



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

1.	Case Title	Qaisar Shah Vs Government of Khyber Pakhtunkhwa, through Secretary Home & others	
2.	Case is duly signed.	Yes ✓	No
3.	The law under which the case is preferred has been mentioned.	Yes ✓	No
4.	Approved file cover is used.	Yes ✓	No
5.	Affidavit is duly attested and appended.	Yes ✓	No
6.	Case and annexures are properly paged and numbered according to index.	Yes ✓	No
7.	Copies of annexures are legible and attested. If not, then better copies duly attested have annexed.	Yes ✓	No
8.	Certified copies of all requisite documents have been filed.	Yes ✓	No
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.	Yes ✓	No
10.	Case is within time.	Yes ✓	No
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	Yes	No ✓
12.	Court fee in shape of stamp paper is affixed. [For writ Rs. 500, for other as required]	Yes	No ✓
13.	Power of attorney is in proper form.	Yes ✓	No
14.	Memo of addressed filed.	Yes ✓	No
15.	List of books mentioned in the petition.	Yes	No
16.	The requisite number of spare copies attached [Writ petition-3, civil appeal (SB-2) Civil Revision (SB-1, DB-2)]	Yes ✓	No
17.	Case (Revision/ Appeal/petition etc) is filed on a prescribed form.	Yes ✓	No
18.	Power of attorney is attested by jail authority (for jail prisoner only)	Yes ✓	No

It is certified that formalities/documentations as required in column 2 to 18 above, have been fulfilled.

Signature:- _____

FOR OFFICE USE ONLY

Case:- _____

Case received on _____

Complete in all respect: Yes/ No, (If No, the grounds) _____

Date in court:- _____

Signature _____

(Reader)

Date:- _____

Countersigned:- _____

(Deputy Registrar)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 647 /2022

Qaisar Shah.....Appellant

V E R S U S

Government of Khyber Pakhtunkhwa,
through Secretary Home & others..... Respondents

I N D E X

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Appellant

Through

Dated 25.04.2022



Hassan U.K Afridi
Advocate
Supreme Court of Pakistan
Cell No.0300-9151963

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

Qaisar Shah S/o Muslim Shah,
(Ex-Constable No.996)
R/o Street Pir Muslim Shah,
Mohallah Sedal Khan, P.O Jungle Khel Kohat

.....Appellant

V E R S U S

1. Government of Khyber Pakhtunkhwa, through Secretary Home, Civil Secretariat, Peshawar
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
3. Deputy Inspector General of Police/Regional Police Officer (DPO), Kohat
4. District Police Officer (DPO, Kohat.....Respondents

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT,
1974, AGAINST THE IMPUGNED ORDER
PASSED BY THE RESPONDENT NO.4 VIDE
DATED 02.12.2020 WHEREBY THE
DEPARTMENTAL APPEAL OF THE
APPELLANT REJECTED ON 20.05.2021
PASSED BY THE RESPONDENT NO.3 BUT
CONVERTED DISMISSAL OF APPELLANT**

INTO COMPULSORY RETIREMENT AND REVISION BEFORE THE RESPONDENT NO.2 ALSO REJECTED/FILED VIDE DATED 22.02.2022, WHILE ALL THE ABOVE MENTIONED ORDERS ARE AGAINST LAW AND ARE LIABLE TO BE SET ASIDE.

Prayer

On acceptance of this Service Appeal, the impugned orders as mentioned above, may kindly be set aside and the appellant may please be reinstated with all back benefits.

Any other relief deems fit and appropriate in the circumstances of the case may also be passed in favour of the petitioner.

Respectfully Sheweth:

Facts of the case

1. That the appellant was appointed as Constable in the department of respondents in District Kohat on 06.06.2007.

2. That from the date of appointment, the appellant performed his duties well and to the best satisfaction of the authorities.
3. That the appellant was charged in a fake case of narcotics, FIR No.457 dated 31.07.2020 Police Station Biltang Kohat Under Section 9-D CNSA.
4. That the appellant was arrested and later on released on bail and the trial has commenced but is still pending for recording of the statements of prosecution witnesses.
5. That the charge sheet and statement of allegations has been issued to the appellant and inquiry conducted by the inquiry officer although which is not according to law and even in favour of appellant but the appellant was dismissed by the respondent No.4 vide order dated 02.12.2020.
6. That the appellant then filed Departmental representation before the respondent No.3, which has been also rejected on 20.05.2021 but

converted the dismissal order into compulsory retirement.

7. That the appellant then filed the revision petition before the respondent No.2, which has also been rejected/filed on 22.02.2022 but received to the appellant on 21.04.2002, hence the present service appeal on the following amongst other grounds:

GROUNDS:

- A. That the impugned orders/judgments of the respondents as mentioned in the heading of the appeal are against law, rules and justice and are liable to be set aside.
- B. That the appellant has not been treated/dealt in accordance with law and rules.
- C. That no proper/regular inquiry has been conducted under the law.
- D. That even in the inquiry conducted by the inquiry officer, the allegations leveled against the appellant has not been proved.

- E. That no show cause notice has been issued to the appellant by the competent authority before awarding the harsh /major penalty.
- F. That no opportunity of defence has been given to the appellant, during inquiry proceedings.
- G. That the proceeding of inquiry has been handed over to the appellant and even the charges and statement of allegation has not been communicated.
- H. That the appellant has been involved in fake criminal case, while before the date of lodging of FIR , the appellant was behind the quarter guard in two days.
- I. That the made and manner mentioned in the FIR is not believable and a prudent mind cannot admit the facts narrated in the FIR. Further that the criminal case is still pending before the criminal court of law due to unavailability of the prosecution witnesses.

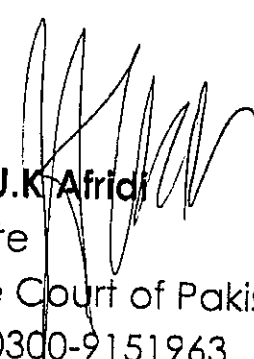
- J. That the appellant would like to seek the permission of this Hon'ble Tribunal to additional grounds at the time of arguments.

It is, therefore, most humbly prayed that On acceptance of this Service Appeal, the impugned orders as mentioned above, may kindly be set aside and the appellant may please be reinstated with all back benefits.

Any other relief deems fit and appropriate in the circumstances of the instant appeal may also be passed in favour of the appellant.


