


FORM OF ORDER SHEET

Court of _____

Appeal No. 844/2024

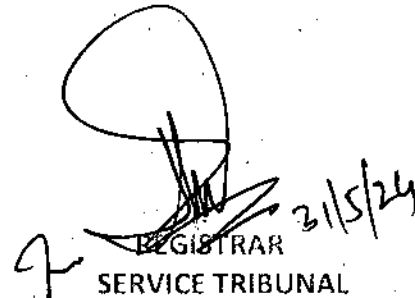
| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 13/06/2024 | <p>The appeal of Mr. Muhammad Akbar resubmitted today by Mr. Saadullah Khan Marwat Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 24.06. 2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p> |

The appeal of Mr. Javed Khan received today i.e on 30.05.2024 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

- 1- ✓ Check list is not attached with the appeal.
- 2- ✓ Appeal has not been flagged/marked with annexures marks.
- 3- ✓ Affidavit is not attested by the Oath Commissioner.
- 4- ✓ Annexures of the appeal are unattested.
- 5- ✓ Copy of departmental appeal is not attached with the appeal.
- 6- Page nos. 5, 7, 8, 10, 12 & 16 of the appeal are illegible which may be replaced by legible/better one.
- 7- 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. 107 /Inst;/2024/KPST,


Dt. 31/05 /2024.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Saadullah Khan Marwat Adv.
High Court Peshawar.

Sir,

Re-submitted after removing
1 objections.


13/6/24

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

C. M. No. _____ / 2024

IN

S.A. No. _____ /2024

Javed Khan

versus

DPO & Others

**APPLICATION FOR HEARING OF THE SUBJECT
APPEAL AT PRINCIPAL SEAT AT PESHAWAR:**

Respectfully Sheweth,

1. That applicant filed the subject appeal before this hon'ble Tribunal today.
2. That appellant is the resident of Lakki Marwat and temporarily residing at Peshawar, so it will be convenient for appellant to heard the subject case on the Principal seat at Peshawar.

It is, therefore, most humbly prayed that the application be accepted as prayed for.

Appellant

Through


Saadullah Khan Marwat

Advocate

Dated 30-05-2024

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 844 / 2024

Javed Khan

versus


DPO & Others

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Through

Appellant


Saadullah Khan Marwat
Advocate.
21-A Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph: 0300-5872676

Dated.30-05-2024

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 844 /2024

Javed Khan S/O Mutabar Khan,
R/O Tor Lawang Khel, Lakki Marwat.
Ex-Constable No. 870,
District Police, Lakki Marwat Appellant

Khyber Pakhtunkhwa
Service Tribunal

Case No. 13078

Dated 30/5/24

Versus

1. District Police Officer,
Lakki Marwat.
2. Regional Police Officer,
Bannu Region Bannu.
3. Provincial Police Officer,
KP, Peshawar Respondents

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OB NO. 501 DATED 22-12-2023 OF R.
NO. 01 WHEREBY APPELLANT WAS DISMISSED
FROM SERVICE OR OFFICE ORDER NO. 945 / EC
DATED 27-02-2022 OF R. NO. 02 WHEREBY
REPRESENTATION OF APPELLANT WAS FILED
OR OFFICE ORDER NO. 961-66 / 24 DATED 07-
05-2024 OF R. NO. 03 WHEREBY REVISION
PETITION OF APPELLANT WAS REJECTED FOR
NO LEGAL REASON:**

Filed to-day
Registrar

Respectfully Sheweth:

1. That appellant was initially appointed as Constable on 31-12-2019 and was serving the department to the best of the ability and without any complaint.
2. That on 18-09-2023, SHO Police Station Ghazni Khel lodge FIR No. 341 dated 18-09-2023 in the Police Station for conducting raid over offenders but failed to arrest them. At the time appellant was

allotted Kalashnikov for Polio duty. The DSP asked him to hand over the said weapon but appellant after introduction was unable to hand over the said weapon. On this he and his brother namely Doulat Khan who was also police constable was arrested in the case for no legal reason. The contents as managed / narrated by the complainant in the FIR was totally false and absolutely incorrect and has no concern with the reality. (Copy as annex "A")

