

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	13.09.2019	<p style="text-align: center;"><u>BEFORE THE YBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 563/2018</p> <p style="text-align: right;">Date of Institution 23.04.2018 Date of Decision 13.09.2019</p> <p>Shehriyar Ex-Constable No.245, Elite Force Khyber Pakhtunkhwa, Peshawar.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. Additional Inspector General of Police, Elite Force Khyber Pakhtunkhwa Peshawar. 2. Deputy Commandant Elite Force, Khyber Pakhtunkhwa Peshawar. 3. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar. <p style="text-align: right;">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Hussain Shah-----Member(E)</p> <p style="text-align: center;"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present.</p> <p>2. The appellant (Ex-Constable) has filed the present service appeal against the order dated 24.04.2014 whereby major penalty of dismissal from service was imposed upon him due to his involvement in case FIR No.292 dated 10.04.2014 U/Ss 353/324/365-A PPC Police Station Khazana District Peshawar. The appellant has also assailed the order dated 04.04.2018 through which his departmental appeal against the punishment order was</p>

13.9.2019

rejected on the ground of limitation (time barred by 03 years and 10 months).

3. Learned counsel for the appellant argued that the appellant was enlisted as Constable in the Frontier Reserve Police Khyber Pakhtunkhwa in the year 2007 and from the year 2008 he was performing his duties in the Elite Force Khyber Pakhtunkhwa; that in the year 2014 the appellant while posted to the Squad of Provincial Police Officer Khyber Pakhtunkhwa, was falsely implicated in case FIR No.292 dated 10.04.2014 U/Ss 353/324/365-A PPC Police Station Khazana District Peshawar; that due to the alleged involvement in the said criminal case, the appellant was dismissed from service vide order dated 24.04.2014; that the appellant was convicted and sentenced by the learned Judge Anti-Terrorism Court-II Peshawar vide judgment dated 07.03.2016 however on the acceptance of Criminal Appeal No.222-P/2016 the Hon'ble Peshawar High Court Peshawar, vide order dated 28.06.2016 set aside the conviction and sentence and remanded the case to the Court of Ordinary Jurisdiction i.e. Sessions Judge Peshawar for trial de-novo; that the appellant earned his acquittal vide judgment dated 20.03.2018; that after acquittal the appellant filed departmental appeal which was rejected vide order dated 04.04.2018 hence the present service appeal. Further argued that the impugned orders are against law and facts; that punishment was awarded to the appellant without observing the legal requirements; that since the appellant has been acquitted from the charges by the

13.9.2019

court of Competent Jurisdiction hence no question of misconduct arises; that the impugned order was passed with retrospective effect/from the date of absence i.e. 09.04.2014.

4. As against that learned AAG argued that the appellant was directly charged in kidnapping case vide FIR No.292 dated 10.04.2014 U/Ss 353/324/365-A PPC Police Station Khazana District Peshawar; that the appellant was arrested red handed; that the kidnappee was recovered upon the pointation of the appellant; that besides the criminal case, proper departmental inquiry was conducted against the appellant and on the basis of departmental inquiry, the appellant was rightly dismissed from service; that codal formalities were fulfilled in that charge sheet was issued to the appellant, inquiry was conducted, Show Cause Notice was also issued to the appellant to which the appellant also filed his reply; that the inquiry officer recommended the appellant for major punishment. Further argued that the appellant has committed heinous offence and thereby impaired the image of Police Department. Further argued that during the trial before the court of learned Judge Anti-Terrorism-II Peshawar the complainant/victim prosecuted the appellant however during the trial before the Ordinary Court, the complainant/victim has not prosecuted the appellant due to patching up of the matter privately and resultantly the appellant was acquitted.

5. Arguments heard. File perused.

6. Punishment of dismissal from service was awarded to the



13.9.2019

appellant vide order dated 24.04.2014, which departmental punishment was awarded on the basis of departmental inquiry and not on the basis of any conviction by the court. While remanding the case to the Court of Ordinary Jurisdiction the Hon'ble Peshawar High Court Peshawar also allowed bail to the appellant vide order dated 28.06.2016. On the other hand the appellant has preferred the departmental appeal in the year 2018 and the appellate authority rejected the same being time barred by three (03) years and ten (10) months. In the given circumstances this Tribunal is also of the considered opinion that the departmental appeal of the appellant against the punishment order dated 24.04.2014, was hopelessly time barred.

7. Copies of charge sheet, inquiry report, Final Show Cause Notice and reply to the Final Show Cause Notice are found available on file. During the inquiry proceeding the inquiry officer has recorded the statements including that of complainant/ victim Ikhtiar Shah. In the inquiry report, the inquiry committee has given findings that the appellant was involved in the kidnapping case and that the kidnappee was recovered on his brief interrogation. Learned counsel for the appellant remained unable to demonstrate that findings of the inquiry committee are arbitrary or perverse.


8. As a sequel to above the appellant has not been able to seek indulgence of this Tribunal. Consequently the prayer of the appellant for his reinstatement in service is rejected. The penalty of dismissal from service shall however take effect from the date of

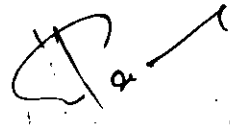
13.9.2019

	<p>issuance of punishment order dated 24.04.2014. Parties are left to bear their own costs. File be consigned to the record room.</p> <p>Disposed of accordingly.</p> <p> (Hussain Shah) Member</p> <p> (Muhammad Hamid Mughal) Member</p> <p><u>ANNOUNCED</u> 13.09.2019</p>
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13.09.2019

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Vide separate judgment of today of this Tribunal placed on file, the appellant has not been able to seek indulgence of this Tribunal. Consequently the prayer of the appellant for his reinstatement in service is rejected. The penalty of dismissal from service shall however take effect from the date of issuance of punishment order dated 24.04.2014. Parties are left to bear their own costs. File be consigned to the record room.



(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED.
13.09.2019

28.05.2019


Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment for placing some relevant record regarding bail order of the appellant. Adjourned to 29.07.2019 for record and arguments before D.B.

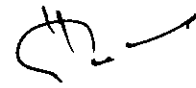

(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

29.07.2019

Appellant with counsel and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant submitted additional documents. Adjournment requested. Adjourn. To come up for arguments on 13.09.2019 before D.B.



Member


Member

31.01.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Sheraz H.C present. Representative of the respondent department is directed to furnish complete record of inquiry on the next date fixed as 20.03.2019. Adjourn. To come up for record/arguments on the date already fixed before D.B


Member



Member

20.03.2019

Appellant in person and Addl: AG alongwith Mr. Shiraz, H.C for respondents present.

The representative of the respondent-department has submitted a record as required through the previous order of this Tribunal. The same is placed on record.

To come up for arguments on 09.05.2019 before D.B.


Member


Chairman

09.05.2019


Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. The learned Member (Executive) Mr. Hussain Shah is on leave, therefore, the bench is incomplete. Adjourned. To come up for arguments on 28.05.2019 before D.B.


(Muhammad Amin Khan kundi)
Member

Service Appeal No. 563/2018

27.08.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sheraz, Head Constable for the respondents present and made a request for adjournment. Granted. To come up for written reply/comments on 23.10.2018 before S.B.


(Ahmad Hassan)
Member

23-10-18

*Due to Retirement for Honorable Chairman
The Tribunal is non functional therefore the
case is adjourned to come up for the same case*

8-11-2018

Finalist
Reader

08.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 31.01.2018. Written reply received on behalf of respondents by Mr. Sheraz H.C and placed on file.

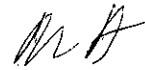
to come UP for Arguments.


