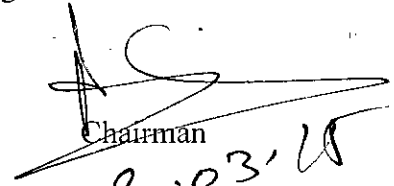


09.03.2015

Counsel for the appellant present. Learned counsel for the appellant informed the Court that the appellate authority has modified the findings of the authority whereby appellant was dismissed from service and the penalty was substitute by stoppage of three increments with cumulative effect regarding which appellant has preferred fresh service appeal No. 84/2015.

In view of the above, learned counsel for the appellant requested for withdrawal of the instant service appeal which is dismissed as withdrawn. File be consigned to the record.

ANNOUNCED  
09.03.2015

  
Chairman  
09.03.15

Reader Note:

23.12.2014

Junior to counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 23.02.2015 for the same.

  
Reader

23.2.2014


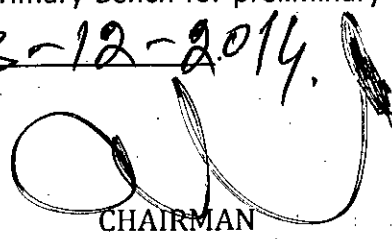
Counsel for the appellant present and submitted that on the same cause of action, service appeal of the appellant is pending on 09.3.2015 and requested that the instant appeal may also be adjourned to the same date. Therefore, case to come up for preliminary hearing/further proceedings on 09.3.2015.

  
Member

Form- A  
FORM OF ORDER SHEET

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

Case No. 1240/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16/10/2014	<p>The appeal of Mr. Muhammad Akbar Ali resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	20-10-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>23-12-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

This is an appeal filed by Mr. Muhammad Akbar Ali today on 29/09/2014 against the order dated 08.07.2014 against which he preferred/made a departmental appeal on 14.07.2014 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 1440 /ST,


Dt. 29/9 /2014

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR. 9/9/14

Mr. Saadullah Khan Marwat Adv. Pesh.

Sir,

Resubmitted after maturity.

||   
16/10/14.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S.A. No. 1240/2014

Muhammad Akbar Ali

Versus

D.P.O & others

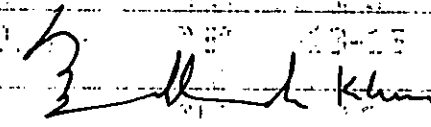
**I N D E X**

S.No	Documents	Annex	P.No.
1.	Memo of Appeal		1-3
2.	Commendation Certificates,	"A"	4-7
3.	Daily Dairy No. 14, 19.02.2014,	"B"	8
4.	Statements of Sonia,	"C"	9-10
5.	Charge Sheet/Statement of Allegation, 10.06.2014	"D"	11-12
6.	Reply to Charge Sheet, 19.06.2014	"E"	13-15
7.	Final Enquiry Report,	"F"	16
8.	Dismissal Order, 08.07.2014	"G"	17
9.	Representation, 14.07.2014	"H"	18-20

Appellant

Through

Dated 29.09.2014

  
Saad Ullah Khan Marwat  
Advocate.  
21-A Nasir-Mension,  
Shoba Bazar, Peshawar.  
Ph:- 0300-5872676

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

S. A No. 1840/2014

Muhammad Akbar Ali S/o Said Mehmood,  
R/o Takhta Band, Kalu Khan, Swabi,  
Ex-SI/SHO P.S Rustum Mardan . . . . . Appellant

Versus

1. District Police Officer, Mardan.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. Provincial Police Officer, KP Peshawar. . . . . Respondents

1227  
29-9-2014

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, AGAINST O.B NO. 1567, DATED 08.07.2014 ENDS NO. 7637-42 DATED 09.07.2014 OF R. NO. 1, WHEREBY APPELLANT WAS DISMISSED FROM SERVICE, FOR NO LEGAL REASON.**

Respectfully Sheweth:

1. That since the date of induction into service, appellant performed his official duties to the best of his ability and by keeping in view his dedicated performances, he was awarded with commendation certificates on account of his service recognition. (Copies as annex "A")
2. That on the night of 15/16 February, 2014 daughter of Niaz Ali complainant namely Sonia was found missing in her house and on his report, Daily dairy No. 14, dated 19.02.2014 was registered in P.S Rustum and then enquiry into the matter under Section 156 (3) CrP was initiated. (Copy as annex "B")

29/9/14

Re-submitted to-403 and filed.