3. That after arrest, appellant submitted application on 19-09-2023 before the Learned Additional Session Judge Lakki Marwat for release on bail which was self-explanatory. (Copy as annex "B")
4. That on 19-09-2023, appellant was issued Charge Sheet which contains allegations that "You were charged in a criminal case vide FIR No. 341 dated 18-09-2023 u/s 324, 353, 427, 34 PPC r/w 15 AA" of Arms Act. (Copy as annex "C")
5. That on 22-09-2023, appellant submitted reply to the Charge Sheet and denied the allegations with cogent reason which requires worth perusal. (Copy as annex "D")
6. That on 25-09-2023, appellant was released from Jail on acceptance of Bail Petition. (Copy as annex "E")
7. That without conducting regular enquiry into the matter, appellant was dismissed from service by R. No. 01 on 22-12-2023. (Copy as annex "F")
8. That thereafter appellant filed departmental appeal before R. No. 02 for reinstatement in service which was rejected / filed on 27-02-2024. (Copies as annex "G" & "H")
9. That Revision Petition was filed before R. No. 03 for reinstatement in service which was rejected on 07-05-2024. (Copies as annex "I" & "J")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:

- a. That at the time, appellant was performing his duties with Polio team and was on official duties.

- b. That the DSP and SHO of the circle after failing in their nefarious designs, and to show efficiency, appellant was involved in the case despite the fact that they were requested time and again that the weapon is for official duty and not a private weapon.
- c. That no enquiry, whatsoever, was conducted in the matter to prove guilt of the defaulters but with closed eyes the said FIR was registered and appellant was arrested in the same for no legal reason.
- d. That the impugned orders of the authorities are of no legal effect as the same are total in disregard with the law and rules. Regular enquiry was must but the same was not conducted and the respondents in slip should manner issued the impugned order in short span of time.
- e. That DSP and SHO of the circle are responsible for the misdeeds already made time and again in frivolous cases.
- f. That the impugned orders are based on malafide and not supported by any reason which is evident from the order of the ASJ Lakki Marwat by granting bail to the appellant.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 22-12-2023, 27-02-2024 and 07-05-2024 of the respondents be set aside and appellant be reinstated in service with all consequential benefits, with such other relief as may be deemed proper and just in circumstances of the case.



Appellant

Through



Saadullah Khan Marwat



Arbab Saiful Kamal



Amjad Nawaz
Advocates.

Dated 30-05-2024

AFFIDAVIT

I, Javed Khan S/O Mutabar Khan, R/O Tor Lawang Khel, Lakki Marwat. Ex-Constable No.870, District Police Lakki Marwat (Appellant), do hereby solemnly affirm and declare that contents of **Service Appeal** are true and correct to the best of my knowledge and belief.



DEPONENT

CERTIFICATE:

As per instructions of my client, no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.

[Handwritten Signature]
ADVOCATE

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ابتدائی اطلاعی رپورٹ

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

ضلع کئی مروت

غزنی خیل

تھانہ

تاریخ وقت وقوعہ 18.09.23 وقت 12.00 بجے

341

مقدمہ طلت

| | | |
|----|---|---|
| 1. | تاریخ وقت رپورٹ 18.09.23 وقت 12.20 بجے | چاکیدگی مورخہ 18.09.23 وقت 13.30 بجے |
| 2. | نام و سکونت اطلاع دہندہ و مستغیث | عباد وزیر خان ISHO |
| 3. | مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہوا | PPC 324-353/34-15AA |
| 4. | جائے وقوعہ فاصلہ تھانہ سے اور سمت | راستہ روندہ طور لوٹنگ خیل نزد لوٹنگ خیل جانب غرب شمال بفاصلہ قریب 10/11 کلومیٹر از تھانہ |
| 5. | نام و سکونت ملزم | ا۔ جاوید ۲ دولت خان پسران معتبر خان سکناے طور لوٹنگ خیل |
| 6. | کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو | برسیدگی مراسلہ پر چہ دیا گیا |
| 7. | تھانہ سے روائگی کی تاریخ و وقت | برسبیل ڈاک |

