

he has patched up the matter with accused facing trial and they satisfied him regarding their innocence. He has got no objection on acquittal of accused facing trial.

4

For the above scanning of evidence, it is evident that the main witness i.e. complainant has absolutely failed to connect the accused facing trial with the commission of offence. In his cross examination he has created so many contradiction, the benefit whereof would ultimately lead to acquittal of the accused facing trial. It has also been admitted that compromise has been effect and the complainant is satisfied regarding the innocence of accused facing trial.

Though the accused facing trial has confessed his guilt and confession in this respect is available on file but solely on the basis of the same he cannot be convicted particularly when the complainant is not supporting the prosecution case. Apart from that, even otherwise it is not certain as to whether the confession is voluntary and true or otherwise is the result of the pressure and torture of police.

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17 JUN 2019

Records Copying Branch  
Sessions Court Mardan

In the circumstances discussed above, I guess, continuing with the trial of the accused facing trial would not yield any result rather with amount to wastage of time both of the court and parties and the ultimate fate as discussed above will be acquittal of the accused facing trial, therefore, without wastage of further time I hereby acquit the accused facing trial on compromise.

Accused Farooq is in custody, be released forthwith from jail if not required in any other case while accused Mobin and Jehangir are on bail. They and their sureties are discharged from the liability of bail bonds. Case property, if any be dispose of in accordance with law after expiry of period of appeal/revision

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

Announced:  
14.05.2019

(SHERAZ TARIQ)  
Judicial Magistrate-II, Mardan

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EXAMINE & COPY TO FILE

15 JUL 51

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187  
704-23175  
1951

مردان  
عنوان

شماره پرونده / فیصلہ پیشی موصول  
11/6/19  
14/5/19

برمقدماتہ  
599/2

Order—10  
14.05.2019

مدکار  
فاروق

APP for state present. Accused Farooq produced in custody while accused Mobin and Jehangir are on bail with counsel present.

Record transpires that the instant case is pending adjudication since 23.01.2019. The accused was accordingly summoned to appear and after compliance with provision Section 241 A Cr.PC. charge framed against accused. PWs placed on notice, the complainant appeared and recorded as PW-1, thereafter the defence submitted the instant petition U/S 249-A Cr.P.C for the acquittal of accused facing trial.

Arguments heard and record perused.

Perusal of the record reveals that so far only one witness has been recorded but being complainant his evidence is of pivotal importance, therefore, needs to be discussed. The complainant as PW-1, in his examination in chief fully supported his case but during his cross examination has had committed such blunders which would ultimately damage the entire prosecution case and cannot be washed out even if the rest of the evidence is procured. For example the PW has admitted it correct that it was pitched dark. He admitted it correct that he has not mentioned the facts regarding injury sheet and admission in the hospital in the FIR. He further admitted it correct that

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12 JUN 2019

Examiner Copying Branch  
Sessions Court Garden

شماره درخواست

Name of Applicant	
Application No.	9572/P
Date of Present	20-5-19
Date on which	12-6-19
Date on which	12-6-19
No. of copies	2
Court Fee / Cost	
Agent Fee	
Agent's account	
Signature	22/6/19

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

**SERVICE APPEAL NO. 1494/2018**

Date of institution ... 28.11.2018

Date of judgment ... 18.07.2019

Jehangir, Ex-Constable, No. 2408,  
Police Station Hoti, Mardan

... (Appellant)

**VERSUS**

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

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 01.11.2018, WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED AGAINST THE ORDER DATED 15.08.2018, WHEREIN THE APPELLANT WAS DISMISSED FROM SERVICE FOR NO GOOD GROUNDS.

Mr. Taimur Ali Khan, Advocate.

.. For appellant.

Mr. Usman Ghani, District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. HUSSAIN SHAH

.. MEMBER (EXECUTIVE)

**JUDGMENT**

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Atta-ur-Rehman, Inspector (Legal) for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Police Department as Constable. He was imposed major penalty of dismissal from service vide order dated 15.08.2018 on the allegation that he was involved in case FIR No. 184 dated 10.05.2018 under section

*M. Amin*  
*18.7.2019*

394/118/119/109/34/15AA PPC Police Station Sheikh Maltoon, Mardan. The appellant filed departmental appeal (undated) which was rejected on 01.11.2018 hence, the present service appeal on 28.11.2018.

3. Respondents were summoned who contested the appeal by filing of written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Police Department as Constable. It was further contended that the appellant was imposed major penalty of dismissal from service on the allegation that he was involved in the aforesaid criminal case. It was further contended that the appellant was not directly charged by name in First Information Report by the complainant. It was further contended that the appellant was hon'ble acquitted by the trial court vide judgment dated 14.05.2019. It was further contended that the inquiry officer has recorded the statement of witness namely Fazal Khan Inspector (Copy of the same statement is available on the record) but no opportunity of cross examination was provided to the appellant. It was further contended that the inquiry officer has submitted his report dated 16.07.2018 therefore the competent authority was bound to issue show-cause notice to the appellant alongwith copy of inquiry report before passing the impugned order but the competent authority has neither issued any show-cause notice to the appellant nor has handed over the copy of inquiry report therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was serving in Police Department. It was further contended that the appellant was involved in aforesaid criminal case. It was further contended that there was material evidence against the appellant in the aforesaid criminal case

*M. Amin*  
18.7.2019

but the Trial Court after recording the statement of complainant, has acquitted the appellant under section 249-A Cr.PC on the basis of his concessional statement. It was further contended that though the criminal court has acquitted the appellant but the Tribunal would examine the departmental inquiry record independently on the basis of material collected during department <sup>al</sup> inquiry and in this regard he also relied on 2001 SCMR page 2018. It was further contended that all the codal formalities were fulfilled before passing the impugned order by the respondent-department and the appellant was found guilty by the inquiry officer, therefore, he was rightly dismissed from service and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was serving in Police Department as Constable. He was departmentally proceeded on the charge that he was involved in the aforesaid criminal case. Independent departmental proceeding was initiated against the appellant and ultimately the competent authority on the basis of inquiry report imposed major penalty of dismissal from service upon the appellant vide order dated 15.08.2018. The record further reveals that the inquiry officer has recorded the statement of Inspector Fazal Khan during the inquiry proceeding but no opportunity of cross examination has been provided to the appellant. Furthermore, after inquiry report, the respondent-department was bound to issue show-cause notice alongwith copy of inquiry report but neither any show-cause notice has been handed over to the appellant nor any copy of inquiry report was provided to the appellant before passing the impugned order. Meaning thereby, that the appellant was deprived from the right of defence by not providing him opportunity of cross examination and issuance of show-cause notice alongwith copy of inquiry report which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order and

