


FORM OF ORDER SHEET

Court of _____


Appeal No. 1057/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/07/2024	<p>The appeal of Mr. Hafiz ur Rehman resubmitted today by Mr. Saadullah Khan Marwat Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 31.07.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

Respected Madam,

It is submitted that the present appeal was returned to counsel for the appellant for removing the deficiencies (Flag-A). Today i.e. 18.07.2024 the learned counsel re-filed the appeal without removing the objection no.8 & 9.

The appeal is now submitted to your honor under rules 7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.


OFFICE ASSISTANT
19/7/24

Hon'ble Member (J).

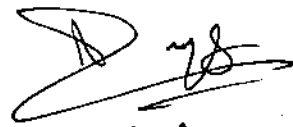
Annexed better copies
of the annexes and resubmit
with seven days. R

18/7/24.

No. 409/inst./2024/KPST
Dated 22/7/24

Srs,

Re-submitted after raising
the objections.

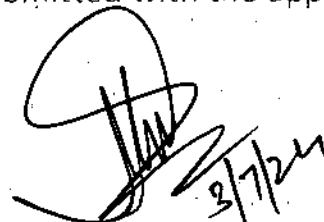

26/7/24.

The appeal of Mr. Hafiz ur Rehman received today i.e on 02.07.2024 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

- 1- ✓ Appeal has not been flagged/marked with annexures marks.
- 2- ✓ Annexures of the appeal are unattested.
- 3- ✓ Memorandum of appeal is not signed by the appellant.
- 4- ✓ Affidavit is not attested by the Oath Commissioner.
- 5- ✓ Copy of departmental appeal is not attached with the appeal be placed on it.
- 6- ✓ Copy of rejection order of revision petition mentioned in the heading of the appeal is not attached with the appeal be placed on it.
- 7- ✓ Copy of impugned removal order dated 25.04.2022 mentioned in the heading of appeal is not attached with the appeal be placed on it.
- x 8- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal be placed on it.
- x 9- All the documents attached with the appeal are illegible be replaced by legible/better one.
- 10- The documents that are to be provided must be readable/legible.
- 11- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 280 /Inst./2024/KPST,

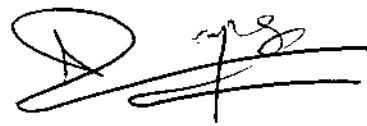
Dt. 3/7 /2024.


OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Saadullah Khan Marwat Adv.
High Court Peshawar.

54,

Re-submitted after removing
the objections.


15/7/24.

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

C. M. No. _____ / 2024

IN

S.A. No. 1055/2024

Hafiz-ur-Rehman

versus

SP & Others

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


Respectfully Sheweth,

1. That applicant filed the subject Appeal before this hon'ble Tribunal today.
2. That R. No. 02 and 03 hails 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 15-07-2024

BEFORE THE KPK SERVICE TRIBUNAL PESHAWARS.A No. 1055 /2024

Hafiz-ur-Rehman

versus


SP & Others

INDEX

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Appellant

Through


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

Dated.15-07-2024

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 1055 /2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13910

Date 02-07-2024

Hafiz-ur-Rehman S/O
R/O Tajori, Lakki Marwat.
Ex-Constable No. 7067,
FRP Bannu Range

Appellant

Versus

1. Superintendent of Police,
FRP Bannu.
2. Commandant FRP, KP
Peshawar.
3. Inspector General of Police,
KP, Peshawar Respondents

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OS NO. 287 DATED 25-04-2022 OF R.
NO. 01 WHEREBY APPELLANT WAS REMOVED
FROM SERVICE OR OFFICE ORDER NO. 2369-70
/ SI DATED 05-03-2024 OF R. NO. 02 WHEREBY
REPRESENTATION OF APPELLANT WAS
REJECTED OR OFFICE ORDER NO. 727 DATED
27-03-2024 OF R. NO. 03 WHEREBY THE
REVISION PETITION WAS REJECTED FOR NO
LEGAL REASON:**

Respectfully Sheweth:

1. That appellant was initially appointed as Constable on 24-12-2014 and served the department with devotion wherever posted.

