


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.**

**1570/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/09/2024	<p>The appeal of Mr. Shah Faisal resubmitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 27.09.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICED TRIBUNAL,**  
**PESHAWAR.**

Appeal NO. 1570 /2024

Shah faisal

VS

GOVT OF KPK & OTHERS:

**APPLICATION FOR FIXATION OF THE ABOVE TITLED Appeal AT**  
**PRINCIPAL SEAT, PESHAWAR.**

Respectfully Sheweth:

1. That the above mentioned appeal is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble court.

It is therefore prayed that on acceptance of this application the appeal may please be fixed at principal seat Peshawar for the Convenience of parties and best interest of justice.

Applicant

Dated: - 13/9 /2024

Through


  
**NOOR MOHAMMAD KHATTAK**  
ADVOCATE SUPREME COURT

The appeal of Mr. Shah Faisal received today i.e on 13.09.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 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- Departmental appeal having no date be dated.
- 6- Appeal has not been flagged/marked with annexures marks.
- 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 777 /Inst./2024/KPST,


Dt. 13/9 /2024.

  
OFFICE ASSISTANT  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Noor Muhammad Khattak Adv.  
High Court at Peshawar.

R/Siu

Resubmitted after necessary  
completion.

  
23/9/24

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR.**

SERVICE APPEAL No. 1570 /2024

SHAH FAISAL

V/S

POLICE DEPTT:

**INDEX**

S. NO.	DOCUMENTS	ANNEX	PAGE
1)	Memo of appeal with affidavit	.....	1-4
2)	Application for condonation of delay with affidavit		5
3)	Copies of Charge sheet, Statement of allegations and reply	A, B & C	6-8
4)	Copies of the inquiry report and impugned original order	D & E	9-12
5)	Copies of the departmental appeal and appellate order	F & G	13-15
6)	Copies of revision and order dated 23/07/2024	H & I	16-19
7)	Vakalat Nama	.....	20

Dated: 10-09-2024

APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT

1-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR.**

SERVICE APPEAL No. 1570 /2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 15770

Date 13-09-2024

Mr. Shah Faisal, Inspector (BPS-17),  
In charge/Expert Chemical Section Regional,  
Forensic Science Laboratory, Swat.

..... APPELLANT

**VERSUS**

- 1) The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2) The Additional Inspector General of Police, Headquarter, Khyber Pakhtunkhwa, Peshawar.
- 3) The Director Forensic Science Laboratory, Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER OF RESPONDENT NO 1 DATED 31/08/2022, WHEREBY THE MAJOR PUNISHMENT OF REVERSION FROM THE RANK I.E. INSPECTOR TO SUBSTANTIVE RANK OF SUB INSPECTOR (BPS-16) HAS BEEN IMPOSED, AGAINST THE APPELLATE ORDER DATED 25/01/2023 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED ON NO GOOD GROUNDS AND AGAINST IMPUGNED REVISION ORDER DATED 25/07/2024, WHEREBY THE REVISION HAS BEEN DISMISSED.**

Prayer:-

On acceptance of this Service Appeal, the impugned original order 31/08/2022, appellate order dated 25/01/2023 and revision order dated 25/07/2024 may kindly be set aside. That the respondents may kindly be directed to restore the appellant in the rank of Inspector (BPS-16) with all back benefits including seniority. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise to the present appeal are as under:-**

1. That the appellant is the employee of respondent department and is serving the respondent department since appointment till date quite efficiently and upto the entire satisfaction of his superiors.

2. That appellant while serving as Incharge/Expert Chemical Section Regional Forensic Science Laboratory, Swat served with Charge sheet & statement of allegations on certain allegations mentioned in the ibid charge sheet and in response the appellant submitted his detail reply by denying the allegations levelled against him. Copies of Charge sheet, Statement of allegations and reply thereof are attached as annexure..... **A, B & C**
3. That thereafter the respondents without conducting regular inquiry issued the impugned order dated 31/08/2022 whereby major punishment of reversion from the Rank of Inspector to the substantive rank of Sub Inspector was imposed on the appellant. Copies of the inquiry report and impugned original order are attached as annexure.....**D&E**
4. That feeling aggrieved the appellant filed departmental appeal against the original order dated 31/08/2022 and in response vide impugned appellate order dated 25/01/2023 the departmental appeal of the appellant was rejected. Copies of the departmental appeal and appellate order are attached as annexure.....**F&G**
5. That where after the appellant filed a Revision appeal under rule 11-A of Police Rules, 1975 before the respondent No 1, which was also met the same fate. Copies of revision and revision order dated 23/07/2024 communicated to the appellant on 25/07/2024. Copies of revision and order dated 23/07/2024 are attached as annexure..... **H& I**
6. Hence the present service appeal on the following grounds amongst the others:-