*M. H. Khan*  
15.8.2019

reinstate the appellant in to service. However, the respondent-department is at liberty to conduct de-novo inquiry in the mode and manner prescribed under the Police Rules 1975 within a period of 90 days from the date of copy of receipt of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
18.07.2019

*Muhammad Amin*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

  
(HUSSAIN SHAH)  
MEMBER

03.04.2019

Appellant with counsel and Addl: AG alongwith Mr. Atta Ur Rehman, SI for respondents present. Written reply not submitted. Requested for adjournment. Adjourned . Case to come up for written reply/comments on 03.05.2019 before S.B.



(Ahmad Hassan)  
Member

03.05.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Attaur Rahman Inspector (Legal) for the respondents present.

Reply on behalf of respondents No. 1, 2 & 3 received which is placed on file. To come up for arguments on 18.07.2019 before the D.B. The appellant may submit rejoinder within a fortnight, if so advised.



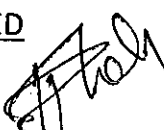
Chairman

18.07.2019

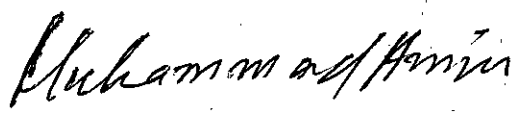
Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Atta-ur-Rehman, Inspector (Legal) for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of four pages placed on file, we partially accept the appeal, set-aside the impugned order and reinstate the appellant in to service. However, the respondent-department is at liberty to conduct de-novo inquiry in the mode and manner prescribed under the Police Rules 1975 within a period of 90 days from the date of copy of receipt of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
18.07.2019



(Hussain Shah)  
Member



(Muhammad Amin Khan Kundi)  
Member

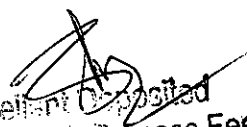


22.02.2019

Counsel for the appellant present.

Contends that upon information of a criminal case lodged against the appellant the respondents were obligated to put him under suspension under the provisions of CSR- 194 which was not done so. It was further argued that the enquiry against the appellant was not conducted in the manner prescribed by the rules nor the statements were recorded in presence of the appellant. Further, show cause notice was not issued to the appellant before passing of the impugned order. Pertinently, the appellant was granted bail in the case registered against him.

In view of the averments of the learned counsel for the appellant the appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 03.04.2019 before S.B.

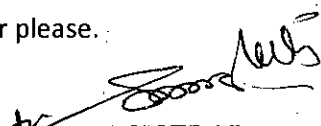


  
Appellant Deposited  
Security & Process Fee

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 1494/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/12/2018	<p>The appeal of Mr. Jehangir resubmitted 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> REGISTRAR</p>
2-	24/12/2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/01/2019</u>.</p> <p> CHAIRMAN</p>
	21.01.2019	<p>No one present on behalf of appellant. Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 22.02.2019 before S.B.</p> <p> Member</p>

The appeal of Mr. Jehangir Ex-Constable No.2408 Police Station Hoti Mardan received today i.e. on 28.11.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Copy of impugned order is not attached with the appeal which may be placed on it.
- 5- Copy of departmental appeal and its rejection order are not attached with the appeal which may be placed on it.
- 6- Annexures referred to in the memo of appeal are not attached with the appeal which may be placed on it.
- 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2297 /S.T,

Dt. 29/11 /2018.

*[Signature]*  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Taimur Ali Khan Adv. Pesh.

Respected Sir,  
That the instant appeal would be submitted within 15 days as per direction of this Hon'ble Tribunal at which comes to end today but the instant appeal cannot be submitted within the stipulated period due to some documents, therefore it is requested to extend one week time for submission of instant appeal.

Allowed.

*[Signature]*  
Taimur Ali Khan  
(Adv)

*[Signature]*  
13/12/18

13/12/18

Respected Sir,

1- Removed

2- Removed

3- Removed

4. copy of impugned order is at page -10

5. copy of departmental appeal is at page -11  
and rejection order at page -12

6- Removed

7- Removed

20/12/18

Resubmitted after

compliance



17/12/18

Resubmitted  
20/12/18

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 1494/2018

Jahangir

V/S

Police Deptt:

**INDEX**

S.No.	Documents	Annexure	P. No
1.	Memo of Appeal	-----	01-04
2.	Copy of FIR	A	05
3.	Copy of bail out order	B	06-08
4.	Copy of reply to charge sheet	C	09
5.	Copy of dismissal order	D	10
6.	Copy of departmental appeal	E	11
7.	Copy of rejection order	F	12
8.	Copy of log book page dt: 10.05.2018	G	13
9.	Vakalat nama	-----	14

**APPELLANT**

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,

  
ASAD MAHMOOD  
(ADVOCATE HIGH COURT)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1494 /2018

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 1685

Dated 28-11-2018

Jehangir, Ex-Constable, No.2408,  
Police Station Hoti, Mardan.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, KPK, Peshawar.
2. The Regional Police Officer, Mardan Region, Mardan.
3. The District Police Officer, Mardan.

(RESPONDENTS)

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APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974  
AGAINST THE ORDER DATED 01.11.2018, WHEREBY THE  
DEPARTMENT APPEAL OF THE APPELLANT HAS BEEN  
REJECTED AGAINST THE ORDER DATED 15.08.2018,  
WHEREIN THE APPELLANT WAS DISMISSED FROM  
SERVICE FOR NO GOOD GROUNDS.

