


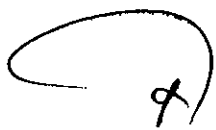


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 620/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/04/2022	<p>The appeal of Mr. Abid Khan presented today by Mr. Taimur Ali Khan 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> <p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>06-05-22</u> Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: center;"><i>On account of public holiday to come up for the same as before on 8/6/22</i></p> <p style="text-align: right;"> Rozina</p> <p>08.06.2022</p> <p>Junior to counsel for the appellant present.</p> <p>Lawyers are on general strike, therefore, case is adjourned. To come up for preliminary hearing on 29.07.2022 before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>
2-	<p><i>Noted clerk of court, M. Khan 6-5-22</i></p>	

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

SERVICE APPEAL NO. 620 /2022

Abid Khan

V/S

Police Deptt:

INDEX

S. No.	Documents	Annexure	P. No.
01.	Memo of appeal	-----	01-04
02.	Affidavit	-----	05
03.	Copy of charge sheet along with statement of allegation	A	06-07
04.	Copy of inquiry report	B	08-09
05.	Copies of show cause notice and reply to show cause notice	C&D	10-13
06.	Copies order dated 10.03.2022 departmental appeal and rejection order dated 05.04.2022	E,F&G	14-19
07.	Vakalat Nama	-----	20

APPELLANT

THROUGH:


**(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

Abid Khan, Ex-IHC No. 3293,
Incharge PP Shaheedian Mardan.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Mardan Region Kohat.
3. The District Police Officer, Mardan.

(RESPONDENTS)

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST THE ORDER DATED 10.03.2022, WHEREBY THE
APPELLANT WAS DISMISSED FROM SERVICE, AGAINST
THE ORDER DATED 05.04.2022, WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN
REJECTED FOR NO GOOD GROUNDS.**

PRAYER:

**THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER
DATED 10.03.2022 AND 05.04.2022 MAY KINDLY BE SET
ASIDE AND THE APPELLANT MAY BE REINSTATED INTO
HIS SERVICE WITH ALL BACK AND CONSEQUENTIAL
BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST
TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY
ALSO BE AWARDED IN FAVOUR OF APPELLANT.**

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant has appointed in in the respondent department in the year 2012 and was performing his duty with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed against him regarding his performance.
2. That the appellant was posted as Incharge PP Shaheedian and on 02.09.2021 after arrival from routine Shabasi, he was on duty as mobile officer in PS Rustam mobile where LHC Niaz Ali called him that he has arrested a young man along with unlicensed pistol of 30 bore and asked to register an FIR against him on which the appellant replied that the accused along case property should be brought to the Police station Rustam and then registered an FIR against the accused, however LHC Naiz Ali without the permission of the appellant and concerned SHO registered an FIR No. 1057 dated 01.09.2021 U/S 15AA PS Rustam against the accused Kamran on his own and released him on Machalka and 02.09.2021 LHC Niaz Ali with the connivance of his bother LHC Tariq Ali No. 627 called the accused Kamran to Kacheri Mardan and sent him to the judicial lock for the reason that on 03.09.2021 the brother of accused Kamran namely Amir Sajjad with the connivance of Kamran committed a murder on which FIR No.889 dated 03.09.2021 U/S 302/324/34 PPC PS Toru was registered in which the accused Kamran was also charge for the commission of offence so as to entitle the accused Kamran for plea of libi in a murder case.
3. That on the basis of above reason charge sheet along with the statement of allegations which was replied by the appellant in which he denied the allegation and clearly mention in his reply that neither he prepared the Murasila of the case nor dictate any one and stated that the instant Murasila has been written by LHC Niaz Ali and also brought it to the police station without bringing to his notice and he neither prepared remand judicial nor signed it and requested to send the same for FSL for analyzing. He further stated that Naiz Ali and his brother intentionally did fraud and sent Kamran to judicial lock up on his bogus signature, however the appellant did not keep the copy of reply to charge sheet which may be requisite from the department.
(Copy of charge sheet along with statement of allegation is attached as Annexure-A)
4. That on the basis of allegations inquiry was conducted against the appellant in which no opportunity of defence was provided to the appellant as neither statements were recorded in the presence of the

appellant nor gave him opportunity of cross examination. Moreover the inquiry office did not conduct the proper to dig out the reality about the allegations nor sent the Murasila to FSL for authenticity, but despite that he recommended for major punishment for the appellant. **(Copy of inquiry report is attached as Annexure-B)**

5. That show cause notice was issued to the appellant which was properly replied by the appellant in which he again denied the allegations and gave the real facts about the situation. **(Copies of show cause notice and reply to show cause notice are attached as Annexure-C&D)**
6. That on the basis of baseless allegations, the appellant was dismissed from service vide order dated 10.03.2022. The appellant filed departmental appeal on 17.03.2022 against the dismissal order dated 10.03.2022, which was rejected on 05.04.2022 for no good grounds. **(Copies order dated 10.03.2022 departmental appeal and rejection order dated 05.04.2022 are attached as Annexure-E,F&G)**
7. That the appellant has no other remedy except to file the instant service appeal in this Honourable Tribunal on the following grounds amongst others.