16/10/14

Not Scanned KPST Peshawar

3. That on 06.03.2014, Mst. Sonia daughter of Niaz. All recorded her statement before the local police as well as the court of Judicial Magistrate Mardan wherein she categorically admitted that she was neither abducted by anyone but had performed Nikah with Abdullah. (Copies as annex "C")
4. That on 10.06.2014, appellant was served with charge sheet and statement of allegations by R. No. 1 to the effect that he did not made concrete efforts to recover the abductee or to arrest the accused Abdullah, rather brought her to the court without informing her parents. (Copy as annex "D")
5. That the said charge sheet was replied by appellant on 19.06.2014 and denied the allegations with cogent reasons being self explanatory. (Copy as annex "E")
6. That D.S.P, Headquarter Mardan submitted enquiry report to the authority wherein appellant was exonerated from the charges and recommended him for advice of notice. (Copy as annex "F")
7. That on 08.07.2014, without serving appellant with final show cause notice and providing him opportunity of self defence, he was dismissed from service despite the fact that Inquiry Officer recommended him for advice. (Copy as annex "G")
8. That on 14.07.2014, appellant submitted representation before R. No. 2 for reinstatement in service with all back benefits which met dead response till date. (Copy as annex "H")

That on 08.07.2014, without serving appellant with final show cause notice and providing him opportunity of self defence, he was dismissed from service despite the fact that Inquiry Officer recommended him for advice. Hence this appeal, inter alia, on the following grounds:-

**G R O U N D S:**

- a. That appellant neither showed any delay in the matter regarding Mst. Sonia abduction nor any concession was extended to her. She has left the house at her own will by simonizing Nikah with Abdullah accused.

3. That on 06.03.2014, Mst. Sonia daughter of Niaz Ali recorded her statement before the local police as well as the court of Judicial Magistrate Mardan wherein she categorically admitted that she was neither abducted by anyone but had performed Nikah with Abdullah. (Copies as annex "C")
  4. That on 10.06.2014, appellant was served with charge sheet and statement of allegations by R. No. 1 to the effect that he did not made concrete efforts to recover the abductee or to arrest the accused Abdullah, rather brought her to the court without informing her parents. (Copy as annex "D")
  5. That the said charge sheet was replied by appellant on 19.06.2014 and denied the allegations with cogent reasons being self explanatory. (Copy as annex "E")
  6. That D.S.P, Headquarter Mardan submitted enquiry report to the authority wherein appellant was exonerated from the charges and recommended him for advice of notice. (Copy as annex "F")
  7. That on 08.07.2014, without serving appellant with final show cause notice and providing him opportunity of self defence, he was dismissed from service despite the fact that Inquiry Officer recommended him for advice. (Copy as annex "G")
  8. That on 14.07.2014, appellant submitted representation before R. No. 2 for reinstatement in service with all back benefits which met dead response till date. (Copy as annex "H")
- That on 21.07.2014, without serving appellant with final show cause notice and providing him opportunity of self defence, he was dismissed from service despite the fact that Inquiry Officer recommended him for advice. (Copy as annex "G")
- Hence this appeal, inter alia, on the following grounds:-

**GROUND S:**

- a. That appellant neither showed any delay in the matter regarding Mst. Sonia abduction nor any concession was extended to her. She has left the house at her own will by simonizing Nikah with Abdullah accused.
- benefits which met dead response till date. (Copy as annex "H")

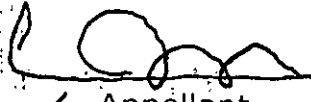
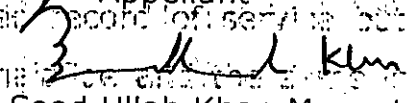
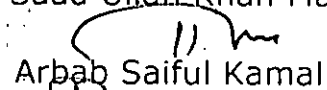



- b. That appellant was only served with charge sheet and statement of allegation and thereto, no reason for dispensation of regular enquiry was given, so the impugned order is of no legal effect.
- c. That the Inquiry Officer recommended appellant for advice but instead major punishment of dismissal from service was imposed upon him which is against the norms of justice. In such like affairs of the state, the authority was legally bound to serve appellant with fresh show cause notice by giving reasons of non agreement with the recommendation made by the Inquiry Officer.
- d. That no regular enquiry was conducted in the matter, being mandatory. No statement of any witness was recorded nor appellant was afforded opportunity of cross examination, so the impugned order is ab-initio void and illegal.
- e. That the impugned order contains charge of huge amount but the charge sheet does not say so, so malafide of the authority is quite apparent.
- f. That appellant has unblemished record of service but the impugned order is based on malafide and the same is not speaking order.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 08.07.2014 of R. No. 1 be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

That appellant has unblemished record of service but the impugned order is based on malafide and the same is not speaking order.