Appellant

Through


Hassan U.K. Afridi
Advocate
Supreme Court of Pakistan
Cell No.0300-9151963

Dated 25.04.2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

Qaisar Shah.....Appellant

V E R S U S

Government of Khyber Pakhtunkhwa,
 through Secretary Home & others..... Respondents

A F F I D A V I T

I, Qaisar Shah S/o Muslim Shah, (Ex-Constable No.996) R/o Street Pir Muslim Shah, Mohallah Sedal Khan, P.O Jungle Khel Kohat, do hereby solemnly affirm and declare that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by:


 DEPONENT


Hassan U.K Afridi
 Advocate Supreme Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2022

In

Service Appeal No. _____/2022

Qaisar Shah..... **Appellant**

V E R S U S

Government of Khyber Pakhtunkhwa,
through Secretary Home & others..... **Respondents**

**APPLICATION FOR CONDONATION OF
DELAY IN FILING THE INSTANT SERVICE
APPEAL**

Respectfully Sheweth:


1. That the instant service appeal is being filed before this Hon'ble Tribunal with this application which has bright chance to succeed.
2. That on merit the appellant has good prima facie case.
3. That according to Section 4 of the KPK Service Tribunal Act, 1973, the appellant filed Service Appeal against the appellate authority order, within time as the appellant received the rejection order of appellant authority on 21.04.2022.

4. That the departmental appeal have been decided without mentioning the time limitation.
5. That the delay in filing the instant appeal was neither intentional nor willful but due to aforesaid reason.
6. That the law favours adjudication on merit rather non-suiting the litigant on technicalities.
7. That it is just, fair and in the large interest of justice that the delay in filing instant appeal be condoned.

It is, therefore, most humbly prayed that by accepting this application, the delay in filing the instant service appeal may please be condoned.


Appellant

Through


Hassan U.K Afridi
Advocate
Supreme Court of Pakistan
Cell No.0300-9151963

Dated 25.04.2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2021

In

Service Appeal No. _____/2022

Qaisar Shah.....**Appellant**

V E R S U S

Government of Khyber Pakhtunkhwa,
through Secretary Home & others..... **Respondents**

I, Qaisar Shah S/o Muslim Shah, (Ex-Constable No.996) R/o Street Pir Muslim Shah, Mohallah Sedal Khan, P.O Jungle Khel Kohat, do hereby solemnly affirm and declare that the contents of the accompanying *Application* are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

4/11/22

Identified by:

DEPONENT

Hassan U.K Afridi
Advocate Supreme Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

Qaisar Shah.....Appellant

V E R S U S

Government of Khyber Pakhtunkhwa,
 through Secretary Home & others..... Respondents

ADDRESSES OF PARTIES

APPELLANT:

Qaisar Shah S/o Muslim Shah, (Ex-Constable No.996)
 R/o Street Pir Muslim Shah,
 Mohallah Sedal Khan, P.O Jungle Khel Kohat


R E S P O N D E N T S

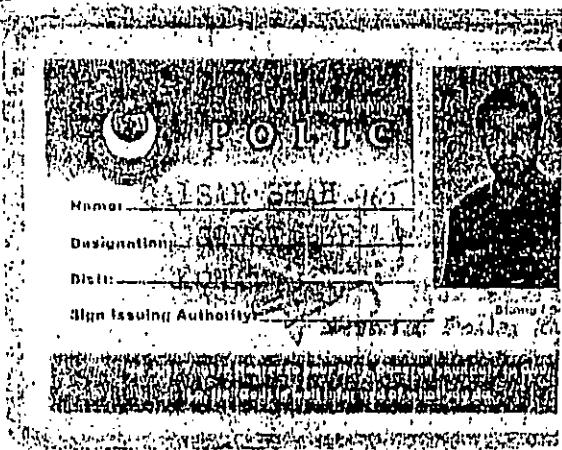
1. Government of Khyber Pakhtunkhwa, through Secretary Home, Civil Secretariat, Peshawar
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
3. Deputy Inspector General of Police/Regional Police Officer (DPO), Kohat
4. District Police Officer (DPO), Kohat


 Appellant

Through

Dated 25.04.2022


Hassan U.K Afridi
 Advocate
 Supreme Court of Pakistan
 Cell No.0300-9151963



FINAME: MUGLIM SHAH
N.I.C No: 1470103047655 4
Date of Appointment: 06.06.2007
Identification Mark: PILE ON PAFF B/SIDE
Height: 5'-8 1/2" Eyes: BLUE Bld' Grp: B+
Date of Issue: 23-1-08 S.No: 152

12

AH-11ed

HASRAT
HIG. COURT

HASSAN

HASSAN ARMY High

13

ضباب عالی -

حوالہ منقولہ چارج شیٹ نمبری 47-3946 جاویم ٹرسٹریٹ پولیس
 آفیسر کو باغ عروسین خدمت ہوئی کہ موٹر گاڑی 25 کو میں
 سہارہ سائیکس صادق عمران بعد فلائٹ ڈیوٹی کے رسپنڈنسی میں
 آئے تھے چونکہ میں سہارہ سائیکس کے علاوہ تھانہ انٹرنیٹ میں
 تفصیلات ہوں رسپنڈنسی میں صادق عمران نے وہ کس
 کہ جب بیان دیکھ میں سٹریٹ کے تناظر میں سٹریٹ کے قریب
 سہارہ سائیکس صادق عمران میں گھنٹہ نامی شخص کیساتھ
 موٹر سائیکل کا تنازعہ تھا یہ وقت تھا سائیکس آرم صادق
 عمران واپس آکر بے موٹر سائیکل پر بیٹھا کراہیں آئے
 اور میں اپنی ڈیوٹی پر چلا گیا۔ خدمت کے بعد 3 اور یوم
 بعد وہ سر ریٹائرڈ LAC تھانہ انٹرنیٹ نہ جاویم فن نمبری
 9783 438 5332 اطلاع دی کہ آپ کو SDPO سہارہ
 تھانہ میں ٹنگ طلب کیا ہے لہذا حسب الحکم SDPO صادق
 و سہارہ سائیکس سر ریٹائرڈ تھانہ میں ٹنگ جا کر تھانہ میں
 SDPO صادق تھانہ اور SDPO سہارہ میں آمد تک انتظار کرنا
 رہا بعد ازاں سائیکس کو سہارہ میں بھیجا کر کوآرڈ
 گاڑی لے گئے اور مجھے اپنے یوم کا پتہ نہ دیا کوآرڈ
 گاڑی میں بند کر دیا اور کوآرڈ گاڑی میں سہارہ سہارہ
 سہارہ سائیکس صادق عمران کے دونوں عقیدے بعد گزارنے 2
 یوم کوآرڈ گاڑی (R.F) سہارہ سائیکس تھانہ میں بھیجا کر
 تھانہ کے آئے سر ریٹائرڈ نے مجھے اور سائیکس کو ہم آئیں و کسان
 کو سہارہ سائیکس سر ریٹائرڈ کے تھانہ کے حالات تھانہ میں

ایترائی اطلاع رپورٹ

15

کونٹر (فائین) ایترائی اطلاع نسبت مجرم قابل دست اندازی پولیس رپورٹ شروع نمبر ۱۵۳ مجموعہ ضابطہ فروری
مختار بلی نڈل مینج کوہاٹ