2. That on 20-12-2021, complainant Nawab Khan lodge FIR No. 646 dated 20-12-2021, Police Station Tajori u/s 302, 324/34 PPC for murder of one Shadmanullah S/O Shadi Khan , Hanifullah S/O Rozi Khan R/O Kotka Burgho Lakki Marwat wherein appellant along with Jamsheed Khan were charged for the commission of offence. (Copy as annex "A")
3. That appellant was not present of the spot and at the time of the occurrence, he was serving at Police Station Parawa D. I. Khan.
4. That on 25-04-2022, appellant was removed from service by R. No. 01 on the score of absence from duty. (Copy as annex "B")
5. That on 07-09-2022, appellant surrendered before Police Station Ghazni Khel being FRP Constable and then trial into the matter was initiated before the Session Judge Lakki Marwat and after concluding evidence in pro & contra, he was acquitted from the baseless charges vide judgment dated 13-01-2024. (Copy as annex "C")
6. That after release from jail, on 13-01-2024, appellant submitted representation before R. No. 02 for reinstatement in service which was rejected on 05-03-2024. (Copies as annex "D" & "E")
7. That thereafter on 19-03-2023, appellant filed Revision Petition before R. No. 03 which was rejected on 27-03-2024 without support of any reason which copy was received from the office of R. No. 02 on 20-06-2024. (Copies as annex "F" & "G")

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

GROUND S:


1. That admittedly, at the time of occurrence, petitioner was not present on the spot but was in Police Station Parawa D. I. Khan.
2. That neither appellant was served with Charge Sheet / Statement of Allegation nor any enquiry as per the mandate of law was conducted nor appellant was associated with the same.
3. That absence does not constitute any misconduct when the same is not willful. At the time, appellant was charged for offence which was not committed by him.

4. That after acquittal from the baseless charges, it was the legal duty of respondents to reinstate appellant in service.
5. That neither original nor appellate nor revisional order are per the mandate of law as the same are not supported by any reason as directed by the apex court rather the same are based on malafide.

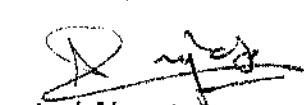
It is, therefore, most humbly prayed that on acceptance of appeal, orders dated 25-04-2022, 05-03-2024 and 27-03-2024 of the respondents be set aside and appellant be reinstated in service with all consequential benefits, with such other relief as may be deemed proper and just in circumstances of the case.


Appellant

Through


Saadullah Khan Marwat


Arbab Saiful Kamal


Amjad Nawaz
Advocates.

Dated 15-07-2024

AFFIDAVIT

I, Hafiz-ur-Rehman, R/O Tajori, Lakki Marwat, Ex-Constable FRP Bannu Region (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.


ADVOCATE

کارروائی پولیس سے نفی کو پس بلا باقی البتہ سید درن گنت لکڑا
تہ ۱۱۵ ھتیاں سے اطلاع / قومی ایس ایف کہ علاقہ آدوئی سے گنت

تیس اطلاع دینے سے فوراً SHC ھتیاں آپنا امر ضیاء میں سے
تفیش شادمان اللہ فووب صنف اللہ موجود پانر کو اب حال کار
درجہ بالا کر کے پانر کے ساتھ دیکھانے پر درست لہم رکے زمر
انکو ٹھانت لیا۔ جبکہ صنف اللہ فووب نے تاسدی انکو ٹھانت لیا۔
پولیس منتقل شادمان اللہ کے کاغذات و زر فووب صنف اللہ
علیہ و تیار کر کے زمر حفاظت کنیل شہاد اللہ ۶۶۶۶ حوالہ فی اثر ہو
رپورٹ سے صورت بخم ۶۶۶۶ ۶۶۶۶ ۶۶۶۶ ۶۶۶۶ ۶۶۶۶ ۶۶۶۶
۶۶۶۶ ۶۶۶۶ ۶۶۶۶ ۶۶۶۶ ۶۶۶۶ ۶۶۶۶ ۶۶۶۶ ۶۶۶۶ ۶۶۶۶ ۶۶۶۶

تمامی مقدمہ تقدیس بدست کنیل اعتباراً ۲۶/۵/۲۰۲۱ ارسال تھانہ سے۔ مقدمہ
انگلا مشاف سے تفیش کیا گئے۔ میں مع نفی لڑائی رفتاری و زمانہ
د سیکر انٹرنری الطاف الرحمن خان SHC حوالہ ۶۶۶۶ کارروائی تھانہ
مرا سیکر پر حرم خرم بالا برضوف مدبران بالا چاک سوکر تحویل FIR
حوالہ انگلا مشاف تھانہ ہذا کئے جاتے ہیں۔ پورہ بمنزلہ سسٹل رپورٹ لڑائی

۲۰۲۱-۲۰۲۰
۱۲-۰۵-۲۰۲۱

تھانہ
۱۲-۰۵-۲۰۲۱

B 6

ORDER

By this order will dispose off the departmental proceedings initiated against Constable (Name) Er Rehman No. 7067 FRP who was charged for commission of the following mis-conduct.

That on his involvement in a Murder Case vide FIR No.646 dated 19-12-2021 U/S 302/324/34 PPC Police Station Tajori District Lakkhi Marwat, the official was placed under suspension vide this office order No. 560 dated 22-12-2021.

That he was also reported to have been absent from Govt. duty from the date of occurrence till date vide Daily Diary No. 17 dated 17-12-2021 Police Station Parova District DI Khan.