Dated: 29.09.2014

  
 Appellant  
 Through   
 Saad Ullah Khan Marwat  
  
 Arbab Saiful Kamal  
 &   
 Rubina Naz,  
 Advocates.

4/

51

North West Frontier Province Police



# Commendation Certificate

CLASS I

Granted by

MUHAMMAD AKBAR KHAN HOTI

Inspector General of Police, N.W.F.P. KHYBER PAKHTUNHWA.

To

SI AKBAR ALI KHAN

Son of

District

SWABI

in Recognition of

FOR HIS GOOD PERFORMANCE OF DUTY

( CASH REWARD OF RS. 2000/- ).

Dated

1 / /20

( MUHAMMAD AKBAR KHAN HOTI )  
Inspector General of Police  
KHYBER PAKHTUNKHWA, PESHAWAR.

*Handwritten signature/initials*

Police No. 107  
(13)  
Form No. 153(c)


GS&PD NWFP-300F.S 30,000F-1-86-



**COMMENDATION CERTIFICATE**  
**Class III**

Granted to SI AKBAR ALI Son of \_\_\_\_\_ Resident \_\_\_\_\_ Police Station

ZAIDA In recognition of Rs:1000/-for his good performance in the official duty.

  
Superintendent of Police,  
Investigation, Swabi.

OB. No. 45

Dated // / 03/2013.

Note-(1) if a Police Officer, Rank & Number in final.

*Attested by*

of.

# Commendation Certificate

P.R. 15-3(C)

61

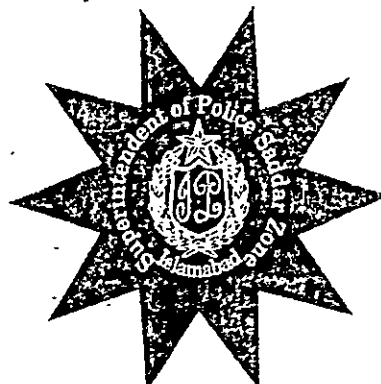


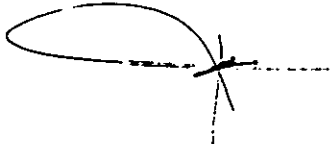
Islamabad Police

Class III

6

The Superintendent of Police Islamabad District is pleased to grant this certificate to SI/Akbar Ali Khan PS Sawabi  
 for Good Performance in Case PIR No: 142/13, PS Terminal I.B.D  
 Also awarded a Cash Reward of Rs. NIL



  
 Jamil Ahmad Hashmi

Order No: 1510/Saddar

Date: 29-05-2013

Superintendent of Police  
Saddar Zone Islamabad

Police No. 107  
(C)  
Form No. 153(c)


GS2PD NWFP-303F.S. 30,000F-1-55



**COMMENDATION CERTIFICATE**  
**Class III**

Granted to SLAKBAR ALI Son of \_\_\_\_\_ Resident \_\_\_\_\_ Police Station

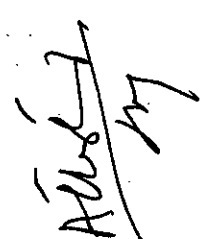
ZAIDA In recognition of Rs:1000/- for his good performance in the official duty.

  
Superintendent of Police,  
Investigation, Swabi.

OB. No. 45

Dated 11/03/2013.

Note-(1) if a Police Officer, Rank & Number in final.