ابتدائی اطلاع پہنچے درج کرو۔ اس وقت ایک تحریری مراسلہ منجانب عباد وزیر خان ISHO بغرض قائمی مقدمہ بدست کنسٹیبل امیر نواز 574 موصول ہو کر ذیل ہے۔ آفسر اچارج تھانہ غزنی خیل امر و میں معہ نفری تھانہ آمدہ نفری RRF پولیس لاہنر کئی مروت زیر قیادت جناب DSP صاحب سرکل غزنی خیل بحوالہ مقدمہ 253 مورخہ 17.09.23 جرم 34-437-353-324 تھانہ گھبیلہ میں نامزد ملزمان ا۔ عبد الحمید عرف مبر ولد افضل خان 2 محمد میر عرف میرک ولد خان محمد عرف خاک سکناے طور لوٹنگ خیل کے گرفتاری کی خاطر دہرہ طور لوٹنگ جا رہے تھے تو جائے وقوعہ بالا پر 12/2 اشخاص جن میں سے ایک شخص مسلح یہ کلاشکوف تھا۔ جبکہ دوسرا شخص خالی ہاتھ تھا۔ خالی ہاتھ والے شخص نے پولیس پارٹی سے بذریعہ موبائل ویڈیو بنانے کی کوشش کر رہا تھا۔ اور مسلح شخص نے ہم پولیس پارٹی پر کلاشکوف ایم کر کے ہم پولیس پارٹی گاڑیاں سے نیچے اترتے ہی مسلح شخص نے پولیس پارٹی پر بہ نیت قتل فائرنگ شروع کیں جو خوش قسمتی سے ہم پولیس پارٹی بچ کر مسلح شخص اور ویڈیو بنانے والا شخص کو نہایت حکمت عملی سے قابو کر کے مسلح شخص نے بدریافت اپنا نام جاوید ولد معتبر خان جبکہ دوسرے شخص نے اپنا نام دولت خان ولد معتبر خان سکناے طور لوٹنگ خیل بتلائے۔ مسلح شخص کے قبضہ سے ایک ضرب کلاشکوف فولڈنگ ہٹ نمبر H3900155 معہ فٹ 3 عدد سپر میگزین ہنڈولیر کپڑا معمولہ 90 عدد کارٹوس پر 7.62 اور دوسرے شخص دولت خان کے قبضہ سے ایک عدد موبائل ٹچ مارک Oppo برآمد کر کے فحویں خود میں لیکر دونوں ملزمان کو مرکتب بجرانم بالا کے پا کر حسب ضابطہ گرفتار کئے گئے اور مراسلہ واسطے قائمی مقدمہ تفتیش و بدست کنسٹیبل امیر نواز 374 ارسال تھانہ ہے۔ دستخط انگریزی عباد وزیر خان SHO مورخہ 18.09.23 کارروائی تھانہ پس برسیدگی مراسلہ پر چہ بجرانم بالا برخلاف ملزمان بالا کا چاک ہو کر نقول FIR بمراد تفتیش حوالہ KBI سٹاف کئے جاتے ہیں۔ پرچہ گزارش ہے فاروق خان 18.09.2023

3-0098E5E-1001 8144555 2100

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فائل نمبر 2023

مدرسہ اسلامیہ
بھٹنڈہ
ضلع لاکھی ماروال

RECEIVED

فائل نمبر 2023

18/9/23

- 1- مدرسہ اسلامیہ بھٹنڈہ ضلع لاکھی ماروال کے سربراہان کو خط لکھ کر بتایا گیا کہ ان کے مدرسہ کے طلبہ کو اسکول لاکھی ماروال میں داخلہ دیا جائے گا۔
- 2- ان کے مدرسہ کے طلبہ کو اسکول لاکھی ماروال میں داخلہ دیا جائے گا۔
- 3- ان کے مدرسہ کے طلبہ کو اسکول لاکھی ماروال میں داخلہ دیا جائے گا۔
- 4- ان کے مدرسہ کے طلبہ کو اسکول لاکھی ماروال میں داخلہ دیا جائے گا۔
- 5- ان کے مدرسہ کے طلبہ کو اسکول لاکھی ماروال میں داخلہ دیا جائے گا۔
- 6- ان کے مدرسہ کے طلبہ کو اسکول لاکھی ماروال میں داخلہ دیا جائے گا۔
- 7- ان کے مدرسہ کے طلبہ کو اسکول لاکھی ماروال میں داخلہ دیا جائے گا۔
- 8- ان کے مدرسہ کے طلبہ کو اسکول لاکھی ماروال میں داخلہ دیا جائے گا۔
- 9- ان کے مدرسہ کے طلبہ کو اسکول لاکھی ماروال میں داخلہ دیا جائے گا۔
- 10- ان کے مدرسہ کے طلبہ کو اسکول لاکھی ماروال میں داخلہ دیا جائے گا۔