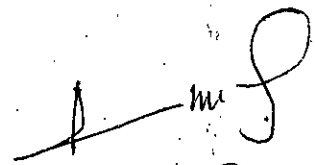
GROUND:

- A. That the impugned orders dated 10.03.2022 and 05.04.2022 are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B. That inquiry conducted against the appellant was not according to the prescribed procedure as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, which is violation of law and rules and as such the impugned orders are liable to be set aside on this ground alone.
- C. That no opportunity of defence was provided to the appellant during inquiry proceeding, which is violation of Article-10A of the Constitution of Pakistan.
- D. That the appellant clearly mentioned in his reply to the charge sheet and show cause notice that neither he prepared the Murasila of the case nor dictate any one and stated that the instant Murasila has been written by LHC Niaz Ali and also brought it to the police station without bringing to his notice and he neither prepared remand judicial

nor signed it and requested to send the same for FSL for analyzing, but despite that the inquiry officer did not conduct proper inquiry and sent the Murasila to FSL for analyzing in order to dig out the realty about the allegations which is against the law and rules and as such the impugned orders are liable to be set aside.

- E. That the competent authority did not consider the reply to charge sheet and show cause notice of the appellant and has been punished for no fault on his part, which is not tenable under the law.
- F. That the appellant has been condemned unheard and has not been treated according to law and rules.
- G. That the appellant seeks permission of this Honourable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.


APPELLANT
Abid Khan

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

CERTIFICATE:

It is certified that no other similar service appeal between the parties has been filed earlier.


DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

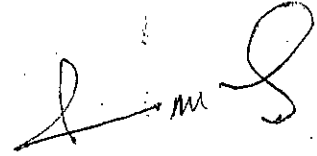
Abid Khan

V/S

Police Deptt:

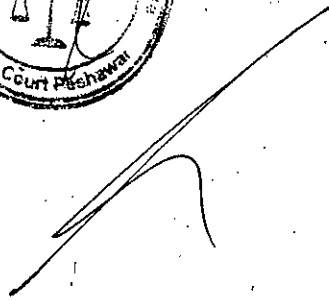
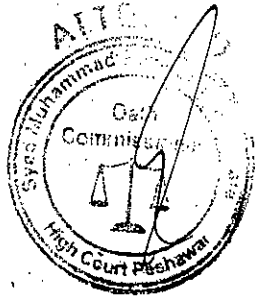
AFFIDAVIT

I, Abid Khan Ex-IHC No. 3293, Incharge PP Shaheedian Mardan (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this august Court.



DEPONENT

Abid Khan
(APPELLANT)





**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2021

A

C

CHARGE SHEET

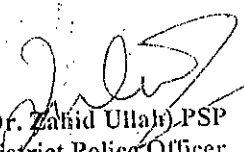
I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority, hereby charge IHC Abid Khan No.3293, while posted as In-charge P.P Shaheedan (now under suspension Police Lines Mardan), as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.

3. Your written defense, if any, should reach the Enquiry Officers 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 follow against you.

4. Intimate whether you desired to be heard in person.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan



(2)
**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2021

7

No. 226 /PA

Dated 07/10/2021

DISCIPLINARY ACTION

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority am of the opinion that IHC Abid Khan No.3293, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, IHC Abid Khan No.3293, while posted as In-charge P.P Shaheedan (now under suspension Police Lines Mardan) was found negligence for the following irregularities, as per SDPO Rural Mardan office letter No. 1299/R dated 07-09-2021:-

1) On 01-09-2021, he accompanied by LHC Niaz Ali No.2697 etc arrested one Kamran r/o Nawan Killey Toru with a (30) bore without number and unlicensed pistol & (05) rounds during routine patrolling vide case FIR No.1057 dated 01-09-2021 U/S 15AA PS:Rustam.

2) On 02-09-2021, he (IHC Abid Khan) has prepared Remand Judicial Challan and sent it to the Court through Constable Ayaz No.1663 with advice that the accused is waiting at Mardan Katcheri. On reaching Mardan Katcheri, he found LHC Niaz Ali No. 2697 along-with accused Kamran, so he handed-over the Remand Judicial papers to LHC Niaz Ali, who produced the accused to the Court wherein the accused couldn't produce any surety, so the Court fined him of Rs.1000/-, but intentionally the accused regretted by not paying the fined amount, so he was sent to Judicial Lock-up. The main purpose behind preferring Judicial Lock-up was that on 03-09-2021, brother of accused namely Amir Sajjad committed murder vide case FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru, in which, he (accused Kamran) was also charged for the commission of crime.