READER

21.05.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Frontier Reserve Police and he was dismissed from service vide impugned order dated 04.04.2017 on the allegation of his absence and also involvement in case FIR No. 292 dated 10.04.2014 under sections 353/324/365-A PPC Police Station Khazana. It was further contended that the impugned order of dismissal was passed retrospectively from the date of his absence therefore, limitation does not run against the impugned order. It was further contended that the appellant was acquitted in the aforesaid case vide judgment dated 20.03.2018 by the competent court of law. It was further contended that the appellant filed departmental appeal but the same was also dismissed hence, the present service appeal. Learned counsel for the appellant also contended that neither proper inquiry was conducted nor any show-cause notice was issued to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter notice be issued to the respondents for written reply/comments for 10.07.2018 before S.B.



(Muhammad Amin Khan Kundi)
Member

10.07.2018

Neither appellant nor his counsel present. No representative of the respondents present. However, Mr. Usman Ghani, District Attorney put appearance on their behalf. To come up for written reply/comments on 27.08.2018 before S.B.

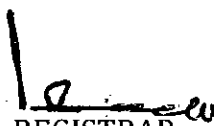


Chairman

Appellant Deposited
Security & Process Fee

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 563/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23/04/2018	<p>The appeal of Mr. Shehriyar presented today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 23/4/18</p>
2-	15/05/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/05/18.</u></p> <p style="text-align: right;"> MEMBER</p>

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 563 /2018

Shehiyar.....Appellant

V E R S U S

Additional IG and Others.....Respondents

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-3
2.	Copy of FIR & Suspension Order	A	4-5
3.	Copy of Order dated 24-04-2014	B	6
4.	Copy of Order & Judgment dated 20-03-2018	C	7-13
5.	Copy of departmental appeal & Order dated 04-04-2018	D & E	14-15
6.	Wakalat Nama		16

Dated:- 23-04-2018.

Through


Appellant


Fazal Shah Mohmand
Advocate, Peshawar

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

①

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 563 /2018

Diary No. 608

Dated 23/4/2018

Shehiyar Ex Constable No 245, Elite Force KPK Peshawar.

.....Appellant

V E R S U S

1. Additional Inspector General of Police, Elite Force KPK Peshawar.
2. Deputy Commandant, Elite Force KPK Peshawar.
3. Provincial Police Officer KPK Peshawar.

.....Respondents

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT
1974 AGAINST THE ORDER DATED 04-04-2018 OF
RESPONDENT NO 1 WHERE BY DEPARTMENTAL
APPEAL OF THE APPELLANT FILED AGAINST THE
ORDER DATED 24-04-2014 HAS BEEN REJECTED.**

PRAYER:-

On acceptance of this appeal the impugned orders dated 04-04-2018 of respondent No 1 and order dated 24-04-2014 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant was enlisted as Constable in Frontier Reserve Police KPK in the year 2007 and was transferred to Elite Force KPK in the year 2008 and since then he performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That in the year 2014, the appellant while posted to the squad of respondent No 3, was falsely implicated in case FIR No 292 dated 10-04-2014 U/Ss 353/324/365-A PPC of Police Station Khazana, was arrested and was suspended vide Order dated 11-04-2014. **(Copy of FIR and Order dated 11-04-2014 is enclosed as Annexure A).**
3. That in the meanwhile the appellant was dismissed from service by respondent No 2 vide Order dated 24-04-2014.

Filed to-day
Registrar
23/4/18

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(Copy of Order dated 24-04-2014 is enclosed as Annexure B).

4. That the appellant was acquitted of the charges by the Court of competent jurisdiction vide Order and Judgment dated 20-03-2018. **(Copy of Order and Judgment dated 20-03-2018 is enclosed as Annexure C).**
5. That after acquittal the appellant filed departmental appeal before respondent No 1 which was rejected vide Order dated 04-04-2018. **(Copy of departmental appeal and Order dated 04-04-2018 is enclosed as Annexure D & E).**
6. That the impugned Orders dated 04-04-2018 of respondent No 1 and Order dated 24-04-2014 of respondent No 2 is against the law, facts and principles of justice on grounds inter alia as follows:-

GROUND S:-

- A. That the impugned Orders are illegal and void a.b. initio.
- B. That mandatory provisions of law and rules have badly been violated by the respondents and the appellant has not been treated according to law and rules.
- C. That the appellant was involved in criminal case as he was suspended on the same very charges and in such eventuality the respondents were required to have waited till the decision of criminal case but maliciously the appellant was dismissed before the decision of criminal case which action is not known to law and rules and the orders are as such void.
- D. That the appellant has been acquitted from charges by the Court of competent jurisdiction and in such eventuality no misconduct is left warranting dismissal of the appellant.
- E. That ex parte action has been taken against the appellant and he has been condemned unheard, the order as such is void and even time factor becomes irrelevant in the like cases.

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- F. That even otherwise the impugned order has been passed with retrospective effect which is void as respondents were not authorized to have such powers.
- G. That no Charge Sheet and Show Cause Notice was communicated to the appellant.
- H. That no inquiry was conducted as the appellant was not associated with the same.
- I. That the appellant was not provided opportunity of personal hearing.
- J. That the appellant did nothing that would amount to misconduct.
- K. That the appellant has more than seven years of service and is jobless since his illegal dismissal from service.
- L. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Any other relief not specifically asked for and deemed appropriate in the circumstances of the case may also be granted in favor of the appellant.

Dated:-23-04-2018.

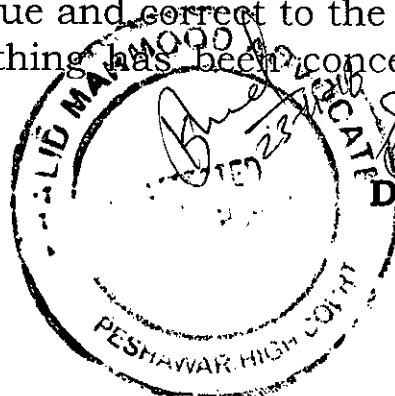
Through

Shehri
Appellant

Shehri
Fazal Shah Mohmand
Advocate, Peshawar

A F F I D A V I T

I, Shehiyar Ex Constable No 245, Elite Force KPK Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



Shehri
DEPONENT



Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar



No. 4238-43/EF

Dated: 11/04/2014.

ORDER

Constable Shehryar No. 245 of Elite Force Khyber Pakhtunkhwa is hereby suspended as he is allegedly involved in case FIR No. 292, dated 10.04.2014 U/S 353-324-365A PPC Police Station Khazana District Peshawar.

(SAJID KHAN MOHMAND)
Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar.

Copy of above is forwarded to the:-

1. Acting Superintendent of Police, Elite Force Peshawar.
2. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
3. Accountant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
4. OASI, Elite Force, Khyber Pakhtunkhwa, Peshawar.
5. SRC/PMC, Elite Force, Khyber Pakhtunkhwa, Peshawar.

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Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar



7 B^s
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No. 4974-81/EF

Dated 24/04/2014.

ORDER

Constable Shehriyar No. 245, Platoon No. 16 of Elite Force Khyber Pakhtunkhwa was found guilty of gross misconduct on the following grounds.

He was involved in case FIR No. 292, dated 10.04.2014 U/S 353-324-365-A PPC Police Station Khazana District Peshawar. Departmental proceeding was accordingly initiated against him through an enquiry committee comprising of Mr. Haroon Rasheed Babar Acting SP/Elite Force Peshawar and Mr. Noor Jamal Khan DSP/Elite Force Mardan. Statements were recorded from witnesses and the kidnappee was also recovered on his pointation. It has been proved without any doubt that he is a member of that gang. His retention in police will harm the whole department. Consequently a Final Show Cause Notice was issued to him but his reply was found unsatisfactory. The enquiry committee also recommended him for major punishment.