On leveling of afore-mentioned allegations against him he was properly Charge Sheeted with appointment of Enquiry Officer of FRP Bannu.

As a result of deeply probe into the facts the Enquiry officer came to the conclusion that the defaulter official has been fled away after commission of the offence with no hope to be surrendered, hence absconding proceedings U/S 87 Crpc have been completed against him also with submission of complete Challan to the Court concerned U/S 512 Crpc.

From perusal of the enquiry papers and relevant file in hand it came to light that the allegations have been proved against the accused official with-out any shadow of doubt.

Therefore, I, Abdul Sattar Superintendent of Police, FRP/Bannu Range Bannu in exercise of the powers vested in me under Police Rules 1975 do hereby impose upon him the Major punishment of Removal from Service with immediate effect. The period of absence is also treated as leave without pay.

OB No. 267

Dated: 25/04/2022

Copy to all concerned.

Sattar
Superintendent of Police,
FRP, Bannu *Sattar*

SPE

20.5.22

C + 18-1-2024

In The Court Of
KASHIF NADEEM
SESSIONS JUDGE, LAKKI MARWAT

FIR No. 646 dated 20/12/2021, U/S 302/324/34 PPC P.S Tajori

Or 38
13/01/2024

1. Deputy Public Prosecutor Mr. Asad Anwar Khan for the State present. Accused Hafiz-ur-Rehman produced in custody. Co-accused Jamshed Khan is absconding. Father of the deceased Shadman Ullah from complainant side present.
2. Vide my detailed Judgment of even date, consisting upon (27) pages, placed on file, the prosecution has been unable to prove the guilt of the accused facing trial, beyond the shadow of reasonable doubt in the instant case. Thus, on the failure of prosecution to bring home the charge, I for the reasons mentioned, hereby acquit the accused facing trial namely, Hafiz-ur-Rehman S/O Muhammad Halim R/O village Topi Kalla, Adamzai District Lakki Marwat in the instant case.
3. Accused facing trial Hafiz-ur-Rehman is in custody. Therefore, the Superintendent, District Jail, Lakki Marwat is directed to release the accused upon the receipt of release warrant accordingly, if not required in any other case.
4. So far as the case of absconding co-accused namely Jamshed Khan S/O Muhammad Halim Khan is concerned, the prosecution has managed to bring on record enough material

State vs Hafiz-ur-Rehman,
Session Case No. 176 of 2022

ATTESTED

Examiner to
District & Session Judge
Lakki Marwat

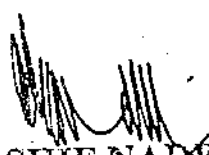
8

Or _____ 38 (Cont:)
13/01/2024

in absentia to prima facie connect him with the commission of offence. Therefore, he is declared as proclaimed offender. Perpetual non-bailable warrant of arrest be issued against him. His name be registered in the relevant register of P.Os, and be brought before the court for trial when arrested.

5. Case property, be kept intact till the arrest and trial of absconding accused.
6. File be consigned to Record Room after necessary completion and compilation.

ANNOUNCED
13/01/2024


KASHIF NADEEM
Sessions Judge,
Lakki Marwat.

ATTESTED

~~Examiner to
District Sessions Judge
Lakki Marwat~~

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IN THE COURT OF
KASHIF NADEEM
SESSIONS JUDGE, LAKKI MARWAT

Sessions Case No. 176 of 2022
Date of Institution: 15/10/2022
Date of Decision: 13/01/2024

The State through Nawab Khan son of Umar Daraz R/O Kotka
Muqarab Adamzai, District Lakki Marwat..... Complainant.

---Versus---

1. Hafiz-ur-Rehman S/O Muhammad Halim R/O village Topi
Kalla, Adamzai District Lakki Marwat.

.....(Accused facing trial)

2. Jamshed Khan S/O Muhammad Halim Khan R/O villager Topi
Kalla, District Lakki Marwat.

.....(Absconding co-accused)

FIR No. 646 dated 20/12/2021, U/S 302/324/34 PPC

Police Station Tajori.

Present:

- Mr. Asad Anwar Khan, Dy: PP for State, assisted by M/S Faqir Mehboob-ul-Hameed and Hujjat Ullah Marwat Advocates for complainant.
- Mr. Humayun Khan Wazir Advocate, for accused facing trial.