**GROUND:**

- A- That the impugned original order dated 31/08/2022, impugned appellate order dated 25/01/2023 & revision order dated 23/07/2024 are against the law, fact and norms of natural justice, therefore, not tenable and are liable to be modified/rectified to the extent of restore/reinstated the appellant to his original rank of Inspector.
- B- That the appellant has not been treated by the respondent department in accordance with law on the subject noted above and as such the respondents violated Article 4, 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C- That the all the impugned orders are against the law and rules, therefore, may kindly be modified to the extent of restoring the appellant to his original rank of Inspector (BPS-17).

- D- That no Final Show Cause Notice has been served upon the appellant prior to the issuance of impugned office order dated 31/08/2022.
- E- That no chance of personal hearing, personal defense was provided to the appellant prior to the issuance of impugned office orders.
- F- That the appellant has been discriminated by respondent and was awarded major punishment, therefore, under the principle of natural justice, the appellant is entitled to be reinstated/restore to his original rank of Inspector (BPS-17).
- G- That no regular inquiry has been conducted in the issue of the appellant, which is as per Supreme Court's judgment is necessary and punitive actions against the civil servant.
- H- That the appellant was awarded major punishment of negligence in the performance of duty, which has not been proved.
- I- That, the treatment meted out to the Appellant is clear violation of the Fundamental Rights of the Appellant as enshrined in the Constitution of Pakistan, 1973.
- J- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for. Any other remedy which this august Court deems fit that may also be awarded in favor of the appellant.


Dated: 10/08/2024

  
APPELLANT  
SHAH FAISAL

**Through:**

  
**NOOR MUHAMMAD KHATTAK**  
ADVOCATE SUPREME COURT

  
WALEED ADNAN

  
UMAR FAROOQ MOHMAND  
&

  
KHANZAD GUL  
ADVOCATES HIGH COURT

**CERTIFICATE:**

No such like appeal is pending or filed between the parties on the subject matter before this Honorable Tribunal.

  
Advocate

**AFFIDAVIT**

I, Mr. Shah Faisal, Inspector (BPS-17) Incharge/Expert Chemical Section Regional Forensic Science Laboratory, Swat, (the appellant), do hereby solemnly affirm on oath that the contents of the above appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.

*[Signature]*  
**DEPONENT**



-5-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

**SERVICE APPEAL No. \_\_\_\_\_ /2024**

**SHAH FAISAL**

**V/S**

**POLICE DEPTT:**

**APPLICATION FOR CONDONATION OF DELAY, IF ANY, IN FILING OF TITLED APPEAL**

Respectfully Sheweth:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so for.
- 2- That the appellant prays for the Condonation of delay in filing the above noted appeal on the following grounds inter alia:

**GROUND OF APPLICATION:**

- A- That valuable rights of the appellant are involved in this case hence the appeal deserves to be decided on merit.
- B- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather than technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.
- C- That the facts and grounds of accompanied service appeal may kindly be considered as integral part and parcel of instant application.
- D- That on the face of it, the applicant/ petitioner has got strong arguable case and is sanguine about its success.

Dated: 10-09-2024

**APPELLANT**

**THROUGH:**

**NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

**AFFIDAVIT**

I, Mr. Shah Faisal, Inspector (BPS-17) Incharge/Expert Chemical Section Regional Forensic Science Laboratory, Swat, (the appellant), do hereby solemnly affirm on oath that the contents of the above application are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.

**DEPONENT**

"A"  
-6-

**CHARGE SHEET**

1. Whereas I, Abdur Rashid, Director FSL, Peshawar, am satisfied that a formal enquiry as contemplated by Police rules 1975 is necessary & expedient in the subject case against you Insp: **Shah Faisal of Chemical Section, FSL Peshawar**, presently posted at RFSL Swat.
2. And whereas, I am of the view that allegations if established would call for major/minor penalty, as defined in rule 3 of the aforesaid Rules.
3. Now therefore, as required by Rule 06(1)(a) &(b) of the said rules, I Abdur Rashid, Director FSL Peshawar, hereby charge you Insp: **Shah Faisal of Chemical Section, RFSL Swat**, under rule 05 (4) of the Police Rules 1975 on the basis of following allegations: -

"RPO Swat vide his office letter No. 65/PA, dated 03.02.2022 stated wherein to Addl: I.G.P Inv: CPO, that DPO Shangla vide his office No. 289/VVS, dated 12.01.2021 intimated that record of all the vehicles examined by RFSL Swat, FSL Peshawar, and Islamabad, by VVS in his district was scrutinized. It was found that a total of 63 vehicles were taken in to custody u/s 523/550 CrPC whose FSL examination was made during the inquiry u/s 156(3) CrPC on the order of Court. Re-examination of the 03 vehicles cleared by RFSL Swat in FSL Islamabad revealed that 02 out of them were found to be tampered while the remaining one vehicle with owner; who is been issued notice for re-examination from FSL Islamabad which is still pending.