Filed to-day

Registrar

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE  
ORDER DATED 01.11.2018 AND 15.08.2018 MAY BE SET  
ASIDE AND THE APPELLANT MAY BE REINSTATED INTO  
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.

Re-submitted to -day  
and filed.

*[Signature]*  
17/12/18  
Registrar

**RESPECTFULLY SHEWTH:**

**FACTS:**

1. That the appellant joined the police force in the year 2008 and completed all his due training etc and also have good service record throughout.
2. That the appellant was present in Police Station, an FIR dated 10.05.2018 U/S 394/118//109/34/15AA PPC PS Sheikh Maltoon was lodged against some other persons and the appellant was not directly charged in the FIR, but later on implicated in the case on the statement of Farooq on which the appellant was suspended. **(Copy of FIR is attached as annexure-A)**
3. That the appellant was bailout in the instant case vide order dated 27.10.2018 by the competent court of law. **(Copy of order dated 27.10.2018 is attached as annexure-B)**
4. That the charge sheet was served to the appellant, which was properly replied by the appellant in which he denied the allegations and gave the real facts about the situation. The appellant did not keep the copy of charge sheet which may be requisite from the department. **(Copy of reply to charge sheet is attached as annexure-C)**
5. That inquiry was conducted against the appellant in no proper opportunity of defence was provided to the appellant as neither statements was recorded in the presence of the appellant, nor gave him opportunity of cross examination by the inquiry officer, even inquiry report was not handed over to the appellant.
6. That on the basis above reason, the appellant was dismissed from service under police rules 1975 vide order dated 15.08.2018 without issuing show cause notice to the appellant. **(Copy of order dated 15.08.2018 is attached as Annexure-D)**
7. That against the impugned dismissal order, the appellant field departmental appeal which was rejected on 01.11.2018. **(Copies of departmental appeal and rejection order are attached as Annexure-E&F)**
8. That now the appellant come to this august tribunal on the following grounds amongst others.

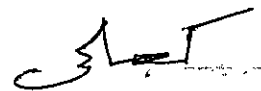
## GROUNDS:

- A) That the impugned order dated 01.11.2018 and 15.08.2018 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the inquiry was not conducted against the appellant in prescribed manner as neither the statements were recorded in the presence of the appellant nor gave him opportunity of cross examination which is violation of law and rules, therefore the impugned order are liable to be set aside.
- C) That the appellant was not directly charged in the FIR and was later on implicated in the case on the statement of Farooq in which the appellant also bailout by the competent court of law.
- D) That no show cause notice was issued to the appellant before passing the impugned order of dismissal from service which is against violation of rules and norms of justice.
- E) That the suspension of the appellant should be kept intact till the conclusion of trial pending against him by the responded department, but the appellant was dismissed by the respondent department without waiting to the conclusion of trial pending against the appellant, which is violation of CSR-194.
- F) That the appellant was bailout in the case on the basis that the snatched items have also not been recovered from possession of the appellant and there is no ocular and direct evidence available on the file regarding the occurrence which shows that the appellant is innocent and was punished for no fault on his part.
- G) That the appellant was present on the place of duty on the day of occurrence which is evident from the the page of log book dated 10.05.2018, which shows that the appellant was falsely implicated in the case. **(Copy of log book page dated 10.05.2018 is attached as annexure-1)**
- H) That the appellant has not given chance of personal hearing which is against the norms of justice and fair play.



- I) That the appellant was not treated in accordance with law and rules and has been condemned unheard throughout.
- J) That the appellant seeks permission 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**

**Jahangir**

THROUGH:



**(TAIMUR ALI KHAN)**

**ADVOCATE HIGH COURT,**



**(ASAD MAHMOOD)**

**ADVOCATE HIGH COURT**

تاریخ ادرت رپورٹ 10/05/05 وقت 20:20

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PC 394

مختصر کیفیت جرم (معدہ دفعہ) حال اگر کچھ نیا گیا ہو

جائے وقوعہ فاصلہ تھانہ سے ادرت

نام و سکونت ملزم: طارق وارث پٹیل سکندرنوٹری کلر اور ایڈووکیٹ اعظم سندھ

کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو

تھانہ سے روانگی کی تاریخ و وقت

Main body of handwritten text in Urdu, detailing a legal case involving a complaint against a notary and lawyer. It includes details about the complainant, the accused, and the legal proceedings.

Order-06  
27.10.2018

B (6)

Counsel for the accused/petitioner and APP for the state present. Arguments heard and record perused.

Accused/petitioner, namely, Jehangir s/o Muhammad Sattar r/o Toot Kaly, Tehsil and District Mardan has submitted this application for his release on bail in case FIR No. 184 dated 10.05.2018 under section 394/118/119/109/411/34 PPC/ 15-AA of PS Sheikh Maltoon Town, Mardan. Initially, the bail petition was submitted for offence u/s 394 PPC, however, another application for insertion of the other sections of law, mentioned above, was

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ATTESTED  
*Handwritten signature*

(2)

submitted which is allowed and the rest of offences are added to the bail petition.

As per contents of FIR, the accused/petitioner alongwith other co-accused has been charged by the complainant Asif s/o Shamsul Qamar r/o Sheikh Maltoon Town, Mardan for snatching Rs.1,50,000/- and a Sumsang Cell phone on gun point.

Complainant Asif is present before the court and stated about compromise with accused/petitioner. He submitted an affidavit Ex-P1 with copy of his CNIC as Ex-P2 in support whereof his statement was recorded wherein he affirmed the factum of compromise and expressed his no objection over release on bail of the accused/petitioner.

On merits, file reveals that accused/petitioner was not charged by the complainant in the FIR rather the present accused/petitioner was implicated in the case on the statement of co-accused Farooq. The snatched items have also not been recovered from possession of accused/petitioner. There is no ocular and direct evidence available on the file regarding the occurrence. Moreover, co-accused Mubeen, with similar role has already been released on bail by the worthy Peshawar High Court, Peshawar, therefore, on principle of consistency too, accused/petitioner deserve the concession of bail. The case in hand squarely falls within the ambit of further inquiry.


Consequently, application in hand is allowed and accused/petitioner is admitted to bail in the sum of Rs.200,000/- each with two sureties each in the like amount to the satisfaction of this court.