نمبر 457 تاریخ و وقت وقوع ۰۷ مارچ ۲۰۱۵ وقت 15:20

تاریخ و وقت رپورٹ ۰۷ مارچ ۲۰۱۵ وقت 16:00	تاریخ و وقت وقوع ۰۷ مارچ ۲۰۱۵ وقت 16:55
نام و سکونت اطلاع دہندہ و مفیش	انوان اللہ خان ۵۱۱۱ ۰۳۴۵-735۱۹5۹
مختار کیفیت مجرم (موردہ) حال اگر کچھ یا گیا ہو	۹ DC NISA نہ آئی (کل ضابطہ گرام چیتا)
جائے وقوع فاضل مقام سے اور سیت	شاد غاٹیل (روڑ نزد سہرا تالاب)
نام و سکونت ملزم ۱) محمد خان ۲)	ماہر (۳) غران (۳) قنبر شاہ (۴) اشفاق (۵) خان نواز
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کرو۔	نہ سیدنی ہر اسہہ درج دیا جانا ہے۔
مقام سے روانگی کی تاریخ و وقت	نہ سیدنی ڈاک

ایترائی اطلاع نیچے درج کوئی ایک غیر عریضہ فاضل صاحب ایمان خان
 ۱۱۷۵ کے لئے بہت کچھ ایسی ہیئت اللہ ۱۱۷۵ کے موصول ہو کر ذیل میں۔ غیر عریضہ درج کی گئی
 غیر خاص نے (اطلاع دی کہ) میں محمد خان ولد لال سید سقندر اور فری ایبندی
 تیار سے بہت سے فری سائیکل منشیات از قسم میں تھیں کہ عمام جائے وغیر
 بان بہ مسلمان صادق عمران ولد حکیم اٹناہ۔ قید پر شاہ ولد حکیم شاہ۔ اشفاق
 ولد ظریف خان ساکنان ونگ آواز مہل جل۔ خان نواز ولد در خان
 لیکن گڑھی گلاب شاہا علمہ گلشن آباد کو حوالہ کر لیا۔ اس اطلاع کے پیش
 ذمہ میں عم ایف الٹر ASH۱۱۷۵ خانہ دار DF۲۔ عنایت اللہ ۱۱۷۵
 دیگر فری پولیس جائے وقوعہ والا پر لیا۔ پر پانچ/۵ کسان کو وقوع پر لیا
 جو فری پاکر نیابت حکمت علی سے مجاڑی سے آکر نہ قابہ لیکے۔ یہ واقعہ
 ایک نام سے بان لیتا کہ جبکی فری فریڈا فریڈا خاص تارا شیاں لیکے پر
 وزن کرتے پر فی پلیٹ ۱۰۱۵/۱۱۷۵ گرام کل 505۵ گرام چیتا نکلی۔ یہ
 ایک پلیٹ سے ۵۰ گرام ہیں بفری مجریہ FD۲ پتلا اور ایک ایک
 پارسل یا ۱-۳-5-۷-۹ کے ہیکہ بقایا پارسل برات 2-4-6-8
 میں بند سپر میپری۔ ہیکہ نہ ایک کھڑی فری سائیکل ہیکہ ۱۱۷۵ فری
 ۱۱۷۵-6779 ہیکہ کالابار میں دریافت کرتے ہیں وہ فری فریڈا فریڈا فریڈا
 بیان کرتے فری سائیکل کے ہیکہ میں وہ فری فریڈا فریڈا فریڈا
 نہ تال کرتے پر ایک پلیٹ چیتا نہ آئی نہ فری فریڈا فریڈا فریڈا
 گرام نکلی۔ میں سے ۵۰ گرام فری مجریہ FD۲ پارسل پر ۱۱۷۵

ملکیت
 H.A.C.
 Hign

لیا گیا علیہ پارسل نمبر 12 میں بندہ سے میر کے جنم پارسل یا کے پر
 ورتی عدد حوالہ ایسی 014 ثبت ہے۔ جفہ ملنگان کو سے سری
 انٹارکسٹ کرنے پر ظاہر کیا۔ کہ ہم نے عید فکشن کیے گئے
 ہی۔ جو تمام شریف جسم ہیں۔ لہذا ہمہ منشیات جنم عدتہ ساکیل
 بڑی بال برونے قدر قیمت لیں کہ عدتہ ہم بالا کا پاکہ
 حسب ہمارے گذشتہ کرنے فراسدہ قاضی مقدم بہت کا شیل
 عزت اللہ 175 ارسال تمام ہے۔ بعد اندر 2 مقدم کے تفتیش
 حوالہ KBI بنات ہیں۔ دتعلی انکے فری اچان حال حال 140
 31 کاروائی تمام آفرہ فراسدہ صرف طرف درجہ بالا عدتہ کرپٹ
 نجیم بالا چاک سے کہ تعول 12 عن فراسدہ لہذا ان تفتیش حوالہ KBI
 سناخ کیا جا تا ہے۔ یہ ہم گزاریں ہے۔

31-07-50

تاریخ بندش -
 وقت بندش
 تاریخ لڑائی از بندش

دستخط
 عہدہ

اطلاع کے نیچے اطلاع دینے کا دستخط ہوگا۔ یا اس کی ہر با نشان لگایا جائے گا۔ اور انہر تحریر کرتے ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا
 حروف الفبا بمرتب روشنائی سے بالمتبادل نام پر ایک منظم یا شہر علی الترتیب واسطے باشندگان علاقہ طبر یا وسط ایشیا یا افغانستان بہانہ
 لکھا جائے۔

16

بخدمت جناب ڈسٹرکٹ پولیس آفیسر صاحب کوہاٹ

عنوان:- انکوائری نقولات

جناب عالی!

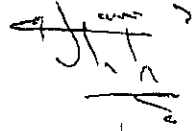
گزارش ہے کہ سائل 02.12.2020 میں پولیس ڈیپارٹمنٹ سے درخواست ہو چکا تھا۔

اب سائل سروس ٹریبونل میں بحالی کے لئے درخواست دے رہا ہے جس کے لئے سائل کو نقولات کی ضرورت ہے

برائے مہربانی انکوائری نقولات دینے کے بارے احکامات فرمائیں

مورخہ 05.04.2021

سائل قیصر شاہ سابقہ کانٹینبل نمبر 996



0339 1990 045

جناب عالی

کنسٹبل قیصر شاہ کا فوجی سائل تسلسلہ

ونکو الٹری مورخہ 04/2021 کو

لئے براہ عملہ احکامات

011C-14
05-04-2021

REASONS
RIGHT





Office of the
District Police Officer,
Kohat

17

No. 2946-47/PA

Dated 04/8/2020

CHARGE SHEET

I, **MR. JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT,**
as competent authority under Khyber Pakhtunkhwa Police Rules
(amendments 2014) 1975, am of the opinion that you **Constable Qaiser Shah**
No. 996 rendered yourself liable to be proceeded against, as you have omitted
the following act/omissions within the meaning of Rule 3 of the Police Rules
1975.

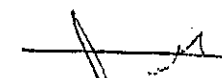
*You while posted at PS Usterzai has involved / arrested
in case vide FIR No. 457 dated 31.07.2020 u/s 09
DCNSA PS Bilitang, which shows your inefficiency and
professional gross misconduct on your part.*

2. By reasons of the above, you appear to be guilty of
misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to
all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written
statement within 07days of the receipt of this Charge Sheet to the enquiry
officer.