13/01/24

JUDGMENT

1. Brief facts of the prosecution case are that, on 20/12/2021, at 01:15 hours, complainant Nawab Khan son of Umar Daraz R/O Kotka

ATTESTED

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Muqarab Adamzai, District Lakki Marwat, lodged a report to the SHO P.S. Tajori at Emergency Room DHQ Hospital, Lakki Marwat, to the effect that, on the eventful night, i.e. 19.12.2021, he along with the injured Hanifullah and deceased Shadmanullah, were present near Government Girls Primary School, Khoidad Khel Adamzai to cast vote in connection with Local Bodies Elections; that it was about 22:00 hours, when in the meanwhile, they received information that their candidate Hayat Ullah Khan has won the Elections; that he started his car and switched on the headlights of the motorcar and deboarded from the car and called upon his paternal nephew Shadman Ullah and cousin Hanif Ullah, who were standing at some distance, to come towards the car and go to their houses; that when both of them came near the motorcar, then in the light of the car, Wafeez-ur-Rahman and Jamshed sons of Muhammad Haleem Khan residents of Topi Kalay Adamzai, duly armed with Pistols, immediately came near them, and by raising "Lalkara" opened firing upon them with their Pistols, with the intent to commit murders of the complainant party; that as a result of the said fire shots, Shadman Ullah (paternal nephew of the complainant) got hit and fell down to the ground, while the complainant and his companion Hanif Ullah luckily escaped un-hurt; that the accused caught hold of Hanif Ullah and gave blows with the butts of their pistols to his head, due to which he sustained injury on his head; that they took Shadman Ullah,

13/12/21

ATTESTED

(paternal nephew of the complainant) for treatment towards DHQ Hospital, Lakki Marwat, but he succumbed to the injuries on the way; that they had no previous grudge, but the accused were annoyed due to success of his brother Hayat Ullah in Local Bodies Elections; that the complainant and his companion Hanif Ullah have witnessed the occurrence and to this effect he reported the matter in Emergency Room of DHQ Hospital, Lakki Marwat in the company of injured Hanif Ullah S/O Roozi Khan, his first cousin and the dead Bodies of deceased Shadman ullah S/O Shadi Khan; that his report was drawn in shape of Murasila, on the basis of which the instant FIR was registered against the accused Hafiz-ur-Rehman and absconding co-accused Jamshed for the offence U/S 302/324/34 PPC.

- 13/01/22
2. After completion of investigation, complete *challan* against the accused for proceedings U/S 512, Cr.P.C, being absconders. However, after the arrest of accused Hafiz-ur-Rehman, supplementary *challan* was submitted against him by the prosecution for trial, and after fulfilling legal formalities, charge was framed against him, to which he pleaded "not guilty" and claimed trial.
 3. The prosecution was directed to produce its evidence. Prosecution produced (11) witnesses and examined. The statements in verbatim of the witnesses in brief are reproduced as under:

ATTESTED

Examiner to
District & Session Judge,
Lakki Marwat.

further admitted that, during cursory inspection of the spot he did not take into possession any incriminating recovery. He has not procured copy of daily diary of the P.S regarding the departure of SHO P.S. Tajori for the purpose of patrolling duty. Additionally, there is no recovery of the weapon of offence, accordingly there is no matching of the empties with the crime weapon through FSL. The above lacunas and contradictions, further weakens the case of prosecution which is already on feeble footing. A single doubt in a criminal case is enough to benefit the case of accused, but in the present case many circumstances emerged, making the case of prosecution against the accused facing trial as doubtful. Benefit of every doubt is always reaped by the accused facing trial. Reliance in this regard is placed on: Muhammad Nadeem VS The State (2011 SCMR 1517, Naja Ali Shah: ...vs.. The State, (2021 SCMR 736 (Supreme Court of Pakistan)), 2010 SCMR 1592 and 1997 SCMR 1531.

14. Although the accused facing trial has remained absconder for the few months, however as per Judgment, of the superior courts innocent people also do abscond, when charged in a criminal cases due to fear of the police. It has also been held by the august Supreme Court of Pakistan in its judgment that mere abscondance of the accused is not a conclusive proof of his guilt; but is mere supporting evidence as such the abscondance on the part of the accused does not establish his guilt if the same is otherwise not proved. Reliance in this regard

ATTESTED

Examiner to
Magistrate & Session Judge

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[25] 13

is placed on Tajamul Hussain Shah .VS. The State (2022 SCMR 1567); 2008 SCMR 1549; 1971 SCMR 256 & 1997 SCMR 1531.

15. The outcome of the above discussion is that, there are colossal lacunas in the investigation and evidence of the prosecution, as such the prosecution has been unable to prove the guilt of the accused facing trial, beyond the shadow of reasonable doubt in the instant case. Thus, on the failure of prosecution to bring home the charge, I for the reasons mentioned above, hereby acquit the accused facing trial namely, Hafiz-ur-Rehman S/O Muhammad Halim R/O village: Topi Kalla Adamzai, District Lakki Marwat in the instant case.

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1270/17M

16. Accused facing trial Hafiz-ur-Rehman is in custody. Therefore, the Superintendent, District Jail, Lakki Marwat is directed to release the accused upon the receipt of release warrant accordingly, if not required in any other case.