محکمہ تعلیم

Superintendent,
Courts, LAKKI MARWAL

324-353 / 18/9/23
527-34-15AA

18/9/23

مدرسہ اسلامیہ بھٹنڈہ ضلع لاکھی ماروال کے سربراہان کو خط لکھ کر بتایا گیا کہ ان کے مدرسہ کے طلبہ کو اسکول لاکھی ماروال میں داخلہ دیا جائے گا۔

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Charge sheet under NWFP Police Rules 1975.

I, Tariq Habib PSP District Police Officer, Lakki Marwat as competent authority hereby charge you Constable Javed Khan No.870 while undergoing Traffic Course at PTS Kohat as follow:-

1. That you were charged in a criminal case vide FIR No.341 dated 18.09.2023 U/S 324/353/427/34 15AA PS Ghazni Khel.
2. This speaks gross misconduct on your part and liable to be punished under KP Police Rule 1975 (amended in 2014).
3. By reason of the above, you appear to be guilty or misconduct under section -2 (iii) of the KP Police Rules.
4. You are therefore directed to submit your written defence within seven days (7) of the receipt of this charge sheet to the Enquiry Officer.
5. Your written defence 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, an ex parte action shall follow against you.
6. Intimate whether you desired to be heard in persons.

No. 5682 dated Lakki Marwat the 19.09.2023

District Police Officer
Lakki Marwat

DISTRICT COURT
L. M. K. A. J. J. J.

11/22

60/67 1882

[The main body of the document is extremely faint and illegible due to heavy noise and low contrast. It appears to contain several paragraphs of text, possibly including a case description or legal proceedings.]

THOMAS S. JONES

18-9-23

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OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT

No. 5682/

Dated 19.09.2023.

Disciplinary Action under KPK Police Rules 1975.

I, Tariq Habib PSP, District Police Officer, Lakki Marwat as competent authority, is of the opinion that Constable Javed Khan No.870 while undergoing Traffic Course at PTS Kohat has rendered himself liable to be proceeded against as he committed the following misconducted which fall within the meaning of section -02 (III) of KP Police Rules 1975 (amended in 2014).

Statement of allegations

1. That he was charged in a criminal case vide FIR no. 341 dated 18.09.2023 U/S 324/353/427/34/15AA PS Ghazni Khel.
2. This speaks gross misconduct on his part and liable to be punished under KP police Rule 1975 (amended in 2014).

For the purpose of scrutinizing the conduct of the said official with reference to the above allegations DSP HQ is appointed as Enquiry Officer for further thorough probe into the matter.

The enquiry Officer shall conduct proceedings in accordance with provision of KP Police rules 1975 (amended in 2014) and shall provide reasonable opportunity of defense and hearing to the accused official, record its finding and make within twenty five (25) days of the receipts of this order, recommendation as to punishment or other appropriate action against the accused officer.

The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

District Police Officer
Lakki Marwat

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT

No.568384 / SRC dated Lakki Marwat the 19.09.2023

Copy of above is submitted to the:

1. _____ for initiating proceedings against the accused officer under KP Police rules 1975 (Amended in 2014).
2. Constable Javed Khan No.870 with the directions to appear before the Enquiry Officer on the date time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

12

Constable Javed Khan No. 879 with the direction of the District Police Officer to the date and place by the enquiry officer for the purpose of enquiry proceedings.