Your written defense if any should reach the Enquiry Officer
within the specified period, failing which it shall be presumed that you have no
defense to put in and ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.


DISTRICT POLICE OFFICER,
KOHAT

3/8

HANDLED
NO. 2946-47/PA



Office of the
District Police Officer,
Kohat

18

No. 3946-47/PA

Dated 04-8/2020

DISCIPLINARY ACTION

I, **MR. JAVED IOBAL, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **Constable Qaiser Shah No. 996** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

You while posted at PS Usterzai has involved / arrested in case vide FIR No. 457 dated 31.07.2020 u/s 09 DCNSA PS Billitang, which shows your inefficiency and professional gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations SP/ops Kohat is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

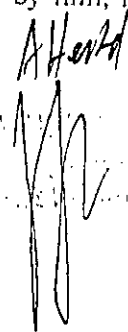
The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.


DISTRICT POLICE OFFICER,
KOHAT 2/2 3/8

No. 3946-47/PA, dated 04-8 - /2020.

Copy of above to:-

1. SP/ops Kohat :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Accused official**:- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.


HASSAN
High

19

صفحہ ۵۶ کے ذریعہ DSP/SP کے نام پر رقم ۹۳۶ کے ساتھ نائیب جج ایچ سی آر کے پاس
2022

میلڈ یا کم جوڈیسیل کے ذریعہ دو - پروڈیوٹس کے نام پر
۰۶-۴-۲۰۲۲

انٹرویو

R.E

SP
over

Finding

ایڈیشن نوٹس

ایڈیشن ڈیٹا
DSB

ایڈیشن LHC کے مطابق 1346 بیان

ایڈیشن 657 بیان

Mahesh

ایڈیشن 1270 بیان
DFL

HASSAN

High Court

ایڈیشن 60 بیان

ایڈیشن SHD
BT

نوٹ (8) حدود بیان، انٹرویو کے نتیجے میں

پہلے 8 عدد بیان انٹرویو کے نتیجے میں

4/11/2022
3/4/2022

FINDING

IN RE-ENQUIRY AGAINST CONSTABLE QAISER SHAH NO.996

This finding would dispose off the departmental enquiry against Constable Qaiser Shah who was charge sheeted for the allegation:-

- i. That he while posted at PS Usterzai has involved / arrested in case vide FIR No. 457 dated 31.07.2020 u/s 9D-CNSA PS Billitang, which shows his inefficiency and professional gross misconduct on his part.

On these allegations he was issued charge sheet along with statement of allegations and the undersigned was appointed as enquiry officer to conduct enquiry into the matter.

Enquiry proceedings were initiated. The defaulter constable, SHO PS Billitang SI Rehan Ullah and other relevant officials were summoned; heard in person and recorded their statements. Service record of the defaulter Constable was also perused and found that he has been enlisted as constable on 06.06.2007, having 03 bad and good entries Nil.

The defaulter constable stated that he is innocent and denied any involvement in narcotics transaction at all. He went with one his colleague constable Sadiq Imran from PS Usterzai to PS Billitang on 28.07.2020 in connection with a dispute over a motorcycle with one civilian namely Jamshids. After some time they returned. The alleged constable afterward went back to his place of posting PS Usterzai. After 2/3 days MM PS Usterzai LHC Atif telephonically directed him to appear in PS Billitang on the order of SDPO Saddar circle. Upon arrival at PS Billitang he was sent to Police Line and put in quarter guard alongwith his colleague Sadiq Imran. After two days he was properly arrested by PS Billitang in case under mention.

SHO PS Billitang stated that on 31.07.2020, on receipt of information he raided and captured accused Jamshid (civilian), constable Sadiq Imran, constable Qaiser Shah, civilian Ishfaq and Khan Nawaz on Shadi Khel road near "Soor Talab" and carried out their body search. 1/1 packets chars were recovered from their Buda shalwars and 01 packet was recovered from the handle of motorcycle of Jamshid (total weight 5050 GMs chars). After registration case was handed over to Investigation staff.

MM PS Usterzai LHC Atif Naeem No.1346 and LHC Asif Khan No. 657 at Police post special V narrated that upon receiving telephonic direction they directed the alleged constable to appear in PS Billitang.

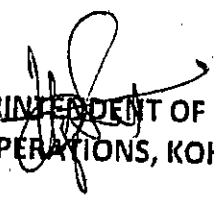
21

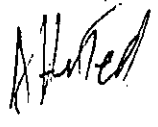
PWs constable Inayat Ullah No.60, constable Farhat Ullah No. 1175 and constable Jandad 1270 have also furnished their written statement and incorporated the version of SHO.


All of them were cross examined too. Besides, district security was activated to ascertain the facts behind this offence. They furnished their report that the alleged constable Qaiser Shah No. 996 was found not involved in narcotics use and smuggling.

Keeping in view the statements of all characters and from the enquiry so far conducted I found a lot of contradiction in the whole episode. It is fact that one KG Charas was recovered from the possession of constable Qaiser Shah, case was registered against him. From the corollary of events found guilty of committing offence.

Submitted please.


SUPERINTENDENT OF POLICE,
OPERATIONS, KOHAT



HASSAN ULLAH
High Court


بیان ازان آصف خان 657/LHC متعینہ چوکی سپیشل V تھانہ استرزی

موبائل نمبر 0344-9243240

جناب عالی!

حلفاً بیان کرتا ہوں میں چوکی سپیشل V میں عرصہ تقریباً 2/3 مہینے سے بحیثیت نائب انچارج تعینات ہوں اور
کانشیبل قیصر شاہ 996 بھی ہمارے ساتھ چوکی ہذا میں تعینات تھا۔ مورخہ 30.07.2020 کو میں بحیثیت نائب انچارج
ڈیوٹی پر موجود تھا جبکہ انچارج شب باشی پر تھا۔ مذکورہ کانشیبل نے مجھے کہا کہ مجھے عاطف نعیم مدد محرم تھانہ استرزی نے فون کر کے کہا
ہے کہ DSP صاحب کہہ رہے ہیں کہ آپ تھانہ بلی ٹنگ جاؤ۔ جس پر میں نے بغرض تسلی و تصدیق کرنے مدد محرم عاطف نعیم کے
زاتی موبائل نمبر 0332-4389783 پر فون کر کے جس نے بھی اطلاع کی تصدیق کی اور کانشیبل مذکورہ کو اطلاع کی تعمیل کی