17. So far as the case of absconding co-accused namely Jamshed Khan S/O Muhammad Halim Khan is concerned, the prosecution has managed to bring on record enough material in absentia to prima facie connect him with the commission of offence. Therefore, he is declared as proclaimed offender. Perpetual non-bailable warrant of arrest be issued against him. His name be registered in the relevant register of P.Os, and be brought before the court for trial when arrested.

ATTESTED

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Examiner to
District & Session Judge
Lakki Marwat

174

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[27]

- 18. Case property, be kept intact till the arrest and trial of absconding accused.
- 19. File be consigned to Record Room after necessary completion and compilation.

Announced
13/01/2024

KASHIF NADEEM
Sessions Judge,
Lakki Marwat

CERTIFICATE
Certified that this judgment consists of 27 pages. Each page has been read, checked and signed by me after making corrections, where necessary.

KASHIF NADEEM
Sessions Judge,
Lakki Marwat.

13/01/24

C.O. No. 626
 Application received on 22-1-24
 Copying Fee deposited on 22-1-24
 Judgment received for copying 22-1-24
 No. of words 280
 Copying Fee 100
 Search Fee 100
 Urgent Yes
 Name of Applicant 3 Cls
 Copy Date 22-1-24
 Copy Delivered on 22-1-24
 Name of Examiner [Signature]

ATTESTED

Examiner to
District & Sessions Ju
Lakki Marwat

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SI Legal Rep
for Council Rep

بخدمت جناب کمانڈنٹ صاحب ایف آر پی صوبہ خیبر پختونخواہ

عنوان۔ درخواست / اپیل بابت بجالی سروس

جناب عالی۔

گزارش بحضور انوار ہوں کہ من سائل کو آفسران بالا صاحبان نے مقدمہ نمبر 646 مورخہ 19.12.2021 برم- PPC 302
324/34 تھانہ تجوڑی کیمروت میں ملوث ہونے پر محکمہ کارروائی کر کے بحوالہ آرڈر بک نمبر 267 مورخہ 25.04.2022 کے تحت
محکمہ FRP پولیس بنوں سے ریبول فرام سروس میں درخواست کرنے کے احکامات جاری کئے گئے۔

یہ کہ مدعی نے من سائل کو مقدمہ بالا میں ناجائز اور غلط دعویٰ جاری کر کے میرے خلاف جھوٹا مقدمہ دائر کیا ہے مدعی نے من
سائل کی سرکاری نوکری خراب کرنے کے لئے مقدمہ بالا میں ملوث کیا گیا تھا من سائل نے گناہ ہوں اور عدالت نے بھی من سائل کو مقدمہ
بالا میں باعزت بری کیا ہے عدالت کی طرف سے جاری سے جاری شدہ آرڈر اپیل کے ہمراہ لف ہے۔ من سائل کے چھوٹے چھوٹے بیچ ہیں اور
غریب خاندان سے تعلق ہے من سائل کا نوری کے علاوہ اور کوئی ذریعہ معاش نہیں ہے۔

رحم اپیل استدعا ہے کہ من سائل کو دوبارہ سروس پر بحال کرنے کے احکامات سے مشکور فرمائیں۔ / لہذا آپ صاحبان سے بزرگیہ درخواست

عین نوازش ہوگی

مورخہ 25.1.2024

العارض

العبد

سائل HC کا نشیبیل حفیظ الرحمان 7067

CNIC No: 11201-7364123-5

Mobile No. 03479891803

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ORDER

This order was issued by the departmental authority in accordance with the provisions of the Police Act, 1919 and the Police Rules, 1924. The applicant, Hafiz Ur Rehman No. 7067 of FRP Bannu Range, Bannu, was awarded major punishment of removal from service vide OB No. 267 dated 25.04.2022.

Brief facts of the case are that the applicant was involved in a murder case vide FIR No. 646 dated 19.12.2021 U/S 302/304/304A PPC, Police Station Tajar, District Lakki Marwat and also absented himself from lawful duty from the date of occurrence till the date of removal from service i.e. 25.04.2022 for total period of 06 months, 06 days, without any leave or prior permission of the competent authority.

In this regard, he was placed under suspension vide OB No. 506 dated 22.12.2021 and proper departmental proceedings were initiated against him on 12.01.2022. A Charge Sheet alongwith Summary of Allegations and an Enquiry Officer was nominated to conduct enquiry into the matter. After completion of enquiry, the Enquiry Officer submitted his findings report wherein he reported that the delinquent official has been fled away after commission of the offence with an hope to be surrendered, hence absconding proceedings U/S 87 CrPc have been completed against him also with submission of complete challan to the court concerned U/S 17 CrPc. At the end of enquiry the allegations have been proved against the accused official without any shadow of doubt.