(Police Rules 1973) amended in 2017

for initiating proceedings against the accused officer under

Copies of above is submitted to the

No. 568351/SRC dated 14/11/2023

OFFICE OF THE DISTRICT POLICE OFFICER, PAKISTAN

District Police Officer
Lahore

The accused officer shall on the proceedings on the date, time and place

of the proceedings shall be as follows:

1. Name of the accused officer: Javed Khan No. 879

2. Nature of the offence: [Illegible]

3. Date and place of the proceedings: [Illegible]

4. Name of the enquiry officer: [Illegible]

5. Name of the witnesses: [Illegible]

STATEMENT OF AFFAIRS

The accused officer Javed Khan No. 879 while on duty at [Illegible] on [Illegible] date [Illegible] at [Illegible] place [Illegible] committed the offence of [Illegible] under [Illegible] of the Police Rules 1973.

DISCIPLINARY ACTION UNDER POLICE RULES - 1973

No. 568351

OFFICE OF THE DISTRICT POLICE OFFICER, PAKISTAN

جناب عالی!

بحوالہ مشورہ چارج شیٹ نمبر کی SRC/84-5683 بحالیہ جناب DPC صاحب ضلع لکی مروت بابت الزام بحوالہ
 مقدمہ عدلت نمبر 341 مورخہ 18.09.2023 جرم 324/353/427/34 تھانہ غزنی خیل معروض ہوں کہ من سائل
 مورخہ 16.09.2023 کو تبلیغ لکی مروت سے ٹریک ڈانس کیلئے سیٹ ہو کر زیر تربیت تھا کہ بروز وقوعہ جئے وقوعہ پر پولیس
 سوبائیکل سے سامنے ہو۔ سائیکل کو معلوم ہوا تھا کہ SHO صاحب نے میرے بھائی مشرف جو کہ FC میں ملازم ہے اپنا ذاتی
 سوبائیکل چھاپے زنی کی ویڈیو بنانے کی شک میں قبضہ پولیس کیا ہے۔ من سائل نے جناب DSP صاحب سے اپنا اور
 اپنے بھائی کا تعارف کر کے بعد از اپنا شک دور کرنے بھائی کا سوبائیکل واپس کرنے کا مطالبہ کیا۔ جس پر DSP صاحب نے
 ہو کر مجھے ماں بہن کی گالیاں دینا شروع کی لیکن من سائل پھر بھی اپنا سینٹر پولیس آفس کے سامنے خاموش رہا اور سائل جو اپنا
 سرکاری رائلٹس نمبر _____ جو پولیوٹ سے ایٹو، واقعہ جس سے بابت کورٹ چارج کورٹ میں واپس جمع کرنے
 کیسے سائل کو ذوق نہ رہا تھا کورٹ میں جمع کرنے کی غرض سے پولیس رٹن لیٹر آ رہا تھا تو ترقی یافتہ علاقے میں وقوعہ سرزد ہوا۔ جس
 وجہ سے میں نے سرکاری رائلٹس CDI کے منافیہ پر متذکرہ بالا رائلٹس موقع پر بعد اپنا ذاتی سوبائیکل جس میں سیم نمبر موجود تھا
 کو CDI گلاب خان کو حوالہ کیا جس نے میرا ذاتی سوبائیکل بعد میں میرے والد محترم کو جبکہ رائلٹس متذکرہ جناب SHO کو
 حوالہ کیا۔ جس نے میرا ذاتی سوبائیکل بعد میں میرے والد محترم کو جبکہ رائلٹس متذکرہ جناب SHO کو حوالہ کیا ہے۔ جس پر
 میرے خلاف بحوالہ مقدمہ بال میں مقدمہ درج رجسٹر کیا ہے۔ نہ میں نے اور نہ ہی میرے بھائی کنسٹیبل دوست خان نے پولیس
 پارٹی پر فائر کیا ہے اور نہ کسی چیز کو نقصان پہنچایا ہے اور نہ ہی میرے بھائی مشرف نے پولیس کی کوئی ویڈیو بنائی ہے اگر کوئی ویڈیو
 ہے تو ہتھیار شہوت پیش کی جائے ہم دونوں بھائی محکمہ پولیس سے وابستہ ہے ہم محکمہ پولیس کو اپنے جان سے عزیز رکھتے ہیں اور پھر
 ایسے نامور SHO کے خلاف فائرنگ کرنا اپنی موت کو دعوت دینا ہے۔ پھر ہم دو بھائیوں نے ایسے ایک سرکاری رائلٹس پر پولیس
 پارٹی پر فائرنگ کی نہ تو ہم نے کوئی غیر قانونی، غیر اخلاقی قدم اٹھایا ہے۔ جو کہ متذکرہ بالا جرائم میں آتا ہو۔ تاہم پھر بھی ہمارے
 کسی حرکت پر اگر پولیس فورس یا موقع پر موجود پولیس آفسران کی دس آزاری ہوئی ہو تو ہم ہر فورم پر معذرت کے طلب کار ہو گئے۔
 استدعا ہے کہ ہمارے والدین پر رحم فرما کر چارج شیٹ بغیر کسی کارروائی کے داخل دفتر کی جاوے۔