ATTORNEY  
GA

8

Copy of this order be placed on judicial as well as police file.  
Record be transmitted back to the quarter concerned and file be  
consigned to record room after completion and compilation.

**Announced**  
27.10.2018

  
**(Nadeem Akhtar)**  
Judicial Magistrate-I  
Mardan

RECEIVED

9

کتابت نماد مقام اشدنی، ارتقا، تعلیم و  
جواب نہایت آتش سوزی و اس کے ساتھ نمبر 2408  
پیش کیا گیا ہے۔

پوری کاپی اسٹریٹ نمبر 357 سٹریٹ 18-5-11  
مبارک ضلع، D.P.O. سٹریٹ، پشاور۔

نمبر 184 سٹریٹ 18-5-11 29/10/54 324/119/109  
34/41/24

فٹا دیالی!  
نمبر 184 سٹریٹ 18-5-11 29/10/54 324/119/109  
34/41/24

1 اسی دور میں میں نے ایک کتاب لکھی ہے جس کا نام ہے "تاریخ ہندوستان" اور اس میں میں نے  
2 سب سے پہلے اس کی تاریخ بتائی ہے اور اس میں میں نے اس کی تاریخ بتائی ہے اور اس میں میں نے  
3 اس کے بارے میں میں نے ایک کتاب لکھی ہے جس کا نام ہے "تاریخ ہندوستان" اور اس میں میں نے  
4 اس کے بارے میں میں نے ایک کتاب لکھی ہے جس کا نام ہے "تاریخ ہندوستان" اور اس میں میں نے

5 اس کے بارے میں میں نے ایک کتاب لکھی ہے جس کا نام ہے "تاریخ ہندوستان" اور اس میں میں نے  
6 اس کے بارے میں میں نے ایک کتاب لکھی ہے جس کا نام ہے "تاریخ ہندوستان" اور اس میں میں نے  
7 اس کے بارے میں میں نے ایک کتاب لکھی ہے جس کا نام ہے "تاریخ ہندوستان" اور اس میں میں نے  
8 اس کے بارے میں میں نے ایک کتاب لکھی ہے جس کا نام ہے "تاریخ ہندوستان" اور اس میں میں نے

تاریخ ہندوستان کے بارے میں میں نے ایک کتاب لکھی ہے جس کا نام ہے "تاریخ ہندوستان" اور اس میں میں نے  
2408 نمبر 2408 نمبر 2408

ATTACHED  
EK

1041031 - 1041031

بدمت عزت مآب جناب انکوآری آفیسر صاحب ضلع مردان

جواب منجانب کانٹیل جہانگیر خان ولد محمد ستار نمبر 24080 ڈسٹرکٹ پولیس مردان

بحوالہ چٹھی انگریزی نمبر 357 مورخہ 11-06-2018 مجاریہ جناب DPO صاحب مردان

بحوالہ مقدمہ علت نمبر 184 مورخہ 10/05/2018 جرم 394/118/119/109/411/34PPC

تھانہ SMT مردان

جناب عالی! معروض خدمت ہوں، من سائل سال 2008ء سے ڈسٹرکٹ پولیس مردان (وائریس آپریٹر) میں ڈیوٹی سرانجام دے رہا ہے اور تھانہ ہوتی ضلع مردان میں بحیثیت وائریس آپریٹر تعینات تھا، مورخہ 10/05/2018 کو میں اپنی ڈیوٹی تھانہ ہوتی میں موجود تھا۔

1- اسی دوران مسمی موہین ولد مسکین شاہ تھانہ آیا اور کہا کہ دوسری بیوی بیمار ہے، موٹر سائیکل دید و سوسن سائل نے موٹر سائیکل حوالہ موہین کیا، کیونکہ موہین ولد مسکین من سائل کا دیہہ میں پڑوسی اور واقف کار ہے۔

2- بعد تقریباً ایک گھنٹہ اور تھانہ شیخ ملتون ضلع مردان سے بذریعہ فون اطلاع ملی اور تھانہ میں آنے کی ہدایت کی گئی، سوسن سائل اطلاع پر تھانہ SMT آیا تو دیکھا کہ جناب SP صاحب آپریشن اور دیگر افسران صاحبان اور موہین ولد مسکین موجود تھے۔

3- افسران صاحبان نے سائل کو مقدمہ میں ملوث ہونے اور موٹر سائیکل پروازدات کرنے سے خبردار کیا، اسی دوران مستغیث مقدمہ آئے اور مسمی موہین اور دیگر موجودہ ساتھی کا مقدمہ میں ملوث ہونے کی نشاندہی کی اور سائل سے لاعلمی ظاہر کی۔

4- سائل بالکل بے گناہ ہے اور وقوعہ ہذا سے لاعلم و بے خبر ہے، واقع کے متعلق من سائل کو کوئی علم نہیں ہے، مقدمہ میں ملوث ہونے کی بناء پر من سائل نے عدالت مجاز سے BBA حاصل کی ہے۔

استدعا ہے کہ بمنظوری جواب ہذا بذمہ بے گناہی انکوآری ہذا بغیر مزید کارروائی کے داخل دفتر کرنے کا حکم صادر فرمایا جائے اور سائل کو اپنی ڈیوٹی پر بحال کرنے کا حکم صادر فرمایا جاوے۔

آپ کا تابع دار حکم کانٹیل نمبر 2408 جہانگیر ولد محمد ستار ڈسٹرکٹ پولیس مردان تحریر 27/06/2018

رابطہ نمبر 0310-1041031

ATTESTED

Ar



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

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com



No. 4865-60/PA

Dated 6 / 07 / 2018


**ORDER ON ENQUIRY OF CONSTABLE JEHANGIR NO.2408**

This order will dispose-off a departmental enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Police Station Hoti (now under suspension Police Lines) was placed under suspension & closed to Police Lines with immediate effect vide this office OB No.1130 dated 29.05.2018 on account of charging in a case vide FIR No. 184 dated 10.05.2018 U/S 394/118/119/109/34/15AA PPC PS Sheikh Maltoon with proceedings against departmentally through Mr. Muhammad Usman Tipu ASP Takht Bhai vide this office Disciplinary Action No.357/R/D.A-P.R-1975 dated 11.06.2018, who after fulfilling necessary process, submitted his Finding Report to this office vide his Office letter No.1620/ST dated 16.07.2018, holding responsible the alleged official of gross misconduct & recommended for Major Punishment.