3) As per SP/Investigation Mardan vide his office letter No.531/PA/Inv: dated 06-09-2021, highlighting that accused Kamran in connivance with LHC Muhammad Tariq No.627 of PAL Office Mardan and his brother LHC Niaz Ali No. 2697 of PP Shaheedan (Now both suspended) registered the above quoted case against himself, because on the day and at the time of occurrence, accused Kamran was not present on the spot and no direct recovery has been made from him, while on the next day (02-09-2021), accused Kamran was handed-over to Constable Ayaz Ali No.1663 without handcuffs in the Court, wherein before the concerned Magistrate, accused Kamran resiled from his statement and was sent to Judicial Lockup Mardan. From the preliminary enquiry, it has been found that accused Kamran in connivance with LHC Muhammad Tariq has planned his entrance to Mardan Jail and this fact has been accepted by all.

4) From the above discussion, the involvement of IHC Abid Khan in this episode/plan can't be ruled-out.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Adnan Azam SDPC SMT is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

IHC Abid Khan is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

DISCIPLINARY ACTION AGAINST IHC ABID KHAN NO.3293

Kindly refer to your office diary No.226/PA, dated 01.10.2021

ALLEGATIONS:-

Whereas. IHC Abid Khan NO.3293, while posted as In-charge PP Shaheedan (now under suspension police lines Mardan) was found negligence for the following irregularities as per SDPO Rural Mardan of office letter No.1299/R dated 07.09.2021.

- 1) on 01.09.2021, he accompanied by LHC Niaz Ali No.2697 etc arrested one Kamran R/o Nawa Kalay Tour and recovered a (30) bore pistol without number and license & (05) rounds from him during routine patrolling vide case FIR No.1057 dated 01.09.2021 15AA PS Rustam.
- 2) On 02.09.2021, he (IHC Abid Khan) prepared Remand judicial challan and sent to the Court through Constable Ayaz No.1663 with advice that the accused is waiting in Mardan Kacheri. On reaching Mardan Kacher, he found LHC Niaz Ali No.2697 along with accused Kamran, so he handed over the remand judicial papers to LHC Niaz Ali, who produced the accused to the Court wherein the accused could not produce any surety, so the court fined him Rs.1000/- but intentionally the accused regretted by not paying the amount, so he was sent to judicial lockup the main purpose behind preferring judicial lock up was that on 03.09.2021, the brother of accused Amir Sajjad committed murder vide case FIR No.889 dated 03.09.2021 u/s 302/324/34 PPC Police Station. Toru, in which he (accused Kamran) was also charged for the commission of crime.
- 3) as per SP/Investigation Mardan vide his office letter No.531/PA/Inv. Dated 06.09.2021 highlight that accused Kamran in connivance with LHC Muhammad Tariq No. 627 of PAL Branch office Mardan and his brother LHC Niaz Ali No.2697 of PP Shaheedan (now both Suspension) registered the above case against himself, because on the day and at the time of occurrence accused Kamran was not present on the spot and no direct recovery has been made from him while on the next day (02.09.2021), accused Kamran was handed over by constable Ayaz Ali No.1663 without handcuffs in the court, wherein accused Kamran was sent to judicial lock up Mardan. From the primary inquiry, it has been found that accused Kamran in connivance with LHC Muhammad Tariq has planned his entrance to Mardan jail and this fact has been accepted by all.
- 4) From the above discussion the involvement of IHC Abid Khan in this plan/episode cannot be ruled out.

PROCEEDINGS

The understand conducted enquiry in the subject matter where the alleged office was called to the office and enquired about the matter, his written statement was also recorded and placed on file. The delinquent officer stated in his written statement, that neither he wrote the Murasila of the above cited case nor dictate anyone. He stated that the instant Murasila has been written by LHC Niaz ali and also brought it to police station without bringing in his notice. On the same to FSL Peshawar for analyzing. He blamed LHC Niaz Ali of PP Shaheedan for the whole blinder that the intentionally did fraud and assisted accused Kamran charged in above cited case and sent him to judicial lockup on his bogus signature. He further stated that LHC Tariq is the brother of LMC Niaz Ali and accused Kamran is his closed friend who prepared the proper plan for the whole scenario. He further disclose that on 01.09.2021, after arrival from routine, shabashi he was on duty as mobile officer in PS Rustam mobile where LHC Niaz Ali called him that he has arrested a young man along with an unlicensed pistol 30 bore and asked to register an FIR against him. Hence, ca case FIR No.1057 dated 01.09.2021 u/s 15-AA PS Rustam was registered against Kamran S/o Noor Habib r/o Nawa Kalay and accused was released on Machalka by LHC Niaz Ali, Mardan called the accused Kamran to Kacheri Mardan and sent him to judicial lock-up knowing the intention of committing crime of Kamran.