Therefore, I Sajid Khan Mohmand, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, agreed with the recommendation of enquiry committee and impose major penalty of dismissal from service upon him from the date of absence i.e 09.04.2014.

(SAJID KHAN MOHMAND)
Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar.

Copy of the above is forwarded to the:-

1. Acting Superintendent of Police, Elite Force Peshawar.
2. Deputy Superintendent of Police, Elite Force Mardan.
3. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
4. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar for recovery of Pay.
5. In-charge Kot/ OASI, Elite Force Khyber Pakhtunkhwa Peshawar
6. SRC/FMC, Elite Force Khyber Pakhtunkhwa Peshawar.

CTC
el
SD

20/3/18 15/8/14 27/12 Page 1 of 3



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Formal charge

I, Muhammad Rauf Khan, District & Sessions Judge, Peshawar do hereby charge you accused;

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1. Shehriyar s/o Zarshed aged about 30 years r/o Ahmad Khel, Badhber,
2. Farhad s/o Inzar Gul aged about 22 years r/o Regi Lalma, Peshawar,
3. Abdul Qahar aged about aged about 36 years,
4. Khan Taj aged about 37 years, both sons of Tajbar r/o Mohib Banda, Nowhera
5. Ihsan Ullah s/o Ahmad Jan aged about 27 years r/o Zakha Khel, Landi Kotal,
6. Shah Faisal s/o Tila Muhammad aged about 27 years r/o Umarzai, Charsadda,
7. Fazal Manan s/o Abdul Hameed aged about 47 years r/o Kotkay, Katlang, Mardan,
8. Sadarat s/o Shah Muhammad aged about 36 years r/o Sanam Garhi, Utmanzai, Charsadda,
9. Ismail s/o Muhammad Sharif aged about 25 years r/o Bakhshu Pul,
10. Khan Pur s/o Sultan aged about 29 years r/o Meto Kalay, Sardheri, Charsadda as follow;

Firstly;

That on 10/04/2014 soon before 13:30 hours, at Landy Sarak near graveyard, falling within the limits of police station Khazana, Peshawar, you accused having been armed with deadly weapons while forming unlawful assembly and in prosecution of your common object, abducted complainant Ikhtiar Shah for ransom and such, you accused committed an offence punishable u/s 365-A PPC/148/149 within the cognizance of this court.

Secondly;

That on the date, time and venue of occurrence, you accused Shehriyar and Farhad, having been armed with firearms, being members of the abovementioned unlawful assembly and in prosecution of your common object, after abduction of complainant Ikhtiar Shah while sitting in a motorcar bearing registration No.LAB-9037 following the other co-accused alongwith the abductee, were signaled to stop by the local police of P.S Khazana and you accused instead

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of stopping the car, accelerated its speed and also opened firing at the police party with intention to commit murder of members of the police party in order to deter them from their discharge of their official duties by firing at them ineffectively and as such, you accused committed an offence punishable u/s 324/148/149 within the cognizance of this court.

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Thirdly;

That soon after arrest of accused Shehriyar and Farhad, at their pointation, the local police of P.S Khazana raided a deserted house of one Inam Ullah within the limits of P.S Khazana for the recovery of abductee Ikhtiar Shah, you accused named above, in prosecution of your common object committed murderous assault at the raiding police party by firing at them ineffectively and you accused thereby committed offence punishable u/s 324/148/149 PPC within the cognizance of this court.

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28/9/16

Fourthly;

That soon after arrest of accused Shehriyar and Farhad, at their pointation, the local police of P.S Khazana raided a deserted house of one Inam Ullah within the limits of P.S Khazana for the recovery of abductee Ikhtiar Shah, you accused named above, in prosecution of your common object committed murderous assault at the raiding police party by firing at them in order to deter them from the discharge of their official duties and you accused thereby committed offence punishable u/s 353/148/149 PPC within the cognizance of this court.

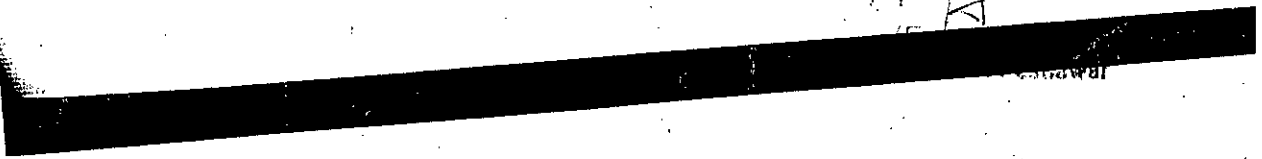
Fifthly;

That during the time from 13:30 hours till your arrest at the venue of occurrence, the local of P.S Khazana recovered and took into possession one .30 bore pistol from you accused Shehriyar, one .30 bore pistol from you accused Farhad, one Kalashnikov with two magazines loaded with 60 rounds from you

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ATTESTED

21 MAR 2018

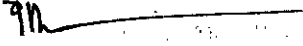


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accused Shah Faisal, one pistol loaded with four rounds and two spare magazines from you accused Abdul Qahar, a knife (churi) from you accused Khan Taj and one .30 bore pistol from you accused Ihsan Ullah and you accused thereby committed offence punishable u/s 15 of Arms Act, KP, 2013 within the cognizance of this court.

And I hereby direct that you be tried by me on the said charge.

RO & AC
28/09/2016.

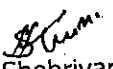
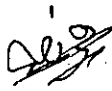
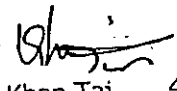
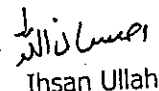

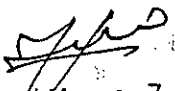



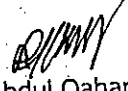

(MUHAMMAD RAUF KHAN)
District & Sessions Judge, Peshawar

The charge is read over and explained to the accused.

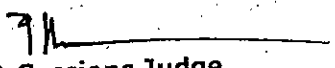
Q: Do you plead guilty or claim trial?

A: We do not plead guilty to the charge and claim trial.

RO & AC
28/09/2016.

- | | | | |
|--|---|---|--|
| 1.  Shehriyar | 2.  Farhad | 3.  Khan Taj | 4.  Ihsan Ullah |
| 5.  Shah Faisal | 6.  Fazal Manan | 7.  Sadarat | 8.  Ismail |
| 9.  Khan Pur | 10.  Abdul Qahar | | |

Certified under section 364 Cr.P.C.


District & Sessions Judge,
Peshawar

ATTESTED

21 MAR 2018

(Examiner)
Session Court Peshawar



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IN THE COURT OF MR. ANWAR ALI KHAN,
DISTRICT & SESSIONS JUDGE, PESHAWAR.

10

State vs Shehriyar and 09 Others
(Case No. 87/SC of 2016)

Ord....42. 20/03/2018.

Accused Shehriyar, Fazal Manan, Ihsan Ullah, Farhad and Khan Pur present on bail while rest of the accused are on exemption. Counsel for the accused and Sr. PP for State present as well. Arguments on application filed u/s 265-K Cr.PC already heard and available record perused.

2.

Laconic facts of the prosecution case are that, on 14/10/2014, the local police of P.S Khazana on information regarding abduction of Haji Ikhtiar Shah by unknown culprits in a motorcar bearing registration No.9037-LAB, laid picket near village Haryana. The vehicle, when arrived there, was signaled to stop, however, the driver accelerated its speed and the persons sitting therein opened firing at the police officials whereas, the police in their self defence, also fired at the car resulting into burst of its tyres and so accused Shehriyar and Farhad were overpowered alongwith 30 bore pistols, who on cursory interrogation, disclosed presence of the abductee in the clutches of co-accused in a deserted house, which too was raided by the police and as a result of exchange of firing, the police succeeded in rescuing the abductee. Besides recovery of other incriminating articles, a jeep bearing registration No.BRG 9292 was also taken into possession from the crime spot. In this regard, case FIR No.292 dated 10/02/2014 u/s 365-A/324/353 PPC read with 15 AA was registered at P.S Khazana, Peshawar.