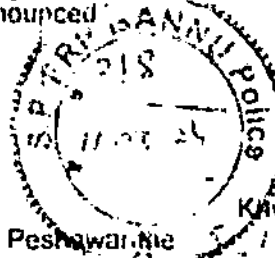
Keeping in view the above narrated facts and other material available on record, he was awarded major punishment of removal from service vide OB No. 267 dated 25.04.2022.

Feeling aggrieved against the impugned order of SP FRP Bannu Range Bannu, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 21.02.2024.

During the course of personal hearing, the applicant failed to present any justification regarding his innocence. Perusal of enquiry file reveals that the allegations leveled against the appellant were fully established by the Enquiry Officer during the course of enquiry. Thus the applicant has been found to be an irresponsible person in utter disregard the discipline of the force. There doesn't seem any infirmity in the order passed by the competent authority therefore no ground exist to interfere in same.

Based on the findings narrated above, I, Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in this appeal, therefore, the same is rejected and filed being time barred & fruitless.

Order Announced



[Signature]
Commandant

Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar

No. 341-2024/ISI Legal, dated Peshawar, 21.02.2024

Copy of above is forwarded for information and necessary action to the:-

- 1. SP FRP Bannu Range, Bannu: His Service record alongwith D-file sent herewith
- 2. Ex-constable Hafiz Ur Rehman No. 7067 FRP Bannu S/o Muhammad Halim Khan S/o Village Adamzai, Police Station Tajar, District Lakki Marwat

SRC
For information and action.
[Signature]
Superintendent of Police
11/2/24

[Signature]
[Signature]

BETTER COPY

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ORDER

This order will dispose of the departmental appeal preferred by Ex Constable Hafiz ur Rehman No. 7067 of FRP Bannu Range against the order of the FRP Bannu Range Bannu issued vide OB No.287 dated 25.04.2022 wherein he was awarded major punishment of removal from service.

Brief facts of the case are that the applicant was involved in a murder case vide Fir No.646 dated 19.12.2021 U/S 302/324/34 PPC station Tajori District Lakki Marwat and also absented himself from lawful duty w.e.f the date of occurrence till the date of removal from service i.e. 25.4.2022 for total period of 03 moths 6 days without any leave or prior permission of the competent authority.

In this regard, he was placed under suspension vide OB No.566 dated 22.12.2021 and proper departmental proceedings were initiated against him as he was issued charge Sheet alongwith Summary of Allegations and an Enquiry Officer was nominated to conduct enquiry into the matter. After completion of enquiry, the Enquiry Officer submitted his findings report wherein he reported that the delinquent official has been fled away after commission of the offence with no hope to be surrendered, hence absconding proceedings U/S 87 CrPC have been completed against him also with submission of complete challan to the court concerned U/s 512 CrPC. At the end of enquiry the allegations have been proved against the accused official without any shadow of doubt.

Keeping in view the above narrated facts and other material available on record he was awarded major punishment of removal from service vide OB No.267 dated 25.04.2022.

Feeling aggrieved against the impugned order of SP FRP Bannu Range Bannu the applicant preferred the instant appeal. The applicant was summoned and heard in person in orderly room Held on 21.02.2024.

During the course of personal hearing the applicant failed to present any justification regarding the innocence. Perusal of enquiry file reveals that the allegations levelled against the appellant were fully established by the Enquiry Officer during the course of enquiry Thus the applicant has been found to be an irresponsible person in utter disregard the discipline of the force. There does not seem any infirmity in the order passed by the competent authority. Therefore no ground exist to interference in same.

Based on the findings narrated above, I Commandant FRP Khyber Pakhtunkhwa Peshawar being the competent authority has found no substance in the appeal, therefore the same is rejected and filed being time barred & meritless.

Order announced

Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar

No.2369-70/ SI legal Dated Peshawar the 05.03.2024

Copy of the above is forwarded for information and necessary action.

To the:

1. SP FRP Bannu Range, Bannu. His Service record alongwith D file sent herewith.
2. Ex constable Hafiz ur Rehman No.7067 FRP Bannu S/o Muhammad Halim Khan R/o Village Adamzai Police Station Tajori District Lakki Marwat.