**Final Order**

Constable Jehangir was heard in O.R on 13.08.2018, but failed to present any plausible reasons in his defense, therefore, awarded him Major Punishment of Dismissal from Police Force in the light of proved misconduct/allegations with immediate effect, in exercise of the power vested in me under Police Rules 1975.

OB No. 1556  
Dated 15/8/2018.

  
District Police Officer,  
Mardan.

Copy forwarded for information & n/action to: -

1. The SP/Investigation Mardan w/r to his office letter No. 722/GB/Inv. dated 24.05.2018.
2. The DSP/HQrs Mardan.
3. The P.O + E.C (Police Office) Mardan.
4. The OSI (Police Office) Mardan with ( ) Sheets.

**ATTESTED**  




① ۱۱

جناب عالی!

گزارش کی جاتی ہے سائل 2008 کا بھرتی شدہ ہے اور

اپنی ڈیوٹی نہایت خوش اہموبی سے لہر انجام دی ہے

یہ کے سائل کے خلاف ایک منسکرت ایف آئی آر ہو کر جس

پر جناب ڈی جی او صاحب نے نوٹری سے OB No 1130 بہرخواست

29.5.2008

کیا ہے۔ بہرخواست لکٹرن نمبر ۱۱ ہے۔

لہذا پوزیو درخواست استرخا کی جاتی ہے سائل کی بہرخواست پر نظر

ثانی کیا جائے تاکہ سائل اپنے پال بچوں کی اچھی کفالت کر سکیں

سائل اور سائل کے والدین تازہ دست دعاؤں کے ساتھ۔

العارض

سابقہ ڈپٹی کنٹریل جرنل صاحبانگیر ولد محمد ستار بلٹ نمبر 2408

غلام دین مختاری دور طوطا کلا

# 03119192937

ATTESTED

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F (12)

**ORDER.**

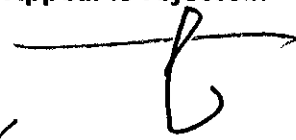
This order will dispose-off the departmental appeal preferred by **Ex-Constable Jehangir No. 2408** of Mardan District against the order of District Police Officer, Mardan, wherein he was awarded Major punishment of Dismissal from service vide his office OB No. 1556 dated 15.08.2018.

Brief facts of the case are that the appellant while posted at Police Station Hoti was placed under suspension and closed to Police Lines with immediate effect vide District Police Officer, Mardan office OB No.113 dated 29.05.2018 charged in case vide FIR No.184 dated 10.05.2018 U/S 394/118/119/109/34/15AA PPC Police Station Sheikh Mailoon, Mardan and proceeded against departmentally through Mr. Muhammad Usman Tipu ASP Takht Bhai vide District Police Officer, Mardan office Disciplinary Action No.357/R/D.A-P.R-1975 dated 11.06.2018. The Enquiry Officer, after fulfilling necessary process, submitted his Findings Report, held responsible the alleged official for gross misconduct and recommended him for Major Punishment.

He was heard in Orderly Room on 13.08.2018 by the District Police Officer, Mardan, but failed to present any plausible reasons in his defence, therefore, awarded him Major Punishment of Dismissal from Police Force in the light of proved misconduct/allegations

He was called in orderly room held in this office on **30.10.2018** and heard him in person. The appellant did not produce any cogent reason in his defence/innocence. Therefore, I find no grounds to intervene into the order passed by District Police Officer, Mardan. **Appeal is rejected.**

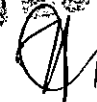
ORDER ANNOUNCED.

  
o/c (MUHAMMAD ALI KHAN)PSP  
Regional Police Officer,  
Mardan.

No. 7006/ES, Dated Mardan the 01/11 /2018.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 800/LB dated 17.10.2018. The Service Record is returned herewith.

(\*\*\*\*\*)

**ATTESTED**  


Charges sheet  
Statement &  
Relegations  
Reply  
in query  
Appeal copy

D/10/5/2018

(13) GPKS VHF Station

کنٹرول روم کو بنا دیا گیا  
E/MAN OFF  
E/MAN ON

1900  
2000

کنٹرول روم کے لیے مشینوں کی مرمت کی گئی اور  
24 بجے تک مشینوں کی مرمت ہو گئی۔  
25 بجے تک مشینوں کی مرمت ہو گئی۔

2200

کنٹرول روم کے لیے مشینوں کی مرمت کی گئی اور  
24 بجے تک مشینوں کی مرمت ہو گئی۔  
25 بجے تک مشینوں کی مرمت ہو گئی۔

2300  
2359

باقی کام زبانی خیریت کے ساتھ گزاری گیا

D/11-5-2018 =



کنٹرول روم کو بنا دیا گیا  
E/MAN OFF  
E/MAN ON  
E/MAN OFF  
E/MAN ON

0300  
0400  
0700  
0800  
0830

کنٹرول روم کے لیے مشینوں کی مرمت کی گئی اور  
24 بجے تک مشینوں کی مرمت ہو گئی۔  
25 بجے تک مشینوں کی مرمت ہو گئی۔

0900

کنٹرول روم کے لیے مشینوں کی مرمت کی گئی اور  
24 بجے تک مشینوں کی مرمت ہو گئی۔  
25 بجے تک مشینوں کی مرمت ہو گئی۔