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20/3/2018

ATTESTED

21 MAR 2018
(Examiner)
Session Court Peshawar

[Handwritten Signature]

3.

After completion of investigation, trial was commenced before the Court of learned Judge ATC-II, Peshawar and the learned trial court, on conclusion of trial, convicted accused Shehriyar, Shah Faisal, Farhad, Ehsanullah, Fazal Manan, Sadarat Shah and Ismail u/s 365 PPC and 15 Arms Act and sentenced to 03 years RI each and 01 year RI each respectively, whereas, co-accused Abdul Qahar, Khan Taj and Khan Pur were acquitted vide judgment and order dated 07/03/2016. Against the said judgment, accused went in appeal before the Hon'ble Peshawar High Court, Peshawar and the Hon'ble High Court, vide valued judgment dated 28/6/2016, allowed appeal No.222-P/2016 of the convict-accused, set aside their conviction and sent the case to this court for trial denovo.

11

4.

Needless to mention here that, against the acquittal of co-accused Abdul Qahar, Khan Taj and Khan Pur, the prosecution also filed appeal against their acquittal and the Hon'ble High Court, vide order dated 28/6/2016 passed in Cr.A No.271-P/2016, dismissed the same and upheld the judgment dated 07/3/2016 of the learned Judge ATC-II, Peshawar to that extent. For seeking guidance, this court, vide letter No.142 dated 24/01/2017, sent reference to the Hon'ble Peshawar High Court, Peshawar, to which, the Hon'ble High Court replied and directed this Court to conduct denovo trial in case FIR No.292 dated 10/04/2014 u/s 365-A/324/353 PPC/15 AA of P.S Khazana vide letter No.2299/Admn: dated 01/02/2017 hence, trial denovo was commenced and charge against the accused framed to which, they

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(Examiner)
Session Court Peshawar

pleaded not guilty and claimed trial. Prosecution was allowed to adduce its evidence against the accused.

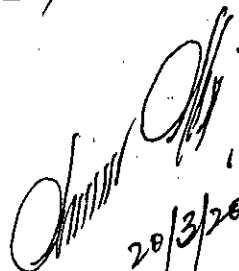
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During trial before this court, complainant Ikhtiar Shah s/o Akhtar Shah appeared and examined as PW-1, who during cross examination stated that, he does not charge the accused facing trial as he has patched up the matter privately and does not want to prosecute them anymore. He further admitted that the accused have satisfied him regarding their innocence as, neither the accused have demanded for ransom nor he has paid anything and as such, he has got no objection if the accused facing trial are acquitted of the charge leveled against them.

6.




20/3/2018

So far as section 15 Arms Act is concerned, in this regard statements of PW-3 Ibrahim Khan SHO and Tariq Rahim constable, marginal witness to the recovery memo Ex.PW-3/1 are taken up for discussion. Admittedly; accused Shehriyar is a government official serving in police department who has a licensed pistol and one 9MM official pistol and this fact has been admitted by PW-3 in his cross examination. The other arms & ammunitions have not been sent to the Arms Expert for opinion and have not been examined for juxtaposition with the empties, allegedly recovered in the instant case, nevertheless, in this regard, no expert report is available on record.

ATTESTED

21 MAR 2018
(Examiner)
Session Court Peshawar

The complainant is star witness of the prosecution, who does not want to prosecute the accused anymore and if the remaining evidence is recorded, would certainly not bring home guilt to the

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accused facing trial regarding the allegations leveled against them. In the circumstances, proceeding ahead with the case is nothing but futile exercise and sheer wastage of precious time of the Court and of the parties as well.

8. Accordingly, while exercising powers vested in this court under section 265-K Cr.PC, I hereby acquit the accused facing trial of the charge leveled against them in the instant case. Accused are on bail, their bail bonds stand cancelled and their sureties are absolved from the liabilities of the bail bonds.

9. Case property be dealt with in accordance with law, after lapse of period of appeal/ revision. Similarly; case property i.e. vehicle Jeep bearing registration No. BRG 9292 be returned to its lawful owner after lapse of period provided for appeal/revision. Copy of this order be placed on Misc. petition No.161/4 of 2017.

CR
E/S

File be consigned to the record room after completion and compilation.

Announced.
20/03/2018.

(Signature)
(Anwar Ali Khan) 20/3/2018
District & Sessions Judge,
Peshawar

No:	5075
Dated of Application	21-3-18
28-03-18	1-7
	A
Date of delivery	21/3/18
	21/3/18

CERTIFIED TO BE TRUE COPY

21 MAR 2018

(Examiner)
Copying Agency, Session Court
Peshawar

خدمت گمانڈنٹ ایلیٹ فورس ہوم بہ مختونواہ ۱۱

درخواست پیر بحالی ملازمت

خانیگی جیلدہ مقمرہ 293 مورقہ 104
طبرم 365A-324-353 گمانہ خزانہ شمار
PRC

سائل ذیل عرض رسان ہے

1) یہ کہ میں سال 2007ء کو حکم پولیس میں بھرتی ہوا۔ اور سال 2008ء کو ایلیٹ فورس کو تبدیل ہوا

2) یہ کہ بلاوران ملازمت ایک یوگس مقدمہ عنوان مالا میں ملو لگا لگا

3) یہ کہ آٹھ ماہ کی تہیہ میں 11 مئی 2014ء کو معطل کیا گیا اور مورقہ 24/2014 کو حکم سے جے جے حسن کر دیا گیا

4) یہ اس دوران تقریباً میں دو سال جیل میں گزارا اور پھر ضمانت پر رٹلو

5) یہ کہ مقدمہ کی سماعت ہوئی رہی اور بالآخر مورقہ 20/2018 کو عدالت خانہ انور علی ڈسٹرکٹ اینڈ سیشن جج صاحب نے سے بری ہوا

6) یہ کہ اس امر کو تحریر کیا گیا ہے۔ کہ اول مقدمہ کی سماعت 2016ء میں ہو گئی تھی 3 سال قید ہوا۔ لیکن عدالت عالیہ کی کورٹ سے بری ہو کر دیشن گروہ کے دفعتاً ختم کر کے مقدمہ کی دوبارہ ٹرائل ڈسٹرکٹ اینڈ سیشن جج صاحب کے حوالہ ہوئی

7) یہ کہ ٹرائل کے نتیجہ میں جے جے میری کر دیا گیا

حکم عدالت کی مانی شامل بھائی کے مذکورہ کر کے حکم کی مانی کی ضرورت ہوئی تو وہ میرا ہی ہے

استدعا کہ ان حالات کی روشنی میں ان پر جو فریڈ کر میری بحالی ملازمت کا حکم صادر فرمائیں

افغانیہ ایلیٹ فورس ہوم بہ مختونواہ
پشاور

Office of the Addl: Inspector General of Police
Elite Force Khyber Pakhtunkhwa Peshawar



15

No. 9895-33/EF

Dated 6/06/2018

ORDER

This order will dispose of the appeal submitted by Ex-Constable Shehriyar No. 245 of this unit against punishment of his dismissal from service awarded to him by Deputy Commandant Elite Force vide order No. 4974-81/EF, dated 24.04.2014.