9

It is worth mention here that during preliminary inquiry conducted by w/SF Investigation, March, he (IHC Abid) admit that FIR registered u/s 15AA had been brought in his notice by the IHC Miraz Ali and he agreed with it while now he has been found refused from the instant proceeding, so a clear contradiction have been found in his previous and present statement. In order to further probe the matter, investigation officer along with case file was called to the office and the case file was thoroughly perused. From perusal of the case file of FIR No. 889 dated 03.09.2021 u/s 302/324/34 PPC PS Toru, it came to surface that the accused Kamran was released on bail on the grounds that he was charged and arrested in case FIR No. 1057 dated 01.09.2021 u/s 15A PS Rustam at the time of occurrence of the murder vide Order No. 04 dated 27.09.2021. Moreover, during chalking of FIR the location of accused Kamran was noted at Nawab Kaly Toru road (CDR copy attached).

RECOMMENDATION:

Keeping in view enquiry conducted, the undersigned reached to the conclusion that the delinquent officer registered FIR against accused Kamran without checking the accused and case properly. Similarly, he also deviated from the registration of FIR and his signatures. Therefore, he is found guilty and recommended for Major Punishment if agreed, please.

No. 654 /SI-SMT
Dated. 23/11/2021

(Adnan Azam Khan)
Deputy Superintendent of Police,
S.M.T-Circle.

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FCN

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Better /legible Copy

It is worth mention here that during preliminary inquiry conducted by w/SP investigation Mardan, he (IHC Abid) admit that FIR registered u/s 15-AA had been brought in his notice by the LHC Niaz Ali and he agreed with it while now he has been found refused from the instant proceedings. So a clear contradiction have been found in his previous and present statement. In order to further probe the matter, investigation officer along with case file was called to the office and the case file was thoroughly perused. Form perusal of the case file of FIR No.889 dated 03.09.2021 u/s 302/324/34 PPC PS Toru, it came to surface that the accused Kamran was released on bail on the grounds that he was charged and arrested in case FIR No.1057 dated 01.09.2021 u/s 15-AA PS Rustam at the time of occurrence of the murder vide Order No.04 dated 27.09.2021. Moreover, during chalking of FIR the location of accused Karman k was noted at Nawan kalay Toru Road (CDR Copy attached).

Recommendation

Keeping in view enquiry conducted, the undersigned reached to the conclusion that the delinquent officer registered FIR against accused Kamran without checking the accused and case property. Similarly, he also deviated from the registration of FIR and his signatures therefore, he is found guilty and recommended for Major punishment if agreed, please.

No.364/St-SMT
Dated 13.12.2021

Sd/-
Adnan Azam Khan
Deputy Superintendent of Police,
S.M.T Circle



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo@mdn@gmail.com

2022

10

No. 1076-77 /PA

Dated 7/12/2022

FINAL SHOW CAUSE NOTICE

IHC Abid Khan No.3293, while posted as In-charge PP Shaheedan (now under suspension Police Lines Mardan) was found of negligence for the following irregularities, as per SDPO Rural Mardan office letter No.1299/R dated 07-09-2021:-

1) On 01-09-2021, you accompanied by LHC Niaz Ali No.2697 etc arrested one Kamran w/o Nawan Killy Toru with a (30) bore without number and unlicensed pistol & (05) rounds during routine patrolling vide case FIR No.1057 dated 01-09-2021 U/S 15AA PS Rustam.

2) On 02-09-2021, you have prepared Remand Judicial Challan and sent it to the Court through Constable Ayaz No.1663 with advice that the accused is waiting at Mardan Katcheri. On reaching Mardan Katcheri, Constable Ayaz found LHC Niaz Ali No. 2697 along-with accused Kamran, so he handed-over the Remand Judicial papers to LHC Niaz Ali, who produced the accused to the Court wherein the accused couldn't produce any surety, so the Court fined him of Rs.1000/-, but intentionally the accused regretted by not paying the fined amount, so he was sent to Judicial Lock-up. The main purpose behind preferring Judicial Lock-up was that on 03-09-2021, brother of accused namely Amir Sajjad committed murder vide case FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru, in which, he (accused Kamran) was also charged for the commission of crime.

3) As per SP/Investigation Mardan vide his office letter No.531/PA/Inv: dated 06-09-2021, highlighting that accused Kamran in connivance with LHC Muhammad Tariq No.627 of PPAL Office Mardan and his brother LHC Niaz Ali No. 2697 of PP Shaheedan (Now both suspended) registered the above quoted case against himself, because on the day and at the time of occurrence, accused Kamran was not present on the spot and no direct recovery has been made from him, while on the next day (02-09-2021), accused Kamran was handed-over to Constable Ayaz Ali No.1663 without handcuffs in the Court, wherein before the concerned Magistrate, accused Kamran resiled from his statement and was sent to Judicial Lockup Mardan. From the preliminary enquiry, it has been found that accused Kamran in connivance with LHC Muhammad Tariq has planned his entrance to Mardan Jail and this fact has been accepted by all.

4) From the above discussion, your involvement in this episode/plan can't be ruled-out.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Adnan Azam SDPO Sheikh Maltoon vide his office letter No.634/St-SMT dated 13-12-2021, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.226/PA, dated 01-10-2021, holding responsible you of gross misconduct & recommended for major punishment. You were heard in OR on 02-02-2022, during which, you have failed to present any plausible reason in your defense.