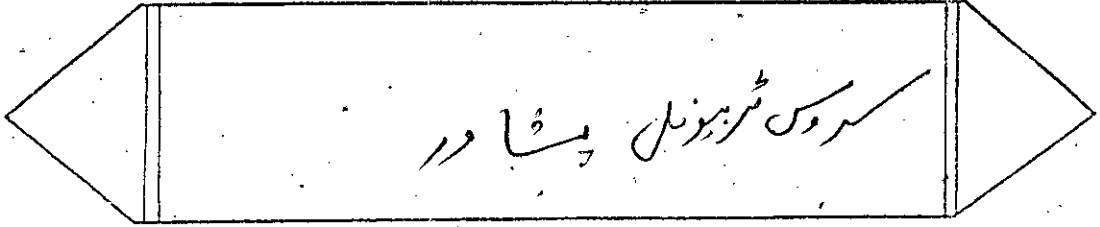
1045

کنٹرول روم کے لیے مشینوں کی مرمت کی گئی اور  
24 بجے تک مشینوں کی مرمت ہو گئی۔  
25 بجے تک مشینوں کی مرمت ہو گئی۔

1100  
1200

Handwritten signature

## بعدالت



جیٹنگیہ بنام محلہ روپس

موزخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام پشاور کیلئے شہر علی خان اور اس کے محمود ایم ڈی  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی 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 منسوخ  
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 بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Attested  
Accepted

20 \_\_\_\_\_ ماہ \_\_\_\_\_ الرقوم

\_\_\_\_\_ واد الع

کے لئے منظور ہے۔

بمقام

شاک

C

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

**Service Appeal No. 1494/2018.**

Jehangir Ex-Constable No. 2408.....Appellant.

**VERSUS.**

District Police Officer, Mardan

& others.....Respondents.

**Respectfully Sheweth:**

**PRELIMINARY OBJECTIONS:-**

1. That the appellant has not come to this Honourable Tribunal with clean hands.
2. That the appellant has got no cause of action.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct, by law to bring the instant appeal.
5. That the present appeal is bad in its present form hence not maintainable and liable to be dismissed.
6. That the appeal is bad due to non-joinder of necessary parties and mis-joinder of unnecessary parties.
7. That the instant appeal is barred by law & limitation.

**REPLY ON FACTS.**


1. Correct to the extent of appellant's enrolment in 2008, however, to the rest of the Para his service record speaks otherwise.
2. Incorrect as the motorcycle used in offence, pistol and mobile phone snatched have been recovered from the house of appellant. Besides, the two accused in the impugned criminal case has also admitted during interrogation his (appellant's) role in the offence. Hence, the allegations of being innocent in the case are denied. **(Copy of Inquiry is attached as Annexure-A)**
3. Incorrect as bail is given to accused as a right which does not render an accused innocent. Besides, bail is granted to appellant on the principle of consistency, wherein, co-accused were bailed out by the Honourable Peshawar High Court. Moreover, departmental proceedings may run parallel to judicial proceedings.
4. Incorrect. The reply submitted to the charge sheet was found unsatisfactory. Rest of the Para is baseless, hence, denied.
5. Incorrect. Proper inquiry as per rules/law was conducted by providing opportunity of defence to the appellant. Besides, his statement was recorded and he was cross-examined. Hence, denied all the allegations contained in this Para.
6. Incorrect. All codal formalities has been complied with.
7. Correct to the extent of rejection of departmental appeal.
8. Incorrect. The appellant holds no grounds, legal or moral, to stand here on in this tribunal.

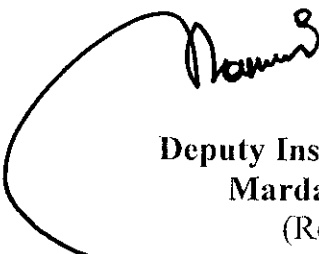
**REPLY ON GROUNDS:-**

- A. Incorrect. The impugned orders are correct and according to facts, law and material on record.
- B. Incorrect and baseless, hence, denied.
- C. Incorrect as the two co-accused has admitted the role played by the appellant in the offence, hence, denied.
- D. Incorrect as all codal formalities are complied with.
- E. Incorrect as during departmental inquiry the appellant was found guilty. Hence, denied. Moreover, departmental proceedings may run parallel to judicial proceedings.
- F. This Para is replied in Para No. 03 above (Reply on facts).
- G. Incorrect as the motorcycle used in offence, pistol and mobile phone snatched have been recovered from the house of appellant. Besides, the two accused in the impugned criminal case has also admitted during interrogation his (appellant's) role in the offence. Hence, the allegations of being innocent in the case are denied.
- H. Incorrect as the appellant was given all opportunities of defence under rules/law and treated accordingly.
- I. Incorrect. The appellant was treated as per rules/law.
- J. The respondents also seek permission to raise additional grounds at the time of arguments.

**PRAYER:-**

It is, therefore, requested that the prayer of the appellant, being baseless & devoid of merits, is liable to be dismissed with costs.

  
for **Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.**  
(Respondent No. 01)

  
**Deputy Inspector General of Police,  
Mardan Region-I, Mardan**  
(Respondent No. 02)

  
**District Police Officer,  
Mardan**  
(Respondent No. 03)

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

Service Appeal No. 1494/2018.

Jehangir Ex-Constable No. 2408.....Appellant.


**VERSUS.**

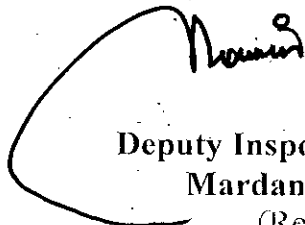
District Police Officer, Mardan


& others.....Respondents.

**COUNTER AFFIDAVIT.**

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.

  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 01)

  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan  
(Respondent No. 02)

  
District Police Officer,  
Mardan  
(Respondent No. 03)



OFFICE OF THE  
DISTRICT POLICE OFFICER  
MARDAN

Tel: 0937-9230109  
Fax: 0937-9230111  
Email: [dpomardan650@gmail.com](mailto:dpomardan650@gmail.com)  
Facebook: District Police Mardan  
Twitter: @dpomardan

357 /R/D.A.-P.R-1975.  
11-06-2018.

DISCIPLINARY ACTION UNDER KPK POLICE RULES - 1975

I, Muhammad Khurram Rashid District Police Officer, Mardan as competent authority am of the opinion that Constable Jehangir No. 2408, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of KPK Police Rules 1975.