ہدایت کی اور دوبارہ چوکی ہذا نہیں آیا۔

یہی میرا بیان ہے۔

رہنما
A

Attest

Superintendent of Police
General
Kohat

HASSAN

HASSAN
High Court

بیان اذان کانٹیل فوٹو 11754

میں سیدہ انکوائری اذان کانٹیل فوٹو شاہ 966 بیان
 ہوں کہ بروز جمعہ 7/3 کو میں جمعہ دیگہ نقوی لوہاں جہاندار
 عنایت اللہ 60 گتہ پر فکاہہ دوران گتہ Shtو
 کو چھپا کر اطلاع دینا چاہئے تو ہم سٹاری خیل اور
 نزد سورتا لوب پانچا جہاں پر 5 گناں فوج پر انکشاف کر
 نوٹہ سائیکل گنڈا بھی لگا تھا۔ پر 5 گناں کو قابو کیا گیا
 جو ان کے بڈھا تھلور سے پریسٹ جیرس پریسٹ کے
 خانہ جہاندار خان - طارق پھران - فوٹو شاہ - اشفاق
 خان نواز گرفتار کرے ریگ سیکٹ جیرس نوٹہ سائیکل گنڈا
 سے بھی پریسٹ کی خانہ جہاندار گرفتار کے خلاف Shtو نے
 دراصل تحریر کے بعض پانچا نے - خانہ جہاندار FIR خانہ جہاندار
 کیا ہے یہ بیان ہے

Fach

Attached
 [Signature]
 Attached

Attached

بیان ازان عاطف نعیم 1346/LHC متعینہ مدد محرم تھانہ استرزی

موبائل نمبر 0332-4389783

24

جناب عالی!

بیان کرتا ہوں کہ مورخہ 30.07.2020 کو شام ویلا تھانہ ملی تنگ سے بذریعہ سرکاری نمبر 0922-560112 سے تھانہ استرزی کے سرکاری نمبر 0922-580218 پر اطلاع ہوئی کہ کانسٹیبل قیصر شاہ 996 متعینہ

پیشکش V میں کیے گئے ہیں کہ DSP صدر صاحب نے آج تھانہ ملی تنگ بلایا ہے۔ جس میں ہوا محرم تھانہ استرزی سے ذاتی نمبر سے
مذکورہ کانسٹیبل کو اطلاع کی گئی کہ اس کی سزا کا سبب روزنامہ میں اخبار میں جرنل کپتان V سرکاران HC کی بیسٹریا سزا کی
اطلاع پر روزنامہ میں بیسٹریا سزا کی اطلاع کے متعلق جرنل کپتان میں اجلاس میں کی گئی
میں میرا بیان ہے۔

محمد کبیر
24/9/20

Superior Dept. of Police
Kohat

(25)

بحوالہ آفس حکم نامہ DCO مورخہ 04.09.2020 مجاریہ دفتر جناب DPO صاحب کوہاٹ
حکم نامہ متعلق کاٹھیل قیصر شاہ 996۔

ریفرنس :-
عنوان :-

جناب عالی!

بحوالہ مشمولہ حکم نامہ عنوان بالا میں معروض خدمت ہوں کہ کاٹھیل قیصر شاہ 996 (معطل شدہ) کے متعلق منشیات سمگلنگ کے بارے میں بذریعہ بیٹ معلومات دینے براری کی گئی پایا گیا کہ مذکورہ کاٹھیل قیصر شاہ 996 سابقہ کاٹھیل صادق عمران کا جگری دوست ہے جو جس سمگلنگ میں محکمہ پولیس سے درخواست ہو کر دوبارہ بحال ہوا ہے۔ مذکورہ کاٹھیل قیصر ہر وقت اس کے ساتھ گھومتا پھرتا ہے۔ مذکورہ کاٹھیل قیصر شاہ 996 کے خلاف مقدمہ علت 457 مورخہ 31.07.2020 جرم DCNSA تھانہ ملی ٹنگ میں منشیات سمگلنگ کے الزام میں ہمراہ دوست سابقہ کاٹھیل صادق عمران مقدمہ درج رجسٹرڈ ہوا ہے۔ تاہم کاٹھیل قیصر شاہ 996 منشیات کے استعمال کا عادی نہ ہونا بیان ہوا جبکہ علاقہ میں دیگر حال چلن درست نہ ہونا بیان ہوا۔ رپورٹ گزارش ہے۔

DSB

بیٹ افسر DSB

09.09.2020

Attached

Superintendent of Police
Operation
Kohat

Attached

HASCA
High

میں بسد انتوائری اذان کنسپل قصبہ شاہ فر 966 بیان کرتا ہوں۔ کہ
موقعہ 7/3 کوئٹہ بلدیہ ڈیپارٹمنٹ لویس فرحت ایٹا 1175 عنایت اللہ
گشت پر تھا۔ کہ دوران گشت SHO صاحب کو خبر خاص نے اطلاع دی دس
ہائے وقوعہ شادی میں روڈ نزد مسور مارا گیا۔ یہاں پر گشت
موقعہ پر ایٹا پکڑوٹر سائیکل میں کھڑا تھا۔ یہاں گشت پر ایٹا
جوان کے بڑھاشوار سے اپیل کر کے پراپرٹی کے ممبران جسٹس خان
صاحب کمران۔ قصبہ شاہ فر شفاق۔ خان نواز گشت پر ایٹا کے ایک سیکرٹ
میں نوٹر سائیکل سے پراپرٹی کے ممبران گرفتار کیا گیا خلاف SHO
ذرا سدا کر کے لڑنے میں گیا ہے جو کئی بار تھکا نہ ارسال کیا ہے۔

یہ بیان ہے

Attested

DFC-B
26-8-20

Handwritten signature

Station Head of Police
Kohat

کد اس ایگنٹ / جرح کنسپل جاناد خان DFC
1270

س :- کیا آپ SHO کے ساتھ دوران گشت وقوعہ پر تھے یا نہیں

ج :- میں SHO کے ساتھ دوران گشت وقوعہ پر تھا

س :- وقوعہ پر کتنے نوٹر سائیکل پر تھے اور نوٹس کا اشارہ
کس نے کیا تھا

ج :- بمقام مسور مارا گیا کسان زمین پر شیعہ تھے۔ دوران گشت
پاکستان سے اپیل کر کے لڑنے میں گیا ہے نہ اعداد ہوئے۔ جیل (PTO)

بیان احوال غائبانہ

Alleged

Supra In the Case of Pohn
of the
Kohat

میں سارا انوکھی اور ان کا بیان ہے کہ
 بیان کرتا ہوں کہ یہ واقعہ 7/10/20 کو میں نے دیکھ
 نظری پولیس چانڈلار DPC حضرت اہل گتہ # گتہ برکھا
 کہ دوران گتہ # 540 سب کو مخبر خاص نے اطلاع دیکر
 جانے وقوعہ کی خبر حاصل ہوئی اور سورتی لاپس میں جا رہا
 ہے کہ کسان موقع پر آگے بڑھ کر سائیکل ہٹا دیا
 گھبراہٹ سے کسان کو قابو کرنا۔ یہ بیان دوران کے پڑھانے
 سے اس کی حیرت میں آ کر کرتے ہیں ان میں سے
 صادق خان، قیصر شاہ، اسحاق، خان نواز کھٹار
 سرتے ایک ایک حیرت میں سائیکل بے ہوش کر کے
 بھی نہ بڑھتی، تیاران گتہ کے خلاف دہلی
 سرتے کر کے کتے میں سے جانے جا رہی RIR
 تھا اس کی سب سے بیان ہے