RECEIVED
 Criminal Session Judge
 10/11/23

25/09/23

Perusal of the record shows that although the accused / petitioners are directly named in the FIR for the offence stated above besides recovery of arms and ammunitions from possession of accused /petitioner Javed, however except mere allegations in the FIR there is nothing said on record to prima facie connect them with the alleged offence. Accused / petitioners claimed themselves to be police contingents while the Kalashnikov recovered from possession of accused Javed is official one which he uses for his safeguard. The local police just to show their efficiency involved them in the case with mala fide intention on account of some ulterior motive. Record is silent regarding their previous involvement in such like offences. Moreover no injury or damage has been caused to the complainant party or even their official pick up and the firm proved ineffective hence the applicability of section 324 PPC along with the question of awarding maximum sentences for the alleged offences would be determined at trial after recording evidence. Section 15-AA is bailable while punishment provided for the offence u/s 353 PPC do not fall within the prohibitory clause of section 497 Cr.P.C. and in such like cases grant of bail is a rule and its refusal is an exception. Investigation in the case has almost been completed and no purpose would be served by keeping accused behind bars for indefinite period, hence in view of above, the case of the accused / petitioners needs further probe. Consequently, the petition is allowed and the accused / petitioners named above be released on bail on

Arguments heard and record perused.
 accused /petitioner Javed, hence the FIR. the spot besides recovery of arms and ammunitions from possession of Javed duties. After seize the accused /petitioners were apprehended on ineffective firing upon the police party to discharge them from their arrest bail from this court, wherein they are charged for making u/s 15-AA of PS Ghuzant Khet District Larkar Majawal, now seeks for post charged in case FIR No. 341 dated 18-09-2023 u/s 324/353/427/34 PPC. The accused / petitioners Javed and Dardat Khan who are accused / petitioners. Record available on file.

Present: Sr. PP for the State and learned counsel for
 Of 05/09/2023
 25-09-2023
 05/09/23
 09-9-2023
 25/09/23

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furnishing bail bonds. If he submit surety bonds in the sum of
 Rs.100,000/- (One lac only) with two sureties each in the like amount to
 the satisfaction of this court / JCI. The sureties must be local, reliable
 and men of means. Copy of the order be placed on connected bail
 file be consigned to record room after its necessary
 completion and compilation while requisitioned record be returned to its
 quarter concerned.

Amounted
 25-09-2023

(Ajay Kishan Solanki Iyer)
 Addl. Session Judge-II
 Tanki Marwal

REGISTERED

EXAMINED
 Addl. Session Judge

Application received on: 27-10-23
 Copying fee deposited on: 27-10-23
 No. of warrants: 8
 Copying fee: /
 Search fee: /
 Urgent fee: /
 Name of lawyer: CLM
 Copy deposited on: 27-10-23
 Copy delivered on: 27-10-23
 Name of Examiner: 807

7839

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OFFICE OF THE
DISTRICT POLICE OFFICER
LAKKI MARWAT

ORDER

My this order will dispose off the departmental enquiry proceedings constable Javed Khan No.870 while undergoing Traffic course at PTS Kohat was found to indulge in the following misconduct as detail below.

1. That he was charged in a criminal case vide FIR No.341 dated 18.09.2023 U/s 324/353/427/34/15AA PS Ghazni Khel.
2. This speaks gross misconduct on his part and liable to be punished under KP police Rule 1975.

In this regard, he was charge sheeted and DSP/ HQr: Lakki Marwat was appointed as enquiry officer. The Enquiry Officer after conducting proper departmental enquiry submitted finding report vide No.961 dated 30.11.2023, wherein the allegations levelled against him were provided and recommended the delinquent official for major punishment.

Therefore, I Tariq Habib PSP, District Police Officer, Lakki Marwat, impose upon him major punishment of "Dismissal from service" with immediate effect. He is directed to deposit all the Govt articles allotted to him to the concerned branches.

OB No. 501

Dated 22.12.2023.

District Police Officer
Lakki Marwat

No.8848-50/Dated Lakki Marwat the 22.12.2023.

Copies of EC , PO & OHC for information and necessary action

F 12

22-12-23

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FIR 0969,538,500

OFFICE OF THE
DISTRICT POLICE OFFICER
LAKKI MARWAT
FAX 0967,538,244

Phone 0967,538,244

ORDER

My this order will dispose off the departmental enquiry proceedings Constable Javed Khan No.870 while undergoing Traffic Course at PTS Kohat was found to indulge in the following misconduct as detail below:-


1. That he was charged in a criminal case vide FIR No.341 dated 18/09/2023 u/s 324/353/127/34/15AA PS-Ghazni Khel.
2. This speaks gross misconduct on his part and liable to be punished under Police Rule-1975.

In this regard, he was charge sheeted and DSP Hqr Lakki Marwat was appointed as enquiry officer. The Enquiry officer after conducting proper departmental enquiry submitted finding report vide No.961 dated 30.11.2023, wherein the allegations leveled against him were proved and recommended the delinquent official for major punishment.

Therefore, I Tariq Habib PSP, District Police Officer, Lakki Marwat, impose upon him major punishment of "Dismissal from service" with immediate effect. He is directed to deposit all the Govt. articles allotted to him to the concerned branches.

OB No. 561

Dated: 22 /12/2023.


District Police Officer
Lakki Marwat

No. 561/5 Sec Dated Lakki Marwat the 22 / 12 2023

Copies to EC, PO & OHC for information and necessary action

مخبر: مشمولہ آرڈر نمبر 501 مورخہ 23-12-22 مجاریہ جناب (DPC) صاحب ضلع اکی سروت ذیل

مزارشات مرض کرنا چاہتا ہوں۔

1- یہ کہ من ساکن مورخہ 19-12-31 کا بھرتی شدہ ہے۔ اور اپنی ذیولہ انتہائی ایمانداری اور فریضہ شناسی سے سرانجام دے رہا تھا اور مستقبل قریب میں بھی اپنی ذیولہ ایمانداری سے سرانجام دے گا۔

2- یہ کہ من ساکن نے دوران ذیولہ ہمیشہ افسران ہالا کو شکایت کا موقع نہیں دیا ہے۔ بلکہ افسران ہالا کی عزت و وقار کو ہمیشہ بلند رکھا ہے۔

3- یہ کہ اس بابت عدالت میں مقدمہ بھی زیر سماعت ہے اور انشاء اللہ بہت جلد فیصلہ بھی آجائے گا۔

دیوبند انڈسٹریل ڈسٹرکٹ میں من ساکن کو نوکری پر بحال کرنے اور میری انکوائری کو عدالت کے فیصلہ تک پینڈنگ رکھنے کے احکامات صادر فرما کر مشکور فرمادیں۔ تاکہ من ساکن اپنی ذیولہ سرانجام دے سکے۔
ساکن تازیت و عا کو رہو گا۔

ساکن سابقہ کانسٹیبل جاوید خان پلٹ نمبر 870

سویا بل نمبر 0314-9893215

ORDER

This order will dispose of the departmental appeal in respect of Constable Javed Khan No. 370 of District Police, Larki, Marwat against the order of Major punishment or Dismissal from Service imposed by DPO/Larki, Marwat vide OB No. 501 dated 22/12/2023 for committing the following misconduct:

That he was charged in criminal case vide FIR No. 341 dated 18/09/2023 Su/324/53/427/34/15A/MS Ghazni Khel which speaks gross misconduct on his part and liable to be punished under Police Rule 1975.

Service record and inquiry proceedings received from DPO Larki, Marwat vide letter No. 369/EC dated 17.01.2024 were perused which depicts that charge sheet based upon statement of allegations were issued to the appellant and DSP/Hqr, Larki, Marwat was appointed as Inquiry Officer. The IO conducted inquiry into the allegations and submitted his finding report vide OB No. 501 dated 22/12/2023 that the allegations levelled against the appellant have been proved and recommended him for major punishment. After perusal of findings of the IO, the DPO Larki, Marwat awarded the aforementioned punishment to the accused.

The appellant was appeared in Orderly Room before the undersigned on 15/02/2024 and was heard. He could not convince the undersigned regarding his innocence. His appeal is rejected.

Therefore, I, Qasim 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 file the instant appeal and support the order of DPO Larki, Marwat.

Regional Police Officer
Bannu Region
Bannu

No. 968/EC dated Bannu the 27/02/2024

Copy for information and necessary action to District Police Office, Larki, Marwat vide his office letter No. referred above.
Enclosed: As above.

Regional Police Officer
Bannu Region
Bannu

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**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR**

ORDER

This order is hereby passed di dispose of revision petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule 1975 (amended 2014) submitted by Ex FC Javed Khan No.870. The petitioner was dismissed from service by DPO Lakki Marwat vide OB No.501, dated 22.12.2023, on the allegation that he was charged in criminal case vide FIR No.341 dated 18.09.2023 U/S 324/353/427/15AA PS Ghazni Khel which speaks gross misconduct on his part.

The appellate Authority i.e. RPO Bannu, rejected his appeal vide Order Endst; No.945/EC, dated 27.02.2024.

The petitioner is on Post arrest bail in the said FIR. His case is currently under trial.

Meeting of Appellate Board was held on 02.05.2024 wherein petitioner was heard in person. The applicant contended that I am innocent.

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 sees no ground and reasons for acceptance of his petition, therefore, his petition is hereby rejected.

Sd/-

Awal Khan, PSP

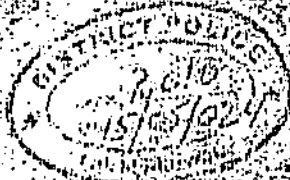
Additional Inspector general of Police,
HQrs Khyber Pakhtunkhwa, Peshawar.

No. S/961-966/24 dated Peshawar the 07.05.2024.

Copy of the above is forwarded to the:-

1. Regional Police Officer Bannu Service Record alongwith Departmental Enquiry file containing 29 pages of the above named Ex-FC received vide your office Memo No.1596/EC dated 16.04.2024 is returned herewith for your office record.
2. District Police Officers, Lakki Marwat.
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 F IV GPO Peshawar.

Sonia Shamroze Khan)PSP
AIG/ Establishment
For Inspector General of Police
Khyber Pakhtunkhwa Peshawar.



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13/5/24

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR

ORDER

The order is hereby issued to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rules-1976 (amended 2014) submitted by J.C. Ilyas Khan No: 870. The petitioner was dismissed from service by DPO Lakkhi Marwat vide OI No: 301 dated 22/12/2023 on the allegation that he was charged in criminal case vide FIR No: 141 dated 14/09/2023 u/a 324/351/27/15/A.A. PSI Chazni Khel which speaks gross misconduct on his part.

The Appellate Authority i.e. RPO Hannu, rejected his appeal vide Order Indst. No: 945/A/C dated 27/07/2024.

The petitioner is on Post-ment-hall in the said FIR. He is currently under trial.

Meeting of Appellate Board was held on 02/05/2024 wherein petitioner was heard in person. The applicant contended that I am innocent.

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 sees no ground and reasons for acceptance of his petition therefore, his petition is hereby rejected.

AWAL KILAN, PSP
Additional Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

Nos. AGI/9166/24 dated Peshawar, the 03/05/2024

Copy of the above is forwarded to the

1. Regional Police Officer, Hannu, Service Record, along with Departmental Inquiry file containing 29 pages of the above named J.C. received vide your office Memo. No: 1596/A/C dated 04/05/2024 is returned herewith for your office record.
2. District Police Officers, Lakkhi Marwat.
3. AIG/civil, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl. IGP/TOR, Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/TOR, Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt. J-IV, CPO, Peshawar.

21/5/24
J.C. Ilyas Khan
DPO - Lakkhi Marwat

SONI SHAMROZE KILAN, PSP
AIG Establishment
Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

امام رضا

کتاب

مکتوب

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