It is clear from the re-examination that the officials deputed at RFSL Swat deliberately cleared the vehicles mentioned below:-

S.#	Type of vehicles	Reg. No	Chassis No	Colour	Date of Exam:		Result	
					FSL Swat	FSL Islamabad	FSL Swat	FSL Islamabad
1	Jeep	APL-2021 (NCP)	HDJ 101-0006485	Purl White	15/07/2021	05/01/202	Clear	Tempered
2	Jeep	NCP	KZJ 95-0092363	Blue	25/09/2021	05/01/2020	Clear	Tampered
3	Jeep	GLT-2377 (NCP)	HDJ 101-0013586	Silver	09/08/2021	-	Clear	Pending

Being a police officer the above acts on your part are highly objectionable, indiscipline and condemnable which renders you liable for departmental proceedings under Police Rules, 1975.

4. I hereby direct you further under rule 06(1)(b) of the police rules 1975 to put forth your written defence within 07-days of the receipt of this charge sheet to the Enquiry Committee, as to why action should not be taken against you and also stating at the same time whether you desire to be heard in person.
5. In case your reply is not received within the specific period to the Enquiry Committee it shall be presumed that you have no defence to offer and an ex-parte action will be taken against you.
6. A Statement of Allegations is enclosed.

**ATTESTED**

*Anasheed*

(ABDUR RASHID)

Director  
Forensic Science Laboratory,  
Khyber Pakhtunkhwa, Peshawar.

**DISCIPLINARY ACTION**

I, Abdur Rashid, Director FSL Khyber Pakhtunkhwa, Peshawar as competent authority, am of the opinion that Insp: Shah Faisal of Chemical Section, FSL, Peshawar presently posted in RFSL Swat, has rendered himself liable to be proceeded against departmentally, as he has committed the following act(s)/commission(s) within the meaning of section 03 of the Khyber Pakhtunkhwa, Police Rules 1975.

**STATEMENT OF ALLEGATIONS**

"RPO Swat vide his office letter No. 65/PA, dated 03.02.2022 stated wherein to Addl: I.G.P Inv: CPO, that DPO Shangla vide his office No. 289/VVS, dated 12.01.2021 intimated that record of all the vehicles examined by RFSL Swat, FSL Peshawar, and Islamabad, by VVS in his district was scrutinized. It was found that a total of 63 vehicles were taken in to custody u/s 523/550 CrPC whose FSL examination was made during the inquiry u/s 156(3) CrPC on the order of Court. Re-examination of the 03 vehicles cleared by RFSL Swat in FSL Islamabad revealed that 02 out of them were found to be tampered while the remaining one vehicle with owner; who is been issued notice for re-examination from FSL Islamabad which is still pending.

It is clear from the re-examination that the officials deputed at RFSL Swat deliberately cleared the vehicles mentioned below:-

S.#	Type of vehicles	Reg. No	Chassis No	Colour	Date of Exam:		Result	
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2	Jeep	NCP	KZJ 95-0092363	Blue	25/09/2021	05/01/2020	Clear	Tampered
3	Jeep	GLT-2377 (NCP)	HDJ 101-0013586	Silver	09/08/2021	-	Clear	Pending

For the purpose of scrutinizing the conduct of the said Police official in the said episode with reference to the above allegation(s), an enquiry committee consisting of the following officers is hereby constituted to conduct enquiry into the matter under the rule 05 (4) of the Police Rules 1975 ibid.

I. SP/Legal Ibrahim Ullah FSL Peshawar.

II. Insp: Zahoor Khan FSL Peshawar.

The Enquiry Committee shall, in accordance with the provisions of rule 05 (4) of the Police Rules 1975, provide reasonable opportunity of hearing to the accused official/officer, record statements and submit findings, recommendations as to punishment or other appropriate action against the accused official within stipulated period.

**ATTESTED**

*Abdur Rashid*  
(ABDUR RASHID)

Director

Forensic Science Laboratory,  
Khyber Pakhtunkhwa, Peshawar.

-8-  
70"

SUBJECT: REPLY TO THE ALLEGED CHARGE SHEET NO.56/FSL DATED 09/02/2022.

