع عالم التحالی عادر من مراح کے کی عادر منرد تحصاس موزری الم و مون المراس المال والمعلول المال زر خرال الرين 0335-9128434 كار والى جو تفتش كم تعلق كي تى أنراطلا كا درج Just July Sprik كرف من توقف جوا بواتو وجه بياكرو 7 کھانہ ہےرواگی کی ناری ووقت J13 June ابتدائى اطلاع ينجدوج كرو- أركار كرام ي وراسرار أرص فافى -7.13/mil = 4/3 7.25 (Jeps 2245 () 2/4 = lengtoche (ibe 1/2) كالزكائ الرونوس لعرافي كالوك ين دورال كذر ب ن وقوم بالا عربيها أو الل شعومية صعد المراس ما مراس ما مراس من المعلى المراس ما مراس ما سنيا يا المناك الفاف مي يوس المع والمراج الإلا و المناك المراد و المعالم المراد و الم Topley of I De will or fills יקישונות ב ינים בן ב נינת נילעות לעות ל לפתחום مرى الد كا ماكر صد حلا كر منار ترك كار د كر ندارى مارى الله دوسام فالانتظام درست كنشل درم 12245 وروال هام عالمنان هام كالمان المان كالمان المان كالمان المان كالمان كالمان كالمان Bud 13 69 Bile mobile Up Silbs soll 38/10 19 18/15/18/19 براسراتي دراسله برجه خرى بالرفيال كريماني عنه المرس النيس خواله فاق ساف and withor the MHC/Kakici 13-09.021

> ATTESTED 0 4 NOV 2021

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Better Copy of the Page No.



ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ فوجداری ضلع: سنگی

علت: 351 وتت13:00 علت: 351

- 1	تاریخ وونت رپورٹ: 13/09/2021 ونت 13:10 بج	چا کیدگی 13/09/2021 وقت 13:40 <u>ب</u> ج	
_	نام وسكونت اطلاع د مهنده مستغيث	عمل خان HC	
_	مخضر کیفیت جرم (معدد فعه)اگر کچھالیا گیا ہو۔	9(B) CNSA	
4	جائے وقوعہ فاصلہ تھا نہ سے اور سمت	پخته روژ ککی بازارنز دگھاس منڈی	
5	نام وسکونت ملزم	ازمرخان ولدگلنوازسکنه ذبه خیل خوجژی	
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں	برسیدگی مراسله پر چددیا گیا	
	تو قف ہوا ہوتو وجہ بیان کرو		
7	تھانہ ہے روانگی کی تاریخ ووقت	بېبىل ۋاك	

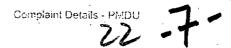
ابتدائي اطلاع ينچ درج كرو_

ایک تحریری مراسلہ بعرض قائی مقدمہ خبا نب عمل خان HK بدت کا نظیبل ندیم 2245 موصول ہوکر درج ذیل ہے آ فیسرانچارج تھاند کئی امروز میں معہ نفری پولیس دوران گشت جب جائے وقوعہ بالا پر پہنچا تو ایک شخص مشتبہ جان کر بناء برشک جامہ تلاثی لینے پر شخص ندکورہ کے بیص زیب تن کے دائیں منائیڈ والی جیب سے سفید پلاسنک لفافہ میں چرس برآ مدہوکر جو برموقع بذر بعید ڈیجیٹل تر از وتو لے جاکر 70 گرام اتری دریافت پر شخص ندکور نے اپنانام و پیداز مرخان ولد گلاواز سکند نہ خیل خوجڑی ہٹلا یا چرس متذکرہ بالا میں سے 10 گرام علیحدہ کرکے پارسل نمبر 1 بعرض تجویہ ہے 10 گرام چرس پارسل نمبر 2 سربمہر تیار کرکے بروئے فرد قبضہ پولیس میں کی نمبر 1 بعرض تجویہ ہے 18 جبکہ بقایا 60 گرام چرس پارسل نمبر 2 سربمہر تیار کرکے بروئے فرد قبضہ پولیس میں کی نمبر 1 بعرض تاکی از مرخان بالا کومر تکب جرم بالا کا پاکر حسب ضابطہ گرفتار کرکے کارڈ گرفتاری جاری کیا مراسلہ بعرض قائی مقدمہ بدست کا شیبل ندیم 245 ارسال تھانہ ہے تفقیش کی جاوئے طبہ ملازم گندی کالا رنگ ۔۔۔ بدن برابر قدیم قدیم بدست کا شیبل ندیم 245 ارسال تھانہ ہے تفقیش کی جاوئے طبہ ملازم گندی کالا روائی تھانہ برسیدگی مراسلہ برچہ بجرم بالا چاک کر کے لفول FIR بغرض تفیش حوالہ BBI شاف کے جاتے ہیں 'پرچہ گرارش ہے دستوط انگریزی

MHC/Kakki

13/09/2021

to be Wrue copy



Prime Minister's Performance Delivery Unit (PMDU)

Pakistan Citizen's Portal (PCP)

District Police Office, Bannu Khyber Pakhtunkhwa

KP130921-89054743 (AB)



A. Complaint Details .

DATE OF COMPLAINT

13/09/2021

CURRENT STATUS

In Progress (since 1 Days, 0 months, 0 years)

COMPLAINT CATEGORY/

Law & Order

COMPLAINT SUB-

Police (General Complaint)

Level 1.

CATEGORY/ LEVEL 2:

LOCATION OF COMPLAINT:

Bannu (Khyber Pakhtunkhwa,

COMPLAINT ADDRESS:

تسيم اكبر شاه شيخان بنون

GPS ADDRESS:

Pakistan) Hidden by citizen

CITIZEN PROFILE

Hidden by Citizen

COMPLAINT SUBJECT

پولیس کا بےجاننگ کرنا

Contents

سلام سر کمپلینٹ برائے ضّلع بنوں تھانہ ککی HC عمل خان ہے جا لوگوں کو تنگ کرتا ہے میرا ایک دوست ہے ازمر خان ولد گُلنوازخان زیہ خیل خوجڑی اسکو کئی دن سے بے جا تنگ کرتا تھا SHO غفار علی خان کو ھم نے کمپلینٹ بھی کی تھی لیکن رزلٹ 0 پھر اج HCعمل خان نے اسے گھر سے اٹھا کر تھانے لے گیا اب 60 گرام چرس کا پرچہ دیا ھے مہربانی کر کے اسکو تبدیل یا پولیس ڈیپارٹمنٹ سے ختم کیا جائے ازمر خان کے بارے میں آپ اسکے گاؤں میں جا کے بھی پوچھ سکتے ہے نہایت ہی شریف انسان ہے اور اس کے بھائی کو نیگار نامی شخص جو پولیس ڈیپارٹمنٹ میں بطور کانسٹیبل تھا اس نے قتل کیا ھے اور عمل خان اس نگار نامی شخص کے اشارے پر سب کچھ کر رہا ھے شکریہ

Attachment

This complaint has 1 attachment.

B. Complaint Processing History

#	DATED	FROM .	то	STATUS	REMARKS
1	14/09/2021	IG Police, KP	DPO, Bannu	In-progress	Forwarded for necessary action please.
2	13/09/2021	initiated	IG Police, KP	In-progress	Complaint has been assigned to IC Police VD

DSP/Ruval-II

For engury and report
with in 63 days.

ATTHSTED

Superintendent of Police, Complaint, Bannu. 14-09-2021

-8-

ایس ڈی پی او روزل سرکل ۱۱۰ ہنوں ٹسٹر کنٹ پولیس افیسر صاحب ہنوں

معبد 38.7 / 38.7 الدين 3021 B ، 10 الاربع 8 ، 10 الاربع

عنون كمينينس PMDU بيرات PMDU كالمادين كمينينس PMDU بدرات PMDU بدرات

ر من المسلم الم

کم پائیست کنندو کے بیان پر از املیے مل ف H متعید کئی کو قیس طلب کر کے جس سے بیان پر جا کہ ہو ہوں جس کی بار جا کہ ہوں کہ بھور کرنے ہے۔ اور اس میں کا بھور کرنے ہے۔ اور اس میں کا بھور کرنے ہے۔ اور اس میں کا اور کا تعییل بھور کرنے ہے۔ اور اس میں بھور اور کی بھور کرنے ہے۔ اور اس میں بھور اور کی اور اس میں بھور اور کی اور اور کی اور اس میں بھور اور کی اور اور کی اور اور کی کو اور اس میں بھور اور کرنے ہور اور کی کا اور اس میں بھور اور کرنے ہور اور کی کا اور اس میں بھور کرنے ہور اور اس میں بھور کرنے ہور اور کی اور اور اور کی کردود وحد و اور بہ ہادر آور میں ان کے بعد و اور کی ہور اور اور کی کردود وحد و اور بہا ہور اور اور اور کی کردود وحد و اور بہ ہادر آور میں ان کے بعد و اور کی کردود وحد و اور بہار کی اور اور اور کی کردود وحد و اور اور کی کردود وحد و کرد وحد و اور کی کردود وحد و کردود کر

الزام علي على خان HC كايان مارك"B" يرلف 5 فل الاحقى ي

س بازی SP/R من فقال تک رسانے کیلیے فروگوہاں (1) کاشینل ندیم 2245 متعید تھ ڈیکل (2) کاشینل نذیر 673 متعید تھا ڈیک جو زن مان MHC تھا۔ مل سوسٹس ہیں ۔ سامین کے بیازت کے ہا رہم اولف قابل ملاحظ ہے۔

1) عمر غاز غان <u>MHC قیاندگی:</u> هم نیازخان MHC نه اسیندیان هر تم یک کهی مورود 2021-09-13 کوهندش موجودها که کاشیل ندنج 2247م مازد بورت هم بر برده عمل خان HC خواند برت چس پرمقد مدست نبر 351 مرود 2021-09-13 هر CNSA ودن درمز بر که نقل FIR مواد تفتیق شاف ساید جده موجود ا ولدگل نواز کند زر دنیل خوجزی کوهن خان HC شد داده کرج مدتاد تی لیند کارا به ساید که میرادیدن ب برودست شد

عریاد قال MHC تمارکی کابیان مارک "C" راند کال ادعد ب

ع خرروال 673 متعدد في التكن كالعال المك"D" برغت قائل الم الم

3) علا معرور معرور المسلم الم

(

Better Copy of the Page No.