Brief facts of the case are that he was involved in case FIR No. 292, dated 10.04.2014, under Sections 353-324-365-A PPC, Police Station Khazana, district Peshawar. Consequently, he was issued Charge Sheet along with Summary of Allegations and A/SP Elite Force Peshawar and DSP Elite Force Mardan were appointed as enquiry committee. During the enquiry proceedings, statements were recorded from witnesses and the kidnapee was also recovered on the pointation of the defaulter Ex-Constable. The enquiry committee reported that it proved without any doubt that he was member of the gang and his retention in Force will harm the whole department. Subsequently, a Final Show Cause Notice was issued to him but his reply was found unsatisfactory. Resultantly, the Deputy Commandant Elite Force Khyber Pakhtunkhwa, Peshawar, imposed major penalty of dismissal from service upon him vide order quoted above.

Hence, he preferred the instant appeal for re-instatement in service before the competent authority. The instant appeal is badly time barred.

Therefore, the undersigned, being competent authority, uphold his order of dismissal from service passed by the Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar on 24.04.2014 and rejects his appeal for re-instatement in service on the grounds of limitation (time-barred by 03 year, & 10 months).

Order announced!

(DR. MUHAMMAD NAEEM KHAN) PSP
Addl: Inspector General of Police
Elite Force Khyber Pakhtunkhwa Peshawar

No. /EF

Copy for information to the:-

1. Superintendent of Police, Elite Force HQrs: Peshawar.
2. Superintendent of Police, Elite Force Peshawar.
3. Superintendent of Police, Elite Force Mardan.
4. Accountant/RI, Elite Force, Khyber Pakhtunkhwa, Peshawar.
5. SRC/OHC/FMC, Elite Force, Khyber Pakhtunkhwa, Peshawar.
6. Ex-Constable Shehriyar No. 245 through Reader SP Elite Force Peshawar.

UTCL
e/d

بعدالت کیوں کر قبول لگے

2ء منجانب

شہید مارحی بنام اللہ الہی 19 اکتوبر

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئنگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکل کاروائی متعلقہ
 آن مقام کیسے لفظ شاہ فیہ الہی اللہ دکلمان فیہ الہی الکلی
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا گیا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو کسی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حدیے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

شہید مارحی
 19 اکتوبر

المترجم 18
 ماہ اکتوبر 2018

Accepted

19 Jan

واہ الع کے لئے منظور ہے۔

Accepted
 al

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.563/2018.

Ex-Constable Shehriyar No.245/EF..... (Appellant)

Versus

- 1) Additional Inspector General of Police Elite Force KPK Peshawar.
- 2) Deputy Commandant Elite Force KPK Peshawar.
- 3) Provincial Police Officer KPK Peshawar..... (Respondents)

Subject: - **COMMENTS ON BEHALF OF RESPONDENTS**

Preliminary Objection:

1. That the present service appeal is not maintainable in its present form.
2. The appellant has not come to this august Tribunal with clean hands.
3. That the present service appeal is badly time barred.
4. That this honorable service tribunal has got no jurisdiction to adjudicate the present service appeal.
5. The appellant has got no cause of action to file the Service Appeal.
6. The appellant has suppressed the material facts from this Honorable Tribunal.

FACTS:-

1. Pertain to record, hence needs no comments.
2. Incorrect, the appellant was arrested red handed in case FIR No. 292, dated 10.04.2014 u/s 353/324/365-A PPC Police station Khazana. The appellant was directly charged in kidnapping case, which is evident from record and during inquiry it was found that appellant along with the others co-accused planned the kidnapping of a civilian. Upon arrest of appellant and cursory interrogation led to the recovery of kidnappee. In light of record and circumstances, the appellant was rightly nominated in **FIR**.
3. The appellant was charged in criminal case and proper departmental inquiry conducted against appellant and on the basis of that inquiry he was rightly dismissed from service.
4. Pertain to record. Whereas Criminal and departmental proceedings are different from each other may run parallel to each other.

5. The appellant was involved in criminal case and was dismissed from service and his departmental appeal was also rejected by competent authority being involved in criminal case.
6. Incorrect, the orders of respondent No.01 and No.02 are based on law, facts and principles of justice.

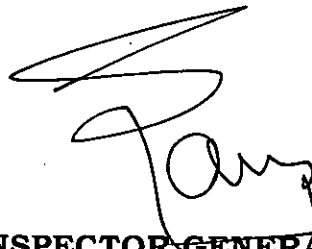
GROUNDS:-

- A. Incorrect, the orders are legal and valid from the start of process and no illegality has been carried out in the whole proceeding.
- B. Incorrect. THE mandatory provisions of law/ rules have been fully followed by respondents and the appellant has been treated in accordance with law/ rules.
- C. Incorrect, being member of disciplined force, the appellant committed gross misconduct and impaired the image of Police department. The Kidnappe was recovered upon the pointation of appellant and thereby committed obnoxious act by putting stigma on the face of department. After carrying our detailed scrutiny of record and conduct of appellant, the competent authority rightly dismissed the appellant finding no other way to treat him. All the actions have been done in accordance with law/ rules.
- D. Incorrect, the competent authority issued charge sheet/statements of allegation and constituted enquiry committee to conduct proper enquiry and the inquiry committee recommended the appellant for major punishment. The competent authority awarded major punishment of dismissal to the appellant. Moreover the misconduct of the appellant was proved beyond any shadow of doubt and the appellant acted in a manner by putting stigma on police force.
- E. Incorrect, the appellant has been properly associated with whole enquiry process. His statement was recorded and he was heard in person, but he failed to advance any cogent reason in self defense. The order is valid and in accordance with circumstances.
- F. Incorrect, the order of dismissal is valid and the respondents have powers in the same capacity.
- G. Incorrect, the competent authority issued charge sheet/ statement of allegations coupled with final show cause Notice and duly handed over to the appellant and his signature of reception is taken on papers.

- H. Incorrect, proper departmental inquiry has been carried out and appellant was kept associated with whole process.
- I. Incorrect, proper opportunity of personal hearing was given to appellant during inquiry proceedings.
- J. Incorrect, as already discussed in preceding paras, that the appellant was arrested red handed in case of kidnapping vide FIR No. 292 dated 10.04.2014 u/s 353/324/365-A PPC Police Station Khazana. The kidnappee was recovered upon his pointation during cursory interrogation. During process of inquiry, he was found guilty and rightly dismissed by the competent authority.
- K. Incorrect, the appellant facing the present situation due to his own criminal conduct by committing the act of kidnapping in uniform of Police.
- L. The respondents also seek leave of this honorable Tribunal to rely on additional grounds at the time of / arguments/ hearing.

Prayer

It is therefore, prayed that the instant appeal may kindly be dismissed.



**INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA, PESHAWAR.
(RESPONDENT NO. 03)**



**ADDITIONAL INSPECTOR GENERAL OF POLICE
ELITE FORCE KHYBER PAKHTUNKHWA,
PESHAWAR.
(RESPONDENT NO. 01)**



**DEPUTY COMMANDANT,
ELITE FORCE, KHYBER PAKHTUNKHWA,
PESHAWAR.
(RESPONDENT NO.02)**

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 563/2018.

Shehriyar**Appellant.**

V E R S U S

AIG & Others.....**Respondents**

REPLICATION ON BEHALF OF THE APPELLANT.

REPLY TO PRELIMINARY OBJECTIONS.

All the objections raised by the respondents are incorrect and as such denied. The appellant has got a valid cause of action and locus standi to bring the present appeal, which is well within time, maintainable in its present form and the appellant has come to this honorable tribunal with clean hands. The appellant has concealed nothing from this honorable Tribunal, nor suppressed any fact from this honorable tribunal and this honorable tribunal has got the jurisdiction to entertain and adjudicate upon the matter.