Handwritten signature

Mohd

HASSAN
High Co

کس انکشاف اور کتب علیہ اللہ 2331 حضرت بی بی تنگ 26/08/2020

ش : بدوز و جو عمر یہ کیاں تھے

ج : SHO کے ساتھ جو عمری علام گتہ پر تھے

ش : بچام سورتی لاپس کتے بندے سے تھے اور کتے ٹوٹر سائیکل تھے

آپ نے دعوت پڑا مٹی کس سے کتا حیرت میں پڑا تھا

ج : تقریباً 8/10 بندے فرود تھے 540 سورتی لاپس میں

ضلع کوہاٹ

28

از دفتر SP آرشیو/DCO

تاریخ: 25.08.2020

بروآئے اطلاع نامی

SHO تھانہ ملی سنگ

آپ کو بذریعہ تحریری پروانہ آگاہ کیا جاتا ہے کہ کانسٹیبل جان داد (DFC)، عنایت 60، فرخت 1175 کو مطلع کریں کہ سلسلہ محکمانہ انکوائری ازان کانسٹیبل قیصر شاہ 996 میں مورخہ 26.08.2020 بوقت 12:00 بجے زبردستی کو پیش

ہوں۔

پروانہ کی حسب ضابطہ تعمیل کر کے واپس دفتر ہذا ارسال کریں۔

ایس پی آرشیو/ڈی پی او/ضلع کوہاٹ

ضلع کوہاٹ



29

OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0022-9260116 Fax 9260125

ORDER

This order will dispose of departmental proceedings conducted against Constable Qaiser Shah No. 996 (hereinafter called accused) under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

The essential facts arising of the case are that the accused was arrested by local Police of Police station Billitang vide case FIR No. 457 dated 31.07.2020 u/s 09 DCNSA PS Billitang and recovered 01 KG Charas from his possession.

The accused being member of a disciplined department involved in moral turpitude offense was proceeded with departmentally and a regular enquiry was initiated against him, charge sheet alongwith statement of allegations on the above sore of charge was issued and served upon him. SP Operations Kohat was appointed as enquiry officer to proceed against the accused in accordance with the rules ibid. The enquiry officer vide his report held the accused guilty of the charge.

In view of enquiry officer report, Final Show Cause Notice was served upon him, to which he filed reply, and found unsatisfactory.

In order to afford opportunity of defense, the accused (on bail) was called in Orderly Room held on 25.11.2020 and heard in person. The accused failed to submit any plausible explanation to his gross professional misconduct and satisfactory reply.

In view of the above and available record, I reached to the conclusion that the accused was arrested by local Police with recovery of narcotics, who earned a bad name to the department and a stigma on a discipline department as well. The record further indicates that the charge leveled against the accused has been established without any shadow of doubt. Hence, retention of such like element in a disciplined department is not desirable. Therefore, in exercise of powers conferred upon me under the rules ibid I, Javed Iqbal, District Police Officer, Kohat impose a major punishment of dismissal from service on the accused with immediate effect. Kit etc issued to the accused be collected immediately.

DISTRICT POLICE OFFICER,
KOHAT

OB No. 881
Date 02-12-2020

No. 6134-36/PA dated Kohat the 02-12-2020

Copy of above to the:-

1. Reader/SRC/OHC/Pay Officer for necessary action
2. L.O for necessary action and report

30

To

The Deputy Inspector General of Police
District Kohat Khyber Pakhtunkhwa

Subject

APPEAL UNDER RULE - 11 OF THE POLICE
RULES 1975 (AMENDED 2014) AGAINST THE
IMPUGNED ORDER NO. 6134-36/PA DATED
02-12-2020 OF DISTRICT POLICE OFFICER
KOHAT WHEREIN THE APPELLANT HAS
BEEN DISMISSED FROM SERVICE WITHOUT
LEGAL JUSTIFICATION

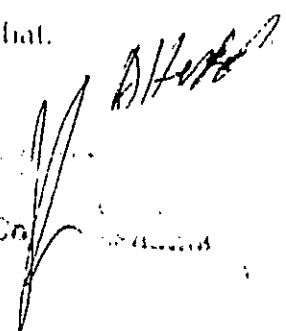
Respectfully sheweth

BRIEF FACTS

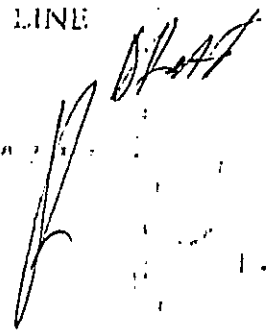
1. That the appellant *CONSTABLE MR. KAISER SHAH S/O MUSLIM SHAH BELT NO. 996* has been serving the KP Police department since 2007 with professional zeal, spirit and submission.
2. That the appellant earned a good reputation by his professional commitment and loyalty throughout his service without any single charge or complaint.
3. That on 29-07-2020 by evening the appellant was discharging his duty in *SPECIAL GUARD - V AT PS USTURZAI KOHAT* wherein he received a call through Mad - Muharrar Mr. Atif Nacem LHC to have been summoned by the Circle SDPO Kohat and directed the appellant for reporting to PS Billitang Kohat.

MAES

High Co



4. That the appellant rushed towards the PS Billitang Kohat in compliance to the directions and reached by late evening to PS Billitang. The appellant was received by DFC Jandad Khan and Muharrar Ahamd who made him wait till the SHO concerned Mr. Rehan Khan arrives back from Gasht. So the appellant waited for about 2 hours long till the SHO arrived.
5. That the SHO concerned Mr. Rehan Khan unexpectedly received him with ill/bad and unprofessional manner. The appellant asked him for the reason of such abusive and insulting behaviors, the SHO instead reforming his manners and replying properly increased in rage with some unknown grudges and malice aforethought towards the appellant.
6. That for being loyal and committed Police Constable the appellant requested again for the reason of such shameful behavior of the concerned SHO Mr. Rehan Khan resultantly responded with allegations against the appellant to have been a Friend of CTD Police Constable Sadiq Inran of his village against whom the SHO had received a complaint regarding the issue of some motorcycle.
7. That the SHO concerned Mr. Rehan Khan prior to paying heed to the appellant's answer ordered very unprofessionally and abusively for his body search and putting him into Police Mobile for committing to QUARTER - GUARD in New POLICE LINE University Road Kohat.



8. That the appellant's body was thoroughly searched, his mobile set, wallet and other stuff was taken into police custody and was taken to the QUARTER GUARD in new police line for about two days.

9. That while the appellant was in Quarter Guard of new police line university road Kohat, by 31-07-2020 the QRF OF BILLITANG came to collect him by giving a surprise that an FIR had been lodged against the appellant U/S 9D CNSA. (Copy of FIR is attached bearing FIR No 457, Dated 31-07-2020)

10. That it has been quite ironical and astonishing to arbitrarily put the appellant behind the bar and charge him with what the police authorities pleased.