A CONTRACTOR OF THE اليس: ي بي اورورول سركل-اا بنول وْسْرُكْتْ بِولِيسَ فَيْسِرْصاحْبِ بنول 11-323/R ارخ 08/10/2021 08/

كېلينش PMDU نېرات PMDU نېرات PMDU بېرات PMDU بېلينش

جناب عالى!

منجانب

بجانب

نمبر

عنوان

بحوالہ شمولہ میلینٹس ہائے PMDU نمبر بالاتحریر ہے کہ کمپلیزے موصول ہوتے ہی بغرض کارروائی کی خاطر کمپلینٹ کنندہ کوآفس طلب کر کے جن کا بیان لیا جا کر ہمراہ لف قابل ملاحظہ ہے۔ کمپلیٹ کنندہ نے اپنے بیان میں تحریر کیا کہ تقریباً 5/6 متبردن تھا کہ اپنے، گاؤں ذبیش خوجڑی میں زمین پر پانی نگار ہاتھا کہ اچا نک مل خان HC متعینہ تھا نہ کئی موٹر سائیل آیا اور موٹر سائکیل کھڑا کیا 'مجھے کہا کہ ادھرآ جاؤ میں نے مل خان HC کو کہا کہ کچڑے سے گندا ہوں اور کا م کرر ہا ہوں اگر آپ کا کوئی ضروری بات ہوتو آپ آ جائے 'اس وجہ سے ہمارے درمیان توں توں میں میں ہوااور تقریباً ایک بنتے کے بعد مجھے کئی آؤے میں کھڑا کیا اور ہماری جامہ تلاشی کی خلاقی لینے کے بعد فورا مجھے کہا کے موبائل گاڑی میں بیٹھ جاؤاور مجھے گاڑی میں بیٹھا کرتھانے لے گیا' صبح8 بجے سے شام تک مجھے والات میں بند کیا' دوران بندوش مجھے بھو کا اور پایار کھا' جب مجھے پنہ چلاتواس میں 70 گرام چیس کا FIR دیا ہے'تو میں روروکرایک سیاہی سے آخر میں پانی ما نگااوراس نے بچھے پانی دیدیا عمل خان HC نے ہمارےساتھ ایک ہفتے پہلے توں توں میں میں پراورا پنی ذاتی رنجش کی وجہ ہے من گھڑت اور بے بنیاد FIR دیا ہے۔ میں قتم کھا کرکہتا ہوں کہ میں نے جرس پیتا ہوں نہ کاروبار کیا ہے اور نہائی تتم کے دھندے میں ملوث ہول عمل خان HC چونکہ خو جڑی کاربے خوجڑی کارباکشی ہے اور تھانہ کئی میں ڈیوٹی سرانجام دے رہا ہے لہٰذا میں افسران بالا سے استدع کرتا ہوں کیمل خان HC کےخلاف محکمانہ کارروائی کرے تھانہ کئی سے تبدیل کیا جائے۔

کمپلینٹ کنندہ از مرخان کا بیان مارک" A" پرلف قابل ملاحظہ ہے

کمپلینٹ کنندہ کے بیان پرالزام علیم طان HCمعتینہ ککی کوآفس طلب کر ہے جس سے بیان لیاجا کر جمراہ لف قابل ملاحظہ ہے، عمل خان نے اپنے بیان میں تحریر کیا کہ کمپلینٹ کنندہ نے اپنے کملیٹ کنندہ نے اپنے کمپلیٹ میں تحریر کیا ہے میرے خلاف من HC نے ذاتی رنجش کی بناء پر FIR ورج کرانے اور کانشیبل نیگار کی اشارے پرسب بچھ کرانا تحریر کیا ہے جو سراسر غلط اور بے بنیاد ہے کمپلینٹ کنندہ از مرخان ولدگل نواز خان کے ساتھ میراکوئی ذاتی رجش نہیں ہے البتہ از مرخان کے قبیلے کے دوکسان مسیان 🕽 زینت اللہ ولد شیرواول (2) تعریف اللہ ولد افسرخان سکنا کے ز بذیل خوجڑی جوان کے پچپازاد بھائی ہیں منشیات فروش کی مکروہ دھندہ کرر ہا ہےاوراز مرخان بالاہھی ان کے گا کہکو منشیات فراہم کرنے کیلئے اپنے پاس رکھتا ہے تا کہ جہاں بھی اسے گا کہ ملے تو وہ انہیں دے دیتاہے علاوہ ازیں نگارنا می کانشیبل کے ساتھ جس کاان کے ساتھ آل مقاتلہ کی وشنی ہے میراکو کی تعلق نہیں ہے اور نہ ہی ان کے ساتھ میراکو کی رابطہ ہے میں نے از مرخان بالاسے برموقع جرس برآ مد کی ہےاور بندیا رسل کی گئی ہے' کمپلینٹ کنندہ نے پولیس کواپنی جائز سرکاری ڈیوٹی ہے بازر کھنےاوراز مرخان بالا اوران کے پچپازاد بھائیوں نے منشیات فروشی کی مکروہ دھندے میں خلل نہ ڈا لنے کی وجہ سے کمپلینٹ ہائے دائر کئے گئے ہیں جس میں کوئی صدافت نہیں ہے FIR کا بی اوراز مرخان بالا کے چپازاد بھائنوں کے مشیات فروشی کی فہرست ہمراہ لف ہذا ہے عمل خان HC کے تحریری بیان کے ساتھ سوالنامہ ہمراہ لف ہے۔

الزام عليم ل خان HC كابيان مارك"B" برلف قابل ملاحظه

اس پرمن DSP/R-II نے تقائل تک رسانے کیلیے فروگواہان (1) کانشیبل ندیم 2245 متعینہ تھا نہ کئی (2) کانٹیبل نذیر 673 متعینہ تھا نہ کئی (3) مرنیاز خان MHC تھا نہ کئی کوآفس طلب کر کے جن کے بیانات لئے جا کر ہمراد لف قابل ملاحظہ ہے۔

1_عرنیاز خان MHC تھاندککی عرنیاز خان MHC نے اپنے بیان میں تحریر کیا کہ میں مورند 13/09/2021 کوتھانہ میں موجودتھا کہ کانشیبل ندیم 2247 مرسالہ ربورٹ تحریر کردہ مل خان HC حواله كركے جس پرمقدمه علت نمبر 351 مورخه 13/09/2021 'جرم CNSA (B) ورج رج شركركے نقول FIR حوالة نستيش شاف كئے بعد وملزم از مرولد گل نواز سكند ذبه خيل خوجزى کومل خان HC نے ہمراہ لا کر جامہ تلاشی لینے کے بعد حوالات میں بند کیا کی میر ابیان ہے جو درست ہے۔

عمر نیاز خان MHC تھاند ککی کابیان مارک" C" پرلف قابل ملاحظہ ہے

2_ کانشیبل محمد ندیر 673 متعید تھانہ ککی ۔ کانسیبل محمد نذیر 673 متعینہ تھانہ ککی اپنے بیان میں تحریر کیا کہ میں معدد بگری نفری پولیس بسواری گاڑی سرکاری ہمراہ انچارج عمل خان HC مورجہ 13/09/2021 کوکشت پرتھا' بدوران گشت ایک خص مسمی از مرولدگل نواز سکنه زبیل خوجزی کوانچارج صاحب تلاش لے کرجمیں حوالد کیا کہ اس سے چرس برآمد کی ہے اوراس کو گاڑی میں ب یٹھا کرتھانے لے گئے میں نے کوئی جس وغیرہ قبضہ شدہ نہیں دیکھی ہے۔ تھانہ کا کھوٹ کی جمھے دیخط لئے گئے ہیں میں نے فرد پرتحریر کود بکھانہیں ہے کیونکہ ہم دوبارہ گشت کیلئے جلدی میں تھے اور مسمی از مرکو بند بحوالات تھانہ کیا ہی میرابیان ہے جوورست اے۔