کارت ہیبائٹس پبلز ہیرل آف پبلک سروس
سٹون - درخواست / اپیل مابین ہیبالی سروس

ہیبائٹس عالی! گزارش و خبر اور یہ ہے کہ میں نے اپنی درخواستیں ہیبالی سروس سے
مذکورہ ۵۶۶ دفعہ ۱۲/۱۹ دسمبر ۱۹۷۶ء ۳۵۳ حقانہ قبوری مکتبہ میں
میں ملتے ہوئے ہم نے اپنی درخواستیں ہیبالی سروس سے ۲۶۷
دفعہ ۵۹ کے تحت حکم (R) پر ایس مونی . لیول ڈرام سروس یعنی ہیبائٹس
سروس کے احکامات جاری کیے گئے۔

یہ کہ مونی نے اپنی مسائل کو مقدم ہالڈ میں مابین ہیبالی سروس اور ہیبالی سروس سے
فدوتی صورتاً مسترد کر لیا ہے۔ مونی نے اپنی مسائل کی سرکاری فوری فوری صورتاً
کے لئے مقدم ہالڈ میں ملتے ہوئے تھا۔ اپنی مسائل کے ساتھ ہیبالی سروس کے لئے اپنی
مسائل کو مقدم ہالڈ میں مابین ہیبالی سروس سے ہیبالی سروس کے مسائل میں
حقانہ یہ موجود تھا۔ ہیبالی سروس کے مسائل کے ساتھ ہیبالی سروس سے
وہ ہیبالی سروس کے مسائل میں موجود ہیں۔ ہیبالی سروس کے مسائل میں
کے پاس ہیں سے روزنامہ رپورٹس موجود تھا جو اس Application کے ساتھ
کئی سے اب وہی عمل کیا گیا ہے اور ہیبالی سروس کے مسائل کے
چھوٹے چھوٹے ہیں اور ہیبالی سروس سے اپنی اپنی اور فوری کے ہیبالی سروس
ڈرامہ دعوتیں ہیں۔

پہلا ایسا ہیبالی سروس سے ہیبالی سروس کے مسائل میں ہیبالی سروس کے مسائل
کو دوبارہ سروس ہیبالی سروس سے ہیبالی سروس کے مسائل میں ہیبالی سروس کے مسائل
میں ہیبالی سروس کے مسائل میں ہیبالی سروس کے مسائل میں ہیبالی سروس کے مسائل

۱۹-۳-۷۶
Meh No. 0347-9691303
CNIC No. 11201-7364123-5
سٹیٹس ہیبالی سروس کے مسائل میں ہیبالی سروس کے مسائل میں ہیبالی سروس کے مسائل

بخدمت جناب انسپکٹر آف پولیس خیبر پختونخواہ

عنوان۔ درخواست / اپیل بابت بحالی سروس

جناب عالی۔

گزارش بھضور انوار ہوں کہ من سائل کو آسمران بالا صاحبان نے مقدمہ نمبر 646 مورخہ 19.12.2021 جرم-302 PPC 324/34 تھانہ تجوڑی لکیمروت میں ملوث ہونے پر حکمانہ کارروائی کر کے بحوالہ آرڈر بک نمبر 267 مورخہ 25.04.2022 کے تحت محکمہ FRP پولیس بنوں سے ریپول فرام سروس میں درخواست کرنے کے احکامات جاری کئے گئے۔

یہ کہ مدعی نے من سائل کو مقدمہ بالا میں ناجائز اور غلط دعویٰ جاری کر کے میرے خلاف جھوٹا مقدمہ دائر کیا ہے مدعی نے من سائل کی سرکاری نوکری خراب کرنے کے لئے مقدمہ بالا میں ملوث کیا گیا تھا من سائل بے گناہ ہوں اور عدالت نے بھی من سائل کو مقدمہ بالا میں باعزت بری کیا ہے جبکہ بدوران ڈیوٹی من سائل جس تھانہ پر موجود تھا وہاں کے SHO اور منشی نے من سائل کے ساتھ ناجائز رویہ اختیار کر کے ڈیوٹی پر موجود من سائل غیر حاضر کر کے ظلم کیا حالانکہ من سائل کے پاس پہلے سے روزنامچہ رپورٹ موجود تھا جو اس Application کے ساتھ لف ہے۔ اب وہی عمل کمانڈنٹ اور آئی جی پی صاحب نے بھی کیا من سائل کے چھوٹے چھوٹے بچے ہیں اور غریب خاندان سے تعلق رکھتا ہے اور نوکری کے بغیر کوئی ذریعہ معاش نہیں ہے۔

لہذا آپ صاحبان سے بڈریو درخواست رحم / اپیل / استدعا ہے کہ من سائل کو دوبارہ سروس پر بحالی اور مکمل تنخواہوں کو جاری کرنے کے احکامات سے مشکور فرمائیں۔

عین نوازش ہوگی

مورخہ 25.1.2024

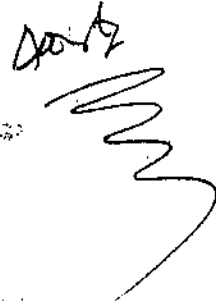
العارض

7067 کا نشیمن حفیظ الرحمان HC سائل

العبد

CNIC No. 11201-7364123-5

Mobile No. 03479891803





OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office Peshawar

Telephone No. 32300000

To: The Commandant,
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar

Subject: REVISION PETITION

1. The undersigned has examined and checked the record pertaining to the above
mentioned case and found that the FRP Bannu Range is not in the possession of
the applicant. The FRP Bannu Range is in the possession of the Government of
Punjab.