STATEMENT OF ALLEGATIONS

That Constable Jehangir No. 2408, while posted at Police Station Sheikh Maltoon Mardan, has been charged in case vide FIR No. 184 dated 10.05.2018 u/s 394/118/119/109/411/34 PPC PS Sheikh Maltoon. In this regard he was suspended and closed to Police Lines Mardan vide OB No. 1130 dated 29.05.2018. hence he is liable to proceed against departmentally.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Mr. Usman Tipu, ASP Takht Bhai, 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.

  
(Dr. Khurram Rashid) PSP  
District Police Officer,  
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. \_\_\_\_\_ /R, dated Mardan the \_\_\_\_\_ /2018.

Copy of above is forwarded to the:

1. Mr. Usman Tipu, ASP Takht Bhai, for initiating proceedings against the accused official / Officer namely Constable Jehangir No. 2408, under Police Rules, 1975.
2. Constable Jehangir No. 2408, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

\*\*\*\*\* !!! \*\*\*\*\*

کوہاڑہ

جہانگیر ولد محمد رشید سید کوہاڑہ کے قاتل ہے۔

0314 9897 170

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Read


CHARGE SHEET UNDER KPK POLICE RULES 1975

I, Muhammad Khurram Rashid District Police Officer, Mardan as authority hereby charge you Constable Jehangir No. 2408, as follows.

That you Constable Jehangir No. 2408, while posted at Police Station Maltoon Mardan, have been charged in case vide FIR No. 184 dated 10.05.2018 u/s 18/19/109/411/34 PPC PS Sheikh Maltoon. In this regard you are suspended and closed to Police Lines Mardan vide OB No. 1130 dated 29.05.2018. hence you are liable to proceed against departmentally.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the KPK Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
2. You are therefore, directed to submit your written defense **within seven days** of the receipt of this charge sheet to the enquiry officer.
3. Your written defence if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.

  
(Dr. Khurram Rashid) PSP  
District Police Officer,  
Mardan



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✓

4035/07  
20/7/18

OFFICE OF THE  
SUB-DIVISIONAL POLICE OFFICER,  
TAKHT BHAI CIRCLE

Tel. & Fax: 0937552211, E-Mail: [dsp.tbi@gmail.com](mailto:dsp.tbi@gmail.com)

No. 1620 /ST, Dated: 16 /07/2018.

The Worthy District Police Officer,  
Mardan.

Subject: DISCIPLINARY ACTION AGAINST CONSTABLE  
JEHANGIR NO.2408.

Memo:

Kindly refer to your office Diary No. 357/R/D.A-P.R-1975, dated 11.06.2018.

This enquiry report is the outcome of an elaborate enquiry into a statement of allegation against Constable Jehangir No.2408 that he while posted at Police Station Sheikh Maltoon, Mardan, has been charged in case vide FIR No. 184 dated 10.05.2018 u/s 394/118/119/109/411/34 PPC PS Sheikh Maltoon. In this regard he was suspended and closed to Police Lines Mardan vide OB No. 1130 dated 29.05.2018. Hence he is liable to proceed against departmentally. The competent authority designated the undersigned as enquiry officer.

FINDING OF THE ENQUIRY.

In this connection enquiry proceedings were initiated and the alleged Constable Jehangir No.2408 was summoned and heard in person and also reasonable opportunity of defense was provided. He produced his written statement wherein he stated that he was performing his duty as wireless operator at PS Hoti. On 10.05.2018 his neighbor namely Mubeen came behind him to Police Station and took his (defaulter constable Jehangir) motorcycle for urgent work but the alleged Mubeen used his motorcycle for committing crime in above mentioned case FIR. In this connection statement of OII Inspector Fazil Khan PS Sheikh Maltoon was also recorded to ascertain the real facts and to scrutinize the allegations. According to the statement of Inspector Fazil Khan that in the above mentioned case FIR complainant charged accused Farooq and another accused not known by name for snatching from him Rupees 1,50,000/- and a mobile phone. Accused Farooq was arrested and he disclosed co-accused namely Mubeen. Motorcycle used in offence, Pistol and case property (snatched mobile phone) was recovered from the house of defaulter constable Jehangir on the indication of accused Farooq. Later on accused Mubeen was also arrested. During interrogation both the accused confessed his crime and stated that the defaulter constable Jehangir was occasionally providing his pistol and motorcycle to them for such like cases. The accused constable also bought the snatched mobile phone worth of rupees 35,000/- in the instant case from them (accused). The alleged constable Jehangir managed BBA from the learned court. The defaulter Constable was questioned and counter questioned at length and it was found that constable Jehangir being part of discipline force he himself commits and encourage crimes instead prevention of crimes. The defaulter constable requested for filing the enquiry proceeding against him and also committed to be careful in future.

RECOMMENDATION:

From the perusal of above facts, it is crystal clear that the defaulter  
Jehangir being part of discipline force he himself commits and encourage  
instead prevention of crimes, which is gross misconduct in the meanings of  
rule 1975.

Therefore, it is recommended that, the alleged Constable Jehangir  
2408 may be awarded **Major punishment**, if agreed.

*Jusman*  
Sub-divisional Police Officer,  
Takt Bhai

*Dismissed from  
Service due to the  
gross misconduct  
of habitual  
theft*

*13/8/10*

11

2

بیان افغان اسپر فی شلن OII آئی ٹی ملتان حال SDPO مورہ (تین نو)