جوئی چارٹی

نہلم دان

تلسہ ۱۶ دوزنامہ ۱۹ (۱۶)

مد ۱۶ جوئی دیوئی بنزل اندوہ دوزنامہ دتہ ۱۶.۵۰: ع ۱۶.۵۰ ۱۹ (۱۶)

اسدتہ ایجا دیو دیوئی بنزل اندوہ دوزنامہ معانب مراد علی ۸۶ بدست

کین عبد الرحیم مہول پیر ذیل ہے۔ دیوئی بنزل اندوہ دوزنامہ تاریخ ذنت

و فرغ ۱۵/۱۶ ۲/۱۶ بدتہ سب نا معلوم تاریخ شت دیوئی ۱۹ (۱۶) دتہ ۱۵.۴۰

جائے وقوع مکان ندی پر پلرحیم شردھیری۔ بدتہ ۱۶/۱۶

امروز بدوون ماہیل شت حیات شردھیری سے سی نیاز علی ملہ غادر خان

مقام افتان ۵۳ سال مان قلہ پلرحیم شردھیری ملدتی پیر کر دیوئی

کرنایے۔ کہ بدتہ ۱۵/۱۶ ۲/۱۶ بدتہ سب نا معلوم پیری سبی سماہ سونیا ۱۵/۱۶

سال دیگر بین جبالوں اور نان کیا قد گھر خودے کمرہ سے خواہدہ تھے جب سے

بم دیگر ایل خان علیحدہ کمرہ سے خواہدہ تھے صبح جب ہم خوب سے پیدار پیرے تو

دقتام سماہ سونیا ایجا کمرہ سے وجود نہ تھا۔ معلوم میں کہ سماہ سونیا دقتام

کسوں سے ساند چلی گئی ہے یا کسی نے دقتام مسئلہ کرنے گئی ہے تلمش ایجا بدوئی

کروئے بہت سریدست سے اس کے خلاف شک، سب یا وعدیداری میں دنا چاہتے سے

معلوم پیرے پر آپ پر لیتے والوں کو المدع دوی کا۔ اور قانونی چارہ جوئی کروا

السر و قوط اندوئی نیاز علی۔ سی اسد علی ملہ خیر خان قوم افتان ۳۶

سال مان قلہ بنیر خان شردھیری نے دیوئی بالائی ناٹیکہ السر و قوط اندوئی نیاز علی

۵۳ سال گنتہ ماہیل دیوئی دیوئی بالاپر دقتام سہانی گئی دوست تسلیم کرے

زیر دیوئی خود دستور شتانی۔ جب ہم ناٹیکہ کاندہ نے ناٹیکی دستور شتانی میں

سب کسدتی دناہوں۔ جگہ دیوئی سے سریدست سے جرم قابل دست اندوئی کلوقع

سز و میں پیرتا۔ دیوئی بنزل اندوہ دوزنامہ ارسال ہے۔ دیوئی کوئی شک سب

دعدیداری میں دناہے مابہ شتکی ہے اندوئی اندوئی دیوئی (۱۵۶) من ف ۸۶

شروع رتے عدالت جاز سے حسب ہنالک اجازت حاصل کولے گی۔ دتہ اندوئی نیاز علی

ایجا دیوئی چارٹی ۱۹ (۱۶) کاروائی دیوئی آندہ دیوئی عرف ہم عرف درج بللا پیر تلسہ

علیہ رہنبار کے لیرین نزدیک کاروائی عتب مراد علی ۸۶ بدست آندہ کین جوئی

چنانچہ آئی جی  
 ۱۹/۱۶

صاحبزادہ

14-3-69

061/2  
12

سجادہ سرحد سونیا دفعہ نیاز علی قوام صاحبان سے 1819 سال میں  
 خریدھیری کے بہرہ رانیت بیان کیا کہ ہم 19<sup>2</sup>/<sub>14</sub> 19<sup>2</sup>/<sub>14</sub> کے والدین نے  
 مقایسہ دلتی عتادہ دستم کر سیرے بین بین نے تی زور دتی ہے  
 ہم 16<sup>2</sup>/<sub>14</sub> کے لڑتے سب تقریباً 3000 گڑہ فرود ہے اپنی بہرہ کے  
 سادہ کال کے عبد اللہ ولد فاروق خان صاحبان دستم کے سادہ بہرہ  
 شنائی کی ہوں۔ جے سوسے درعدیا کھسندہ یا میں ہے۔ میں عامل بالغ  
 اور دوسرا جوہی بہرہ میں ہیں اور آزاد لڑتی ہیں بہرہ میں ہے  
 نہایت کرنی لکھ و غیرہ میں ہیں فاسرے عبد اللہ بزرگہ کے  
 سادہ زبان لکھتی ہے اور وہ بہرہ اصغری خاندان ہے جو ہم میں  
 ہم والدین کے کہ اور ہم بہرہ والوں کے کہ جانا چاہتی ہیں ہم  
 سرورام عبد اللہ جو ہم لکھ کے کہ بہرہ میں ملے کہ سنا گیا ہے تا  
 آبر خاندان ہے والدین میں بہرہ یا خاندان۔