Respected Sir,

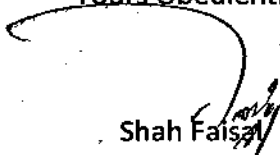
With reference to the subject charge sheet, I do hereby submit my reply as given below.

Sir, The three vehicles mentioned in the subject charge sheet were received at RFSL Swat on different dates and thereby examined with keen attention and to the best of our skill. The examination reports were submitted as factually visualized after chemical treatment. Sir, it is note worthy that the subject vehicles were once handed out to the owners of the said vehicles after examination from RFSL Swat, and has not been taken over to the Islamabad Laboratory by the Swat Police without losing its chain of custody under their supervision. The vehicles examined in Islamabad Laboratory were recovered later on without showing its fresh custody, and have been examined at Islamabad Laboratory on the same daily direy report, on which the earlier vehicles were examined though RFSL Swat. It has created a serious doubt in the examination process conducted at Islamabad Laboratory by the Swat Police, by not maintaining the intact chain of custody in the case property vehicles.

Moreover I am serving in this department since 1988 during my service tenure there is nothing adverse on my part and have served with clean hands throughout.

In view of the above facts & discrepancy in the process of alleged reexamination at Islamabad Laboratory and doubtful chain of custody, it is earnestly submitted that I may kindly be exonerated of the alleged charges mentioned in the subject charge sheet and oblige.

Yours Obediently,

  
Shah Faisal  
Inspector  
RFSL SWAT

  
ATTESTED

"D" 9-

**DEPARTMENTAL ENQUIRY AGAINST INSPECTOR SHAH FAISAL INCHARGE/EXPERT  
CHEMICAL SECTION REGIONAL FORENSIC SCIENCE LABORATORY.**

**FINDINGS.**

The instant enquiry was initiated against Inspector Shah Faisal incharge Chemical section RFSL Swat. According to the official correspondence as mentioned below: -

"Regional Police Officer Swat vide his office letter No.65/PA, dated 03.02.2022 state wherein to Addl. IGP Inv, CPO that DPO Shangla vide his office No.289/VVS, dated 12.01.2021 intimated that record of all the vehicles examined by RFSL Swat, FSL Peshawar, and Islamabad by VVS in his district was scrutinized. It was found that a total of 63 vehicles were taken into custody u/s 523/550 CrPC. Re-examination of the 03 vehicles cleared by RFSL Swat in FSL Islamabad revealed that 02 out of them were found to be tempered while the remaining one vehicle with owner, who is been issued notice for re-examination from FSL Islamabad which is still pending. It is clear from the re-examination that the officials deputed at RFSL Swat deliberately cleared the vehicle mentioned below: -

S.#	Type of vehicle	Reg. No.	Chassis No	Colour	Date of Exam:		Result	
					FSL Swat	FSL Islamabad	FSL Swat	FSL Islamabad
1.	Jeep	APL-2021 (NCP)	HDJ101-0006485	Purl White	15/07/2021	05/01/2020	Clear	Tempered
2.	Jeep	NCP	KZJ95-0092363	Blue	25/09/2021	05/01/2020	Clear	Tempered
3.	Jeep	GLT-2377 (NCP)	HDJ101-0013586	Silver	09/08/2021	-	Clear	Pending

Being a police officer the above acts on your part are highly objectionable, indiscipline and condemnable which renders you liable for departmental proceedings under Police Rules, 1975".

Upon the above mentioned charges Inspector Shah Faisal of RFSL Swat was charge sheeted and SP Legal FSL Peshawar along with Inspector Zahoor Ul Islam were deputed as enquiry officers.

The charge sheet and statement of allegation were served upon the defaulter police officer. He submitted the reply to the charge sheet which was found unsatisfactory.

The enquiry committee summoned the defaulter officer along with all relevant record of RFSL including photographs, above mentioned vehicle reports of Swat and Islamabad. Moreover, one of the vehicles amongst these two was examined at FSL Peshawar. The record was requisitioned. Statement of the defaulter police officer was recorded by the enquiry committee. Opportunity of cross examination was given to the Inspector Shah Faisal.

ATTEST

The statement recorded. During the course of enquiry and perusal of record reveals that being incharge chemical section R/FSL Swat he is failed to perform his duty properly, in accordance with procedure as chemical expert. He is failed to adopt proper procedure to deciphered the chassis numbers present on chassis frame of the vehicles. Reason is that he did not applied proper chemicals on the chassis plates and failed to treat the vehicle as per SOP.

The same vehicles were examined by the FSL Islamabad and according to their results both the vehicles were tempered. (Report of Islamabad Lab is enclosed for ready reference).


Moreover, one of the vehicles was examined at FSL Peshawar by the incharge chemical section. The report is enclosed. According to the result after deep treatment new numbers/digits were appeared on the chassis plate which clearly indicates that the officer under enquiry neglected the procedure for decipherment of the digits on the chassis plates. Which shows lack of interest towards official govt duty and negligence on the part of Inspector Shah Faisal.

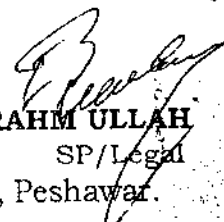
**CONCLUSION**

The charges mentioned in the charge sheet are proved without any shadow of doubt. He is held guilty of the charges leveled against him.

**RECOMMENDATIONS:-**

He is hereby recommended for awarding one of the punishments as laid down in Police Rules 1975

  
**ZAHOOR ISLAM**  
In-charge Chemical Section  
FSL Peshawar,

  
**IBRAHM ULLAH**  
SP/Legal  
FSL, Peshawar.

**ATTESTED**  





-12-

Forensic Science Laboratory  
29, Sector B-1 Phase-V Hayatabad  
Khyber Pakhtunkhwa Peshawar  
Tel. 091-9217394/Fax. 091-9217251

They were served with the Final Show Cause Notices. Replies of the Final Show Cause Notices were received which are found unsatisfactory.

After going through the enquiry conducted so far and material placed on file, the undersigned is of the view that charges against both the above named defaulter officers are proven correct. In exercise of the powers conferred upon the undersigned under the Police Rules 1975 amended 2014, I, Waqar Ahmad PSP, Director Forensic Science Laboratory Khyber Pakhtunkhwa Peshawar being competent authority, hereby award Inspector Shah Faisal and Inspector Zahid Ullah of Chemical Section RFSL Swat major punishment of reversion to their substantive ranks of Sub Inspectors with immediate effect.

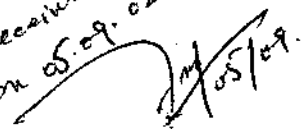
Order announced.

  
(WAQAR AHMAD) PSP  
DIRECTOR  
Forensic Science Laboratory  
KP, Peshawar

Copy of above is forwarded for information to the: -

1. Addl. Inspector General of Police, Investigation Khyber Pakhtunkhwa, Peshawar w/r to letter No.1290/Reader/Inv, dated 04.02.2022.
2. Regional Police Officer, Malakand Region w/r to his office letter No.65/PA, dated 03.02.2022.
- ✓ 3. Deputy Director, RFSL, Swat.
4. DSP Admin, FSL, Peshawar.
5. Accountant, FSL, Peshawar.
6. Line Officer, FSL, Peshawar.
7. Officials concerned.

ATTESTED

Received  
on 05.09.22  


"4"

-13-

To,

The Additional Inspector General of Police,  
Investigation Wing, Khyber Pakhtunkhwa, Peshawar.

**SUBJECT: - APPEAL AGAINST THE IMPUGN REVERSION ORDER,  
ISSUED BY DIRECTOR FSL, PESHAWAR.**

Respected Sir,

Most humbly it is to submit with reference to Director FSL, Peshawar Order No. 719-25/FSL, dated; 31.8.2022, received in hard on 05.09.2022 at RFSL Swat. (Copy attached).

Parawise replies to the alleged charge sheet and final show cause notice were duly submitted. (Copies attached).

Sir, Facts of the case are that the vehicles in question mentioned in the subject final show cause notice were taken into custody by the Shangla police on different dates in July, August and September 2021 and thereby examined at RFSL Swat with keen attention under my direct supervision by the chemical expert to the best of their experience & zeal. The examination reports were based on the factual results as recorded in photographic prints, visualized after chemical treatment. Sir, it is noteworthy that the subject vehicles were once handed over to the owners of the said vehicles on 7/8/2021 and 16/10/2021 after examination from RFSL Swat by the court orders. Shangla Police has not taken over the said vehicles to the Islamabad Laboratory without losing its chain of custody while these vehicles were under their custody/ supervision. The alleged vehicles examined in Islamabad laboratory were taken privately without taking official custody by the Swat police and had been examined at Islamabad laboratory on 04 January 2022 after laps of more than 100 days and on 05, January 2022 after laps of more than six (6) months of RFSL SWAT laboratory tests, on which the earlier vehicles were examined through RFSL Swat, ie; on 25/09/2021 & 15/07/2021 respectively. It has created a serious doubt in the examination procedure as the same vehicles were in their owners possession officially after 7/8/2021 and 16/10/2021. Shangla Police has not maintained the intact chain of custody in the case property vehicles. Moreover it is given that one of the alleged vehicle once examined in Islamabad laboratory has been re-examined in FSL Peshawar, resulting into different opinions between Islamabad & Peshawar laboratory reports as well. Moreover the Islamabad and Peshawar FSL reports has opined that chassis numbers are tempered with, whereas the resulting photographs of re-examination do not show any remains of tempering whatsoever. The opinions of Islamabad & Peshawar FSL are without authentic photographic evidential proof on enquiry file. Both the re-examination laboratory tests of Islamabad FSL & Peshawar FSL could not decipher any other number or remains of any other number in either of both the vehicles under subject enquiry after re-examination. Which clearly supports the RFSL reports of no other number deciphered.