24/10/24
24/10/24
SI Legal 24/10/24

M. J. Khan
26/10/24

CASAR IANI
Retired
Inspector General of Police
Khyber Pakhtunkhwa Peshawar

29/10/24
24/10/24

No. 79/22 SI Legal, dated 01/04/2024
copy of the above is forwarded to the
SI FRP Bannu Range for information
& further necessary action with
direction to inform the applicant
accordingly.

M. J. Khan
for Commandant FRP

cc
*To inform the concerned
applicant accordingly.*

Inspector General of Police
Khyber Pakhtunkhwa
24/10/24

Abdul
24/10/24

Letters/letters 2024 docx

Abdul
24/10/24

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OFFICE OF THE
INSPECTOR GENERAL OF POLICE

Khyber Pakhtukhwa

Central Police Office Peshawar

No s 727 /24 dated Peshawar the 29.03.2024

To The Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar

Subject; REVISION PETITION

Memo: The competent authority has examined and filed the revision petition submitted by Ex constable hafiz ur Rehman No.7067 of FRP Bannu Range against the punishment of removal from service awarded by FRP Bannu Range vide OB No. 267 dated 25.04.2022 being time barred.

The applicant may please be informed accordingly.

Afsar Jan
Regsitrar
For Inspector General of Police
Khyber Pakhtunkhwa

No. 3262 SI legal dated 01.04.2024
Copy of the above is forwarded to the
SP FRP Bannu Range for information
& further necessary action with
Direction to informed the applicant
Accordingly.

For Commandant FRP

SRC

To inform the concerned applicant accordingly.

Handwritten signature

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. _____/2024

Hafiz-ur-Rehman

Versus

SP & Others

**APPLICATION FOR CONDONATION OF
DELAY, IF ANY.**

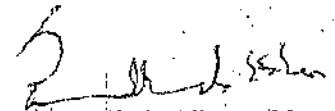
Respectfully Sheweth:

1. That the subject appeal is filed in this hon'able Tribunal.
2. That as per record there exists no delay, but if this hon'ble Tribunal fell any delay the same be condoned in the interest of justice.
3. That the apex Supreme Court held time and again in its judgments that vested rights shall not be killed on the score of limitation and cases be decided on merit.

It is, therefore, most humbly requested that delay, if any, be condoned in the best interest of justice.


Applicant

Through


Saadullah Khan Marwat
Advocate

Dated: 15-07-2027

AFFIDAVIT

I, Hafiz-ur-Rehman, R/O Tajori 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

یعدالت چٹایا سروس ٹریڈینگز پرائیویٹ لمیٹڈ پشاور

مستجاب ایڈوائس

حضرت الرحمن بنام محمد حسین

دعویٰ اپیل

باعضویت سروس ایجنٹ

مستجاب مندرجہ عثمان بالا میں ایسی الر فیس کے واسطے پیروی و جواب دہی وکیل کارروائی متعلقہ آن مقام پشاور کیسٹ ایسٹڈ ایڈوائس خان سرور سے ایڈوائس ہائی کورٹ کو وکیل مسترد کر کے ایڈوائس کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے والی نار و آفر نکالت و ایڈوائس برعکاف یہ ہے جواب دہی اور اقبال دعویٰ اور لہجہ شہادت کی گری کرنے اجراء اور وصولی چیک در پیہ اور مرضی دعویٰ اور درخواست ہر قسم کی تعدیلان اور اس پر دستخط کرنے کا اختیار اور گرانیز لہجہ شہادت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور دستخطی لہجہ شہادت کرنے اپیل نگہبان و نظر ثانی و پیروی کرنے کا اختیار ہر شہاد اور بصورت ضرورت مقدمہ کیلئے کے کل یا ہجرتی کارروائی کے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تفریق کا اختیار ہوگا اور اس پر مقدمہ شہاد کو بھی نہیں جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر واضح منسلک اور قبول ہوگا و دوران مقدمہ میں جو خرچہ و تر جانہ التوا مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب کو صرف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام روزہ پر ہو یا مدت سے باہر ہو تو وکیل صاحب یا بند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا رکالت نامہ رکھ دیا کہ سند ہے۔

الرفوعم - 2-7-2024

القصد القصد القصد

11
ارباب نیفا اہمال
ایڈوائس

سیدہ الشہد عثمان مرشد
ایڈوائس

Handwritten signature

محمد نواز
ایڈوائس