بسم اللہ  
 محمد

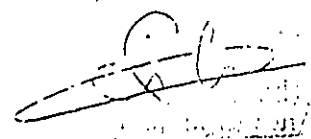
10

6-3-14

Statement of Mst. Sonia aged about 18/19 years daughter of Niaz Ali resident of Surkh Dheri, Tehsil and District Mardan on Oath: -

Stated that I had relation with one Abdullah son of Said Rauf resident of Surkh Dheri, Mardan who is our neighbour. After some time he went to Malaysia for earning his livelihood. I had telephonic conversation with him from the last from the 5/6 months. On 16.02.2014 at midnight I went with the said Abdullah with my own sweet will. I had contracted verbal Nikah with the said Abdullah. Neither I want to go with the parents of said Abdullah nor with my own parents. I want to go to Dar-ul-Aman.

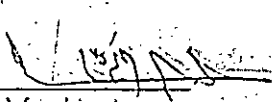
RO & AC  
06.03.2014

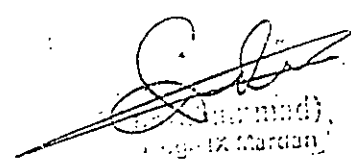


Fida Muhammad.  
JMIC, Mardan.

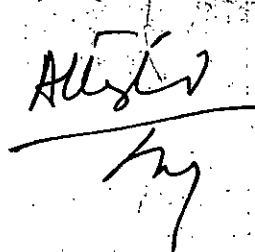
Mst. Sonia 

Produced by:

Akbar Ali, SI/SHO   
Police Station Ruştam, Mardan.



Fida Muhammad.  
JMIC, Mardan.





No. 626 /R/D.A-P.R-1975.

Dated 10-6-2014

**DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975**

I, Gul Afzal Khan District Police Officer, Mardan as competent authority am of the opinion that SI Akbar Ali, himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975.

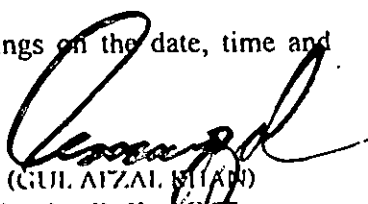
**STATEMENT OF ALLEGATIONS**

That SI Akbar Ali, while posted as SHO at Police Station Rustam, one person namely Niaz Ali s/o Ghawar Khan r/o Surakh Dehri has reported in Police Post Charguli (PS Rustam), vide DD. No. 14 dated 19.02.2014, that his daughter Soni is missing and an inquiry u/s initiated through IHC Murad. Later on it has been disclosed that Soni had eloped with one Abdullah s/o Rauf r/o Surkh Dehri who was also engaged with Soni's younger sister Anela. After 18 days on 06.03.2014 according to her that she (Soni) came to Police Station herself during that period he made no concrete efforts to recover her or to arrest the accused Abdullah. When she came to the Police Station he brought her to the Court without informing her parents and influenced her one or the other. Court sent her to Darul Aman and informed her parents after 9:30pm which speaks you are mollified. He also provided a reasonable time space to the accused to safely flee from Pakistan. On this serious negligence that being a Police Officer he did not inform the officers, her parents and nor he arrest the accused in the case.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Mian Naseeb Jan DSP/HQrs: Mardan is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official. record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

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

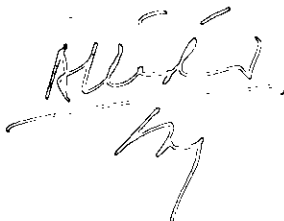
  
(GUL AFZAL KHAN)  
District Police Officer,  
Mardan.

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

No. 626 /R, dated Mardan the 10-6- /2014.

Copy of above is forwarded to the:

1. DSP/HQrs: Mardan for initiating proceedings against the accused







(3)

جاری کرے و معاہدے کی۔ انگریزی میں سہ ماہی سرینا کی پم آڈری اور ان کی بیانات کے  
 زیر دہم 161 - 164 میں اور لینی ڈوڈ کے نکاح نام اور ان کی سرینا سے اس کی آڈری اور ان  
 کی ہست سے عبد اللہ مذکورہ کے ساندے جانا۔ اور نکاح کرنا۔ عبد اللہ مذکورہ کی لہجہ نکاح  
 بیرون ملک بلدیہ سہ ماہی خانہ۔ اور سہ ماہی سرینا کی عدالت میں لینی بیگم کے والدین کے ساندے  
 یا سہ ماہی والدین کے ساندے جاتے ہیں۔ انکار کرنا اور جو سنی خود تا آخر سرینا سے لینی  
 کی بیرون ملک بلدیہ سہ ماہی خانہ اور ان کی عدالت میں سہ ماہی کے نکاح کرنا۔ انگریزی  
 کے دوران نکاح کے دوران سہ ماہی خانہ اور ان کی عدالت میں لینی بیگم کے والدین کے ساندے  
 اور سنی میں واقعہ کے دوران سہ ماہی خانہ اور ان کی عدالت میں لینی بیگم کے والدین کے ساندے  
 کرنے کے لئے وزیر کیا۔ سہ ماہی خانہ DPP معاہدے کے مطابق ذرا دہم (15) میں  
 میں دہم دستہ پرنے کے لئے وزیر کیا گیا ہے۔

اس کے لئے کہ تمام خلاف واقعات کی روشنی میں چارج شیٹ سہ ماہی خانہ کے والدین  
 دہم ماہی خانہ کے

(مکمل)  
 19/05/2014

ان کے  
 چارج شیٹ میں دی گئی تمام خلاف واقعات سہ ماہی خانہ کے والدین  
 کے لئے ہیں۔

بِسْمِ اللّٰهِ  
 بِ

فائل انکوائری رپورٹ اڈاں اکبر علی خان SHO تھانہ رستم حال پولیس لائن

جناب عالی!

بجوال چھٹی انگریزی نمبری R/626 مورخہ 14-06-10 اکبر علی خان SHO تھانہ رستم کے خلاف انکوائری کاغذات موصول ہو کر جس میں SI مذکورہ کے خلاف الزام لگایا گیا ہے۔ کہ جب وہ SHO تھانہ رستم تعینات تھا۔ تو اسی دوران مسکی نیاز علی ولد گوہر خان سکندر سرخ ڈھیری نے چوکی چارگلی میں بجوالہ مد 14 روز نامچہ 14-02-19 رپورٹ کی کہ دختر اش مسماہ سونی غائب ہوئی ہے۔ H.C امراد خان کے ذریعے ایک انکوائری شروع کی گئی بعد میں معلوم ہوا کہ مسماہ سونی ایک عبداللہ ولد سید رؤف ساکن سرخ ڈھیری جو کہ مذکورہ کی چھوٹی بہن اینلا کے ساتھ اسکی منگنی ہو چکی ہے کے ساتھ ہناگ گئی ہے۔ اسی دوران SHO نے مذکورہ کی بازیابی کیلئے ملزم کو گرفتار کرنے کے لئے کوئی سنجیدہ کوشش نہیں کی ہے۔ جبکہ 18 دن بعد مذکورہ قذائف خود آکر حاضر ہوئی جب مذکورہ تھانہ حاضر آئی تو SHO نے اس کی والدین کو اطلاع دے بغیر عدالت میں پیش کی عدالت نے مذکورہ (سونی) کو دارالامان بھیج دیا اور 9:30 بجے کے بعد اسکے والدین کو اطلاع دی۔ اس دوران عبداللہ پاکستان سے باہر جا چکا تھا۔

دوران انکوائری SHO تھانہ رستم اکبر علی خان اور منسل متعلقین کے بیانات لئے جا کر لف انکوائری لہذا ہے۔ ان بیانات سے میں نتیجہ پر پہنچا کہ اکبر علی خان افسر مہتمم تھانہ نے اپنے سرکل افسر کو بروقت اطلاع دے چکا ہے۔ والدین کو یہ کو خبردار نہیں کیا ہے۔ انکوائری میں سست رہی اسے کام لیا گیا۔ ایسے حالات میں اکبر علی SI کو Advise Notice دینے کی سفارش کی جاتی ہے۔