The impugn reversion order wrongly mentions that full opportunity of defense & cross examination was provided to them, no proper opportunity of defense & cross examination had been provided to the undersigned. Which is evident from denial to the preliminary observations to the final show cause

ATTESTER



notice submitted for provision of copies of relevant record pertaining to the subject vehicles at district police Shangla, different laboratory examinations, enquiry report along with findings & recommendations thereof required for preparation of my defense reply to the final show cause notice. Opportunity of cross examination of io Shangla police, experts of Islamabad FSL & Peshawar FSL who have re-examined the subject vehicles has not been provided at all. No cross examination whatsoever can be available on the enquiry file.

As far as the inquiry conducted by the Shangla police under section 523/550 Crp, it is given that one of the vehicle bearing chassis number HDJ101-0006485 has been registered under Registration No. BC9027, at MRA Quetta in the name of one saifullah s/o Amanullah. Similarly the other vehicle bearing chassis No. KZJ95-0092363 registered under Registration number MV-047 at MRA Islamabad, in the name of one Javed Iqbal. The Shangla police IO knowingly vehicles having same chassis numbers under his inquiry not taken these duplicate vehicles into his custody for examination of its chassis numbers for inter comparison with the impounded vehicles under his inquiry to verify the factual status of all the four vehicles at Shangla, Islamabad and Quetta.

Sir, in view of the above facts & discrepancy in the process of alleged re-examination at Islamabad Laboratory and Peshawar Laboratories and doubtful chain of custody by the Swat police, neither the Shangla police nor the enquiry committee at FSL Peshawar has satisfactorily performed their tasks in accordance with the spirit of natural justice. Unfortunately where one of the member of FSL Peshawar inquiry committee, was examiner of Peshawar laboratory being party to the examination process.

Sir, I am serving in this department since 1988, during my service tenure there is nothing adverse on my part and I have served with clean hands throughout my service tenure. It is further submitted that I have fulfilled my responsibilities to the best of my knowledge and belief without any ill will. None of the FSL Labs. Could decipher the other numbers or remains of other numbers after re-examinations. Virtually supporting RFSL LAB. Report.

It is, therefore, earnestly requested that in view of the above similar results, the subject reversion order issued by Director FSL Peshawar on the bases of defective and unlawful inquiry in favor of undersigned may kindly be set aside & I may kindly be exonerated of alleged charges and reinstated to my earlier rank as Inspector.

ATTESTE

Yours Obediently,

SHAH FAISAL,  
Chemical Expert  
RFSL SWAT,

27/9/2022

OFFICE OF THE ADDL: INSPECTOR GENERAL OF POLICE,  
INVESTIGATION BRANCH CPO  
KHYBER PAKHTUNKHWA PESHAWAR

-15-



ORDER

This order will dispose off the departmental appeals of Sub Inspector Shah Faisal and SI Zahidullah of Chemical Section FSL KP Peshawar, who were awarded major punishment of reversion from the rank of Inspector to Sub Inspector by the Director FSL Peshawar on the following allegations:-

Allegations:-

"That Regional Police Officer Swat vide his office letter No. 65/PA, dated 03.02.2022 addressed to the Addl:IGP/Investigation, KP Peshawar stated therein that DPO Shangla vide his office letter No. 289/VVS, dated 12.01.2021 intimated that record of all the vehicles examined by RFSL Swat Peshawar and Islamabad by VVS in Shangla District was scrutinized. It was found that total 63 vehicles were taken into possession u/s 523/550 Cr.PC. Re-examination of 03 vehicles (cleared by RFSL Swat) were re-examined by FSL Islamabad and found that 02 of these vehicles were tempered which depicts that the officers (SI Shah Faisal and SI Zahidullah, the then Inspectors) while posted to RFSL, Swat as Chemical Experts deliberately cleared these two vehicles. The act on their part was highly objectionable, indiscipline and condemnable and hence both the defaulter Police Officers were subjected to the departmental action.

Upon completion of departmental proceedings SI Zahidullah and SI Shah Faisal were found guilty and hence they were awarded major punishment of reversion from the rank of Inspector to the rank of Sub Inspectors by the Director FSL vide his order No.719-25/FSL, dated 31.08.2022.

I have gone through the relevant documents/material placed on record which revealed that the charges levelled against both the defaulter Police officers are serious in nature. During the course of departmental proceedings, they failed to advance any plausible reason in their support. They were also heard in person by the undersigned and they could not defend themselves during cross examination which depicts that the allegations levelled against them are substantiated.

In the circumstances mentioned above, the undersigned sees no ground to set-a-side the order issued by the Director FSL vide No.719-25/FSL, dated 31.08.2022 and hence their appeals are rejected.

ATTESTED

(DR. ISHTIAQ AHMED MARWAT) PSP/PPM  
Addl Inspector General of Police  
Investigation KP Peshawar.

No. 1047-48 EC, dated Peshawar, the 25/1/2023.

Copies are sent for information and n/action to the:-

1. Director FSL KP Peshawar.

2. Officer concerned.

Director R/FSL Swat

\*\*\*\*\*

By: Director, FSL, Swat

"H" -16-

To,  
The Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.  
THROUGH PROPER CHANNEL

**SUBJECT: - APPEAL AGAINST THE IMPUGN REVERSION ORDER, DATED 31-08-2022 ISSUED BY DIRECTOR FSL, PESHAWAR, REJECTION ORDER DATED 25-01-2023 AND REVISION APPEAL FILED DATED 02-05-2024 ISSUED BY ADDITIONAL INSPECTOR GENERAL INVESTIGATION PESHAWAR.**

Respected Sir,

Most humbly it is to submit with reference to Director FSL, Peshawar Order No. 719-25/FSL, dated; 31.8.2022, received in hard on 05.09.2022, rejection order No.1047-48/EC, dated 25-01-2023 and revision appeal filed No.2171/EC/Inv: dated 02-05-2024 (Copies attached).

Para wise replies to the alleged charge sheet and final show cause notice were duly submitted. (Copies attached).

Sir, Facts of the case are that the vehicles in question mentioned in the subject final show cause notice were taken into custody by the Shangla police on different dates in July, August and September 2021 and thereby examined at RFSL Swat with keen attention with my best experience & zeal. The examination reports were based on the factual results as recorded in photographic prints, visualized after chemical treatment. Sir, it is noteworthy that the subject vehicles were once handed over to the owners of the said vehicles on 7/8/2021 and 16/10/2021 after examination from RFSL Swat by the court orders. Shangla Police has not taken over the said vehicles to the Islamabad Laboratory without losing its chain of custody while these vehicles were under their custody/ supervision. The alleged vehicles examined in Islamabad laboratory were taken privately without taking official custody by the Shangla police and had been examined at Islamabad laboratory on 04 January 2022 after laps of more than 100 days and on 05, January 2022 after laps of more than six (6) months of RFSL SWAT laboratory tests, on which the earlier vehicles were examined through RFSL Swat.ie; on 25/09/2021& 15/07/2021 respectively. It has created a serious doubt in the examination procedure as the same vehicles were their owner's possession officially after 7/8/2021 and 16/10/2021. Shangla Police has not maintained the intact chain of custody in the case property vehicles. Moreover, it is given that one of the alleged vehicles once examined in Islamabad laboratory has been re-examined in FSL Peshawar, resulting into different opinions between Islamabad & Peshawar laboratory reports as well. Moreover, the Islamabad and Peshawar FSL reports has opined that chassis numbers are tempered with, whereas the resulting photographs of re-examination do not show any remains of tempering

ATTEST

The impugned reversion order wrongly mentions that full opportunity of defense & cross examination was provided to them, no proper opportunity of defense & cross examination had been provided to the undersigned. Which is evident from denial to the preliminary observations to the final show cause notice submitted for provision of copies of relevant record pertaining to the subject vehicles at district police Shangla, different laboratory examinations, enquiry report along with findings & recommendations thereof required for preparation of my defense reply to the final show cause notice. Opportunity of cross examination of io Shangla police, experts of Islamabad FSL & Peshawar FSL who have re-examined the subject vehicles has not been provided at all. No cross examination whatsoever can be available on the enquiry file.

As far as the inquiry conducted by the Shangla police under section 523/550 CrPc, it is given that one of the vehicle bearing chassis number HDJ101-0006485 has been registered under Registration No. BC9027, at MRA Quetta in the name of one Saifullah s/o Amanullah. Similarly, the other vehicle bearing chassis No. KZJ95-0092363 registered under Registration number MV-047 at MRA Islamabad, in the name of one Javed Iqbal. The Shangla police IO knowingly vehicles having same chassis numbers under his inquiry not taken these duplicate vehicles into his custody for examination of its chassis numbers for inter comparison with the impounded vehicles under his inquiry to verify the factual status of all the four vehicles at Shangla, Islamabad and Quetta.