حوالہ مقدمہ عدالت سائبر سٹریٹ مورہ

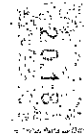
مداخلت خدمت سے سوئے دستاویز میں مدعی مقدمہ نے اپنے آپ کے ایک آگہ بیٹا کو سوپہ موچاں میں  
 نامہ وقت اور ایک شخص اسمہ نامہ معلوم ہو پیداری کی تھی جو مزمن فاروق برقی ریموڈ جس نے اپنے کئی مہمہ نامہ وقتوں  
 سے ظاہر کیا بعد قریب مزمن فاروق کی نشاندہی پر سٹیشنیں جہانگیر وارسیس پر یہ نشانہ ہوتی ہے۔ اس وقت میں  
 ہاں اسمہ نامہ وقتوں اور وقوع میں چین یا موہاگل برآمد ہوا۔ فاروق کی نشانہ ہی پر مہمہ وقتوں اور  
 نے ایک عدالت میں جو وقوع میں استعمال ہوئی تھی، اور پھر مزمن پید ہاں نہ ہونے انہوں نے اس وقت میں  
 میں نکلے وقتوں سے برقی دستاویز کے دوران انہوں میں مزمن فاروق اور چین کے اس وقت میں  
 نے اس وقت میں اور چوتھوں سٹیشن جہانگیر مذکور ہاں انہوں کی اور سٹیشن جہانگیر کے وقتوں میں اس وقت میں  
 میں 125 کے وقتوں کے بعد وقوع میں ہاں سٹیشن جہانگیر وقتوں کے اور اس وقت میں  
 اور پھر مہمہ وقتوں میں سٹیشن جہانگیر کے اور پھر اس وقت میں وقوع کی مدت میں پر مزمن انہوں نے  
 کے وقتوں میں اپنے اقبالی بیان بھی قاسم بند کیا ہے جو کہ سٹیشن پر مہمہ ہے۔ دوران سٹیشن جہانگیر کو اس وقت  
 کے وقتوں میں اس وقت سے اس وقت میں سٹیشن جہانگیر کے وقتوں میں BBA اس وقت میں  
 کے وقتوں میں اس وقت میں اس وقت میں اس وقت میں اس وقت میں اس وقت میں اس وقت میں اس وقت میں  
 کے وقتوں میں اس وقت میں اس وقت میں اس وقت میں اس وقت میں اس وقت میں اس وقت میں اس وقت میں

اسپر فی شلن OII آئی ٹی ملتان حال SDPO مورہ (تین نو)



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com



No. 4865-60/PA

Dated 16/07/2018

ORDER ON ENQUIRY OF CONSTABLE JEHANGIR NO.2408

This order will dispose-off a departmental enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Police Station Hoti (now under suspension Police Lines) was placed under suspension & closed to Police Lines with immediate effect vide this office OB No.1130 dated 29.05.2018 on account of charging in a case vide FIR No. 184 dated 10.05.2018 U/S 394/118/119/109/34/15AA PPC PS Sheikh Maltoon with proceedings against departmentally through Mr. Muhammad Usman Tipu ASP. Takht Bhai vide this office Disciplinary Action No.357/R/D.A-P.R-1975 dated 11.06.2018, who after fulfilling necessary process, submitted his Finding Report to this office vide his Office letter No.1620/ST dated 16.07.2018, holding responsible the alleged official of gross misconduct & recommended for Major Punishment.

Final Order

Constable Jehangir was heard in O.R on 13.08.2018, but failed to present any plausible reasons in his defense, therefore, awarded him Major Punishment of Dismissal from Police Force in the light of proved misconduct/allegations with immediate effect, in exercise of the power vested in me under Police Rules 1975.

OB No. 1556  
Dated 15/8/2018.

*District Police Officer,  
Mardan.*

Copy forwarded for information & n/action to: -

1. The SP/Investigation Mardan w/r to his office letter No. 722/GB/Inv: dated 24.05.2018.
2. The DSP/HQrs Mardan.
3. The P.O + E.C (Police Office) Mardan.
4. The OSI (Police Office) Mardan with 12 Sheets.

F (12)

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Jehangir No. 2408** of Mardan District against the order of District Police Officer, Mardan, wherein he was awarded Major punishment of Dismissal from service vide his office OB No. 1556 dated 15.08.2018.

Brief facts of the case are that the appellant while posted at Police Station Hoti was placed under suspension and closed to Police Lines with immediate effect vide District Police Officer, Mardan office OB No.113 dated 29.05.2018 charged in case vide FIR No.184 dated 10.05.2018 U/S 394/118/119/109/34/15AA PPC Police Station Sheikh Maitoon, Mardan and proceeded against departmentally through Mr. Muhammad Usman Tipu ASP Takht Bhai vide District Police Officer, Mardan office Disciplinary Action No.357/R/D.A-P.R-1975 dated 11.06.2018. The Enquiry Officer, after fulfilling necessary process, submitted his Findings Report, held responsible the alleged official for gross misconduct and recommended him for Major Punishment.

He was heard in Orderly Room on 13.08.2018 by the District Police Officer, Mardan, but failed to present any plausible reasons in his defence, therefore, awarded him Major Punishment of Dismissal from Police Force in the light of proved misconduct/allegations

He was called in orderly room held in this office on **30.10.2018** and heard him in person. The appellant did not produce any cogent reason in his defence/innocence. Therefore, I find no grounds to intervene into the order passed by District Police Officer, Mardan. **Appeal is rejected.**

ORDER ANNOUNCED.

o/c (MUHAMMAD ALI KHAN) PSP  
Regional Police Officer,  
Mardan.

No. 7006/ES,

Dated Mardan the 01/11 /2018.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 800/LB dated 17.10.2018. The Service Record is returned herewith.

(\*\*\*\*\*)

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

**Service Appeal No. 1494/2018.**

Jehangir Ex-Constable No. 2408.....Appellant.


**VERSUS.**

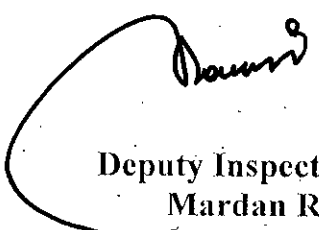
District Police Officer, Mardan


& others.....Respondents.

**AUTHORITY LETTER.**

Mr. Atta-ur-Rahman Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

  
**Inspector General of Police,  
For Khyber Pakhtunkhwa,  
Peshawar.**  
(Respondent No. 01)

  
**Deputy Inspector General of Police,  
Mardan Region-I, Mardan**  
(Respondent No. 02)

  
**District Police Officer,  
Mardan**  
(Respondent No. 03)



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1415 /ST

Dated 16-8- / 2019

To


The District Police Officer,  
Government of Khyber Pakhtunkhwa,  
Mardan.

Subject: -

JUDGMENT IN APPEAL NO. 1494/2018, MR. JEHANGIR.

I am directed to forward herewith a certified copy of Judgement dated 18.07.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.