(میاں نصیب جان)

ڈپٹی پرنٹنٹ آف پولیس ہیڈ کوارٹر مردان

Attested  
by

Ch

17

8-7-14

MARDAN DISTRICT

POLICE DEPARTMENT

**ORDER**

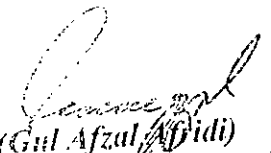
SI Akbar Ali,, while posted as SHO PS Rustam, Mardan committed the following acts, which leads to grass misconduct on his part as defined in Rules 02 (iii) of Police Rules 1975.

Brief facts are that SI Akbar Ali, while posted as SHO at Police Station Rustam, one person namely Niaz Ali s/o Ghawar Khan r/o Surakh Dheri has reported in Police Post Charguli (PS Rustam), vide DD No: 14 dated 19.02.2014, that his daughter, Soni is missing and an inquiry u/s initiated through IHC Murad. Later on it has been disclosed that Soni had eloped with one Abdullah s/o Rauf r/o Surkh Dehri who was also engaged, with Soni's younger sister Anela. After 18 days on 06.03.2014 according to he that she (Soni) came to Police Station herself, during that period he made no concrete efforts to recover her or to arrest the accused Abdullah. When she came to the Police Station he brought her to the Court without informing her parents, and influenced her one or the other. Court sent her to Darul Aman and informed her parents after 9:30pm which speaks you are mollified. He also provided a reasonable time space to the accused to safely flee from Pakistan. On this serious negligence that being a Police Officer he did not informed the officers, her parents and nor he arrest the accused in the case

In this connection, SI Akbar Ali,, was charge sheeted vide this Office No. 6260/R, date 10.06.2014 and he was also proceeded against departmentally through inquiry officer. Mian Naseeb Jan DSP/HQrs. Mardan who after fulfilling necessary process, submitted his findings to the undersigned, in which the allegations, has not been established against the defaulter officer.

After going through inquiry file and facts, the undersigned has not agreed with the findings of enquiry officer, it is such a serious crime and SHO/Rustam, with his mala fide, sent her to Darul Aman without informing her parents. According to the information of the undersigned he took a handsome amount from the accused and gave him illegal favour. For his this act he is dismissed from Service for his misconduct and abusing his authority.

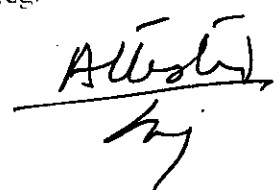
Order announced  
O B No. 1567  
Dated 8/7 /2014

  
(Gul Afzal Didi)  
District Police Officer,  
Mardan.

No. 7637-47 dated Mardan the 07.07. 2014

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police Mardan Region-1
2. The S.P Operations, Mardan.
3. The DSP/HQrs Mardan.
4. The Pay Officer (DPO) Mardan.



H

18

14-7-14

To:

The D.I.G, Police  
Mardan Region-I,  
Mardan.

Through: PROPER CHANNEL.

Sub: APPEAL AGAINST THE ORDER OF THE D.P.O, MARDAN  
AWARDING THE PENALTY OF DISMISSAL FROM SERVICE.

Sir,

With reference to letter No.7637-42 dt.09/07/2014, whereby the D.P.O, Mardan has awarded me the punishment of dismissal from service. (Copy of order attached).

Besides the other legal and factual aspects of the case, levelled against the appellant is incorrect and unjustified. While impugned order is illegal and unjustified in the light of the circumstances of the case, on the following amongst many other grounds:

1. That the appellant has not indulged himself in the commission of the alleged offence.
2. That the allegations as levelled against the appellant are incorrect and unjustified in the light of the circumstances of the matter.
3. That in the report of the Inquiry Officer, the appellant was reported to be "not guilty of the alleged offence".
4. That aforementioned enquiry report was illegally not agreed to and even without any just reason.
5. That the allegations of "taking allegedly handsome amount from the accused" was not mentioned in the Charge-sheet nor <sup>in</sup> the statement of allegations. The same is freshly introduced in the impugned order.
6. That the appellant is not provided with any chance of defence against the fresh allegation of "taking amount from the accused".
7. That there is no evidence in respect of the aforesaid fresh allegation. Because, there has been no instance of the nature.
8. That the source of information in respect of the aforesaid fresh allegation is not mentioned.

Contd...P/2

--: 2 :-

9. That the secret information can be the ground for investigation/enquiry. But the same cannot be relied upon for penalising the accused official/officer unless evidence is recorded in support of thereof and such witness is subjected to cross examination.
10. That the aforesaid charge is not supported by any witness. Yet, had any body was examined in absence of the Appellant, who is not subjected to the test of cross examination, his statement has no legal force and cannot be considered for penalizing the Appellant.
11. That there is no proof of alleged malice on the part of Appellant. Because, there is nothing of the nature.
12. That the allegation of providing time space to the male accused fly from Pakistan is also incorrect, false and, based on presumption and conjecture. Because the Appellant has not indulged himself in such ugly act.
13. That all the other allegations as mentioned in the charge-sheet, statement of allegations, as well as in the impugned order are also incorrect and false. None of the same were committed by Appellant nor proved during the Inquiry Proceedings.
14. That my defence reply dated 19/06/2014, which is in detail and clear picture of the matter, is not taken into consideration.
15. That the incident was reported in the P.P. Charguli (P.S. Rustam) on 19/02/2014 and Mr. Murad Khan ASI/ The Incharge of P.P. Charguli, was conducting enquiry U/S 156(3) Cr.P.C.
16. That the Appellant was transferred to P.S. Rustam on 21.2.2014. The Appellant discussed the case with Murad Khan ASI and issued him instructions for proper investigation/inquiry.
17. That the said Mr. Sanullah was interrogated, who disclosed that Mst. Sonia has eloped with his brother namely Abdullah, to some unknown place.



- 18. That on 6.3.2014 Mst.Sonia came to P.S.Rustam herself between 13.30 to 14.30 hours.The Appellant called Murad Khan ASI and the DSP Circle was also informed accordingly,who directed to arrange lady constables and to produce Mst.Sonia before the Court. It is added that Mst.Sonia stated that she had aloped with Abdullah for her own will and that none had abducted her.She produced a Nikah Nama with Abdullah.
- 19. That as per instructions of the DSP Circle,the lady Mst.Sonia was produced before the Court of Fida-Muhammad Judl:Magistrate,Mardan,where her statement was recorded u/s 164 Cr.P.C..She was reluctant to go to her parents house under the apprehension of death and even to the house of her in laws(Abdullah's parents). She was produced before the MedicalOfficer,who opined her to be at the age of 18 years.The opinion of the DPF,Mardan was also sought for,who opined thatno criminal case can be made out in the light of the fate of the case.(Copy whereof attached).
- 20. That the material point is kept out of consideration that the moment the name of Abdullah came to surface, the lady Mst.Sonia came to P.S.Rustam.Hence,there was no time ~~was~~ to arrest him.Because,before appearance of Mst.Sonia,he had left Pakistan.
- 21. That in case of disagreement with the inquiry report and induction of fresh charge,a fresh inquiry proceedings and at least the issuance of a show cause notice to the said effect was necessary to provide a chance of defence to Appellant.But,he is condemned unheard.
- 22. That the impugned punishment is too harsh,in case of no fault on the part of Appellant.
- 23. That the long standing service of appellant prevailing over a period of 27/28 years,is clean and unblamished throughout rather commendable.(Copies attached).

It is prayed that on acceptance of this Appeal,the impugned order may be set aside and the Appellant may be re-instated into service with continued service and financial benefits.

Dt; 14/07/2014: Attested  
by

Yours Obediently,

(AKBAR ALI)  
Ex-Sub-Inspector P.S.Rustam,Mdn.  
R/O Kalu Khan,Distt: Swabi.

# بعدالت جناب سرس ٹریبونل کسار

مورثہ

اکبر علی بنام محمد بوسری

دعویٰ اہل

## باعث تحریر اینکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام کے لئے سعد اللہ خان مروت ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق اور اس پر دستخط کرانے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا نمائند قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر واختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التواء مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرے گا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 28/9/14

العبد العبد العبد

11/11/14  
24-81-Munster  
Police

سید اللہ خان

سعد اللہ خان مروت

ایڈووکیٹ

سرس ٹریبونل کسار

ایڈووکیٹ

11/11/14  
ارباب سید اللہ خان  
ایڈووکیٹ