REPLY TO FACTS/GROUNDS:

Comments of the respondents are full of contradictions, rather amounts to admissions and are based on malafide. Respondents have failed to show that the version of the appellant is incorrect. Even respondents have failed to show and substantiate their version referring to any law and rules. The appellant has been acquitted of the charges by the Court of competent jurisdiction which was the sole base of proceedings against him as evident from the suspension order, thus nothing is left with respondents to punish the appellant. In the circumstances the appellant has been deprived of his rights without any omission or commission on his part and he has been deprived of his rights guaranteed by the Constitution and law of the land.

In the circumstances the appellant has not been treated according to law and rules being his fundamental right. The impugned orders are in total disregard of the judgment of this honorable tribunal. Ex-parte action has

been taken against the appellant, as no charge sheet and show cause was communicated to the appellant. The impugned order is void being passed with retrospective effect and even no limitation runs against such order. The appellant has been acquitted of the charges by the Court of competent jurisdiction and as such entitled to be reinstated in service with all benefits.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for.

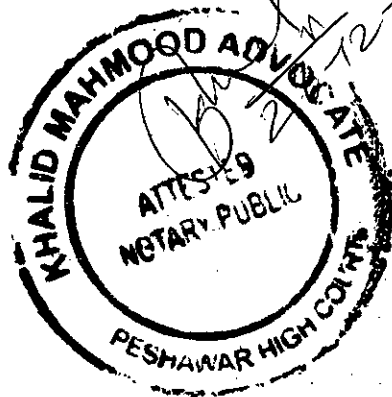
Dated:-26-12-2018.

[Signature]
Appellant

Through
[Signature]
Fazal Shah Mohmand
Advocate Peshawar

AFFIDAVIT

I, Shehriyar, Ex Constable No 245, Elite Force KPK Peshawar, (the appellant), do hereby solemnly affirm and declare on oath that the contents of this **Replication** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



[Signature]
DEPONENT

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 563/2018.

ShehriyarAppellant.

V E R S U S

AIG & Others.....Respondents

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Dated:-26-12-2018.

Appellant

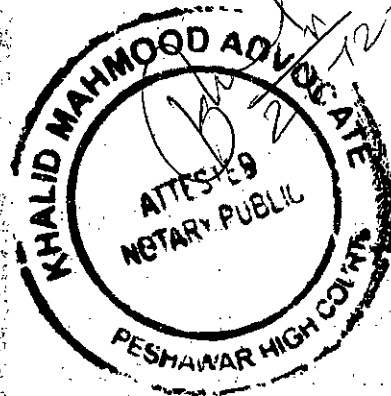
Through

Fazal Shah Mohmand

Advocate Peshawar

AFFIDAVIT

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DEPONENT

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 563/2018.

ShehriyarAppellant.

V E R S U S

AIG & Others.....Respondents

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Dated:-26-12-2018.

Appellant

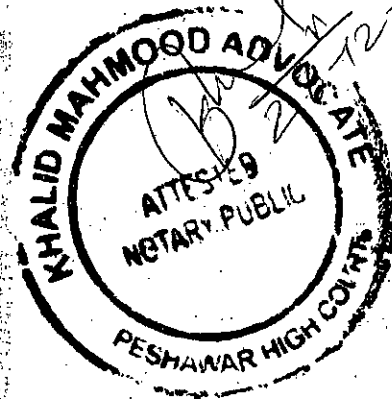
Through

Fazal Shah Mohmand

Advocate Peshawar

AFFIDAVIT

I, Shehriyar, Ex Constable No 245, Elite Force KPK Peshawar, (the appellant), do hereby solemnly affirm and declare on oath that the contents of this **Replication** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



DEPONENT



Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar



No. 4974-81/EF

Dated 24/04/2014.

ORDER

Constable Shehriyar No. 245, Platoon No. 16 of Elite Force Khyber Pakhtunkhwa was found guilty of gross misconduct on the following grounds.

He was involved in case FIR No. 292, dated 10.04.2014 U/S 353-324-365-A PPC Police Station Khazana District Peshawar. Departmental proceeding was accordingly initiated against him through an enquiry committee comprising of Mr. Haroon Rasheed Babar Acting SP/Elite Force Peshawar and Mr. Noor Jamal Khan DSP/Elite Force Mardan. Statements were recorded from witnesses and the kidnappee was also recovered on his pointation. It has been proved without any doubt that he is a member of that gang. His retention in police will harm the whole department. Consequently a Final Show Cause Notice was issued to him but his reply was found unsatisfactory. The enquiry committee also recommended him for major punishment.

Therefore, I Sajid Khan Mohmand, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, agreed with the recommendation of enquiry committee and impose major penalty of dismissal from service upon him from the date of absence i.e 09.04.2014.


(SAJID KHAN MOHMAND)
Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar.

- Copy of the above is forwarded to the:-
- 1. Acting Superintendent of Police, Elite Force Peshawar.
- 2. Deputy Superintendent of Police, Elite Force Mardan.
- 3. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
- 4. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar for recovery of Pay.
- 5. In-charge Kot/ OASI, Elite Force Khyber Pakhtunkhwa Peshawar
- 6. SRC/FMC, Elite Force Khyber Pakhtunkhwa Peshawar.

P.O. No. 100/2014

**DEPARTMENTAL ENQUIRY AGAINST CONSTABLES SHEHRIYAR NO. 245
POSTED IN ELITE FORCE PLATOON 16, PESHAWAR**

ALLEGATIONS

Constable Shehriyar No. 245, while posted in Elite Force Platoon 16 Peshawar, is allegedly involved in case vide FIR 292, dated 10/04/14 u/s 353/324/365A PPC PS Khazana Distt: Peshawar. He is thus appeared to be guilty of misconduct and has rendered himself liable to be punished under Police Rules (amended vide NWFP gazette, 27th January 1976). Copy of FIR is attached.

PROCEEDING

Charge Sheet was issued to and served upon the Constable and a committee comprising of the undersigned officers was formed to unearth the facts. The committee took look of the enquiry papers and found that the Constable was actually directly charged involved in the same case. It was found that the Constable along with other nominate accused planned the kidnapping of one Haji Ikhtiar Shah s/o Akhtar Shah r/o Taj Abad boar Jahan Zeb Town Peshawar, and they soon put the plan into practice by kidnapping him. The Constable was arrested soon after the occurrence and was interrogated which led to the recovery of the kidnappee.

The committee summoned all concerned including Ibrahim Khan SI/SHO (incharge raiding party), Rasheed Khan, inspector CO (IO of the case), Tariq FC/3541 and Zuba FC/77 (recovery memo witnesses), all PS Khazana, Peshawar, and discussed the case with them. SHO and both the FCs are eye witnesses of the occurrence whose statements were recorded and placed on file. The statement of IO of the case was also recorded who held the Constable responsible for the occurrence. The committee also recorded the statement of Naeem Khan SI, Guard Commander which is attached. According to him, on 07.04.2014 the constable went on routine night pass but did not turn up on 09.04.2014 so he was marked absent vide DD 27. Dated 09.04.2014 Police lines Peshawar. The committee also contacted the kidnappee who narrated the said woeful tale and said that the nominated accused kidnappee him who were latter arrested by Police. He also disclosed that he has no money/ land dispute with the accused. His statement was recorded and placed on file.

The committee also gave patient hearing to the defaulter constable who seemed remorse on his act. He also submitted his statement which is attached. The statement seemed evasive as it belies the facts.

OBSERVATIONS/FINDINGS

1. The constable is directly charged in the FIR and involved in the kidnapping case a more tangible evidence is on file linking him with the offence.
2. He armed with 30 bore pistol resisted his arrest by speeding up the car No. 9037 LEI (forcibly taken from the kidnappee) at Naka handdi point at Harvana Road but Nak

3. The kidnappee was recovered on the basis of his brief interrogation.
4. He did this obnoxious act while putting on Police uniform and by doing so he impaired the image of sacred Police Department and betrayed the noble cause (service to Country/humanity) on which he was recruited.
5. The constable seems to be the bosom buddy of the other accused of the case which is evident from another case which took place few days back. It is worth noting that case vide FIR 169, dated 11/04/14 U/S 365A PS East Cantt: Peshawar has been registered against them. In that case the constable along with other accused has kidnapped one Firoz s/o Amir Muhammad r/o Inqilab Road Peshawar. The kidnappee of the case was recovered on the pointation of co-accused Ismail. Nominated accused in the case are yet to be arrested. In the said case accused were demanding fabulous amount a ransom from the kidnappee.

After illuminating every aspect of the case, the enquiry committee has arrived at the conclusion that the constable has resorted to gross misconduct and earned bad name for the Department. He deserves no leniency and is therefore recommended for major punishment.

GOD MILL GRINDS SLOW BUT SURE


NOOR JAMAL

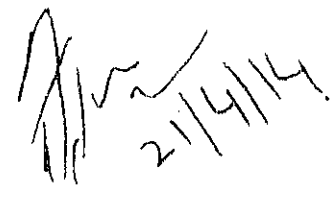
(Deputy Superintendent Elite Force, Mardan)



HAROON RASHEED BABAR
(Superintendent Elite Force, Peshawar)

No 125 /R SP/Peshawar
Dated 21/04/2014
Encl: (12)

Issue FSC


21/4/14

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21-4-14

FINAL SHOW CAUSE NOTICE

I, Sajid Khan Mohmand, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority under Police Rules (amended vide NWFP gazette, 27th January 1976), do hereby serve you Constable Shehriyar No. 245, Platoon No. 16 of Elite Force as follows:

You were allegedly involved in case FIR No. 292, dated 10.04.2014 U/S 353-324-365-A PPC Police Station Khazana, Peshawar.

i. That consequent upon the completion of enquiry conducted against you by Mr. Haroon Rasheed Babar Acting SP/Elite Force Peshawar and Mr. Noor Jamal Khan Deputy Superintendent of Police Elite Force Mardan, you were given full opportunity of hearing but failed to satisfy the enquiry committee.

ii. On going through the finding and recommendation of the enquiry committee, the material available on record, I am satisfied that you have committed the omission/commission specified in Police Rules (amended vide NWFP gazette, 27th January 1976) and charges leveled against you have been established beyond any doubt.

2. As a result therefore, I, Sajid Khan Mohmand, Deputy Commandant Elite Force, Khyber Pakhtunkhwa Peshawar as competent authority have tentatively decided to impose major penalty upon you including dismissal from service, under Police Rules (amended vide NWFP gazette, 27th January 1976) of the said ordinance.

3. You are therefore, directed to show cause as to why the aforesaid penalty should not be imposed upon you.

4. If no reply to this show cause notice is received within three days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defense to put and in that case an ex-parte action shall be taken against you.

5. A copy of the finding of the Enquiry committee is enclosed.

(SAJID KHAN MOHMAND)

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar

No. 4871 /EF, dated Peshawar the 21 /04/2014.

Constable Shehriyar No. 245 of Elite Force through reader SP/Elite Peshawar.

SUMMARY OF ALLEGATIONS

I, Sajid Khan Momand, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority, am of the opinion that Constable Shehryar No. 245, Platoon No. 16 has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (amended vide NWFP gazette, 27th January 1976).

SUMMARY OF ALLEGATIONS

He is allegedly involved in case FIR No. 292, dated 10.04.2014 U/S 353-324-365A PPC Police Station Khazana District Peshawar.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations the following officers are appointed as enquiry committee.

1. Mr. Haroon Rasheed Babar Acting SP/ Elite Force Peshawar
2. Mr. Noor Jamal Khan DSP/Elite Force Mardan

3. The Enquiry Committee shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (25 days) after the receipt of this order.

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

(SAJID KHAN MOMAND)
Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar.

No. 4250-55 /EF, dated Peshawar the 11/04/2014.

Copy of the above is forwarded to the:-

1. Acting Superintendent of Police, Elite Force Peshawar.
2. Deputy Superintendent of Police, Elite Force Mardan.
3. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
4. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar.
5. SRC, Elite Force Khyber Pakhtunkhwa Peshawar.
6. FC Shehryar No. 245, of Elite through reader A/SP Elite Force Peshawar.

(SAJID KHAN MOMAND)
Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar

11-04-2014

CHARGE SHEET

1. Sajid Khan Momand, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, hereby charge you Constable Shehryar No. 245, Platoon No. 16 of Elite Force as follows;

You are allegedly involved in case FIR No. 292, dated 10.04.2014 U/S 353-324-365A PPC, Police Station Khazana District Peshawar.

2. By reason of the above, you appear to be guilty of misconduct under the Police Rules (amended vide NWFP gazette, 27th January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.

3. You are therefore, directed to submit your defense within seven days of the receipt of this Charge Sheet to the Enquiry Committee.

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

5. You are directed to intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.


(SAJID KHAN MOMAND)
Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar.

سیان اذان محمد ابراہیم خان S.H.O محکمہ خزانہ ضلع نسیاوار

تاریخ 10/4 کو جمع کنندگان زیر 77 طریقہ

3541 نسبت عدالت پر تھوڑے پتوں والے اس سٹیٹ اطلاع پاس کیا

کے ایک موٹر کارڈ 9037/LEB پر پتہ کلکتہ جس میں حالی اختیار آہ

سایہ شخص کو جمع موٹر کارڈ جاریہ اور ڈی ڈی سٹیٹ سے حاصل

جیب سواروں کے اغوا کے لیے اس اطلاع پر پتہ پتہ پتہ پتہ

کرنے اس دوران موٹر کارڈ 9037/LEB پر پتہ کلکتہ آگیا اور اس سے

انتہا دیکھ کر گارے ڈرائیور لوہے کی باری کو دیکھ کر پتہ پتہ پتہ

کرنے تاکہ بھی لوہے کی باری پر ارادہ قتل فائرنگ کی گئی تھی

خود افتدائی خاطر جو الٹی فائرنگ ہوئی تھی اس وقت

تاریخ 10/4 کو کلکتہ ضلع میں دو جوان الٹی

پتوں کو بھی قابو کیا جنوں میں ریاست کے ایک شخص

نے امر خیل پتہ پتہ پتہ پتہ پتہ پتہ پتہ پتہ پتہ

بتلائی گئی تھی پتہ پتہ پتہ پتہ پتہ پتہ پتہ پتہ

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صفحہ 66 عدد کارٹوس 762

میرا قصہ سنانا دہ

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بیان اذان عند الریثہ کان الیہ $\frac{CO}{10}$ مکان خراج

بیان یاد صورت 292 مورخ $\frac{4}{14}$ 10 جم 365A/353/324

ISAA

مکان خراج درجہ حشریہ کنیشن میرجوالہ میرج سوو کنیشن

ہیں مندرجہ کے $\frac{10}{10}$ لوم دست لوس عدالت خراج

اصغر علی ATC III0C کے درجہ حاضر کنیشن جاری

ہے۔ اس کے کنیشن سے ملنے والے 50 لیسٹریں ہیں اس

موقع کے اگلے دن دوران اسٹارٹ میں ملنے استعمال کے مکان

$\frac{14}{15}$ لوم جس میں درجہ کو حکو ڈیگری کا رڈ کے احوال

رہے الیہ جب 9292 میں ڈال کر استعمال کے قواعد ابراہیم

آباد کنیشن میں باقیہ سروس سے جھکڑ کرانڈھا نا کی ہے

السی حالت میں دوران چھانڈی مارنا۔ ٹرانسپارنٹ کا

لغز 189 (D) 365A 02 مکان شری درجہ حشریہ

11.4.14

کنیشن جاری ہے

(Signature)

CO. mural II

19.4.14

Attested

(Signature)

DSP ER

بیان
مکان
نظم
الورثہ
انفیل منان
مدر فوائس
مخبرہ یا عدو کان
فکے قیغ سے ا

قرع سے انگریز

ی 273 33 311 3

نما صحت شاہ شاہ اسلم کو سے بر

عید غری 9292 باو لکھو اپنی صحت طاری خلی قرع سے انک عدد جو باس

برہم قدرتی حکم ما قولان اننا نام محمد اسماعیل شہار وجود کو سے فرما 128

کا دارا اور اہل بیت شہار انک عدد جو باس برہم شہار SH ما فرما میں صید با

فرمای فرختر اسمک انکولین اللہ فورس دریاں فتح لوگ یا سیر لکھو

ماہرہ لانس لوگ بریاں دفعی شہار کے لکھو ما قول کلان لکھو

دریاں بندہ باس انک 7 ما شہار سے شہار کے علم باس ما 3/3 عدد

جو اسمی SH شہار کے علم جاہ ما شہار باس ما شہار SH

نیر قول فرود دات وقت کے صلہ شہار کے شہار 2/2

سے لکھو شہار باس انک دن حکم اسماعیل کی لکھو شہار

SH کو حکم اسماعیل سے وسی فیروز کو باس باس انک SH ہی شہار انک 2/2

Taxi
19-4-014

من غير ان يتبين ان هذه الاعمال المذكورة في
 لائحة SHC هي من قبل المالكين من SHC
 او من احد اصحابها او من احد اشخاص
 ذوي الصلة بهم في SHC
 كما ان هذه الاعمال المذكورة في لائحة SHC
 هي من قبل المالكين من SHC او من احد
 اصحابها او من احد اشخاص ذوي الصلة
 بهم في SHC

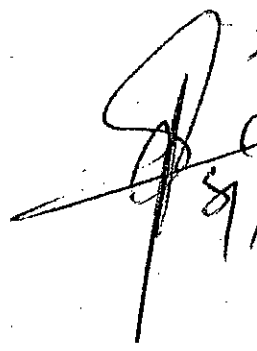
الى
 السيد
 مدير
 شركة
 SHC

في
 77
 19-04-2014


Affirmed
 J. J. J. J. J.

بیان اذان کبریٰ
 سطور ۱۶۲ سے سطور ۲۴۵

معدوم حالتوں - اسٹیم پار ۲۴۵ / HC
 سے روکنے کے مطابق رخصت ہوتی رہا۔
 مقررہ اسٹیم پار فورم ۱۶۲ سے سطور ۱۶۲
 مقررہ اسٹیم پار فورم ۵۹ / ۱۶۲ سے سطور ۵۹
 مقررہ اسٹیم پار فورم ۳۰۹ / ۱۶۲ سے سطور ۳۰۹
 مقررہ اسٹیم پار فورم ۲۴۵ / HC سے سطور ۲۴۵
 اور تمام مقررہ اسٹیم پار فورم سے سطور ۱۶۲
 سے سطور ۳۰۹ اور سطور ۲۴۵ سے سطور ۱۶۲
 جو تصدیق کرنی ہے۔


 ۱۵۰ to ۱۶۲ HC
 ۱۹-۴-۱۶

۱۵۰ سے سطور ۱۶۲ سے سطور ۱۶۲ سے سطور ۱۶۲
 ۱۲۳۲ / HC
 " " " " " "

Attested


سیان اڈان اختیار شدہ و لا اختراع لعم 64/65 حال تاج آمار لوڈ جہانزیب ٹاؤن چوہدری

میراثت روڈ قمر دین کوئی ٹور میں سپر مارکیٹس کی
دکان ہے عین صورت 107/14 کا روڈ پارٹیکل میں خانہ لبریری
میں ایک سوڑے گاڑے 9037/LEB کے نام سے ایک گاڑی اور ایک سفید رنگت ہوٹل کے نام سے ایک
ایک سوڑے گاڑی اور ایک سفید رنگت ہوٹل کے نام سے ایک
میں ایک سوڑے گاڑی اور ایک سفید رنگت ہوٹل کے نام سے ایک
کھانے کے مکانوں میں داخلہ شدہ گاڑیوں کے نام سے ایک سوڑے گاڑی اور ایک سفید رنگت ہوٹل کے نام سے ایک
کے نام سے ایک سوڑے گاڑی اور ایک سفید رنگت ہوٹل کے نام سے ایک
ہے ایک سوڑے گاڑی اور ایک سفید رنگت ہوٹل کے نام سے ایک
پیس آف اسٹیٹ گارنٹیڈ کارپوریشن کے نام سے ایک سوڑے گاڑی اور ایک سفید رنگت ہوٹل کے نام سے ایک
نارنگ اور ملائیم اور جوڑو گاڑیاں جیت ہوٹل کے نام سے ایک سوڑے گاڑی اور ایک سفید رنگت ہوٹل کے نام سے ایک
راہر کے نام سے ایک سوڑے گاڑی اور ایک سفید رنگت ہوٹل کے نام سے ایک
جہ حالات کی لوٹ 58 کا کوئی اور ملائیم مزاج FII کے نام سے ایک سوڑے گاڑی اور ایک سفید رنگت ہوٹل کے نام سے ایک
ایسی اعلیٰ کی روڈ کی

ال اختیار شدہ

19-04-2014

XX میراثت روڈ ملائیم کے نام سے ایک سوڑے گاڑی اور ایک سفید رنگت ہوٹل کے نام سے ایک
ڈیٹھی میں اور ان کے نام سے ایک سوڑے گاڑی اور ایک سفید رنگت ہوٹل کے نام سے ایک

XX ان کے نام سے ایک سوڑے گاڑی اور ایک سفید رنگت ہوٹل کے نام سے ایک
کوئی ایک سوڑے گاڑی اور ایک سفید رنگت ہوٹل کے نام سے ایک

Attest
[Signature]

بیان ارادہ لکھنے پر شہداء جہان و 245

جنتا عالی

حوالہ فائنل شوٹنگ کی 4871/EF فورم 2014-4-21 مجاہدہ جہان
ڈیڑی ممانڈنت صاحبہ عروض پر لکھے (میرٹھ) میرا دوست ہے جس
نے مجھے کہا تھا کہ اس کے ایک دوست کا (اختیار سناہ) نامی شخص
سلسلہ بودد تاج آباد کو واقع قرض کا سنا ہے اور اس شخص کے ساتھ
چرتہ کرنی ہے لہذا بروز دھوکہ میں جہاں دیگر ساتھیوں کے ساتھ اس شخص
کو بودد تاج آباد سے اٹھا کر تاجر اس کو رقم کا معاملہ حل کرنے کے لئے
آئے تھے جسے حل کرنے کے لئے اس کو مجبور کیا جائے میں نے یہ اقرار اس
شخص کو احوال کے خاطر میں کیا بلکہ وہ ہمارے دوست کا رقم صلہ در اور لایوں
کا صلہ حل کرنا ہے جس میں میرا بیان ہے جو درست ہے

الفیضی

245

24-4-14

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1764/ST

Dated 14-10 / 2019

To


The Deputy Commandant Elite Force,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 563/2018, MR. SHEHRIYAR.

I am directed to forward herewith a certified copy of Judgement dated 13.09.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.