Sir, in view of the above facts & discrepancy in the process of alleged re-examination at Islamabad Laboratory and Peshawar Laboratories and doubtful chain of custody by the Shangla police, neither the Shangla police nor the enquiry committee at FSL Peshawar has satisfactorily performed their tasks in accordance with the spirit of natural justice. Unfortunately, where one of the member of FSL Peshawar inquiry committee, was examiner of Peshawar laboratory being party to the examination process.

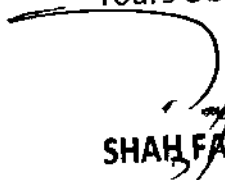
Sir, I am serving in this department since 1988, during my service tenure there is nothing adverse on my part and I have served with clean hands throughout my service tenure. It is further submitted that I have fulfilled my responsibilities to the best of my knowledge and belief without any ill will. None of the FSL Labs. Could decipher the other numbers or remains of other numbers after re-examinations. Virtually supporting RFSL LAB. Report.

ATTESTED

Furthermore, my children are currently pursuing their education in various schools and colleges, the cost of their education living expenses and other necessities has become overwhelming due to my reversion. I am desperate to ensure their academic progress is not hindered by my financial constraint.

It is, therefore, I humbly request your mercy and consideration in this matter and on base of above submission the order dated 31-08-2022, 25-01-2023 and 02-05-2024 may kindly be sat-aside and the applicant may kindly be restored to his original rank of Inspector as before the penalty order dated 31-08-2022 with all back and consequential benefits.

Yours Obediently,

  
SHAH FAISAL,  
Chemical Expert  
RFSL SWAT,

30.05.2024

  
ATTESTED

"I"

-19-

103  
25-7-24



Ph: No. 091-9211122  
Fax No. 091-9210052  
Email: inv\_unit@yahoo.com

OFFICE OF THE  
ADDL: INSPECTOR GENERAL OF POLICE,  
INVESTIGATION, KHYBER PAKHTUNKHWA,  
PESHAWAR

No. 0102 /EC/Inv: dated Peshawar the 22-10-2024  
To: Forensic Science Laboratory

The Director,  
Forensic Science Laboratory,  
Khyber Pakhtunkhwa,  
Peshawar.

Diry: 583 /FSL  
Date: 23-07-2024

INVESTIGATION  
Khyber Pakhtunkhwa, Peshawar

Subject: APPEAL AGAINST THE REVERSION, DATED 31.08.2022 (SI SHAH FASIAL) ISSUED BY DIRECTOR FSL, PESHAWAR, REJECTION ORDER DATED 25.01.2023 AND REVISION APPEAL FILED DATED 02.05.2024 BY ADDL: IGP INVESTIGATION KP, PESHAWAR.

Memo: Kindly refer to your office letter No751/FSL, dated 27.06.2024 on the subject cited above.

The revision appeal preferred by SI Shah Fasal of RFSL has been filed by the worthy Addl: IGP Investigation..

For Addl/Inspector General of Police  
Investigation Khyber Pakhtunkhwa  
Peshawar.

\*\*\*\*\*27-24

OFFICE OF THE DIRECTOR, FORENSIC SCIENCE LABORATORY,  
KHYBER PAKHTUNKHWA, PESHAWAR.

No. 898 /FSL, Dated Peshawar, the 24/07/2024

Copy of above is forwarded to the Deputy Director, RFSL, Swat for information w/r to his letter No.108/HR/RFSL, dated 31.05.2024.

DIRECTOR  
Forensic Science Laboratory  
Khyber Pakhtunkhwa, Peshawar.

Be  
For n. action.

By: Director, FSL, Swat  
25/7

ATTESTE

-20-

**VAKALATNAMA**  
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

Appel No 12024

Shah faisal

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Police Deptt

(RESPONDENT)  
(DEFENDANT)

I/We Shah faisal

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_/\_\_\_/202

Shah faisal  
**CLIENT**

**ACCEPTED**

Noor Mohammad Khattak  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**

Waleed Adnan  
**WALEED ADNAN**

Umar Farooq Mohmand  
**UMAR FAROOQ MOHMAND**

Khanzad Gul  
**KHANZAD GUL**

&

Abid Ali Shah  
**ABID ALI SHAH**  
**ADVOCATES**

**OFFICE:**  
Flat No. (TF) 291-292 3<sup>rd</sup> Floor,  
Deans Trade Centre, Peshawar Cantt.  
(0311-9314232)