محدنذ برخان 673 متعینہ تھانہ کئی کابیان مارک"D" پرلف قابل ملاحظہ ہے

3- كانشيىل ئەيم 2245 متعينە تھانەككى -كانشيىل ئدىم 2245 متعينە تھانەككى نے اپنے بيان ميں تحرير كيا كەملى معددىگرنفرى پوليس مورىخە 13/09/2021 كوۋائسن سركارى انچارج HC ممل خان کے ساتھ گشت پر موجود تھا' دوران گشت ایک خص مسمی از مرولد گل نواز سکندز بہنیل خوبڑی ہے انچار جمل خان نے تلاشی لی اور گاڑی میں بیٹھا کرتھانہ لے گئے' مجھے پیٹا ہیں چاا کہ اس سے کوئی منوع شے برآ مد ہوئی یانہیں' کیونکہ میں نے خوزمیس دیکھا ہے تھا رہنچ کر مجھ سے بطور فر د گواہ دستخط لئے گئے ہیں' میں نے کوئی فر د پرتجر پزہیں دیکھا کیونکہ ہم جلدی میں متھاور دوبارہ گشت پر جلہ گئے۔' یمی مرابیان ہے جودرست ہے۔

كانشيىل ندىم خان 2245متعينة تقاند ككى كابيان مارك."E"پرلف قابل ملاحظه ہے-

ر. النابات دا قات چین آمده درجه بالا بوکر تنصیل قامل ملاحظه بین به ندکور بهیز کانسیش کے خلاف اگایا گیادانیام کے تعلق انگوائزی کی گئی۔ دوران انگوائزی جملہ پالیس آخران اور نئان کاریجارا نیک کیا گیا برطال ریکارڈ سب پکھ درست طور پر موجوہ پائے گئے ۔اوران کے علاوہ فردگوا میوں کے بیانات تنمیندکر کے پایا گیا۔ کہ کمپلیٹ کاندہ المنظمان FIR کے درمیان FIR کرنے سے پہلے قول قول، میں میں مون تھی۔ چونکہ ٹس خان HO بنیا دی طور پر فویز می کارسبنے والا ہے جو بہاں سے دہائش آگ کر کے اب ئۇ. ئۇجەد دۇر ئولايىتى سكۇنىندا قىتياركيا بىچەلەن كى بيانات كے مطابل نەگەلبان ئەۋران جامەتلاش كۆڭىمنون ئىنئىلىن كىللىگىل ئے۔ مزید پیا کہ کمپلیٹ کنندہ کے فلاف FIR ہو چکا ہے۔ جس میں کمپلیٹ کنندہ حوانت پر رہا ہو چکا ہے کمپلیٹ کنندہ ہے کا ای کے بارے میں عدالت فیصلہ کریگا۔ ' دوران انگوائز ئى جملە بىلات سے معنوم بور باہے كە كىپلىنىڭ كىنىدە كەخلاف 11R دانى رئىشىڭ ئاماء پركنيا گىياسى ئەن HC بىلىرۇ كارسىنىموالا ئەدەلىپ سانقە قىلىنغۇر يوللەنلىر، بائش اختيار كىدەدائىيا قىلىنىڭ ئىلىنىڭ ئايىپ ئۆككىدۇردىنىد كاشىسلى قىلنىڭ مىل ۋايونى سرانجام دېسىد بالىپ لېدا. ند کار و مثل خان HC کوروول مرکل - ۱۱ سے کسی آور سرگل میں فرانسفر کرنے کی شفارش کی جاتی ہے۔ ر المسلم المالي المالية التي المالية التي المسلم المالية التي المسلم المالية التي المسلم المالية التي المسلم المسل IN ABY. أيس ڈی ہے آؤ دورل سرکل اا بسوں K/Sir, From the enginery of SDPO Rural II, He Amel Khan has been found quilty of misusing his power of authority as he registered a fake / bogus case: FIR No 351; dated 13-9-2021, 1/5 9(B) CNSA, PS 93 Kakki with onda tike intention against an innocent person- Azmer Khan mere on whis (16)4 personal gondges. Now, The court has discharge 162 ÚŽ, Jacquilled him on 11.10.2021. Hence, in The above context, it -6 is recommended That a charge-sheet 033 may please be issued to him for proper departmental enquiry NoTe. HC. Assal has been to an sterred to a standard 13

ling find in 1563 (16/4) Jy Cord Closed KP130921-89054743 (KP170921-89074288-) ر کارند ان کار کارند کار 1.20 V. FIR 300 (15 min) 6 ch 3 chic Fire July 12. 5 W/3 11/3 - 12/6/6/18/19 50; 6-3, 1315 (31/23 C/VUSBNI) = 5 m2 1,1 ري لوري الله والمراف رف الماري و الله والله وا CV18 (12) 20 12) (20 12) (20 12) (20) 20 20 20 20 100 20 1 (13630, 6) (vilonillo - Co) 20 (2169-9) 26 166, 16 2/16 213i (40 C) 0 in 6, 6 (8 (7, 5) 13 16) Jan; 1, 18,6 FIR. & G. C. 128 (1) 6. . Jal 61/19 He Pop-on 0331.977820b (14/3

to be in a copy

Mas - 10m - day

I, IMRAN SHAHID, District Police Officer, Bannu as competent authority, am of the opinion that HC Amal Khan No.1563 PS City, has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (As amended vide Khyber Pakhtunkhwa Gazette Notification, No.27th of August 2014).

SUMMARY OF ALLEGATIONS:

- That from the perusal of preliminary enquiry conducted by SDPO/Rural-II, Bannu vide letter No. 323/R-II, dated 08.10.2021, HC Amal Khan No.1563 while posted to PS Kakki has been found guilty of misusing his power of authority as he registered a fake/bogus case FIR No. 351, dated 13.09.2021 u/s 9(B)CNSA PS Kakki with malafide intention against an innocent person namely Azmar Khan on personal grounds.
- > Such an act on his part is against service discipline and amounts to gross misconduct.
- 1. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations AAA SP Banna is appointed as Enquiry Officer.
- 2. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within the targeted days after the receipt of this order.
- 3. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(IMRAN SHAHID) PSP District Police officer, Bannu.

No. 292-93. Dade 20 10 SRC Copies to:

1. The Enquiry Officer

2. : The Accused Officer/Official.

Recess.

In profession of the

CHARGE SHEET:

- I, IMRAN SHAHID, District Police Officer, Bannul as compete it authority, hereby charge you, HC Amal Khan No.1563 PS City for the purpose of departmental enquiry proceedings as follows:-
 - That from the perusal of preliminary enquiry conducted by SOPO/Rural-II, Bannu vide letter No. 323/R-II, dated 08.10.2021, you HC Amat Khan No.1563 while posted to PS Kakki have been found guilty of misusing your power of authority as you registered a fake/bogus case FIR No. 351, dated 13.09.2021 u/s 9(B)CNSA PS Kakki with malafide intention against an innocent person namely Azmar Khan on personal grounds.
 - Such an act on your part is against service discipline and amounts to gross misconducts.
- 1. By reason of the above you appear to be guilty of misconduct under the Police Rules 1975 (As amended vide Khyber Pakhtunkhwa 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.

(IMRAN SHAHID, PSP District Police office:, Bangu.

MITTISTED Market Conv.

. قاله شموله چارج شیٹ نمبر NIL مورخه NIL مجاربیر جناب DPO صاحب بنول معروض خدمت ہوں۔ کہ من IHC عمل خان پر الزام ہے کہاہے HC جو کہ تھانہ کئی میں تعینات تھے کے خلاف SDPO/Rural- ابوں کی بخوالہ prelimirary enquiry لیٹرنمبر enquiry مورخہ 08/10/2021 میں اینے اختیارات کونا جائز استعمال کرتے ہوئے بے گناہ مخص مسمی ہزمرعلی خان کےخلاف مقدمہ علت 351 مورخہ 13/09/2021 جرم B)CNSA و قانہ کئی ذاتی عنادی بنیاد پر درج رجٹر کر کے پایا گیا

2- آپ کی طرف سے اس طرح کاعمل خدمت کے نظم وضبط کے خلاف ہے۔ جو کہ بلکل غلط اقدام ہے۔

عا كدشده الزام برائے مواد باند/ماتحانہ جواباً معروض ہوں

يدكة من HC سال 2007 كا بحرتى شدُه مول - بيدكمن سائل بطور كنستبل ايلت فورس مين تقريباً سال 09-2008 سي كيكرسال 2017 تک خیبر پختونخواہ کے مختلف اصلدع میں ڈیوٹی نہایت ہی خوش اخلاقی ، جانفشانی اور پوری ایمانداری کے ساتھ ڈیوٹی سرانجا مہدی ہے۔ یہ کہ بطور ہیڈ کنسٹبل پروموٹ ہونے کے بعد ڈسٹر کٹ پولیس بنول میں ٹرانسفر ہوکر یہاں ضلع میں مختلف تھانہ جات میں ڈیوٹی سر انجام دی ئے۔ یہ کہ تقریباً 4/5 ماہ ہوتے ہیں کہ بطور HC تھانہ کئی میں بھکم آ فسران بالاٹرانسفر ہوا ہوں۔ بيركة من سائل يرتم بلينش PMDU نمبرات 89054743, KP170921-89074288, والزامات عا کد شد ہ ہے۔ اسکی حقیقت ہے کوئی تعلق نہیں ہے۔ من سائل نے اپنی اختیار ات غلط استعمال نہ کیا ہے۔ اور نہ ہی اس کے تعلق سوچ سکتا ہوں۔جو FIR من سائل نے مذکورہ آزمرعلی کے خلاف درج رجسر کیا ہے۔وہ حقیقت برینی ہے تفتیشی آ ضرعبداللہ خان نے بعد مقدمہ

رجسٹریشن FIR جوتنتیش عمل میں لائی ہے۔انکی تمام کی شمنی رپورٹ بطور وجہ ثبوت ہمراہ لف قابل ملاحظہ ہے۔ تفتیشی آ فسرعبداللہ خان موقع آ کرتمام حالات وواقعات تحریر کرے گواہان وملزم کے بیانات قلمبند کئے گئے ہیں۔ حیالان برخلاف ملزم جناب SHO صاحب نے تفتیشی آ فسر کی کی ہوئی تفتیش کے ساتھ متفق ہوکر چالان کممل دیا ہے۔اگر ملزم بے گناہ ہوتا تو تفتیشی آ فسرنے چالان فارم کممل زیر دفعہ

۔ 173 ض ف میں بے گناہ تحریر کر کے جالان کے خانہ نمبر 2 میں درج کرتے جسکی بے گناہی تفتیش آ فسر کی ہوئی تفتیش سے ثابت نہیں ہوا

ندیدید که جویارسل جناب تفتیشی آفسرنے FSL کو بغرض تجزیدارسال کیا تھا۔ اسکی رزلٹ نمبری 30305 مور خد 30/09/2021 مورخه 04/10/2021 كوموصول موائے _جسكى نقل بطور وجه شبوت مراه لف قابل ملاحظہ ہے۔ یہ کہ فردگواہان مسیان ندیم نمبر 2245، کنسٹبل محدنذ برنمبر 673 نے جو بیانات تفتیشی آفسرکو بدوران ملاحظہ موقع دیئے گئے ہیں۔لف قابل ملاحظہ ہے۔جس نے تحریر کیا کہ ہم عمل خان HC کے ساتھ موقع پرموجود سے کھل خان HC نے ملزم آزمرخان کے قبضہ سے

> ATTENTED to be triffe oney

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سنگ لفافہ میں چرس برآ مدکر کے جووزن کرنے پر 70 گرام ازی۔ چرس کو بند پارسل 1,2 سربمہر تیار کرکے بروئے فر دقیفہ پولیس کی گرد پر میرادستی ہے جو کہ درست ہے۔ جن کے بیانات ہمراہ لف قابل ملاحظہ ہے ۔ علاوہ ازیں بیضروری نہیں کہ جس کسی کیسا تھ نشر گرد پر میرادستی ہے وہ نشد کا عادی یا فروختگ کا داھندہ کرتا ہوگا۔ بلکہ کسی اور کیلئے بھی اپنے ساتھ رکھسکتا ہے۔ ہر مجرم جرم کرنے کے بعد خود کو بے گناہ ٹا:ت کرنے کی خد درجہ کوشش کرتا ہے۔ اوراپنی جرم سے لاعلمی کا اظہار کرتا ہے۔ نہیدیہ کہ کوئی شخص کی دوسر شخص کے خلاف اب کشائی اس لئے نہیں کرتا کہ وہ اُسے مفت میں دُشنی مول لینا سمجھتے ہیں۔ ہماراند کورہ ملزم کے ساتھ کسی شم کی ذاتی عناد نہیں ہے۔ اور نہیں نہیں ہے۔ اور نہیں ہے۔ اور نہیں نہیں کرتا کہ وہ اُسے مقد مددرج رجم کیا ہے۔

ندکورہ کے خلاف ذاتی عناد کی بنیاد پر مقد مددرج رجم کیا ہے۔

نیں نے ہمیشہ ہی پولیس کا نام روشن کرنے آور پولیس کا وقار بلند کر نیکا سوچ کر ڈیوٹی نبھائی ہے۔ اور کسی سطح پر کسی بھی شخص کو پولیس کے خلاف نفرت امیز روابید کھنے والوں کو کسی بھی صورت نہیں بخشا ہے۔ پولیس کی محبت میر ہے رگوں میں دوڑ رہا ہے۔ اور سانس کی آخری دم تک سیمجب رہے گئی کو بھی پولیس کے خلاف نفرت پھیلانے یا پولیس کو پچھا دکھانے والوں کو کسی بھی صورت معافی نہیں کروں گامن سائل نے اپنی ڈیوٹی ہمیشہ انتہائی ایمانداری کے ساتھ اپنے جان پر کھیل کر کی ہے۔ حالانکہ قانون شکن عناصر نے دوبار ٹارگیٹ کرنے کے باوجودان کو اپنے ندموم مقاصد میں ناکام بنائے ہے۔ جس میں قابل ذکر حدود تھانہ دوابہ شکو میں شریبندوں کے ساتھ Face to باوجودان کو اپنے ندموم مقاصد میں ناکام بنائے ہے۔ جس میں قابل ذکر حدود تھانہ دوابہ شکو میں دیمل خود کش دھا کہ میں ذمی ہوکر الحمد اللہ من سائل نے پوری ایمانداری کیساتھ جان پر کھیل کر ڈیوٹی نبھائی ہے۔ اور کسی بھی شنچ پر ڈیوٹی میں لا پرواہی ، ناا بلی ، غیر ذمد داری کا مظاہر ہ نہیں کی بوری ایمانداری کیساتھ جان پر کھیل کر ڈیوٹی نبھائی ہے۔ اور کسی بھی شنچ پر ڈیوٹی میں لا پرواہی ، ناا بلی ، غیر ذمد داری کا مظاہر ہ نہیں کی سے۔

ندید بیکہ بیٹاور ہائی کورٹ مینگورہ بینچ نے وزیراعظم شکایت سیل اور وزیراعظم پورٹل کوغیر قانونی قرار دیا ہے۔جسمیں معزز عدالت نے فیصلہ میں تھم کیا ہے۔ کہائیند ہ وزیراعظم شکایت سیل اور پورٹل کوصوبائی حکومت کے ملاڑ مین کے خلاف استعمال نہیں کیا جائےگا تحریری فیصلہ ہمراہ لف قابل ملاحظہ ہے۔

جناب عالی! سائل ایک ذمه دار پولیس افسر ہے۔ اور ہر وقت نہایت ایما نداری اور جانفثانی سے ڈیوٹی سرانجام دی ہے۔ اور اپنی ڈیوٹی کو ہر وقت عبادت سمجھ کرنبائی ہے۔ من ہیڈ کسٹیل نے بھی بھی اپنی ڈیوٹی میں لا پرواہی ، نااہلی ، غیر ذمه داری کا مظاہر ہنیں کیا ہے۔ من سائل نے جوکاروائی اور پراگرس تھانہ ککی عمل میں لائی گئی ہیں۔ اُنکی خاتھ اللہ کا نقولات ہمراہ لف قابل ملاحظہ ہے۔ بھی بھی اپنی اختیارات کا نہ غلط استعال کیا گیا ہے۔ اور نہ ہی اندریں بابت بھی سوچا ہے۔

لہذا مندرجہ بالا ماتحان فریاد کو مدنظرر کھتے ہوئے میرے خلاف چارج شیٹ بلا مذید کاروائی داخل دفتر فرمانے کی استدعا کی جاتی ہے۔ مذید تھم آ فسران بالا آفضل ہے۔

"سائل؛ عمل خان بيدُكنشيل تفانه ككى حال تفانه في بنول _

10331-9778206

ATT TO TED

PUNISHMENT ORDER

-15-31, F"

This order of the undersigned will dispose of the departmental proceedings against accused Head Constable Amal Khan No.1563 PS City under Police Rule 1975 (As amended vide Govt: of Khyber Pakhtunkhwa Gazette Notification of even No: dated 27th of August 2014) by issuing charge sheet and statement of allegation to him for committing the following commissions/omissions:

That from the perusal of preliminary enquiry conducted by SDPO/Rural-II, Bannu vide letter No. 323/R-II, dated 08.10.2021, HC Amal Khan No.1563 while posted to PS Kakki has been found guilty of misusing his power of authority as he registered a fake/bogus case FIR No. 351, dated 13.09.2021 u/s 9(B)CNSA PS Kakki with malafide intention against an innocent person namely Azmar Khan on personal grounds.

Charge sheet and statement of allegation were issued to him and AddI/SP, Bannu was appointed as Enquiry Official to hold a regular departmental enquiry under Police Rule 1975 (As amended vide Govt: of Khyber Pakhtunkhwa Gazette Notification of even No: dated 27% of August 2014). The Enquiry Officer submitted findings report vide letter No. 262/ASP, dated 05.11.2021 and reported that there are more than sufficient documentary proofs cogent circumstantial evidences, undeniable statements of ocular witnesses on this enquiry file to prove that HC Amal Khan by misusing his power of authority has intentionally lodged a fake and bogus FIR No. 351, dated 13.09.2021 u/s 9(B)CNSA in PS Kakki against an innocent person Azmar Khan and put him in the lock-up to give him unlawful and illegal physical and mental torture only to make his enemy (Nigar) happy. The above mentioned act on the part of HC Amal Khan amounts to gross misconduct and comes under the ambit of criminal case. However, keeping his pitiable family members in view, he is recommended for the punishment of his demotion from the rank of Head Constable to the rank of Constable, placed at file.

Keeping in view of the above, the undersigned meticulously perused all the relevant record and agreed with the findings of the enquiry officer. Hence, I, IMRAN SHAHID, District Police Officer, Bannu, in exercise of the power vested in me under Police Rule 1975 (As amended vide Govt: of Khyber Pakhtunkhwa Gazette Notification of even No: dated 27th of August 2014), hereby awarded him Major Punishment of "Demotion from the rank of Head Constable to the rank of Constable" with immediate effect.

(IMRAN SHAHID) PSP

District Police Officer. Bannu.

o. Co. // Co. /SRC dated Bannu, the

Copy of above for necessary action to:

Reader, Pay Officer, SRC, OHC

Fauji Misal Clerk along with enquiry file for placing it in the Fauji Missal of the concerned official.

to be true by

BETTER COPY OF THE PAGE NO. 15

PUNISHMENT ORDER

This order of the undersigned will dispose of the departmental proceedings against accused Head Constable Amal Khan No. 1563 PS City under Police Rule 1975 (As amended vide Govt. of Khyber Pakhtunkhwa Gazette Notification even No. dated 27th of August 2014) by issuing charge sheet and statement of allegation to him for committing the following commissions/omissions.

That from the perusal of preliminary enquiry conducted by SDPO/ Rural-II, Bannu vide letter No. 323/R-II, dated 08.10.2021, HC Amal Khan No. 1563 while posted to PS Kakki has been found guilty of misusing his power of authority as he registered a fake/bogus case FIR No. 351, dated 13.09.2021 u/s 9(B) CNSA PS Kakki with malafide intention against an innocent person namely Azmar Khan on personal grounds:

Charge sheet and statement of allegation were issued to him and AddI/SP, Bannu was appointed as Enquiry Official to hold a regular departmental enquiry under Police Rule 1975 (As amended vide Govt: of Khyber Pakhtunkhwa Gazette Notification of even No. dated 27th of August 2014). The Enquiry Officer submitted findings report vide letter No. 262/ASP, dated 05.11.2021 and reported that there are more than sufficient documentary proofs cogent circumstantial evidences, undeniable statements of ocular witnesses on this enquiry file to prove that HC Amal Khan by misusing his power of authority has intentionally lodged a fake and bogus FIR No. 351, dated 13.09.2021 u/s 9(B) CNSA in PS Kakki against an innocent person Azmar Khan and put him in the lock-up to give him unlawful and illegal physical and mental torture only to make his enemy (Nigar) happy. The above mentioned act on the part of HC Amal Khan amounts to gross misconduct and comes under the ambit of criminal case. However, keeping his pitiable family members in view, he is recommended for the punishment of his demotion from the rank of Head Constable to the rank of Constable, placed at file.

Keeping in view of the above, the undersigned meticulously perused all the relevant record and agreed with the findings of the enquiry officer. Hence, I, Imran Shahid, District Police Officer, Bannu, in exercise of the power vested in me under Police Rule 1975 (As amended vide Govt. of Khyber Pakhtunkhwa Gazette Notification of even No: dated 27th of August 2014), hereby awarded him Major Punishment of "Demotion from the rank of Head Constable to the rank of Constable" with immediate effect.

Ob No. 1332

Dated: 15/11/2021

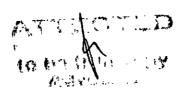
(Imran Shahid) PSP District Police Officer, Bannu.

No. 8577-81/SRC dated Bannu, the 15/11/2021

Copy of above for necessary action to:

1. Reader, Pay Officer, SRC, OHC

2. Fauji Misal Clerk along with enquiry file for placing it in the Fauji Missal of the concerned official.



رى، گرست جناب ڈپٹی انسپکٹر جنرل اف پولیس بنوں ریجن بنوں۔ ایک میں بیٹر سے بیٹا بیٹر کی انسپکٹر جنرل اف پولیس بنوں ریجن بنوں۔

رقم در خواست (Mercy Petition) برت الله المحالية المحالية

O.B. NO.1332 مورخه 15/11/2021 محاريه جناب دُستُركت بوليس آفيسرصاحب

بنول أي ضياكمات

جناب عالى!

سائل آنجناب کی خدمت میں ذیل عرض رسال ہے:۔

- 🖈 💎 پیکرسائل سال 2007ء کا بھرتی شدہ ہوں۔
- ﷺ یہ کیمن سائل ایلٹ فورس کوالیفائیڈ ہے۔اورسال 2016 تک خیبر پختونخواہ کے مختلف اصلد ع میں ڈیوٹی نہایت ہی خوش اخلاقی ، جانفشانی اور بوری ایمانداری کے ماتھ ڈیوٹی سرانجام دی ہے۔
- الله المسلم المسلم المروس المورجي المورجي المسلم المورجي المسلم المورجي المسلم المين المحتلف تفانه جات مين والبي مرائبام وي ہے۔ يہ كدر تقريباً 4/5ماہ ووقت بین كه بطور HC تفانه ككى مين تحكم آفسران بالاٹرانسفر ہواتھا۔
- نیکر من سائل پرسیلینٹس PMD نمبرات 89074288-8907443, KP170921-89074288 جوالزامات عائد شدارہ ہے۔ اسکی حقیقت سے کوئی تعلق نہیں ہے۔ من سائل نے اپنی اختیارات غلط استعال نہ کیا ہے۔ اور نہ ہی اس کے متعلق سوچ سکتا ہوں۔
- کی سیکیمن سائل کے خلاف رضوان خان DSP/R صاحب کوانکوائری آفسر مقرر ہوا۔ جو کہ DSP/R صاحب نے سیای اثر در ورخ کی بناء پر بغیری شوت کے من سائل کے خلاف کیطرف انکوائری عمل میں لا کرانکوائری رپورٹ اور میری جمع شدہ بیان مارک A پرلف قابل ما حظ ہے۔
- سیر کہ بعدہ ایڈیشل SP صابحب نے من سائل کے خلاف انگوائری کے نقاضوں کو پس پیشت ڈال کر پیطرفہ کاروائی کر ہے ہیڈ کسٹیل کا عہدہ ضبطی کی سنارش کی ۔جس پر جناب DPO صاحب نے سائل کی ہیڈ ہندہ ضبط کرنے کا تھم ضادر فریایا۔ جو کہ انگوائری رپورٹ اور من سائل کی جمع شدہ بیان مارک کا پرلف قابل ملاحظ ہے۔
 - الله كالم ماكل في مورد 2021.09. 35 أو مي آزمر خان اي شخص سے چرى برآند كر يے جس كے خلاف مقد معلت 351
- الله عند المعتب المعتب
 - یہ کہاپ صاهبان ہے بو موبات فیل دوبارہ ہیڑ گنشیبل مکے عہد ہے پرائیل کی جاتی ہے۔
 - 1 ۔ میدکہ انگوائزی نیزامین کمہلینٹ کنندہ گان کی کوئی بیان ریکار ڈنہیں کرایا گیا ہے۔ صرف ملزم نے بیان ایا گیا ہے۔
 - 2- سیرگه انگوائزی بندامیس جناب SHO صاحب کی کوئی بیان ریخ رو نمین کرایا گیاہے۔
 - 3. من که ملزم کا پہلا بیان جو DSP/R صاحب کودیا ہے۔ اور دوسرا بیان جو ASP صاحب کودیا ہے۔ میں کافی تضاد پایا جاتا ہے۔

100.4

عرضكمون

يه كنفنيش آخر في نبير 1 مين برموقع آكرمن سائل بمعافري بوليس كوموجود بإكراور شمي فيمبر 1 حصد دوئم برسلسله نمبر 1 پرملزم اور مال مقارفه برموقع

یه کشمنی نسر ۱۱ را ما حب عبدالله خان SI کی ASP صاحب کودی گئی بیان مین کافی تضاوی به حس سے ملزم کے ساتھ گھاٹ جوڑ صاف ظاہر

ہوں۔ سیکہا گرشمی نمبر 1 برموقع کامھی گئی ہے۔ تو فردگواہان اپنے بیانات ہے اور 10 صاحب شمنی نمبر 1 نے جس نے خودتح برکیا ہے منحرف کیوں ہوئے۔ سیکت نشیشی آفسر کی چار گھنٹے طویل تفتیش کے بعد ملزم کے چالان مکمل کے خانہ نمبر 2 میں کیوں نہیں ڈالا گیا۔ جسکی وضاحت من سائل نے چارشیٹ کے
۔ مد تھ کا گؤ جواب میں بھی کی گئی ہے۔

یہ کہ ملزم فرین کا فی سیاسی اثر رسوخ والے ہے۔اور سیاسی دباؤ کے پیش نظر انگوائری آفسر نے من سائل کے خلاف انگوائر میں کہ ملزم فرین کا فی سیاسی اثر رسوخ والے ہے۔اور سیاسی دباؤ کے پیش نظر انگوائری آفسر نے من سائل کے خلاف انگوائر ڈال کریکطرفہ کاروائی کی ہے۔

لہذااپ صاحبان ہے استدعا کی جاتی ہے۔ کہ مندرجہ بالا وجو ہات کی بناء پر سائل کو دوبارہ ہیڈ کنسٹیل کے تہدیے پر بخال کرنے کے احکامات صادر فر ما کرسٹکورفر ماوے۔ سائل تا خیات دعا گوں رہے گا۔

سائل: Ex میڈ کنسٹیبل حال کنسٹیبل عمل خان بیلٹ نمبر گومتعینه تهانه سٹی بنوں۔

to be the w

ORDER:

My this order will dispose off departmental appeal, preferred by Constable Ex-HC) Amal Khan No. 1563 of District Police Bannu, wherein, he has prayed for setting aside the order of reversion from the rank of HC to Constable, issued by DPO Bannu, vide OB No. 1337 dated 15.11.2021 for committing the following misconduct:

That after preliminary inquiry conducted by SDEO/Roral-II Circle Bannu, the appellant was found guilty of misusing his power of authority by registering a fake/bogus case vide FIR No.351 dated 13.09.2021 u/s 9(B) CNSA PS Kakki; with materide intention against an innocent person namely Azmar Khan on personal grounds.

Solvice record, inquiry file of the appellant and comments received from LPC branu were perused which depicts that the appellant was proceeded against departmentally under Potice Rules 1975 (with amendments 2014) and Addl: SP Bannu was appointed as enquiry officer. The E.O conducted inquiry into the allegations and submitted his findings, wherein, he conclude that "there are more than sufficient documentary proofs cogent circumstantial evidences, underliable statements of ocular witnesses on inquiry file to prove that HC Amal Khan by misusing his power of authority has intentionally lodged a fake and bogus FIR against an innecess person namely Azmar Khan and put him into lockup to give him unlawful and ittegat physical and mental torture only to make his enemy (Nigar) happy. This act of HC Amal Khan a nounts to gross misconduct and comes under the ambit of criminal case. However, keeping his pitiable family members in view, the appellant is recommended for the punishment of his elmotion from the rank of HC to FC". After perusal of findings of the E.O., the competent authority (DPO Bannu) awarded him the aforesaid reversion.

The appellant was heard in orderly from today on 21.12.2021 but he did not persuade the undersigned about his innocence in the subject proceedings.

Therefore I, Sajid Ali Khan, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (with amendments 2014) hereby turndown his appeal and endorse the reversion order issue by CPC Bannu, being one inconsonance with law.

GRDER ANNOUNCED

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

No. 603/ /EC, dated Bannu the 22 /12/2021

Copy to District Police Officer, Bannu for information and nearlies were to be effice letter No.8823 dated 24.11.2021 along with service roll and fauji missat for record in your office which may be acknowledged please.

Lecon'

District Palies Officer

24/12/247

(SAJIO ALTEHĀN) PSP Regional/Police Officer, Bannu/Region, Bannu

1-21/12/21

BETTER COPY OF THE PAGE NO. 18

POLICE DEPARTMENT

BANNU REGION

ORDER

My this order with dispose off departmental appeal, preferred by Constable (Ex-HC) Amal Khan No. 1563 of District Police Bannu, wherein, he has prayed for setting aside the order of revision from the rank of HC to Constable, issued by DPO Bannu, vide OB No. 1332 dated 15.11.2021 for committing the following misconduct.

That after preliminary inquiry conducted by SDPO/Rural-II Circle Bannu, the appellant was found guilty of misusing his power of authority by registering a fake/bogus case vide FIR No. 351 dated 13.09.2021 u/s 9(B) CNSA P.S Kakki with malafide intention against an innocent person namely Azmar Khan on personal grounds.

Service record, inquiry file of the appellant and comments received from DPO Bannu were perused which depicts that the appointment was proceeded against departmentally under Police Rules 1975 (with amendments 2014) and Addl: SP Bannu was appointed as enquiry officer. The E.O Conducted inquiry into the allegations and submitted his findings, wherein, he concluded that "here are more than sufficient documentary proofs cogent circumstantial evidences, undeniable statements of ocular witnesses on inquiry file to prove that HC Amal Khan by misusing his power of authority has intentionally lodged a fake and bogus FIR against an innocent person namely Azmar Khan and put him into lockup to give him unlawful and illegal physical and mental torture only to make his enemy (Nigar) happy. This act of HC Amal Khan amounts to gross misconduct and comes under the ambit of criminal case. However, keeping his pitiable family members in view, the appellant is recommended for the punishment of his demotion from the rank of HC to FC". After perusal of findings of the E.O, the competent authority (DPO Bannu) awarded him the aforesaid reversion.

The appellant was heard in orderly room today on 21.12.2021 but he did not persuade the undersigned about his innocence in the subject proceedings.

Therefore I, Sajjad Ali Khan, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (with amendments 2014) hereby turndown his appeal and endorse the reversion order issue by DPO Bannu, being one inconsonance with

ORDER ANNOUNCED

(Sajid Ali Khan) PSP Regional Police Officer, Bannu Region, Bannu

No. 603/EC, dated Bannu the 22/12/2021

Copy to District Police Officer, Bannu for information and n/action w/r to his office letter NO. 8823 dated 24.11.2021 along with service roll and fauji missal for record in your office which may be acknowledged please.

> (Sajid Ali Khan) PSP Regional Police Officer, Bannu Region, Bannu

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ATTESTED.

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THE COURT OF ASAD HAMEED KHAN SESSIONS JUDGE / JUDGE SPECIAL COURT BANNU

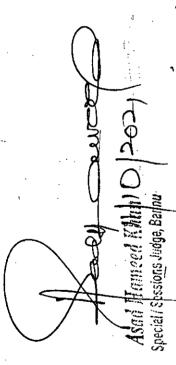
The State ... Vs ... Azmar Khan

FIR No.351 dated 13.09.2021 U/S 9(B) CNSA Police Station Kakki, Bannu

* * *

ORDER-01 11.10.2021

- 1. Case file received from the office of District Public Prosecutor, Bannu. It be registered.
- 2. Mr. Latif Khan DyPP for the State present. Accused not in attendance.
- 3. Epitome of the prosecution case is that accused was found in possession of 70 grams of charas. Hence, the FIR.
- 4. After submission of challan in the instant case, case file was submitted to this court for further proceedings, but before going to proceed further in the instant case, this court perused the record in order to gather whether a substantial case exists against accused or otherwise. Needless to mention here that an application under section 4-C (ii) of the Khyber Pakhtunkhwa Prosecution Act, 2005 for discharge of the case has been moved wherein it has been stated that prosecution case is lacking direct & substantial evidence against the accused.
- 5. Perusal of record would reveal that contents of the FIR are completely silent so far as nature & description of the contraband are concerned. Besides, there is no denial to the fact that in cases registered under the Control of Narcotic Substances Act, it is the



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the nature of substance to be charas or something else. However, in present case, no FSL report in respect of the substance so recovered has been brought on record. So, when FSL report is not available before the Court, it would be hard to form an opinion with exactitude that whether the substance allegedly recovered was charas or something else and it is this aspect of the case, which casts shadow of doubt qua the nature of substance, thereby convincing the Court that there would be no probability of conviction of accused even if an opportunity of production and recording of evidence is provided to the prosecution. Moreover, accused has not confessed his guilt nor there is any evidence substantiating the factum of recovery of substance coupled with its nature to be charas.

- 6. Admittedly, the place of alleged recovery is a thickly populated one, but not a single private person has been associated with the process of search, seizure, and arrest. Although, applicability of provisions of section 103 CrPC has been excluded by virtue of S.31 of the Act, yet it does not debar or prohibit the officer making recovery on such a place surrounded by people to associate private persons with the process of search, seizure, and arrest, so as to lend credence to the recovery.
 - 7. Lastly, no independent evidence substantiating the recovery of charas from possession of accused has been brought

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on record during investigation nor has accused himself confessed his guilt. In the circumstances, it is held that the alleged recovery could not be proved against accused beyond shadow of doubt.

- 8. It has been settled by now that it is the duty of prosecution to fix responsibility upon accused beyond reasonable doubt and in case of any benefit, such must be considered in favour of accused. The culpability of accused qua his guilt cannot be based on conjectures or surmises, but through cogent & coherent evidence. This Court is empowered to evaluate the available record regarding prima facie connection of the accused. Reliance could be placed on 1998 MLD 2008 Peshawar.
 - 9. In view of all the above facts & circumstances of the case, it is observed that there exist phenomenal discrepancies in the prosecution case, which go to the deep roots of the case, as such, there remains no probability of the conviction of accused and this court may invoke its powers under section 265-K CrPC in apt cases. Hence, the accused is hereby discharged / acquitted by exercising jurisdiction under section 265-D read with section 265-K of the Code of Criminal Procedure, 1898 from the accusations leveled against him. Accused is on bail; his bail bonds are cancelled and sureties thereof are absolved of their liabilities.
 - 10. Case property i.e. narcotics be destroyed, but after expiry of period provided for appeal / revision.

26-57

11. File be consigned to record room after completion & compilation.

Announced 11.10.2021

ASAD HAMEED KHAN Sessions Judge / JSC, Bannu

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Forensic Science Labora

Police Investigation, Khyber Pakhtunkhwa

Certification Report of tast or analysis by the Government Analysis Por Narcotics & Psychotropic Substances (Yesm-II) (Admirable Evidence under Section 510 Cn PC and the 3435/47 CNSA

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The above articles were duly examined by the undersigned while following the Tests/ analysis protocols in line with united Nation office on Drugs and Crime (UNODC) guidelines and Scientific Working Group for the Analysis of Seized Drugs (SWGDRUG) details overleaf. The above articles were consumed during examination.

OPINION:- The Samples in question were Subjected to Physical and chemical test/analysis

revenled that the sample is:-Dei Ps Icaldei IT WAS CHARAS IN PNO.1. FOR NARCOTICS FSL PESHAWAR TO GOVERNMENT QUEHYBER PAKHTUNKHWA

30355 /FSL, dated 30,8 ر 20 کر SP/INV.BANNU The opinion of Govt Analyst for Narcotics is forwarded to the

NOTE: This report carries emboss Mark.

Forensic Science Laboratory Police investigation, Knyper Pakhlunkhwa.

Ph: 091-9217394 Fax: 091-9217251

100 J

59 11KU

-28-

SIGNAL/TP MESSAGE

FROM:

COMDT: PTC HANGU (.)

TO:

CCPO PESH (.)

ALL RPOS IN KP (.)

. COMDT: FRP PESH: (.)

DIGP SPL: BRANCH, CTD/TELE & TRAFFIC PESH: (.)

ALL DPOs IN KP (.)

ALL SSP FRP RANGES IN KP (.) DIRECTOR FSL, CPC PESH: (.)

ALL POLICE TRAINING/TRAFFIC SCHOOLS IN KP (.)

(W) POLICE PESH (.)

ADDL: IG POLICE HQRs PESH: (.)

DIG TRAINING PESH (.)

NO. 1977–2027 /GC, DT: 15-10-2021 (.) SUB: (.) 1ST TERM OF UPPER AND INTERMEDIATE COLLEGE COURSES-2021 (.) IN CONTINUATION TO THIS OFFICE SIGNAL NO. 1921-70/GC DATED 14-10-2021 (.) CANDIDATES SELECTED FOR THE SUBJECT NOTED ABOVE COURSES MAY PLEASE BE SENT TO PTC HANGU ON 23-10-2021 BEFORE 16:00 HRS INSTEAD OF 20-10-2021 (.) POLICE PESH: (.) ADDL: IGP/HQRS: AND DIG TRAINING KP (.) FOR INFORMATION PLEASE (.)

COMDT: PTC HANGU (.)

ATT BEEN

Place Of Posting S.No Name & Number PP Do Sarak HC Attaur Rahman, 304 I/C Naka Bandi Sugar Mills HC Raif Ullah, 322 I/C PP Shamozai HC Manzoor Atı, 733 NC ADJ No. 5 HC Zahid Ullah, 1866 HC Siraj Khan, 425 TO Traffic Staff HC Zait Ullah, 39 -do-7. HC Naimat Ullah, 431 -do-HC Zaheer Ullah, 183 RPO Squad 1/C Grid Station Mandan HC Mati Ullah, 188 **BBI** Office 10. HC Bashir Ullah Shah, BBI Starf 11. HC Zahir Nawaz, 932 PS Kakki 12. FIC Amal Khan, 1630/EF/1563 PS City Steno DSP Saddar Staff 13. HC Siraj Muhammad, 702 14. HC Noor Ali Jan. 1022 NC Consumer Court HC Kamran Khan, 962, EF Elite Force 16. HC Muhammad Kamran, 976/EF -do-**17**. HC Allah Yar, 1642 PS Miryan 18. HC Sher Wali, 178 • PS Jani Khel 19. HC Magsood Khan, 428/EF Elite Force 20. HC Khalid Khan, 850/1852 Police Lines 21. HC Ali Bahader, 2039 PS Sadder 22. HC Sardar Ali, 1088/Old North Waziristan 23. HC Noor Muhammad, 1998 AMHC PS Utmanzai SDW 24. HC Muhammad Shahid, 881/EF Elite Force 25. HC Tahir Ullah, 779 **QRF Squad**



The following C i fivad Constables of Bannu and Larry Marway Districts police are hereby selected for Intermediate College Course, commencing with effect from 23.10.2021 at Police Training College, Hangu:-

S.#]	Name & No.	District
1.	HC Attaur Rahman No.304	Banzu
2.	HC Bashir Utlah Shah No.88/Inv	- do -
<u>.</u>	HC Zahir Nawaz No.932	•do-
4,	HC Siraj Muhammad No. 702	do-
5. ¹	HC Noor Ali Jan No.1022	do
о. •	MC Kamran Khan No.962/EF	do
7.	HC M. Kamran No.976/EF	do·
8.	HC Allah Yar No.1642	-do
9,	HC Sher Wali No.178	-do-
íő.	HC Magsood Khan No.428/EF	·do·
11.	HC Knatio Knan No. 1852	-40-
12.	HC Ali Bahader No.2039	, do
13.	HC Irshad No.593	Lakki Marwat
14.	HC Waheed Ullah No.23	-do-
15.	HC Sibghat Ullah No.710	·do-
16.	HC Rizwan Ullan No. 151	. do
17	HC Inam Ullah No.198	·do·

All the candidates be directed to report at PTC Hangu on 23.10.2021 before 1600 hours along with original CNIC, complete uniform kits and no corona/medical fitness certificates.

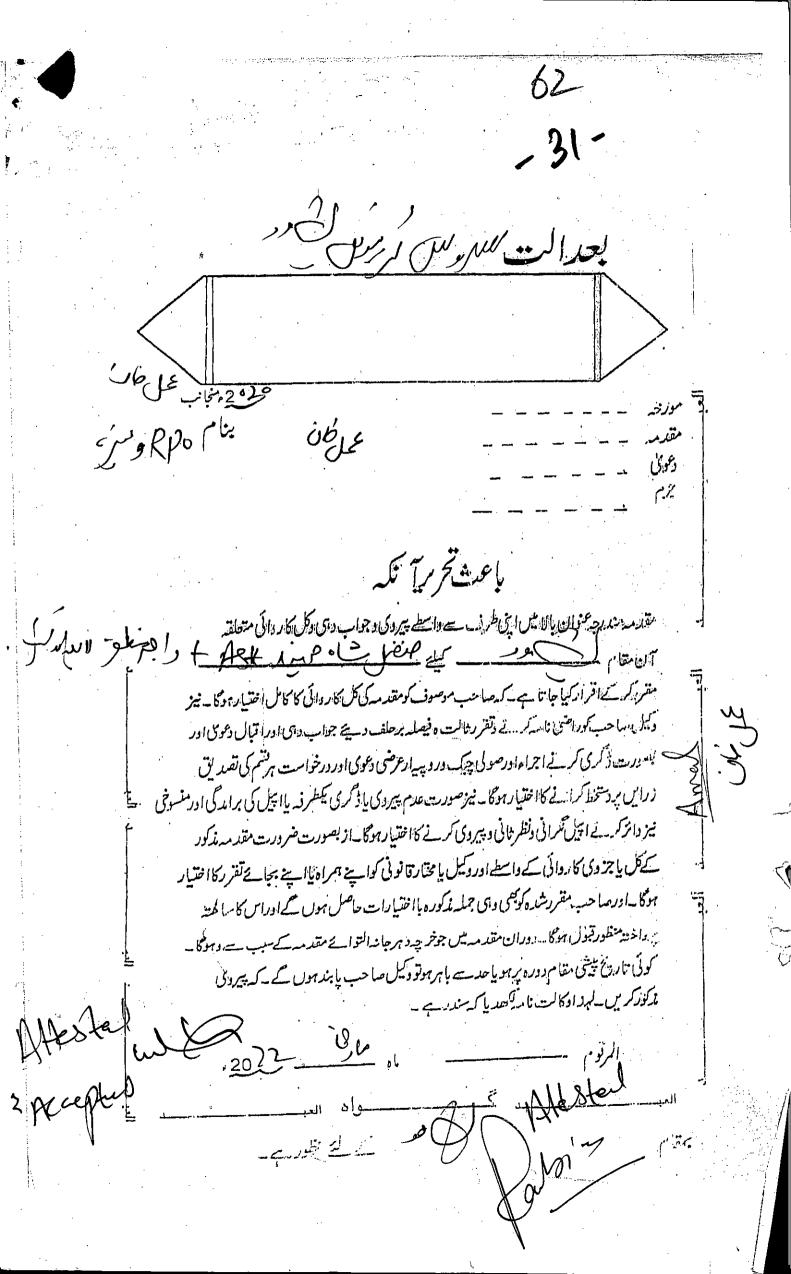
> (SAJID ALI KHAN)PSP Regional Police Officer. Bannu Region, Bannu

5270-72 No. /EC, dated Bannu the 2//10/2020

Copies for information & necessary action to:-

- 1. The Commandant PTC Hangu w/r to his office Signals No.1921-70/GO dated 14.10.2021 and No. 1977-2027/GC dated 15.10.2021.
- 2. The District Police Officer, Bannu w/r to his office Memo: No.7962 dated 18.19/2021.
- 3. The District Police Officer, Lakki w/r to his office Memo: No.6776/EC dated 20.10.2021.

(SAJIDÁLI KHAN)PSP Reginant Police Officer Bannu Region, Bannu



BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR.

Service Appeal No. 379/2022

Regional Police officer Bannu etc. (Respondents)

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Deponent

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR.

Service Appeal No. 379/2022

Amal Khan	••••••	(Appellant)
	<u>VERSUS</u>	
	•	

Regional Police officer Bannu etc. (Respondents)

PARA WISE REPLY/COMMENTS OF RESPONDENT NO.1 TO 3

Respectfully Sheweth

The respondents respectfully submit as under:-

PRELIMINARY OBJECTIONS.

- 1. That the Appellant has got no cause of action.
- 2. That the Appeal is not maintainable under the law.
- 3. That the Appeal is barred by Law.
- 4. That the Appellant has not been discriminated in any way.
- 5. That the Appeal is bad due to mis-joinder and non-joinder of necessary parties.
- 6. That the Appellant has approached the Honorable Service Tribunal with unclean hands.
- 7. That the Appellant has got no cause of action and locus-standi to file the instant Appeal.
- 8. That the Appellant has been estopped by his own conduct.

ON FACTS

- 1) Correct to the extent that the appellant was enlisted in 2007 and promoted to the rank of HC but rest of the Para is incorrect.
- 2) Correct Hence, need no comments.
- 3) Correct the extent that the appellant falsely implicated accused Azmar Khan in a fake case vide FIR No.351 dated 13-09-2021 U/S 9(b) CNSA Police Station Kakki. In this respect he complained against the appellant on Citizen Portal in which preliminary inquiry was conducted by SDPO Rural-II and the charges were proved in preliminary enquiry.
- 4) Correct to the extent that after establishment of allegation in preliminary enquiry, charge sheet and summary of allegation was issued to the appellant and proper departmental proceedings were initiated.
- 5) Incorrect, No illegal enquiry was conducted nor any law/Rules were violated. The proceedings, Preliminary as well as departmental were carried out according to law. The charges were established in both the enquires such he was awarded major punishment.
- 6) Correct to the extent that the appellant filed departmental appeal which was rejected by the Appellate authority RPO Bannu Region Bannu vide No.6031 dated 22-12-2021. The same was handed over to the Appellant within time.
- 7) Incorrect the impugned order dated 15-11-2021 and 22-12-2021 was not against the law/Rules and facts.

GROUNDS:

- A. Incorrect, the impugned orders are legal, lawful and issued by the competent authority.
- **B.** Incorrect, the mandatory provisions of law and rules have been complied by the respondents and the appellant was treated according to law /rules and no rule of Article 4 and 25 of the Constitution of Pakistan 1973, was violated.
- C. Incorrect, proper inquiry was conducted and after establishment of charges punishment, was awarded.
- D. Pertain to record hence need no comment.
- **E.** Incorrect, the impugned order is not violation of FR 29 but was issued after all codal formalities according to Police Rules, 1975.
- F. Incorrect, the appellant registered fake/ bogus FIR No.351 dated 13-00-9-2021 U/S 9(b) CNSA Police Station Kakki against an innocent person Azmar khan which was proved in enquiry proceedings.
- G. Incorrect the appellant registered a fake case therefore he was responsible for his illegal act.
- H. Pertain to record hence need no comment.
- I. Pertain to record hence need no comment.
- **J.** Incorrect, when the appellant was under enquiry as per rules he could not be sent for intermediate college course.
- **K.** Incorrect, the appellant was afforded opportunity of personal hearing but he could not satisfy the authorties.
- L. Incorrect, no illegal termination order from service of the appellant was issued by the respondents. Charge sheet and statement of allegations were issued to him and Addl/SP, Bannu was appointed as Enquiry Officer to hold a regular departmental enquiry under Police Rules, 1975(as amended vide: Govt. of KP Gazette notification of even No. dated 27th of August,2014). The Enquiry Officer submitted his findings vide letter No. 262/ASP, dated 05-11-2021and reported that there was more than sufficient documentary proof, cogent circumstantial evidences, undeniable statements of ocular witnesses on file to prove that HC Amal khan by misusing his authority has intentionally lodged a fake and bogus FIR No. 351, dated 13-09-2021 U/S 9(b) CNSA in PS Kakki against an innocent person Azmar Khan and put him in Lock-up for illegal physical and mental torture only to make his enemy (Nigar) happy. The above mentioned act on part of HC Amal Khan amounts to gross misconduct and comes under the ambit of criminal liability. However, in view, he is recommended for punishment of demotion from the Rank of Head constable to the Rank of constable.
- **M.** The Respondent department may kindly be allowed to raise additional grounds at the time of arguments.



M. The Respondent department may kindly be allowed to raise additional grounds at the time of arguments.

PRAYER:

In view of the above replies, it is most humbly requested that Service Appeal of the Appellant may kindly be dismissed, with cost.

District Polic Officer, Bannu (Respondant No.2)

Regional Police Officer, Bannu Region Bannu.

(Respondent No.1)

Provincial Police Officer Kyber Pakhtunkhwa Peshawar.

(Respondent No.3

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BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR.

Service Appeal No. 379/2022

Amal Khan		(Appellant).
	<u>VERSUS</u>	
Regional Police of	ficer Bannu etc	(Respondents)

AUTHORITY LETTER.

Appeall.

Mr. Muhammad Farooq Khan, DSP Legal is hereby authorized to appear before The Honourable Service Tribunal Peshawar on behalf of the undersigned in the above cited Service Appeall.

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

District Polic Officer, Bannu

(Respondant No.2)

Regional Police Officer; Bannu Region, Bannu (Respondant No.1)

Provincial Police Officer, KhyberPakhtunkhwa, Peshawar

(Respondant No.3)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 379/2022

Amal Khan (Appellant)

VERSUS

Regional Police officer Bannu etc. (Respondents)

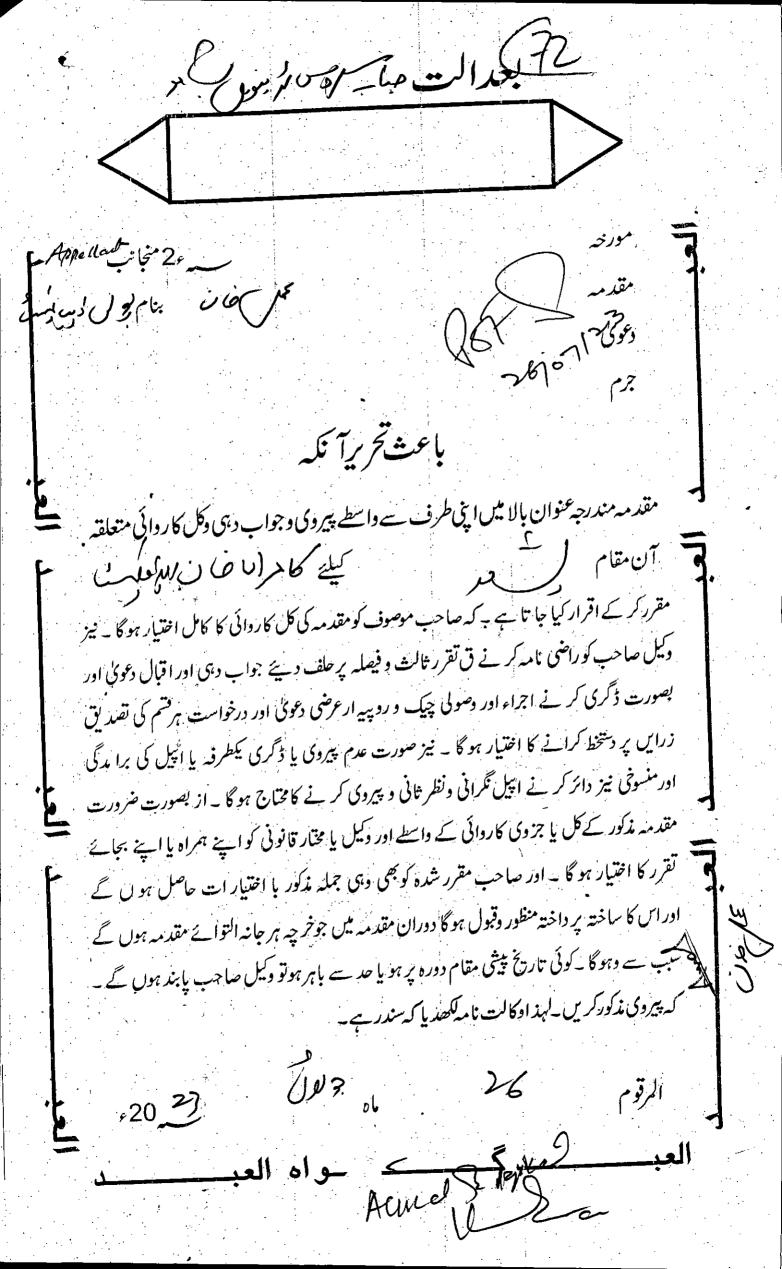
AFFIDAVIT.

I, Mr.Muhammad Farooq Khan, DSP Legal representative for Respondents is hereby solemnly affirm and declare that the contents of the accompanying comments submitted by me are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tibunal.

ATTESTED

OEC 2022

DEPONENT





KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 263-64/ST Dated 9/2/2024

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281 Fax:- 091-9213262

To

- 1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2. The District Accounts Officer, District Bannu.

Subject

ORDER REGARDING ATTACHMENT OF SALARIES OF RESPONDENT NO. 01 AND 02 IN SERVICE APPEAL NO. 379/2022 TITLED AMAL KHAN -VS - THE REGIONAL POLICE OFFICER BANNU GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS

Dear Sir,

I am directed to forward herewith a certified copy of order dated. 24.01.2024, passed by this Tribunal in the above mentioned service appeal wherein the court has ordered for stoppage of salary and submission of report in this regard.

You are, therefore, directed to submit the report of attachment of salary alongwith source of stoppage of salary.

Encl. As above.

(PIR MUHAMMAD AFRIDI)

SUPERINTENDENT KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR