FORM OF ORDER SHEET

Court of _____

Appeal No. 842/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/06/2024	The appeal of Mr. Fakhar Alam Khan resubmitted today by Mr. Muhammad Zafar Tahirkheli Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 14.06. 2024. Parcha Peshi given to counsel for the appellant. By the order of Chairman REGISTRAR

The appeal of Mr. Fakhar Alam Khan received today i.e on 06.06.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no.1, 3 & 4 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
2- Necessary parties be made in the heading of appeal.
3- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 134 /Inst;/2024/KPST,

Dt. 7/6 /2024.

7/6/24

~~OFFICE~~ ASISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Zaffar Tahirkheli Adv.
High Court Peshawar.

11-06-2024

Duly completed and resubmitted.

Adv.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 842 /2024

Fakhar Alam

Versus

Govt of Khyber Pakhtunkhwa etc.

=====

I N D E X

S.No	Particulars	Date	Annexure	Pages
1	Memo of Petition		-	1-4
2	Affidavit			5
3	Addresses of Parties			6
4	Order	17-05-2024	"A"	7
5	Revision Petition	26-10-2023	"B"	8
6	Appellate Order	16-10-2023	"C"	9-10
7	Impugned Order	16-07-2023	"D"	11
8	Suspension Order	18-04-2023	"E"	12
9	Statement of allegation	18-04-2023	"F"	13
10	Charge Sheet	-	"G"	14
11	Inquiry Report	17-05-2023	"H"	15-16
12	Final Show Cause	18-05-2023	"I"	17
13	Reply to Show Cause	-	"J"	18
14	Reply to Charge Sheet	-	"K"	19-20
15	Inquiry Report	03-07-2023	"K1"	21-22
16	Departmental Appeal	10-07-2023	"L"	23
17	Withdrawal Application	17-04-2023	"M"	24
18	Statement of M. Rahim		"M1"	25
19	Statement before JM-I /NSR	17-04-2023	"M2"	26
20	Order	17-04-2023	"M3"	27
12	Vakalatnama		-	28

Dated: 6th June, 2024

Muhammad Zafar Khan (Tahirkheli)
A S C.

0300-9597670
87, Al-Falah Street,
Cantt Colony, Peshawar
Zafartk.advocate@gmail.com

(1)

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 842/2024

Fakhar Alam Khan s/o Shah Alam Khan,
Sub-Inspector No. 584/MR.
SHO PS. Jalozai, Pabi Circle, District Nowshera.

.....Appellant

VERSUS

1. Inspector General of Police,
   Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer (RPO), Mardan.
3. District Police Officer (DPO), Nowshera.

.....Respondents

=========

SERVICE APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT, 1974, AGAINST ORDER DATED 17-05-2024 (ANNEXED "A"), WHEREBY THE REVISION PETITION DATED 26-10-2023 OF THE APPELLANT U/S 11-A KP POLICE RULES 1975 (ANNEXED "B"), AGAINST THE APPELLATE ORDER DATED 16-10-2023 (ANNEXED "C") PASSED AGAINST THE IMPUGNED ORDER DATED 16-07-2023 (ANNEXED "D") WAS REFUSED.

=========

PRAYER:

By accepting this appeal;

i. Setting aside the impugned order dated 17-05-2024, wherein the revision petition against the Appellate order dated 16-10-2023 was refused and the impugned order imposing a major penalty / punishment of reduction of pay in two stages against the appellant vide order dated 06-07-2023 was maintained.

ii. By accepting this appeal and setting aside the penalty imposed upon the appellant vide impugned orders dated 17-05-2024, 16-10-2023 and 06-07-2023 and exonerating the appellant of all the charges levelled against him while allowing him the benefits of continuous service.

iii. Any other relief deemed appropriate may also be granted in addition to the relief prayed above.

==========

RESPECTFULLY SHEWETH;

1. That the appellant was initially appointed as Constable on 26-01-1999 and was fortunate to be allowed periodic promotions upto the rank of Sub-Inspector (BPS-14). The appellant is presently serving as Sub-Inspector Police and is posted at SHO PS.Jalozai, Pabi Circle, District Nowshera.

2. That since his appointment the appellant has been serving the department honestly and diligently to the utmost satisfaction of his superiors at different places of postings. He was never associated with any departmental proceedings during entire period of his 25 years of continuous service.

3. While serving as SHO, PS Misri banda , the appellant was placed under suspension and closed to Police Lines Nowshera vide order dated 18-04-2023. He was served with a Charge Sheet and statement of allegations dated 18-04-2023 and Mr. Ajab Khan, DSP / SDPO Akorra was nominated as Inquiry Officer. The Inquiry Officer submitted his report dated 17-05-2023, wherein he recommended that the appellant may be awarded major punishment if agreed.
(Copy annexed hereto **marked "E", "F", "G", "H")**

4. That subsequently, the appellant was served with show cause notice dated 18-05-2023 to which he responded with his reply, requesting the DPO Nowshera to conduct a de-novo Inquiry. His request was accepted and the then SDPO Nowshera Cantt was assigned to conduct a de-novo inquiry.
(Copies annexed hereto **marked "I" & "J"**)

5. The appellant submitted a reply to charge sheet to SDPO Nowshera Cantt, who submitted his inquiry report dated 03-07-2023 to the DPO Nowshera and resultantly a major penalty / punishment of reduction in pay by two stages was imposed upon the appellant vide impugned order dated 06-07-2023.
(Copy annexed hereto **marked "K" & "K1"**)

6. That the appellant submitted his appeal dated 10-07-2023 before the worthy authority, which was rejected vide order dated 16-10-2023. The appellant submitted a revision petition before the IGP, Khyber Pakhtunkhwa under rule 11-A, KP Police Rules, 1975 (Amended 2014), which was also rejected vide impugned order dated 17-05-2024. (Copy annexed hereto **marked "L"**)

Feeling aggrieved and finding no other appropriate remedy, the appellant has been constrained to approach the Hon'ble Service Tribunal for the redress of his grievance, inter-alia, for the following,

Grounds

a. The respondent department has acted arbitrarily while issuing the impugned orders, in complete disregard to the appellant's clear service record and in absence of any concrete evidence against him.

b. That the respondents have passed the impugned orders dated 06-07-2023, 16-10-2023, 17-05-2024 without any authority and has thus exercised jurisdiction not vested in them under the law.

c. That the Inquiry Officer while submitting his report dated 03-07-2023 in the de-novo inquiry has categorically held that;

RECOMMENDATION;

The undersigned is of the view that the tempering of case property Motor Car was not prove against the delinquent police officer, however being as SHO/supervision officer he cannot exonerated because due to his lack of supervision the act was done. Therefore, SI Fakhre Alam being a responsible officer is recommended for any appropriate punishment under relevant Rules and Law.

Deputy Superintendent of Police,
Nowshera Cantt Circle.

d. That in-spite of the clear observation that the case tempering was not prove against the appellant he was penalized for no plausible explanation and a major penalty / punishment has been imposed upon him on the basis of assumption and presumptions.

e. That the first inquiry was conducted by DSP Akorra who was infact himself instrumental in filing complaint against the appellant. Due to his bias, the appellant requested the worthy DPO Nowshera to conduct a de-novo inquiry, wherein his request was accepted and the report submitted by SDPO Nowshera Cantt clearly suggests that the charge was not proved against him.

f. That apart from above, the complainant M. Rahim voluntarily withdraw the complaint against the appellant vide application dated 17-04-2023, wherein his statement was also recorded. The Hon'ble Judicial Magistrate (J-I), Nowshera in view of the withdrawal application had already disposed of the matter vide order dated 17-04-2023. In absence of any complaint against the appellant all the three impugned orders are illegal and void ab-initio and hence liable to be rescinded as such. (Copy annexed hereto **marked "M to M3"**)

g. That the entire proceedings were initiated against him on the basis of a false, frivolous, vexatious and anonymous application without having any element of truth associated with it.

The appellant is a law abiding citizen, a Civil Servant and has never indulged himself in any activity, which could amount to mis-conduct.

h. That no solid or cogent documentary evidence was neither produced or collected by the Inquiry Committee, which could associate the appellant with the commission of the alleged offense mentioned in the charge sheet.

The allegations against the appellant appears to be based on malafide and misreporting without any iota of truth attached to it hence cannot be relied upon and is liable to be struck down.

i. That no substantive evidence was either produced before or collected by the worthy Inquiry Committee. The appellant's performance was never affected by any unfair means during the entire period of his service who always performed his duties to the best of his abilities to the utmost satisfaction of his Superiors.

j. That no specific time or date for reduction in pay of two stages and its exact period of restoration has been mentioned in the order dated 06-07-2023. The impugned order is thus illegal and void ab-initio having no legal effect. Hence liable to be struck down by the Hon'ble Tribunal.

k. That the impugned action taken against the appellant is based on malafide. In absence of any direct allegation against the appellant and substantial evidence to connect him with commission of any offence or misconduct the penalty imposed is not only harsh but also is against the principles of equity, law, justice and propriety respectfully calling interference by the worthy Service Tribunal.

l. That the impugned penalty of reduction of pay in two stages, rejection of his appeal and revision petition is arbitrary, discriminatory against the principles equity, law, justice and propriety subject to be recalled and set aside by the worthy Service Tribunal.

In view of the above, it is hereby requested that;

i. The impugned order dated 17-05-2024, wherein the revision petition against the Appellate order dated 16-10-2023 was refused and the impugned order imposing a major penalty / punishment of reduction of pay in two stages against the appellant vide order dated 06-07-2023 was maintained, may kindly be set aside and recalled.

ii. By accepting this appeal and setting aside the penalty imposed upon the appellant vide impugned orders dated 17-05-2024, 16-10-2023 and 06-07-2023 and exonerating the appellant of all the charges levelled against him while allowing him the benefits of continuous service.

iii. Any other relief deemed appropriate may also be granted in addition to the relief prayed above.

Appellant

Through,

Peshawar, dated
6th June, 2024

Muhammad Zafar Khan (Tahirkheli)
A S C.

Certificate

Certified that no prior appeal on the same subject matter has been filed before the instant appeal.

Appellant

(5)

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. _____/2024

Fakhar Alam

Versus

Govt of Khyber Pakhtunkhwa etc.

=====

ADDRESSES OF PARTIES

Appellant;

Fakhar Alam Khan s/o Shah Alam Khan,
Sub-Inspector No. 584/MR.
SHO PS. Jalozai, Pabi Circle, District Nowshera.

Respondents;

1. Government of Khyber Pakhtunkhwa through
   Through, Secretary, Home & Tribal Affairs, Peshawar.
2. Inspector General of Police,
   Khyber Pakhtunkhwa, Peshawar.
3. Additional Inspector General Police,
   Head Quarters, Khyber Pakhtunkhwa, Peshawar.
4. AIG / Establishment,
   Khyber Pakhtunkhwa, Peshawar.

Appellant

Through,

Advocate.

Peshawar, dated
6th June, 2024

(6)

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. _____/2024

Fakhar Alam

Versus

Govt of Khyber Pakhtunkhwa etc.

Affidavit

I, the appellant, Fakhar Alam Khan, s/o Shah Alam Khan, Sub-Inspector No. 584/MR, SHO PS. Jalozai, Pabi Circle, District Nowshera. do hereby state on Oath that the contents of the accompanying appeal are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Hon'ble Tribunal.

Date: - 6th June, 2024

DEPONENT
CNIC No. 17101-0377694-1

Identified by;

Muhammad Zafar Khan (Tahirkheli)
A S C.

(6)

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. _____/2024

Fakhar Alam

Versus

Govt of Khyber Pakhtunkhwa etc.

=====

ADDRESSES OF PARTIES

Appellant;

Fakhar Alam Khan s/o Shah Alam Khan,
Sub-Inspector No. 584/MR.
SHO PS. Jalozai, Pabi Circle, District Nowshera.

Respondents;

1. Inspector General of Police,
   Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer (RPO), Mardan.
3. District Police Officer (DPO), Nowshera.

Appellant

Through,

Peshawar, dated
6th June, 2024

Advocate.

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

(7)

ANNEXURE A

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by **SI Fakhar Alam No. 258/MR, 584/MR** (hereinafter referred to as petitioner).

The petitioner was awarded major punishment of reduction in pay by two stages vide OB No. 499, dated 06.07.2023 on the allegations that he while posted as SHO PS Misri Banda was reported involved in tampering of vehicles. The E.O after conducting proper departmental enquiry highlighted that the tempering of case property was not proved against the delinquent officer but being SHO he was custodian of the said vehicle, which was tempered by his subordinate staff, therefore, recommended him for appropriate punishment.

RPO Mardan rejected his instant appeal vide Order Endst: No. 6731/ES, dated 16.10.2023.

A meeting of Appellate Board was held on 10.05.2024 in CPO under the chairmanship of DIG Headquarters. SI Fakhar Alam No. 258/MR, 584/MR was present.

The petitioner was heard in person. He was given reasonable opportunity to defend himself against the charges; however he failed to advance any justification. The Board **rejected** his revision petition.

Sd/-
AWAL KHAN, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 1190-95 /24, dated Peshawar, the 17-05- /2024.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. Two Service Books, One Service Roll alongwith Fauji Missal received vide letter No. 269/ES, dated 25.01.2024 is returned for your office record.
2. District Police Officer, Nowshera.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-III, CPO Peshawar.

No. 866/PA
dt 21/5/24

(SONIA SHAMROZE KHAN)
PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Ex/Fmc
For n. action

192
21/05/24

DPO/SL
21/5/2024

TRUE COPY

ANNEXURE B

(8)

بحضور جناب عزت مآب انسپکٹر جنرل آف پولیس، خیبر پختونخواہ، پشاور

عنوان:۔ **نظر ثانی اپیل**

جناب عالی:۔

گزارش ہے کہ سائل کو بحوالہ آرڈر بک نمبر 499 مورخہ 06-07-2023 کو جناب DPO صاحب ضلع نوشہرہ نے بحوالہ آرڈر بک نمبر 250 مورخہ 18-04-2023 کو تھانہ مصری بانڈہ سے سسپنڈ کر کے پولیس لائن حاضر کیا۔ بعد ازاں مجھے ایک چارج شیٹ نمبری 36/PA مورخہ 18-04-2023 مجاریہ DPO نوشہرہ جس میں مجھ پر الزام عائد کیا گیا کہ اپ نے ایک موٹر کار میں تھانہ مصری بانڈہ میں بحیثیت SHO تعیناتی کے دوران ٹمپرنگ کی ہے۔ اپ اپنی تحریری اور وضاحتی بیان انکوائری افسر DSP اکوڑہ سرکل کو جمع کریں۔ میں نے اپنا تحریری اور وضاحتی بیان میں اپنا مکمل بے گناہی کا تذکرہ کیا مگر نہ جانے کہ کس بنیاد پر DSP اکوڑہ سرکل نے مجھے قصوروار ٹھہرا کر انکوائری میں مجھے سزا کے لیے منتخب کیا۔ اسی دوران میں نے اس انکوائری افسر پر عدم اعتماد کر کے ایک تحریری درخواست دی جو صاحب موصوف نے منظور کر کے دوبارہ DSP کینٹ سرکل کو انکوائری افسر مقرر کیا۔ اُس انکوائری افسر کو بھی میں نے اپنا تحریری بیان میں اپنی بے گناہی بیان کی۔ بعدازاں موٹر کار مالک نے بھی میرے خلاف جو کہ غلط فہمی کی بنیاد پر جوڈیشل مجسٹریٹ کو گاڑی میں ٹمپرنگ اور چھیڑ چھاڑ کی بابت دی تھی وہ بھی عدالت سے تحریری درخواست پر واپس لے کر من SHO کے خلاف کسی قسم کی مزید کاروائی نہ کرنے عدالت حضور میں استدعا کی۔ معزز عدالت نے منظور کر کے درخواست فائل کر دی۔ اسی طرح میں بے گناہ ثابت ہوا۔ اس لیے میں مزید کسی سزا کا مستحق نہیں تھا مگر پھر بھی نہ جانے کہ کس بنیاد پر جناب DPO صاحب نے ارڈرلی روم میں مورخہ 05-07-2023 کو طلب کر کے میرے جوابات سے غیر مطمئین ہو کر مجھے بحوالہ ارڈر بک نمبر 499 مورخہ 06-07-2023 کو بڑی سزا تجویز کر کے reduction in py by two stages کی سزا دی گئی۔

اس سزا کے خلاف من سائل نے جناب ریجنل پولیس آفیسر، مردان کو اپیل کی اور اپیل میں اپنی بے گناہی بیان کی۔ مورخہ 16-10-2023 کو جناب RPO صاحب کو اردلی روم میں پیش ہو کر جناب RPO صاحب میرے اپیل ہائے سے غیر مطمئین ہو کر میری سزا بحال رکھی۔

لہذا عاجزانہ استدعا ہے کہ میرے سابقہ 25 سالہ دور ملازمت کو مدنظر رکھتے ہوئے مجھے ضلعی پولیس سربراہ کی طرف سے بالا گزارشات کی روشنی میں اور اپنی بے گناہی پر دیا گیا سزا معاف کر کے مشکور فرمائیں۔ کیونکہ اس سزا سے میرے ملازمت پر اور مستقبل میں پروموشن پر بُرے اثرات مرتب ہونگے۔ آئندہ کے لیے محتاط رہونگا۔

بندہ تاحیات دعا گو رہے گا۔

مورخہ 26-10-2023

العارض

آپکا تابع فرمان فخر عالم خان نمبر MR/584 متعینہ SHO تھانہ اکبر پورہ ضلع نوشہرہ

Sr. Forwarded
DSP Pabbi Circle

ANNEXURE 'C'

(9)

ORDER.

This order will dispose-off the departmental appeal preferred by **Sub Inspector Fakhar Alam No. 258/MR** of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of reduction in pay by two stages vide OB: No. 499 dated 06.07.2023. The appellant was proceeded against departmentally on the allegations that he while posted as SHO Police Station, Misri Banda was reportedly involved in tempering of vehicles.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, (SDPO) Akora was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Nowshera, wherein he held responsible the delinquent Officer and recommended him for major punishment.

He was issued Final Show Cause Notice to which his reply was received. On 05.06.2023, he was appeared in Orderly Room, wherein he requested to District Police Officer, Nowshera for conducting of re-enquiry against him. Therefore, de-novo enquiry was conducted through the then Sub Divisional Police Officer, (SDPO) Cantt: Nowshera. The enquiry Officer after doing the needful submitted his report to District Police Officer, Nowshera, wherein he highlighted that although tempering of case property Motor Car was not proved against the delinquent Officer but being SHO he was custodian of said vehicle which was tempered by his subordinate staff, therefore, recommended him for appropriate punishment.

The District Police Officer, Nowshera thoroughly perused the findings of the Enquiry Officer and he was also heard in orderly room on 05.07.2023, but he could not advance any cogent reason in his self defense, therefore, he was awarded major punishment of reduction in pay by two stages vide OB: No. 499 dated 06.07.2023.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 28.09.2023.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond

TRUE COPY

any shadow of doubt as he could not produce any cogent justification in rebuttal rather the allegations of malpractices stand proved. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in such like activities brought a bad name for entire Police force in the eyes of general public. During the course of personal hearing, he could not present any cogent justification to warrant interference in the order passed by the competent authority. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer. Therefore, the order passed by the competent authority does not warrant any interference.

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

Order Announced.

(MUHAMMAD SULEMAN) PSP
Regional Police Officer,
Mardan.

No. 6731 **/ES, Dated Mardan the** 16 / 10 **/2023.**

Copy forwarded to District Police, Nowshera for information and necessary action w/r to his office Memo: No. 2072/PA dated 21.07.2023. His Service Record is returned herewith.

(*****)

EC/FMC
For n. action

DPO NSR
17/X/23

No. 2533/PA
dt 18/10/2023

TRUE COPY

ANNEXURE D

(11)

POLICE DEPARTMENT **NOWSHERA DISTRICT**

ORDER

SI Fakhar Alam No.MR/584, while posted as SHO PS, Misri Banda was reportedly involved in tempering of vehicles.

On account of which, he was suspended, closed to Police Lines, Nowshera and proceeded against departmentally through SDPO Akora, who after conducting enquiry, submitted his report to the undersigned vide his office No. 04/St: dated 17.05.2023, wherein he proved the allegations leveled against him and recommended him for awarding major punishment.

He was served with Final Show Cause Notice, to which, he submitted his reply. On 05.06.2023, he was appeared in orderly room, wherein he requested the undersigned for conducting re-enquiry against him. De-novo enquiry was conducted through SDPO Cantt Nowshera who after doing the needful submitted his report to the undersigned vide his office letter No. 22/St dated 03.07.2023, wherein he highlighted that although tempering of case property Motor Car was not proved against him but being SHO he was custodian of said vehicle which was tempered by his subordinate staff, therefore, recommended him for appropriate punishment.

On 05.07.2023, he was heard again in orderly room by the undersigned wherein he failed to produce any cogent reason in his defense, hence, SI Fakhar Alam No. MR/584 is hereby awarded major punishment of reduction in pay by 02 stages and re-instated in service from the date of suspension, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 499
Dated 06-07 /2023

(NASIR MAHMOOD)PSP,
District Police Officer,
Nowshera

No. 1777-82/PA, dated Nowshera, the 06/07 /2023.

Copy for necessary action to:

1. The Regional Police Officer, Mardan.
2. Establishment Clerk.
3. Reg Officer.
4. FMC with its enclosures (41 sheets).
5. I/C Computer Lab.
6. Official concerned.

TRUE COPY

ANNEXURE E

(12)

OFFICE OF THE
DISTRICT POLICE OFFICER,
NOWSHERA
Tel No. 0923-9220102 & Fax No. 0923-9220103
Email: [illegible]@kppolice.gov.pk

ORDER

The following police officers are hereby placed under suspension and closed to Police Lines, Nowshera with immediate effect:

1. SI Fakhar Alam No. MR/584, SHO PS, Misri Banda.
2. SI Muhammad Ayaz No. P/799, SHO PS, Nizampur.

Charge sheet & statement of allegations will be issued against them separately.

OB No. 350
Dated 18-4-/2023.

District Police Officer,
Nowshera

No. [illegible]/PA, dated Nowshera, the 18/04/2023.

Copy for information and necessary action to the:

1. The Regional Police Officer, Mardan.
2. DSP Akora.
3. DSP HQrs: Nowshera
4. Pay Officer.
5. Establishment Clerk.
6. FMC.
7. I/C Computer Lab.

No. 1188/PA
dt 4/5/2023

TRUE COPY

No. 2702/ES
dt 02-5-23

DSP Cantt/Akora
Finalize and Submit.

DPO NSR
3/5/2023

Please let me know the outcome of this departmental proceeding against the SI Fakhar Alam

ANNEXURE 'F'

(13)

DISCIPLINARY ACTION

I, **Nasir Mahmood, PSP**, District Police Officer, Nowshera as competent authority am of the opinion that **SI Fakhar Alam** has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Rules, 1975.

STATEMENT OF ALLEGATIONS

Whereas, **SI Fakhar Alam** that he while posted as SHO PS, Misri Banda, now under suspension at Police Lines, Nowshera was reportedly involved in tempering of vehicles, which amounts to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa Police Rules, 1975.

For the purpose of scrutinizing the conduct of the said accused official with reference to above allegations, **Mr. Ajab Khan, SDPO Akora** is hereby nominated as Enquiry Officer.

The Enquiry Officer shall in accordance with the provision of Police Rules, 1975, provide reasonable opportunity of hearing to the defaulter official, record his findings and make immediate recommendations as to punish or other appropriate action against the defaulter official.

SI Fakhar Alam is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.

District Police Officer,
Nowshera

No. 36 /PA,
Dated 18/04 /2023

TRUE COPY

ANNEXURE G

CHARGE SHEET

1. I, **Nasir Mahmood, PSP,** District Police Officer, Nowshera, as competent authority, hereby charge **SI Fakhar Alam** as per Statement of Allegations enclosed.

2. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

3. You are, therefore, required to submit your written defense within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.

4. Your written defense, if any should reach 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 follow against you.

5. Intimate whether you desire to be heard in person.

District Police Officer,
Nowshera

TRUE COPY

SUB-DIVISIONAL POLICE OFFICER, AKORA CIRCLE
Tel: 0923-561587, E-Mail: sdpo akora@yahoo.com

No. /ST, Dated: 17 /05/2023.

ENQUIRY REPORT OF SI FAKHR ALAM POLICE LINE NOWSHERA:

The undersigned was deputed to conduct the enquiry of SI Fakhr Alam through letter No.36/PA dated 18.04.2023 by the Worthy District Police Officer Nowshera.

BRIEF FACT: -

Whereas, SI Fakhr Alam while posted as SHO PS, Misri Banda, now under suspension at police line, Nowshera was reportedly involved in tempering of vehicle, which amounts to grave misconduct on his part and rendered him, liable for punishment as under Khyber Pakhtunkhwa Police Rules, 1975.

PROCEEDINGS: -

During the course of the inquiry, the defaulter officer SI Fakhri Alam Khan was called to the office of the undersigned and served with a charge sheet/statement of allegations, to which he submitted his written reply stating therein that on dated 08-04-2023 I was on routine patrolling near Wali Inter Change, a Motor Car Swift No. AMY-482 Sind was found without owner. The said Motor Car took into possession u/s 523-550 CrPc. while 07 different Mobile Phones are also laid near Motor Car. Reports were entered regarding the said motorcar vide DD No. 14 dated 08-04-2023 PS Misri Banda. The said report marked to ASHO Shaukat Hayat Khan for necessary action and the said motorcar was brought to police Station Misri banda and parked at Police Station. Directions were issued to MHC to make entries on the concern registers. In this regard, an inquiry has been initiated u/s 523-550 CrPc through SI Shaukat Hayat Khan. He denied the allegations and stated that I am ready to give a statement by oath that I did not temper with the said motorcar and neither tempered with any other vehicle before that was taken U/S 523/550 in another Police Station and, in this regard, the report can be taken and these efforts has been made only for dishonor/defamation, in this regard I am totally innocent and requested to file my charge sheet without any proceeding.

STATEMENT OF SHAUKAT KHAN SI PS MISRI BANDA.

To ascertain facts, the statement of SI Shaukat Hayat Khan ASHO PS Misri Banda, stated in his written statement that I am performing duty as ASHO PS Misri Banda on dated 08-04-2023 ex-SHO Farkhri Alam Khan found a motorcar SWIFT registration No. 422 /AMY without owner near Wali Interchange. He took it into possession U/S 523/550. The report was entered in DD No. 14 dated 08-04-2023 PS Misri Banda and handed over to me for enquiry. After the legal procedure, I sent an application to FSL Peshawar, ETO Sind and CRO for examination of the said motorcar. Proper permission was taken from the court of SCJ Khalid Mansoor for initiating an enquiry into U/S 156 (III) and the motorcar was examined by a civil nazir in the court premises. He prepared an inventory report and gave me the original, kept one copy with him for court purposes and, at that time, constable Haris 1635, also with me.

STATEMENT OF COSTABLE ZEESHAN 1578 PS MISRI BANDA.

To ascertain facts, the statement of Constable Zeeshan 1578 while posted at PS Misri Banda, he stated in his written statement in connection to the enquiry of the motorcar taken by SI Fakhri Alam Khan U/S 523/550 CrPc, that I have no information about the car because I was on routine shabashi (leave). On 15-04-2023 Muharrar PS Misri Banda handed the said motorcar, taken U/S 523/550 CrPc to present it in the court of SCJ Khalid Mansoor. I called my friend, namely Imran, to accompany me to present the car in District Court Nowshera. I sat him down in the jurisdiction of court and presented the said car in the court of SCJ Khalid Mansoor. He examined the car and told me who handed the car to him. I replied that Muharrar handed it over to me, then they asked me where the other person who was with you on the way to court and asked me to present him. I said it was my friend Imran. The SCJ Khalid Mansoor asked Imran about his occupation, to which he replied that he is working as a mechanic in Hakeem Abad. The SCJ, Khalid Mansoor, asked if he had tempered the car, which he refused in response. Then asked from me about the car that you have tempered it I replied that I am ready for all kind of consolation, I have done my duty in presenting the car in the said court, it is my statement which is true.

STATEMENT OF CONSTABLE ALEEM NO. 1592.

To ascertain facts, the statement of Constable Aleem No. 1592 while posted at PS Misri Banda, in his written statement he stated that, during patrolling with SHO PS Misri Banda, near Wali Interchange, on the side of Islamabad, a motorcar of type SWIFT No. 482/ AMY SINDH was found without owner along with 07 different mobile phones laying outside the motorcar. The motorcar was taken U/S 523/550 CrPc, no tampering was done with chassis No.

STATEMENT OF CONSTABLE AZMAT No.1592.

To ascertain facts, the statement of Constable Azmat No. 1592 while posted at PS Misri Banda, in his written statement he stated that, during patrolling with SHO PS Misri Banda, near Wali Interchange,

SUB-DIVISIONAL POLICE OFFICER, AKORA CIRCLE.

Tel: 0923-561587, E-Mail: sdpo akora@yahoo.com

(16)

No. /ST, Dated: 17 /05/2023.

chassis No.

STATEMENT OF RAHAM S/O SAID RAHAM R/O SARDAR AHMAD COLONY PESHWAR.

He stated that I was going to Mansehra on the motorway in my motorcar No. 643/Sindh, chassis no. PK100028100, engine No. M13A13028100, Model 2015, Swift, along with family. At night time, about 11PM, when we reached near Wali interchange, the police party stopped us and SHO Fakhri Alam Khan asked me to come out of the car and take mobile phones from my wife and children and started searching my car and asking me about my car documents I present them car documents but SHO Fakhri Alam Khan stated me that your car is a stolen car and your documents are not correct and abuse me, took our mobile phones and motorcar and left us on main road. After that, we waited for a long time to rent vehicle. On the next day, I went to PS Misri Banda and asked about my car. There I came to know that an FIR had been lodged against the car. When the court summoned the vehicle, in court premises, I saw my vehicle chassis number damaged/tempered, which was very much harm to me. The said SHO misuses his power and puts me in trouble without any guilt.

STATEMENT OF QUDRAT S/O SHAMS R/O MANSEHRA.

He stated that I was going to Mansehra from Peshawar on the motorway in our motorcar No. 643/Sindh, chassis no. PK100028100, engine No. M13A13028100, Model 2015, Swift, along with my parents and brother. At 11 pm at nighttime, when we reached near the Wali interchange, the police party stopped us and they took our body search and take in possession my mobile phone. And started searching the car and asking me about the car documents. I presented them vehicle documents but SHO Fakhri Alam Khan told us that their car was a stolen car and asked us to come to PS Misri Banda tomorrow and learn about our car. All these matters occurred with us under the supervision of SHO PS Misri Banda Fakhri Alam.

FINDINGS: -

From, the available record/ statements the following observations were found.

1. SHO PS Masri Banda is an experienced police officer and he himself admitted that he had possessed many vehicles U/S 523/550 before. The number 2 written on the chassis is incomprehensible even though there is an X mark on the chassis instead of the 2. That it is his incompetence and negligence that he verbally stated that this number was written on the chassis plate although the reference in the FSL is the chassis number and not the chassis plate.
2. The defaulter police officer did not show 07 mobile phones of different kinds taken in possession U/S 523/550 with the said vehicle in his report.
3. When the court summoned the vehicle and examined it through his civil Nazir, in the court premises. Civil Nazir examined the said vehicle and made an inventory report in which he did not mention tempering of the vehicle the civil nazir hand over one copy of the inventory report to enquiry officer SI Shaukat Hayat Khan and kept one copy for court purpose. While after that the said motorcar was found tempered.
4. The defaulter officer, did not bring into my notice about mobile phones taken in possession.
5. The defaulter officer did not mention the 7/8 mobile phones when entering his report vide DD No. 14 dated 08-04-2023, PS Misri Banda, which was taken into possession with the said motorcar by the defaulter officer.
6. It's beyond comprehension how someone leaves their 07/08 mobile phones and car without an owner at nighttime.
7. It is beyond comprehension how someone leaves valuable car of Rs. 19/20 lacs without owner at nighttime.
8. I recovered 07 different mobile phones from the defaulter officer and handed to the legal owners, Abdul Qadeer and Sardar Ahmad Khan R/O Peshawar, through receipt. .

In view of the above facts and statements, the defaulter officer under inquiry was found guilty and thus creating a situation which brings the police force into disrepute, which instills public hatred towards the police and creates insecurity and distrust.

Previous inquiry report also here with attached for your kind perusal.

RECOMMENDATIONS: -

Keeping in view the above facts and circumstances, it is recommended that the official under inquiry may be awarded major punishment if agreed, please.

Enclosed ( )

TRUE COPY

ANNEXURE I

(17)

FINAL SHOW CAUSE NOTICE

Whereas, you **SI Fakhar Alam No. MR/534**, while posted as SHO Police Station, Misri Banda, were reportedly involved in tempering of vehicles.

On account of which, you were suspended, closed to Police Lines and proceeded against departmentally through Mr. Ajab Khan, SDPO Akora, who after fulfillment of legal formalities submitted his report to the undersigned, wherein he found you guilty and recommended you for awarding major punishment.

Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I, Nasir Mahmood, PSP, District Police Officer, Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of the receipt of this notice, failing which, it will be presumed that you have no defense to offer.

You are at liberty to appear for personal hearing before the undersigned.

District Police Officer,
Nowshera

No. 161 /PA,
Dated 18/05/2023

TRUE COPY

22/5/2023

ANNEXURE J (18)

جناب عالی!

بحوالہ شوکاز نوٹس نمبر 161-PA / 18-5-23 بجاریہ جناب DPO صاحب بالوشیر

مقدوض خدمت ہوں۔

جناب DPO صاحب نے مسمی ذی کو DSP صاحب اکوڑہ کی رپورٹ پر حفظ کر کے اور میرے حفظی کی انکوائری بھی DSP صاحب اکوڑہ کو حوالہ ہوئی۔ انکوائری میں مجھے گنہگار ٹھہرایا گیا۔ آپ صاحب حضور کی خدمت میں عاجزانہ عرض کرتا ہوں۔

قبل ازیں آپ صاحب حضور کو میں نے اپنی انکوائری کسی دوسرے آفیسر کو حوالہ کرنے کی استدعا کی تھی۔ جو آپ صاحب حضور نے میری استدعا رد کی تھی چونکہ DSP صاحب اکوڑہ کی رپورٹ پر میں حفظ ہوا تھا۔ دوران انکوائری وہ مجھے بے گناہ نہیں ٹھہرا سکتا۔ میرے خلاف جو الزام لگایا گیا ہے میں اپنی صفائی ہر جگہ پیش کر سکتا ہوں۔ مجھے معلوم نہیں کہ DSP صاحب نے کس بنیاد پر مجھے قصوروار ٹھہرایا۔ میں اس میں بے قصور ہوں آپ صاحب حضور سے عاجزانہ درخواست کرتا ہوں کہ میرے خلاف انکوائری کسی اعلیٰ افسر سے کروائی جائے تاکہ حقیقت معلوم ہو سکے۔ اور میں آپ صاحب حضور سے امید کرتا ہوں کہ آپ میری استدعا منظور کریں یہ میری عرض ہے۔

No. 1472/PA
dt 05/06/2023

Copy to police lines Noushehra
25/5/2023

DSP Cantt for inquiry

31 مکمل مقدمات

TRUE COPY

ANNEXURE K

(19)

بیان ازاں محمد عالم خان SI

جناب عالی!

بحوالہ چارج شیٹ نمبر 36-PA 18-4-23 جناب DPO صاحب [illegible] معروض

خدمت ہوں

چارج شیٹ میں مجھ پر [illegible] ایک ملزم کار کی ٹارچرنگ کروائی ہے۔ اس

سلسلہ میں ذیل عرض کرتا ہوں:

اپنی 20 سالہ نوکری میں کبھی ایسا کام نہیں کیا۔ جو محکمہ پولیس کی بدنامی کا باعث

رہے۔ اپنی پوری سروس میں پہلی مرتبہ [illegible] نے مجھے معطل کیا

ضلع ھذا میں تھانہ [illegible] اور تھانہ [illegible] میں بطور SHO تعینات رہ چکا

ہوں۔ دوران تعیناتی میرا [illegible] کسی قسم کی شکایت نہیں ہے

جہاں تک تھانہ صدر [illegible] میں ملزم کی ٹارچرنگ کا مسئلہ ہے۔ تو بحیثیت SHO تھانہ

صدر [illegible] میں میری تعیناتی 16/3 [illegible] علاقہ میں [illegible] کافی

[illegible] 2023 / 8/4 کو میں [illegible] گشت [illegible] تھا

[illegible] میں ایک ملزم کار [illegible] 482/23 [illegible] ملزم کار

[illegible] مشکوک جان کر [illegible]

[illegible] 14 [illegible] 6/5 [illegible] 523/23 [illegible] تفتیش

[illegible] 550/23 [illegible] ASHO [illegible] ملزم کار اپنی حالت

میں [illegible] کے علاوہ [illegible] میں [illegible]

[illegible] ٹارچرنگ کا مسئلہ ہے۔ تو میں حلفاً لکھ کر دیتا ہوں۔ کہ اسی وقت

[illegible] کسی قسم کا [illegible] نہیں کیا ہے [illegible] کروائی ہے

TRUE COPY

P — T — O

(20)

[illegible] میں مزید تفتیش جاری ہے۔ میں نے لاوارث گاڑیاں قبضہ پولیس کی ہیں متعلقہ تھانہ جات
سے بھی پوچھنا حاصل کر سکتے ہیں۔ اگر میں نے کبھی بھی کسی گاڑی کا چالان کیا ہو تو مجھے بتایا جائے۔
میں اپنا حلف نامہ لکھ کر دیتا ہوں۔ اگر یہ جھوٹا ثابت ہوا تو میرے خلاف کارروائی کی جائے۔ اور اللہ تعالیٰ
سے دعا گو ہوں کہ میرے ساتھ جو زیادتی کی گئی ہے۔ اس بندے کو منطقی انجام تک پہنچائے
میں بے قصور ہوں۔ تندرستی کے لئے ان کو اللہ تعالیٰ صحت و عافیت فرمائے

Sd/ Mehboob Lasi

محبوب علی

ملزم انکوائری کے بیان بھی ضروری ہے جس پر میں DSP مجیب خان
نے کراس سوالات کے جس شامل انکوائری کیا جائے

مجیب خان
DSP Azam

ATTESTED

OFFICE OF THE
DEPUTY SUPERINTENDENT OF POLICE,
NOWSHERA CANTT CIRCLE

Tel No. 0923-9220108, Email: sdpownrcantt@gmail.com

2023

K1 (21)

ANNEXURE

To:- The District Police Officer,
Nowshera.

No 22 / St Nowshera dated 3/7/2023.

Subject: **DEPARTMENTAL INQUIRY AGAINST SI FAKHRE ALAM MR.584.**

Memo: Kindly refer to your office Diary No. 161/PA, dated 18.05.2023.

SUMMARY OF ALLEGATIONS:

Whereas, SI Fakhre Alam while posted as SHO police station Misri Banda, now under suspension at Police Lines Nowshera was reportedly involved in tempering of vehicles, which amounts to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa Police Rules, 1975.

PROBING:

The delinquent police officer was called and heard him in person who submitted his reply of charge sheet that he already given statement before SDPO Akora which is his statement, wherein he mentioned that on 08.04.2023 he was on routine patrolling gusht near Wali Interchange a Motor Car bearing registration No. 482/AMY-Sindh was found parked by unknown person was taken into possession u/s 523/550 Cr.P.C, the M/Car was brought to police station Misri Banda and MHC was issued direction for necessary entry into relevant registers. He denies the allegation leveled against him and solemnly stated that it could be the act of tempering was done by someone just to defame him. On perusal of statements of FC Aleem and FC Azmat on duty with SHO it was found that they were present on duty with SHO on the day of occurrence when a M/Car bearing registration No. 482/AMY-Sindh was found parked on Motorway near Wali Interchange Peshawar to Islamabad road without any body, while 07 mobile phones in shopping bag was also lying near M/Car. The M/Car was taken into possession u/s 523/550 Cr.P.C and no one tempered the chassis of the vehicle.

CONCLUSION.

From statements and available record and inquiry conducted so far, it came to surface that though SI Fakhre Alam has not himself tempered the vehicle but being responsible officer he was under obligation to keep the vehicle so taken into possession in safe custody and under his supervision, to which he failed to do so and this act resultant in tempering of the vehicle by someone in his subordinates. Furthermore, the owner of the vehicle filed an application before court wherein he requested for the withdrawal of his case which was accepted by the learned court and the vehicle was handed over to the owner on the direction of learned court of Mr. Khalid Mansoor Senior Civil Judge (J-I) JM Nowshera vide ordered dated 17.04.2023. Besides above, the applicant Muhammad Rahim s/o Said Rahim r/o Sardar Ahmad Jan Colony Bajauri Street No. 3 Peshawar stated in his written statement that he wants no action against SHO Misri Banda as the vehicle is handed over him through court order.

TRUE COPY

OFFICE OF THE

(22)

RECOMMENDATION:

The undersigned is of the view that the tempering of case property Motor Car was not prove against the delinquent police officer, however being as SHO/supervision officer he cannot exonerated because due to his lack of supervision the act was done. Therefore, SI Fakhre Alam being a responsible officer is recommended for any appropriate punishment under relevant Rules and Law.

Deputy Superintendent of Police,
Nowshera Cantt Circle.

TRUE COPY

Reduction in Pay by two stages

عنوان: اپیل برائے بحالی سزا

جناب عالی:۔

بحوالہ آرڈر بک نمبر 499 مورخہ 06-07-2023 معروض خدمت ہوں کہ مجھے جناب DPO صاحب نوشہرہ نے بحوالہ آرڈر بک نمبری 250 مورخہ 18-04-2023 کو تھانہ مصری بانڈہ سے سسپنڈ کر کے پولیس لائن کلوز کیا گیا۔ اور بعد ازاں مجھے ایک چارج شیٹ نمبری 36/PA مورخہ 18-04-2023 مجاریہ DPO نوشہرہ جس میں مجھے پر الزام عائد کیا گیا کہ آپ نے ایک موٹر کار میں تھانہ مصری بانڈہ میں بحیثیت SHO تعیناتی کے دوران ٹمپرینگ کی ہے۔ آپ اپنی تحریری اور وضاحتی بیان انکوائری آفیسر DSP اکوڑہ سرکل عجب خان کو جمع کرے۔ میں نے اپنا تحریری اور وضاحتی بیان میں اپنا مکمل بے گناہ ہونے کا تذکرہ کیا۔ مگر نہ جانے کہ کس بنیاد پر DSP اکوڑہ سرکل صاحب نے مجھے قصوروار ٹھرا کر مجھے سزا کے لیے منتخب کیا۔ اسی دوران میں نے اس انکوائری افسر پر عدم اعتماد کر کے ایک تحریری درخواست جناب DPO صاحب کو دی جو اُس نے منظور کر کے دوبارہ DSP کینٹ سرکل جناب احسان شاہ صاحب کو مقرر کیا۔ اس انکوائری افیسر کو بھی میں نے اپنا تحریری اور وضاحتی بیان میں اپنی بے گناہی بیان کی۔ بعد ازاں موٹر کار مالک نے میرے خلاف جو کہ غلط فہمی کی بنیاد پر جوڈیشل مجسٹریٹ کو گاڑی میں ٹمپرنگ اور چھیڑ چھاڑ کی بابت دی تھی وہ بھی عدالت سے تحریری درخواست پر واپس لے کر اور من SHO کے خلاف کسی قسم مزید کاروائی نہ کرنے عدالت حضور میں استدعا کی جو کہ عدالت نے منظور کر کے درخواست فائل کر دی۔ اسی طرح میں بے گناہ ثابت ہوا۔ اس لیے میں مزید کسی سزا کا مستحق نہیں تھا مگر پھر بھی نہ جانے کہ کس بنیاد پر جناب DPO صاحب نے مجھے 05-07-2023 کو وارڈر لی روم میں طلب کر کے میرے جوابات سے غیر مطمئین ہو کر مجھے بحوالہ ارڈر بُک نمبر 499 مورخہ 06-07-2023 جو بڑی سزا تجویز کر کے Reduction in Pay by two stages کی سزا دی گئی۔

جناب عالی:۔

میں نے تقریباً 25 سال محکمہ پولیس میں صاف و شفاف نوکری کی ہے اور کبھی بھی افسران بالا کو شکایت کا موقع فراہم نہیں کیا اور تمام ملازمت کے دوران پہلی بار سسپنڈ ہوا ہوں۔ اس لیے بالا گزارشات کی روشنی میں مجھے اپنی بے گناہی پر DPO صاحب کی طرف سے دی گئی بڑی سزا کالعدم قرار دے کر مشکور فرمائیں۔ آئندہ کے لیے محتاط رہونگا۔

بندہ تا زیست دعا گو رہے گا۔

المرقوم 10-07-2023

العارض

سب انسپکٹر فخر عالم خان نمبر 584/MR متعینہ پولیس لائنز ضلع نوشہرہ

Sir,
FORWARDED PLS
RI. PL. NOWSHERA
10/7/23

Sir,
Forwarded
DSP/HQr NSR
10.07.2023

TRUE COPY

ANNEXURE "M"

بخدمت جناب جوڈیشل مجسٹریٹ صاحب نوشہرہ

محمد رحیم بنام سرکار

درخواست برائے واپس لینے مقدمہ withdrawal/

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

۱۔ یہ کہ مقدمہ عنوان بالا زیر تجویز عدالت جناب ہے، جس میں تاریخ پیشی آج بمورخہ 17-04-2023 مقرر ہے۔

۲۔ یہ کہ مدعی نے ایک عدد درخواست 200 کمپلینٹ برخلاف مدعا علیہ کے خلاف دائر کیا تھا۔

۳۔ یہ کہ میں مدعی ایک مزدور کار شخص ہوں اور اپنا ٹائم ضائع نہیں کرنا چاہتا ہے اس لئے اپنا درخواست واپس لینا چاہتا ہے اس لئے آپ صاحبان سے درخواست ہے کہ سائل کا درخواست واپس/withdrawal کرنے کا حکم صادر کیا جائے

استدعا کی جاتی ہے کہ منظوری درخواست واپس/withdrawal کرنے کے حکم صادر فرمایا جائے۔

العرض

مدعی بذریعہ خود

محمد رحیم

بیان حلفی

حلفاً بیان کرتا ہوں کہ جملہ مراتب میرے علم و یقین کے مطابق درست اور ٹھیک ہے کوئی امر مخفی نہ ہے

17301-1323918-5

03149012124

بمورخہ 17-04-2023

TRUE COPY

M1

(25)

بیان ازان محمد رحیم ولد سید رحیم سکنہ سردار احمد جان کالونی باجوڑی سٹریٹ نمبر 03 پشاور

CNIC No: 17301-1323918-5

نے بدریافت بیان کیا کہ میں نے ایک درخواست برخلاف SHO مصری بانڈہ نوشہرہ کچہری میں غلط فہمی کے بناء پر دائر کی تھی جس کو میں نے بغیر کسی کاروائی عدالت حضور سے واپسی کی درخواست کی تھی جو کہ باقاعدہ منظور ہو کر داخل دفتر ہوئی ہے جس کی نقل ہمراہ لف بیان ھذا ہے۔ مجھے عدالت حضور نے اپنی گاڑی صحیح سلامت حوالہ کی ہے۔ جملہ کاروائی میں SHO صاحب نے ہمارے ساتھ ہر ممکن تعاون کیا ہے مزید یہ کہ میں SHO مصری بانڈہ کے خلاف کسی قسم کی کاروائی کرنے کا خواہاں نہیں ہوں یہی میرا بیان ہے جو حقیقت پر مبنی ہے۔

العبد ----------

محمد رحیم ولد سید رحیم سکنہ سردار احمد جان کالونی باجوڑی سٹریٹ نمبر 03 ضلع پشاور

17301-1323918-5

TRUE COPY

ANNEXURE "M"

(26)

Statement of Muhammad Raheem son of Said Raheem resident of resident of Bajauri street, Street No.3, Mohallah Sardar Ahmad Jan Colony, Peshawar (complainant)

Stated on oath that I am complainant of the complaint titled "Muhammad Raheem vs SHO Police Station Misri Banda etc." I do not want to press the complaint anymore. The same be filed without further proceedings. My application for withdrawal of the same is Ex.PA. I produce my original CNIC. Photocopy of the same is Ex.PB. Original CNIC returned after perusal.

RO & AC
17.04.2023

Muhammad Raheem (complainant)
CNIC No.17301-1323918-5

Identified by :
Shah Nawaz Khan advocate
(complainant's counsel)

Khalid Mansoor,
Senior Civil Judge (J-I)/
Judicial Magistrate,
Nowshera.

Khalid Mansoor
Senior Civil Judge (Judicial)
Nowshera

TRUE COPY

(6)

27

ANNEXURE M3

IN THE COURT OF KHALID MANSOOR,
SENIOR CIVIL JUDGE (J-I) / JM, NOWSHERA.
Complaint under section 200 Cr.PC

Order...02
17.04.2023

APP Zubair Khan present for the State. The SHO and Muharrir of Police Station Misri Banda namely Fakhr-e-Alam and Tariq Khan present in person. Complainant Muhammad Raheem in person along with counsel Shah Nawaz Khan advocate present. Complainant submitted an application for withdrawal of the complaint. To this effect statement of the complainant recorded which is reproduced for ready reference herein below:

> *"Stated on oath that I am complainant of the complaint titled "Muhammad Raheem vs. SHO Police Station Misri Banda etc.". I do not want to press the complaint anymore. The same be filed without further proceedings. My application for withdrawal of the same is Ex.PA. I produce my original CNIC. Photocopy of the same is Ex.PB. Original CNIC returned after perusal."*

Keeping in view the above situation, the complaint is dismissed as withdrawn. Muharrir is directed to scan the record and transmit a soft copy of the same to the Data Ware House/Scanning Branch. Thereafter, file be consigned to the Record Room after necessary completion and compilation.

Announced:
17.04.2023

Khalid Mansoor,
Senior Civil Judge (J-I)/
Judicial Magistrate,
Nowshera

TRUE COPY

VAKALATNAMA

In the Court of **Khyber Pakhtunkhwa Service Tribunal, Peshawar**

Service Appeal No. ____ / 2024

ID No.	**B.C- 10-7764**
Advocate	M. Zafar
Cell No.	0300-9597670
CNIC	17301-1639615-3

Fakhar Alam — Petitioner, Plaintiff, Applicant, Appellant, Complainant, Decree-Holder

VERSUS

Govt of Khyber Pakhtunkhwa etc. — Respondent, Defendant, Opponent, Accused, Judgment-Debtor

I / We **Fakhar Alam** the above noted appellant, **do** hereby appointed and constitute, **Muhammad Zafar Khan Tahirkheli, Advocate Supreme Court of Pakistan** to appear, plead, act, compromise, withdraw or refer to arbitration for me / us as my / our counsels / advocates in the above noted matter, without any liability for his default and with the authority to engage any other Advocate / Counsel at my / our cost.

The Client / Litigant will ensure his presence before the Court on each and every date of hearing and the counsel would not be responsible if the case is proceeded ex-parte or is dismissed in default of appearance. All cost awarded in favour shall be the right of Counsel or his nominee, and if awarded against shall be payable by me/us.

I / We authorize the said Advocates to withdraw and receive on my / our behalf all sums and amounts payable or deposited on my / our account in the above noted matter.

Client

M. Zafar Khan Khan (Tahirkheli)
A S C.
Attested & Accepted (Advocates)

Dated, 06/06/2024

Office **ATIQ LAW ASSOCIATES,**
87, Al-Falah Street, Besides State Life Building,
Peshawar Cantt, Phone: 091-5279529
E-mail : zafartk.advocate@gmail.com