11. That the appellant was RELEASED ON BAIL by the Honorable Court of ASI - I Kohat for having no cogent grounds of confinement.

12. That on 04-08-20 the appellant was served a another SURPRISE of CHARGE SHEET vide No. 3946 - 47/ PA with allegations of misconduct. It would have been more advisable TO CHARGE MR. REHAN KHAN SHO PS BILLITANG Kohat for lodging fake, concocted, malicious FIR and committing grievous professional misconduct.

13. That the SP Operations Kohat Mr. Tahir Iqbal was appointed as an Enquiry Officer for facts finding in the

32
MAJSA
Kohat

matter concerned against the appellant through the same notification No. 3946 - 47 dated 04-08-20.

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14. That the Enquiry Officer SP Operations Kohat Mr. Tahir Iqbal called on the appellant and interviewed periodically.
15. That the complainant/SHO concerned Mr. Rehan Khan was also once called on by the Enquiry Officer in the presence of the appellant and cross - examined, yet he failed badly to answer the questions raised by the Enquiry Officer. That proved the allegations leveled against the innocent appellant to be baseless and malicious.
16. That the complainant/SHO Mr. Rehan Khan was also asked to TESTIFY ON OATH by the Enquiry Officer to reveal the facts in the larger interest of justice but he refused to do so, which sufficed to prove his mala-fide and allegations leveled against the appellant to be baseless, fake, and malicious.
17. That the Enquiry Officer assured the administration of justice to the appellant and directed to continue the discharge of his duty with the same zeal and commitment so the appellant complied with and resumed his duty in his PS mentioned above.
18. That despite the facts and expectations of justice the appellant was given another surprise of MAJOR

MAJOR



PUNISHMENT i.e. DISMISSAL from Service through an impugned Order No. 6134-36/PA Dated 02-12-20 was by District Police Officer Kohat against the facts, law and rule of justice.

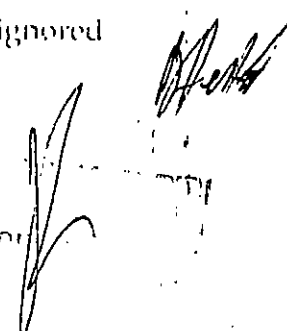
34

GROUNDS FOR APPEAL

1. That the appellant belongs to a respectable family and have nothing to do anything against the law.
2. That the impugned Order No. 6134-36/PA dated 02-12-20 of the District Police Officer Kohat is against the law and rules of justice.
3. That fair, impartial and transparent enquiry is the fundamental right of the appellant which was badly violated in this case.
4. That the impugned order mentioned afore of the District Police officer is partial, arbitrary, unjust and against the rule of justice.
5. That the court proceedings in the baseless FIR aforementioned are pending in the court and no cogent evidence and proof does exist to incriminate any guilt against the appellant. There are sufficient grounds to prove the appellant innocent, therefore, it would be more advisable if the enquiry proceedings were also kept pending till the decision of the court so that the decision based on justice would have been taken, but it appears that the concerned authorities have ignored

High Court

High Court



such an important fact which resulted in miscarriage of justice.

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6. That the appellant is absolutely innocent the complainant/SHO Mr. Rehman Khan has maliciously booked him in the above mentioned case.

Prayers

It is therefore requested that the impugned Order No. 6134-36/PA dated 02-12-20 of the District Police Officer Kohat may kindly be set aside by re-instating the appellant with all back benefits from the date of dismissal and oblige.

Moreover, strict legal departmental/disciplinary actions may also be initiated against the complainant/SHO MR. REHMAN KHAN for lodging baseless, malicious and concocted FIRs against the innocent appellant.

Any other relief which the competent authority may deem appropriate may also be granted to the appellant in the larger interest of justice and oblige.

Yours obediently

Qaiser Shah S/O Muslim Shah

Ex. Constable No. 996

Gali Pir Muslim Shah

Mohallah Sedal Khan P.O Jangle Khel Kohat

Contact No. 0334 199 00 45

Date 1-1-2021

HAS
199 00 45

36

POLICE DEPTT:

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal, moved, by Ex-Constable Qaiser Shah No. 996 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 881, dated 02.12.2020 whereby he was awarded major punishment of dismissal from service on the allegations of his alleged involvement in case vide FIR No. 457, dated 31.07.2020 u/s 9-D CNSA PS Billitang Kohat.

He preferred an appeal to the undersigned, upon which comments were obtained from DPO Kohat and his service record was perused. He was also heard in person in Orderly Room, held in this office on 20.05.2021. During hearing, the appellant pleaded that was falsely implicated in the case and innocent.

The available record indicates that the appellant has long service of about 14 years, therefore, the punishment order passed by DPO / Kohat seems to very harsh and does not commensurate with the gravity of offense. Therefore, by taking a lenient view, the punishment of **dismissal from service** is hereby converted into major punishment of **compulsory retirement from service**. The intervening period is treated as unauthorized leave without pay on the principal of "No work", "No pay".

Order Announced
20.05.2021

3585
28/5/21

Mohammad Zafar Ali
(MOHAMMAD ZAFAR ALI) PSP
Region Police Officer,
Kohat Region.

No. 6707 /EC. dated Kohat the 25/5 /2021.

Copy for information and necessary action to the District Police Officer, Kohat w/r to his office Memo: No. 1341/LR, dated 26.01.2021. His Service Record & Fauji Missal is returned herewith.

SPR/CH/1/Po
28/5/21

Mohammad Zafar Ali
(MOHAMMAD ZAFAR ALI) PSP
Region Police Officer,
Kohat Region.

[Signature]
27/7/21

[Signature]

SS43/PS
7445/SB

37

THE IGP (INSPECTOR GENERAL OF POLICE)
KHYBER PAKHTUNKHWA

Subject

REVISION PETITION UNDER RULE - 11 (A) OF
THE POLICE RULES 1975 (AMENDED 2014)
AGAINST THE IMPUGNED ORDER NO. 6707 /
EC DATED KOHAT THE 25 / 5 / 2021 OF RPO /
DIG KOHAT WHEREIN THE APPELLANT /
PETITIONER HAS BEEN AWARDED WITH
MAJOR PUNISHMENT OF COMPULSORY
RETIREMENT WITHOUT LEGAL
JUSTIFICATION.

Respectfully sheweth,

BRIEF FACTS

1. That the appellant *CONSTABLE MR. QAISER SHAH S/O MUSLIM SHAH BELT NO. 996* have been serving the KP Police department since 2007 with professional zeal, spirit and submission.
2. That the appellant earned a good reputation by his professional commitment and loyalty throughout his service without any single charge or complaint.
3. That on 29-07-2020 by evening the appellant was discharging his duty in *SPECIAL GUARD - V AT PS USTURZAI KOHAT* wherein he received a call through *Mad - Muharrar Mr. Atif Naeem LHC* to have been summoned by the Circle SDPO Kohat and directed the appellant for reporting to PS Billitang Kohat.

Inspector General of Police,
Pakhtunkhwa

AIG Logistic
 Dir IT
 Dir-PR
 AIG Welfare
 DSP PAS
 DG PCU
 PSO to IGP
 PA to IGP
 Budget Officer
 Registrar

Signature: _____
Date: 25/6/2021

[Handwritten Signature]

KINDLY BE SET ASIDE AND THE AWARDED
PUNISHMENT BE RECALLED AND APPELLANT /
PETITIONER BE REINSTATED WITH ALL BACK
BENEFITS.

38

Any other relief which the competent authority deems appropriate may also be granted to the appellant in the larger interest of justice and oblige.

9/11/21
2

Yours obediently

Qaiser Shah S/O Muslim Shah

Ex. Constable No. 996
Gali Pir Muslim Shah Mohallah Sedal Khan
P.O Jangle Khel Kohat
Contact No. 0334 199 00 45
Date 25-06-2021

G Branch
BS secret

3/11/2021

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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

39

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Qaiser Shah No. 996. The petitioner was dismissed from service by District Police Officer, Kohat vide OB No. 881, dated 02.12.2020 on the allegation of his alleged involvement in case vide FIR No. 457, dated 31.07.2020 u/s 9-D CNSA Police Station Billitang Kohat and recovered 01 kg charas from his possession. The Appellate Authority i.e. Regional Police Officer, Kohat converted his dismissal from service into compulsory retirement from service and the intervening period was treated as leave without pay vide order Endst: No. 6707/EC, dated 25.05.2021.

Meeting of Appellate Board was held on 26.01.2022 wherein petitioner was heard in person. Petitioner denied the allegations leveled against him.

Serious allegations of recovery of narcotics were leveled against the petitioner. He has brought a bad name for Police Department. His conduct was detrimental to discipline and his further retention in Police is bound to negatively influence discipline of other personnel of the force.

During the proceedings, he could not submit solid evidence of his innocence. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-

SABIR AHMED, PSP

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI 271-80 /22, dated Peshawar, the 22/02 /2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 11120/EC, dated 19.07.2021 is returned herewith for your office record.
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.



(IRFAN TARIQ) PSP

AIG/Establishment,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

[Handwritten signature] 17/02/22

ERC/OHC
FD 271/2022
District Police Officer
Kohat

No 3838
2/02/22 DPO Kohat

*S. Roll + Fauji Missal
have returned herewith
for office record, u/r
Memo No. 9249/LR
dt-17.7.2021*

Jagat
KOHAT POLICE
D.H.C.

AD

(42)

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
	2	3

0-6
11/4/22

is arrested by Dunes Police Suby Hans by Jeli Harder than said accused also verified the return of said account. Has not received any application for 265-10000 ^{copy} money, which given to the ~~state~~ st state file to ~~may~~ ^{of} arguments vehicles ~~subden~~ ^{of} subden of subden of 10/5/22

(Signature)
 Additional District Judge
 Hangu

TRUE COPY
 26 APR 2022
 PHG BRANCH COURT

43

IN THE COURT OF HUSSAN BANO ADDL: SESSIONS JUDGE-I,
KOHAT

State.....Vs.....Jamshid Khan

Sessions Case No.SPL 101 of 2021

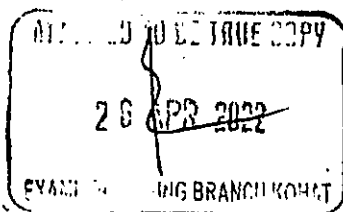
Case F.I.R No.457 dated 31.07.2020 under section 9-D KP CNSA of
Police Station Bilitang, Kohat.

FORMAL CHARGE

I, Hussan Bano, Addl: Sessions Judge-I, Kohat do hereby charge you accused, namely (1) Jamshid Khan s/o Lal Said r/o Orakzai (2) Sadiq Imran s/o Haleem Shah r/o Malangabad Jungle Khel, Kohat (3) Qaiser Shah s/o Salah Shah r/o Malangabad Jungle khel, Kohat (4) Ishfaq s/o Zarif Khan r/o Malangabad Jungle khel, Kohat (5) Khan Nawaz s/o Dildar Khan r/o Ghari Gulab Shah Mohallah Gulshan Abad, Kohat as follows: -

That at about 15.20 hours on 31.07.2020, at Shadi Khel road near Soor Talab, falling within the criminal jurisdiction of Police Station Bilitang, Kohat and the local police recovered from each of you accused from your Bada Shalwars, one packet of Charas each, each packet on weighing 1010/1010 grams Charas each (total 5050 Grams Garda). The local police also recovered from motorcycle bearing No. C-6779/KT, Honda 125 of your accused Jamshid Khan, a black plastic bag containing 1010 Grams of Charas and you all accused having conscious knowledge of the same. Thus, you all accused committed an offence punishable u/s 9 (D) KP CNSA within my cognizance.

And I hereby direct that you be tried by this court on the above charges.



Hussan Bano
ASJ-I/Judge Special Court, Kohat

(Hussan Bano)
Addl: Sessions Judge-I,
Kohat

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The charge has been read over and explained to the accused.

Q- Have you heard and understood the charge?

A. Yes.

Q- Do you plead guilty to the charge or claim trial?

A. I plead not guilty & claim trial.

RO&AC

09.10.2021

(1) Jamshid Khan(Accused) _____ (2) Sadiq Imran(Accused) _____

(3) Qaiser Shah (Accused) _____ (4) Ishfaq (Accused) _____

(5) Khan Nawaz (Accused) _____

[Signature]

[Signature]

Hussan Bano
ASJ-I/Judge Special Court, Kohat

It is certified under section 364 Cr.PC that the full and true account of the accused statement have been recorded after translation in native language of accused in my presence and hearing.

(1) Jamshid Khan(Accused) _____ (2) Sadiq Imran(Accused) _____

(3) Qaiser Shah (Accused) _____ (4) Ishfaq (Accused) _____

(5) Khan Nawaz (Accused) _____

[Signature]

Hussan Bano
ASJ-I/Judge Special Court, Kohat

ASJ-I/Judge Special Court, Kohat

Adm. Officer, Sessions Judge's Office, Kohat

ATTESTED TRUE COPY
26 APR 2022
EXAMINED BY: _____
JUDGE BRANCH KOHAT

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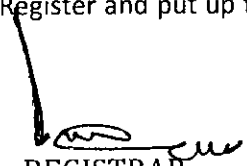


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Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 647/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/04/2022	<p>The appeal of Mr. Qaiser Shah presented today by Mr. Hassan U.K. Afridi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	17/5/22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>17/5/22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
	13.05 2022	<p>Junior to counsel for the appellant present and requested for adjournment as senior counsel for the appellant is not available today. Last opportunity is granted. To come up for preliminary hearing before the S.B on 18.07.2022.</p> <p style="text-align: right;"> (Kalim Arshad Khan) Chairman</p>