Therefore, it is proposed to impose Major/Minor penalty as envisaged under Rules 4 (b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I Dr. Zahid Ullah (PSP) District Police Officer Mardan, in exercise of the power vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of receipt of this Notice, failing which; it will be presumed that you have no explanation to offer.

You are liberty to appear for personal hearing before the undersigned.

Received by _____

Dated: 1/12/2022

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy to RI Police Lines Mardan (Attention Reader) to deliver this Notice upon the alleged official & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.

جناب عالی:-

بحوالہ ڈسپنٹری ایکشن، شوکار نوٹس نمبری No.1076/77/PA مورخہ 07-02-2022 مجاریہ جناب
DPO صاحب مردان مشمولہ حسب ذیل مغروض خدمت ہوں۔

1- یہ کہ مراسلہ تحریر شدہ نہ میں نے لکھا ہے نہ میں نے Dictaid کیا ہے۔ اور نہ ہی میرا ہینڈ رائٹنگ ہے۔ بلکہ تمام تر کاروائی غلط اور بوجس ہے۔ میرے نوٹس میں لائے بغیر مراسلہ تحریر شدہ بھی نیاز علی LHC نے متذکرہ اندراج کیلئے خود تھانہ پہنچایا ہے۔

2- یہ کہ نہ میں نے ملزم کا مران ولد نور حبیب ساکن ٹوانا کلی طور و کوگرفنار کیا ہے، نہ دیکھا ہے اور نہ ہی اسے جانتا ہوں۔

3- یہ کہ مورخہ 02-09-2021 کو میں نے نہ ملزم کا مران کیلئے ریمانڈ جوڈیشل تحریر کیا ہے اور نہ ہی اس پر میرا اور بجٹل دستخط ہے۔ بلکہ تمام تر کاروائی بوجس ہے۔

4- یہ کہ اگر افسران بالا مناسب سمجھے تو مراسلہ تحریر شدہ ریمانڈ جوڈیشل تحریر شدہ اور فرد مقبوض کی تحریر شدہ اور ان پر دستخط ثبت شدہ کے نسبت گواہان فرد کے علاوہ بذریعہ ہینڈ رائٹنگ ماہر FSL پٹا اور تصدیق اور تسلی کا ممنون ہونگا۔

5- یہ کہ LHC نیاز علی متعینہ چونکہ شہیدان نے مراسلہ، فرد اور چلکہ ضمانت ملزم اور ریمانڈ جوڈیشل اپنی مرضی سے تحریر کر کے ان پر میرا بوجس دستخط ہائے میرے اجازت کے بغیر، مجھے بتائے بغیر، دکھائے بغیر ثبت کیے ہیں۔ اور ملزم کا مران سے ساز باز کر کے اس کو فرضی چلکہ پر رہائی دلائی ہے۔

6- یہ کہ تھانہ سے واپس چونکہ پہنچنے پر میں نے LHC نیاز علی سے ملزم کے نسبت معلومات پر اس نے بتلایا کہ اس کو میں نے چھوڑا ہے اور خود کل مورخہ 02-09-2021 کو عدالت متعلقہ آجایگا۔

7- یہ کہ LHC نیاز علی نے مجھ سے دھوکہ دہی اور ملزم کا مران کو فائدہ پہنچانے کے لئے مقدمہ 889 مورخہ 03-09-2021 جرم PPC302-324/34 تھانہ طور و کو نقصان

پہنچانے کے علاوہ تباہ و برباد کیا ہے۔

8- یہ کہ مورخہ 02-09-2021 کو بذریعہ ریماٹڈ جوڈیشل پیشکر وہ ملزم کامران LHC نیاز علی اور اس کے بھائی محمد طارق 627/LHC متعینہ پال براہنج مردان کے ساز ہاز سے کچھری مردان آکر انہوں نے چالان مکمل کی بجائے ریماٹڈ جوڈیشل تحریر کر کے اُس پر میرا لوگس دستخط ثبت کر کے سوچھے سمجھے سکیم کے تحت متعلقہ عدالت سے جوڈیشل لاک اپ بھیجوا یا ہے۔

9- یہ کہ مورخہ 02-09-2021 کو LHC نیاز علی اور اُس کا بھائی محمد طارق نمبر 627/LHC باقاعدہ ملزم کامران کے ساتھ کچھری مردان میں موجود تھے۔ جو ان کے مابین کئی دنوں سے صلاح مشورہ معلوم ہونے کا دلیل ہے۔

10- یہ کہ LHC نیاز علی اور اُس کے بھائی محمد طارق 627/LHC اور ملزم کامران آپس میں موبائل فون پر رابطے، اُن کے مابین نزدیکی تعلق کا زندہ ثبوت کے علاوہ اُن کے CDR سے بھی تصدیق کر سکتے ہیں۔

11- یہ کہ LHC نیاز علی اور اُس کے بھائی محمد طارق 627/LHC نے تمام تر کارروائی ملزم کامران کو مقدمہ مثل میں دعویداری سے بچانے کی خاطر اپنے فورس کا ناجائز فائدہ اٹھا کر کیا ہے۔ درحقیقت یہ ہے کہ میں بحیثیت انچارج چوکی شہیدان حسب حکم افسران بالا تعینات ہوں۔ مورخہ 01-09-2021 کو حسب اجازت شب یا شبی گھر خود سے واپس چوکی شہیدان آنے پر حسب اطلاع، حسب ہدایت تھانہ ستم کے موبائل گشت میں بطور انچارج موبائل افسر ڈیوٹی پر تھا۔ کہ اس دوران LHC نیاز علی جو کہ چوکی شہیدان میں میرے ساتھ ڈیوٹی کر رہا ہے نے مجھے بذریعہ موبائل فون کال کی کہ ایک جوان انعر کو بلا لائنس پستول 30 بور سمیٹ گرفتار کیا گیا ہے۔ تمہارے طرف سے مقدمہ رجسٹر کیا جائے۔ جواب میں نے کہا کہ ملزم سمیت مال مقدمہ تھانہ ستم پہنچایا جائے۔ پھر مقدمہ درج رجسٹر کیا جائے۔ اُس کے ملی بھگت اور ساز باز سے ملزم جو نہ میں اور نہ ہی جناب SHO صاحب دیکھا تھا۔ نہ سنا تھا۔ میرے اور SHO کے اجازت کے بغیر ملزم کو چھوڑ کر مقدمہ علت نمبر 1057 مورخہ 01-09-2021 جرم 15AA تھانہ رآتم برخلاف ملزم کامران ولد نور حبیب سکنتہ نواں کلی طور و درج رجسٹر کر کے دوسرے روز مورخہ 02-09-2021 کو اپنے بھائی محمد طارق 627/LHC متعلقہ پال براہنج مردان کے صلاح مشورہ سے کچھری مردان متعلقہ عدالت طلب کر کے وقوعہ مقدمہ 889 مورخہ 03-09-2021 جرم 302-324/34 تھانہ طور و

مردان سرزد کرنے کی خاطر قصداً عملاً جوڈیشل حوالات سنٹرل جیل مردان بھیجا گیا ہے۔ تاکہ ملزم کامران مقدمہ قتل میں دعویداری سے بچ سکے۔

جناب والا کے حضور اقدال میں نہایت عاجزانہ التماس ہے۔ کہ یہ تمام تر کارروائی LHC نیاز علی اور اس کے بھائی محمد طارق 627/LHC متعلقہ پال برانچ مردان اور ملزم کامران کے پہلے سے باقاعدہ صلاح مشورہ تھا۔ اور مورخہ 01-09-2021 کو میرے چوکی میں عدم موجودگی کا فائدہ اٹھا کر تمام تر ذمہ داری میرے سر پر ڈال کر میرے طرف سے تمام خط و کتابت بوگس طریقے سے تحریر کے تمام کارروائی پر میرا بوگس دستخط ہائے ثبت کر کے میرے اور میرے بچوں کے ساتھ انتہائی ظلم کے علاوہ پولیس فورس کو بدنام کرنے کے ساتھ ساتھ مقدمہ قتل بھی تباہ و برباد کیا ہے۔

اللہ تعالیٰ کو حاضر و ناظر جانتے ہوئے تمام تر کارروائی سے لاعلم ہوں۔ جس کے نسبت افسران بالا کے روبرو ہر قسم تسلی کے ساتھ ساتھ گواہان فرد اور میرے موبائل کا CDR بھی گواہ ہیں۔

استدعا ہے کہ میرے خلاف چارج شیٹ ہذا مشمولہ بلا کسی مزید محکمانہ کارروائی داخل دفتر فرما کر مجھے معطل سے بحال فرما کر مسائل تاحیات آپ کی بلند اقبالی کا دُعا گو رہے گا۔

العارض

تابع دار عابد خان IHC/3293 معطل پولیس لائن مردان



**DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: gqmdn@gmail.com

2022

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No. 3195-27 /PA

Dated 13/12/2022

ORDER ON ENQUIRY OF IHC ABID KHAN NO. 3293

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the IHC Abid Khan on the report of SDPO Rural circle containing the allegations of criminal negligence and gross misconduct. Brief facts of the case are that:-

During routine patrolling on 01-09-2021, IHC Abid Khan No.3293 & LHC Niaz Ali No.2697 etc of PP Shaheedan arrested Kamran r/o Nawab Kille Toru with a 30 bore unlicensed pistol along with five bullet rounds and a case FIR No.1057 dated 01-09-2021 U/S 15AA PS.Rustam was registered against him.

On the next day IHC Abid Khan prepared a report for obtaining judicial remand and sent it to the Court through Constable Ayaz No.1663 with advice that the accused Kamran will be waiting at Mardan Katcheri. On reaching Mardan Katcheri, Constable Ayaz found LHC Niaz Ali No. 2697 who was standing with accused Kamran, so Constable Ayaz handed-over the report for obtaining judicial remand to LHC Niaz Ali. The accused was produced in the Court by LHC Niaz Ali wherein, the accused couldn't produce any money, so the Court fined him Rs.1000/-, but the accused did not pay the above mentioned fine, which he was sent to judicial lock up. The main motive behind sending the accused to judicial lock-up was that on 03-09-2021 the brother of accused namely Amir Sajjad had to commit murder with the connivance of his brother and the delinquent official. Later on, a case vide FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru was registered in which the accused Kamran was also charged for the commission of offence.

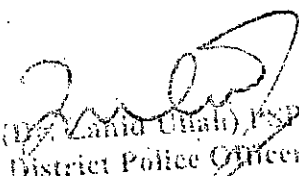
It is worth mentioning that SP/Investigation Mardan vide his office order No.531/PA/Inv: dated 06-09-2021 also highlighted the fact that accused Kamran in connivance with IHC Abid Khan, LHC Niaz Ali No. 2697 and LHC Tariq Ali maliciously got registered the above mentioned case so as to entitle the accused for plea of alibi in a murder case and the accused Kamran was presented in court without handcuffs for entitling him to judicial lock up.

15
Sikh Maltoon vide his office letter No.634/St-SMT dated 13-12-2021. It was
delinquent official acted in connivance by falsely implicating the accused
minor offence to save him from FIR No.889 dated 03-09-2021 U/S 302/324/34
holding IHC Abid Ali guilty of gross misconduct and hence recommended for
punishment. During his hearing in O.R on 02-02-2022, he failed to present any
reason in his defense. therefore, he (IHC Abid Ali) was served with a Final Show
cause order under Khyber Pakhtunkhwa Police Rules-1975, issued vide this office
order dated 07-02-2022, to which, his reply was received and found unsatisfactory.

er
IHC Abid Ali was heard in OR on 09-03-2022, during which, he failed
to present any plausible reasons in his defense. therefore, keeping in view the findings of the
Officer. & material on record, the allegations leveled against the delinquent official
are proved. therefore, awarded him major punishment of dismissal from service with
immediate effect, in exercise of the power vested in me under Police Rules-1975.

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9 03 2022


(Mr. Zahid Ullah) DSP
District Police Officer
Mardan

- Copy forwarded for information & reaction to:-
- 1) The DSP/HQs Mardan.
 - 2) The P.O & E.C (Police Office) Mardan.
 - 3) The OSI (Police Office) Mardan with () Sheets.

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To,

The Deputy Inspector General of
Police, Mardan.

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER OF DPO
DATED 10/03/2022 WHEREBY APPELLANT IS DISMISSED
FROM SERVICES, WHICH IS ILLEGAL AGAINST LAW AND
FACTS.

PRAYER:- On acceptance of this appeal order dated 10/03/2022 passed
by DPO/PSP may please be set aside and the appellant may
please be reinstated in services by granting all back benefits.

Respected Sir,

1. That appellant was appointed as constable in 2007 and successfully completed courses and then transferred to ELITE force where the appellant performed his duties with zeal and full devotion. (Copy of Appointment Order is attached).
2. That the appellant best service was highly appreciated and also granted commendation certificates and cash prizes on best performance. (Copy Attached).
3. That the appellant entire service is unblemished and there is no single complaint against the appellant during his entire service.
4. That appellant was dismissed from service on 10/03/2022 on the ground of misconduct, however the appellant is innocent and falsely/intentionally implicated in the case and dismissed from service. (Copy of Dismissal order dated 10/03/2022 is attached).
5. The dismissal order is illegal against law and facts and liable to be set aside on the following grounds.

GROUND:-

- A. Because the appellant neither scribed/dictated/signed the murasilla nor he arrested the accused.
- B. Because for taking judicial remand of the accused, the remand was also not signed by the appellant and the scribed signed of appellant is bogus and based malafide and having some ulterior motives by other officials who planned this story.
- C. Because the appellant also brought these facts of fake sign etc in the notice of Superiors but they didn't verified my signatures and writings

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from any relevant experts and nor sent it to Forensic Science Laboratory (FSL) for matching signatures and writings.

D. Because the LHC Niaz Ali and his brother LHC Muhammad Tariq done all these illegal acts with due deliberations and consultations with accused Kamran without informing the appellant and the superiors officials/ inquiry officer perused the CDR of both Niaz Ali and Muhammad Tariq.

E. Because no impartial inquiry was conducted.

F. Because the appellant was not provided opportunity of fair trial as envisaged in Article 10-A of the Constitution of Islamic Republic of Pakistan and principle of natural justice by not providing the opportunity to cross examine the accused and officials.

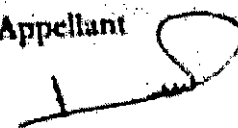
G. Because the appellant having unblemished service record of about 15 Years.

H. Because the appellant is the sole bread earner of his family.

It is therefore, humbly requested that by acceptance of this departmental appeal the order dated 10/03/2022 may kindly be set aside and the appellant may kindly be reinstated with all back benefits.

Dated.17/03/2022

Appellant



Abid Khan (IHC 3293)

S/O Khan Gul

R/O Sawalder Tehsil and
District Mardan

Contact No. 0346-5491598

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ORDER.

This order will dispose-off the departmental appeal preferred by Ex-IHC Abid Khan No. 3293 of Mardan District Police, against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 633 dated 09.03.2022. The appellant was proceeded against departmentally on the basis of report of Sub Divisional Police Officer, (SDPO) Rural, Mardan containing the allegations of criminal negligence and gross misconduct.

As on 01.09.2021 during routine patrolling, delinquent Officer and LHC Niaz Ali No.2697 etc of Police Post Shaheedan Police Station Rustam, Mardan arrested Kamran r/o Nawan Killey Toru with a 30 bore unlicensed pistol along with five live rounds and a case vide FIR No.1057 dated 01.09.2021 U/S 15-AA Police Station Rustam was registered against him.

On the next day i.e 02.09.2021 the delinquent Officer drafted application for obtaining judicial remand and sent it to the Court through Constable Ayaz No.1663 with advice that the accused Kamran will be waiting at Mardan Katcheri. On reaching Mardan Katcheri, constable Ayaz found LHC Niaz Ali No. 2697 who was accompanied by accused Kamran, so constable Ayaz handed-over the said documents to LHC Niaz Ali. The accused was produced in the Court by LHC Niaz Ali as he (accused) couldn't produce any surety so the Court awarded him punishment of fine to the tune of Rs.1000/-, but the accused did not pay the above mentioned fine due to which he was sent to judicial lock up. The main motive behind sending the accused to judicial lock-up was that on 03-09-2021 the brother of accused namely Amir Sajjad had to commit murder with the connivance of his brother and the delinquent Officer. Later on, a case vide FIR No.889 dated 03.09.2021 U/S 302/324/34-PPC Police Station, Toru was registered in which the accused Kamran was also charged for the commission of offence.

It is worth mentioning that Superintendent of Police Investigation, Mardan vide his office letter No.531/PA/Inv: dated 06-09-2021 also highlighted the fact that accused Kamran in connivance with LHC Tariq Ali, delinquent Officer and LHC Niaz Ali No. 2697 malafidely got registered the above mentioned case so as to entitle the accused for plea of alibi in a murder case and the accused Kamran was presented before the Court without handcuffs.

Proper departmental enquiry proceedings were initiated against him and enquiry was entrusted to Mr. Adnan Azam Sub Divisional Police Officer (SDPO) Sheikh Maltoon, Mardan. During the course of enquiry it was proved that the delinquent Officer in active connivance with accused Kamran booked him in the aforementioned case for extending benefits as the accused and his brother had managed/planned the murder as a result of which they succeeded in their design and 02 persons lost their lives vide case FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC Police Station Toru. The enquiry Officer held the delinquent Officer guilty of gross misconduct and recommended for major punishment. During his hearing in Orderly Room on 02-02-2022 by the District Police Officer, Mardan, he failed to present any plausible reason in his defense, therefore, he was served with a Final Show Cause Notice, to which, his reply was received and found unsatisfactory.

19

The delinquent Officer was again heard in Orderly Room on 09.03.2022 by the District Police Officer, Mardan but this time too he failed to present any cogent reasons in his defense, therefore, he was awarded major punishment of dismissal from service with immediate effect

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 31.03.2022.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Moreover, the Investigating Officer of case FIR No. No.889 dated 03-09-2021 U/S 302/324/34 PPC Police Station Toru also affirmed the involvement of appellant in this heinous criminal case because Call Data Record of accused Kamran revealed that he was present in his village Toru despite his arrest in case FIR No. 1057 dated 01.09.2021 U/S 15-AA Police Station Rustam and on the very next day he came to District Courts, Mardan from his home where from he was sent to District Jail, Mardan. The accused Officer namely Abid Khan No. 3293 (appellant) staged the drama of the FIR for sending accused Kamran to Jail just to facilitate him in a murder which the brother of the accused planned to commit after two days. Hence, the involvement of appellant in such like activities is clearly a stigma on his conduct. Therefore, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. Moreover, he could not present any cogent justification regarding his innocence.

Keeping in view the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.


Regional Police Officer,
Mardan.

No. 2769 /ES, Dated Mardan the 05/04 /2022.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 62/LB dated 25.03.2022. His Service Record is returned herewith.

(*****)

WAKALAT NAMA

NO. _____/2021

IN THE COURT OF KP Service Tribunal, Peshawar

Abid Khan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt (Respondent)
(Defendant)

I/We, Abid Khan

Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

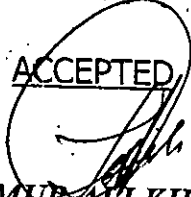
I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2021



(CLIENT)

ACCEPTED


TAIMUR ALI KHAN
Advocate High Court
BC-10-4240
CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar