

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 504/2014

Date of Institution ... 28.03.2014

Date of Decision ... 03.08.2017

Taj Mir Shah, ASI,  
Police Station Chamkani, Peshawar ... (Appellant)

VERSUS

Inspector General Khyber Pakhtunkhwa, Peshawar  
and 4 others. ... (Respondents)

MR. NAVEED KHAN WADPAGGA,  
Advocate --- For appellant.

MR. KABIRULLAH KHATTAK  
Assistant Advocate General ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN  
MR. AHMAD HASSAN ... MEMBER

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- Arguments of the  
learned counsel for the parties heard and record perused.

FACTS

2. The appellant has been awarded minor penalty of stoppage of two increments on 14.04.2009 by the authority against which the appellant filed appeal (date of which is known nor its copy is available) and the same appeal has been rejected on 29.07.2013. The appellant then filed review against the said appellate order on 19.08.2013 which has not been responded so far. Finally the appellant preferred the present appeal on 28.03.2014. The appellant

has accepted that the present appeal is time barred and therefore he moved an application for condonation of delay.

### ARGUMENTS

3. The learned counsel for the appellant argued that reasons for condonation of delay are two. Firstly that the appellant instead of approaching this Tribunal, approached a wrong forum of filing an application before the PPO and secondly that after filing of that revision her mother became ill and appellant was busy in attending her during illness. In this regard the learned counsel for the appellant today filed a statement of some elders of Tanzim-e-Nojawanan Afridi Abad Peshawar (without any attestation by any authority). The learned counsel for the appellant termed it an affidavit. The learned counsel for the appellant relied upon a judgment reported as KLR 2005 Labour & Services Cases 404 of the Federal Service Tribunal.

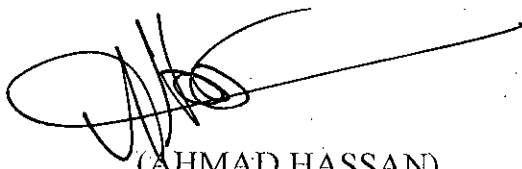
4. On the other hand, the learned Asst: AG argued that condonation cannot be granted in the present case as the appellant is to explain each and every day for condonation of delay. He also argued that there is no medical certificate regarding the illness of mother of the appellant and no condonation can be granted merely on unattested statement of some people mentioned above.

### CONCLUSION.

5. Admittedly the present appeal is time barred that is why the appellant preferred application for condonation of delay. This Tribunal is to see that whether the reasons shown by the appellant for condonation of delay is sufficient and sufficiently proved. So far as the sufficiency of reason is concerned the illness of mother can be a sufficient ground for condonation of

delay as held in the above mentioned judgment relied upon by the learned counsel for the appellant. So far as the second ground is concerned there is no proof that mother of the appellant was ill as there is no medical certificate in this regard nor any exact date has been given in the application for condonation or in the memorandum of appeal. The statements relied upon by the appellant today also mentions no period when the that mother of the appellant was ill. Therefore, it is held that sufficient proof has not been provided by the appellant in support of application for condonation of delay because it is settled law that each and every day shall have to be explained for condonation of delay.

6. Resultantly this appeal being time barred is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)  
MEMBER



(NIAZ MUHAMMAD KHAN)  
CHAIRMAN

ANNOUNCED

03.08.2017

504/14

21.12.2016

Appellant in person and Mr. Muhammad Razziq, H.C alongwith Assistant AG for the respondents present. Since other Member of the Bench is on leave as well as learned counsel for the appellant is also not available today before the Tribunal, therefore, arguments could not be heard. To come up for arguments on 19.04.2017 before D.B.

(MUHAMMAD AAMIR NAZIR)  
MEMBER

19.04.2017

Appellant alongwith his counsel present. Mr. Muhammad Raziq, Head Constable alongwith Mr. Ziaullah, Government Pleader for the respondents also present. Facts finding inquiry report and regular inquiry report alongwith statement of allegations and show-cause notice is not available on file. Respondents are directed to produce the same on or before the next date of hearing. To come up for record and arguments on 03.08.2017 before D.B.

(AHMAD HASSAN)  
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

03.08.2017

Counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. AG alongwith Muhammad Raziq, H.C for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of to-day, this appeal is dismissed being time barred. Parties are left to bear their own costs. File be consigned to the record room.

Member


Chairman

ANNOUNCED  
03.08.2017

6.

30.09.2014

Clerk of counsel for the appellant present, and requested for adjournment due to General Strike of the Bar. To come up for preliminary hearing on 01.12.2014.

  
Member

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Reader Note:

01.12.2014

Counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 11.02.2015 for the same.

  
Reader

8.

11.02.2015

Appellant with counsel present.

The appeal is prima-facie seems not maintainable. Learned counsel for the appellant seeks further time. Pre-admission notice be given to the respondents including the application for condonation delay for 27.02.2015 before S.B.

  
Chairman


3.  
04.06.2014

Assistant to counsel for the appellant present. Counsel for appellant moved an application for adjournment. Application accepted. To come up for preliminary hearing on 22.07.2014.

  
Member

4.  
22.07.2014

Counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 15.08.2014.

  
Member

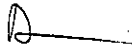
5.  
15.08.2014

Mr. Muhammad Javid, Advocate present on behalf of counsel for the appellant and filed an application for adjournment. Request accepted. To come up for preliminary hearing on 30.9.2014.

  
Member

22.12.2015

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Counsel for the appellant requested for time to submit rejoinder. To come up for rejoinder on 24.5.2016

  
Member

  
Member

24.5.2016

Agent to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Rejoinder not submitted requested for time to file rejoinder to come up for rejoinder/arguments on 30.8.2016.

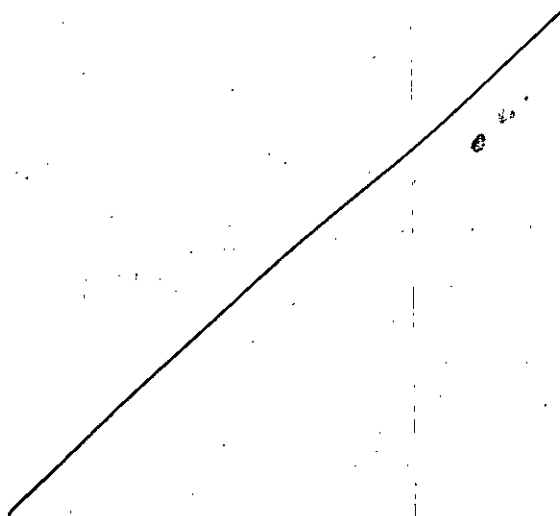
  
Member

  
Member

30.08.2016

Counsel for the appellant and Muhammad Jan, GP for respondents present. Submitted rejoinder which is placed on file. To come up for arguments on 21.12.2016 before D.B.

  
Chairman



27.02.2015

Appellant with counsel present. Learned counsel for the appellant argued that the appellant was awarded minor penalty of withholding two annual increments. That the enquiry was not conducted in the prescribed manners and the appellant was awarded punishment despite the fact that no charge whatsoever was proved against him. Also placed reliance on case-law reported as 1996 SCMR 835.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 12.06.2015 before S.B.

  
Chairman

12.06.2015

Appellant in person present. Security and process fee not deposited. The same be deposited within 7 days, where-after notices be issued to the respondents for 22.9.2015 before S.B.

  
Chairman

Appellant Deposited  
Security & Process Fee

22.09.2015

Counsel for the appellant and Mr. Hayat Muhammad, Reader to DSP alongwith Addl: A.G for respondents present. Written statement on behalf of respondents No. 1, 2 & 3 submitted. Learned Addl: A.G rely on the written statement submitted by respondents No. 1, 2 & 3 on behalf of respondents No. 4 and 5. The appeal is assigned to D.B for rejoinder and final hearing for 22.12.2015.


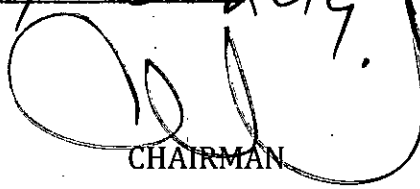
  
Chairman



Form- A  
FORM OF ORDER SHEET

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

Case No. 504/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09/04/2014	<p>The appeal of Mr. Taj Mir Shah resubmitted today by Mr. Arbab Sheraz Khan 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	14-4-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>4-6-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Taj Mir shah Assistant Sub-Inspector of Police received today i.e. on 28 .03.2014 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 day.

- ① Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 2- The authority whose order is challenged has not been arrayed a party.

No. 527 /S.T,

Dt. 28/03 /2014.

*Lee*  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Arbab Sheraz Khan Adv. Pesh.

That, the departmental Appeal is in the custody of Respondent No 4 and not available with the petitioner.

Sir,

Re-submitted

9 (5) 14

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 504 of 2014

Taj Mir Shah ..... Appellants

VERSUS

Inspector General of Police etc ..... Respondents

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10.	Copy of application to IGP	"F"	18-19
11.	Wakalat Nama		In original

Dated 25/03/2014

Appellant  
Through

Naveed Khan Wadpazga  
Cell # 0346-9023913

IN THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

*Appeal No. 504/2014*

TAJ MIR SHAH

ASSISTANT SUB INSPECTOR (ASI)

POLICE STATION CHAMKANI, PESHAWAR

..... APPELLANT

NWFP PESHAWAR  
475  
28/3/2014

VERSUS

1. INSPECTOR GENERAL (IG) KHYBER PAKHTUNKHWA PESHAWAR
  2. DPO DISTRICT PESHAWAR (POLICE LINE PESHAWAR)
  3. *SR: Superintendent of Police operation, Peshawar*
  4. *Capital city police officer, Peshawar*
  5. GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH ITS CHIEF SECRETARY (CIVIL SECRETARIATE PESHAWAR)
- ..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE NWFP SERVICE TRIBUNAL ACT, 1974 READ WITH SECTION 10 OF THE NWFP REMOVAL FROM SERVICE (SPECIAL POWER) ORDINANCE, 2000 AGAINST THE ORDER DATED 14/04/2009, WHEREBY THE APPELLANT WAS AWARDED THE MINOR PENALTY OF STOPPING TWO INCREMENTS AGAINST WHICH THE REPRESENTATION DATED 29/07/2013 WHEREBY THE REPRESENTATION OF APPELLANT WAS DISMISSED.

*28/3/14*

re-submitted to-day and filed.

*9/4/14*

PRAYER IN APPEAL:-

ON ACCEPTANCE OF THIS APPEAL THE ORDER DATED 14/04/2009 AND THE REJECTION ORDER DATED 29/07/2013 MAY PLEASE BE SET ASIDE AND THE MINOR PENALTY FOR STOPPING THE INCREMENTS MAY PLEASE BE RESTORED WITH ARREARS.

RESPECTFULLY SHEWETH,

1. That the appellant was posted as Moharar (Head Constable) in police station Bhana Mari in 2008.
2. That the SHO Rajab Ali has remained station house Officer of PS Bhana Mari in 2008 while the appellant was performing his duty as Moharar of police station Bhana Mari at the relevant period and now performing his duties as ASI In Police Station Chamkani.
3. That one Salahuddin was arrested by SI Rajab Ali (SHO) and was charged under section 54 CrPC vide daily dairy No. 23 dated 06/12/2008. (Copy of daily dairy report is annexed).
4. That on the same day, the said Salahuddin was released on the responsibility of the sureties namely Izhar Ullah and Mirza Ali R/o Bannu, by taking surety bonds of Rs. 1,00,000/- (Copy of sureties bonds are attached).
5. That on dated 30/12/2008 the above named Salahuddin filed a complaint to DIG wherein he alleged that he was arrested without any legal justification and that the SHO

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Rajab Ali has taken Rs. 80,700/- alongwith one mobile set at the time of his personal search and allegation of bribe of Rs. 50,000/- was alleged on the appellant as illegal gratification for his release.

6. That the complaint was marked to SP City for conducting inquiry.
7. That during inquiry proceeding all the concerned parties and witnesses was summoned and after hearing, the allegation against the appellant was not proved, as the witness has denied the allegation of the complainant.
8. That the appellant was awared Minor Punishment for stopping two increments for not adopting the proper procedure for the released of Salahuddin.
9. That the appellant moved departmental representation which was dismissed on dated 29/07/2013, hence instant appeal. (Copy attached).

That feeling aggrieved of said inquiry and impugned order the appellant prefer appeal the following grounds:-

GRUNDS:-

- A. That the appellant has not been treated in accordance with law hence his rights are secured and guaranteed

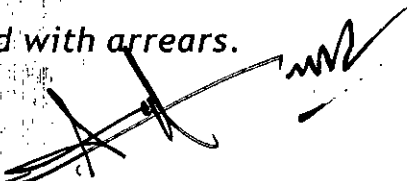
under the constitution of Islamic Republic of Pakistan, 1973.

- B. That the appellant is quite innocent, the allegation leveled against him were false and baseless.
- C. The inquiry committee ignored the statement of appellant in which appellant denied allegation.
- D. That the inquiry committee ignored the police rule wherein the Moharar (Head Constable) has no power to release any person.
- E. That inquiry committee did not following the fundamental rules laid by law while conducting the inquiry.
- F. That all the proceeding conducted against the appellant was in violative of law and against the express provision of NWFP removal from service (Special Power) ordinance 200 hence the penalty awarded is not legally tenable.
- G. That the inquiry committee has not dig out the rule facts and inquiry was initiated on the complain of the complainant.

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- H. That the impugned order are not fair, impartial and not awarding to law but a mixture of allegations, irregularities and violative of law.
- I. That any other ground will be argued at the time of arguments.

It is therefore, humbly prayed that on acceptance of this appeal the order dated 14/04/2009 and the rejection order dated 29/07/2013 may please be set aside and the minor penalty for stopping the increments may please be restored with arrears.

  
Appellant

Through

  
ARBAB SHERAZ KHAN

AND

  
MUHAMMAD HIJAT ULLAH JAN

AND

  
NAVEED KHAN WADPAGA

Advocates, Peshawar.



6

IN THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

TAJ MIR SHAH

ASSISTANT SUB INSPECTOR (ASI)

POLICE STATION CHAMKANI, PESHAWAR

..... APPELLANT

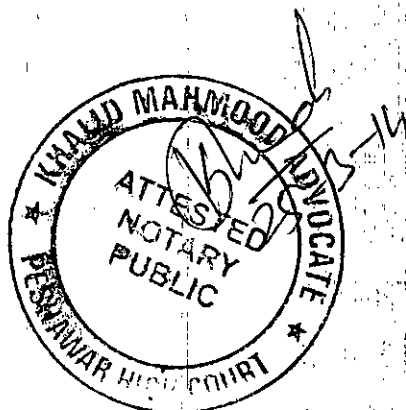
VERSUS

1. INSPECTOR GENERAL (IG) KHYBER PAKHTUNKHWA PESHAWAR
2. DPO DISTRICT PESHAWAR
3. DIG PESHAWAR
4. SECRETARY HOME AND TRIBAL AFFAIRS GOVERNMENT OF  
KHYBER PAKHTUNKHWA, PESHAWAR
5. GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH ITS  
CHIEF SECRETARY

.... RESPONDENTS

*AFFIDAVIT*

TAJ MIR SHAH (ASSISTANT SUB INSPECTOR (ASI) POLICE STATION  
CHAMKANI, PESHAWAR) do hereby solemnly affirm and declare on oath  
that all the contents of instant service appeal are true and correct to  
the best of my knowledge and belief and nothing has been concealed  
from this Honourable Tribunal.



DEPONENT

*[Handwritten signature]*

7

OBFORE THE KPK SERVICE TRIBUNAL, KPK, PESHAWAR

MATTER OF APPEAL NO. \_\_\_\_\_ / 2013

TAJ MIR SHAH

VERSUS

INSPECTOR GENERAL OF POLICE AND OTHERS

APPLICATION FOR CONDONATION OF DELAY IF ANY  
IN FILLING THE TITLED APPEAL.

Respectfully Sheweth,

1. That the applicant pray for condation of delay if any in filing the titled appeal inter alia on the following grounds:-

GROUND:-

- A. That the applicant never remained negligent in persuing his remedy, he duly filed departmental appeal against the impugned order well in time.
- B. That after the filing departmental appeal the mother of appellant / applicant became seriously ill and got chronic disease for the sake the treatment of his mother the applicant / appellant spent him time in the village and was trying to inquired telephonically about his departmental appeal from the office but he was not properly informed nor the copy of the order was sent / dispatched to the applicant.
- C. That after the death of the mother of the applicant / appellant when the appellant attended the office of CPO and inquired his department appeal the appellant was informed by the concerned clerk that as per the direction of the officer the copy of order could not be sent to the appellant.
- D. That due to above stated reason the appellant could not approached to the Honourable Tribunal.

- E. That the proceeding conducted against the applicant are illegal and void, the appellant has not been proceeded against in accordance with law and no period of limitation run against an order based on such defective and illegal proceeding.
- F. That the delay if any in filling the instant appeal is not willful but due to the above stated reasons.
- G. That valuable rights of the applicant for involved in the instant appeal hence the delay if any, deserves to be condoned.
- H. That the Superior Court have always held, that causes be decided on merit rather than technicalities including limitation.

It is therefore, most humbly prayed that the delay if any in filing the titled appeal may be condoned.

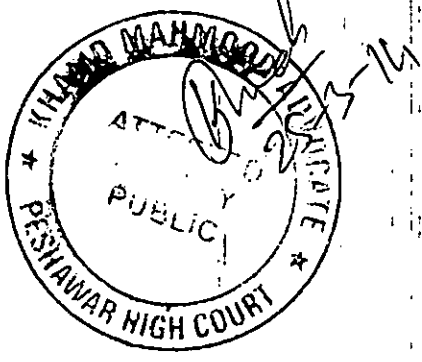
*[Handwritten signature]*  
Appellant

Through

*[Handwritten signature]*  
ARBAB SHERAZ KHAN  
AND  
*[Handwritten signature]*  
MUHAMMAD HUJAT ULLAH JAN  
AND  
*[Handwritten signature]*  
NAVEED KHAN WADPAGA  
Advocates, Peshawar.

AFFIDAVIT

I do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct and nothing has been concealed from this Honourable Tribunal.



*[Handwritten signature]*  
DEPONENT

(9)

IN THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

TAJ MIR SHAH

VERSUS

INSPECTOR GENERAL (IG) KHYBER PAKHTUNKHWA PESHAWAR AND OTHERS

ADDRESSES OF PARTIES

APPELLANT:-

TAJ MIR SHAH ASSISTANT SUB INSPECTOR (ASI) POLICE STATION CHAMKANI,  
PESHAWAR

RESPONDENTS:-


1. INSPECTOR GENERAL (IG) KHYBER PAKHTUNKHWA PESHAWAR
2. DPO DISTRICT PESHAWAR (POLICE LINE PESHAWAR)
3. DIG PESHAWAR (POLICE LINE PESHAWAR)
4. SECRETARY HOME AND TRIBAL AFFAIRS GOVERNMENT OF KHYBER  
PAKHTUNKHWA, PESHAWAR (CIVIL SECRERATE PESHAWAR)
5. GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH ITS CHIEF  
SECRETARY (CIVIL SECRERATE PESHAWAR)

  
Appellant

Through

  
ARBAB SHERAZ KHAN

AND

  
MUHAMMAD HIJAT ULLAH JAN

AND

  
NAVEED KHAN WADPAGA

Advocates, Peshawar.





DEPARTMENTAL ENQUIRY

The report under review finalizes the enquiry proceedings against SI Rajab Ali Ex-SHO of PS Bhanamari along with the following officials committed the following irregularities/misconduct that:

1. HC Khitab Gul,
2. HC Jan Muhammad.
3. FC Said Kamal Shah No.1184.
4. FC Rais Khan No.4167

The complainant Salahuddin s/o Haji Khawas Khan resident of Lakki Marwat was brought to the PS and locked up vide DD No.23 dated 06.12.2008.

During search of the complainant an amount Rs.80,700/- was taken from the possession of the complainant Salahuddin. In this regard, a preliminary enquiry was conducted against the above named officers in which, they have found guilty and recommended for proper departmental enquiry.

PROCEEDING

On 30.12.2008, complainant Salahuddin submitted an application to DIG of Police Headquarters NWFP Peshawar, wherein he stated that he was standing at Tirdous bus stop. In the meantime, a Police party of PS Bhanamari arrested him without any legal reason. SHO Rajab Ali had taken Rs 80,700/- along with one mobile set from the complainant and Moharrir Taj Mir Shah had also taken Rs50,000/- as illegal gratification for his release.

The complaint of Salahuddin was marked by the then DIG/Hqrs to SP/City for necessary action and report. In this connection, a preliminary enquiry was conducted by DSP/Suburb and he submitted report/finding that complainant Salahuddin was released by local police without proper procedure which should have been thoroughly interrogated and challaned to court as per rules. He (E.O) further stated that he found local police guilty and SHO Rajab Ali was recommended for initiating proper departmental proceeding.

He was issued charge sheet and summary of allegations by SSP (O) vide No.54/E/PA, dated 06.02.2009. The undersigned has been appointed as enquiry officer to dig out the real facts of the case. The enquiry was conducted and statements of the following officials and persons were recorded and placed on file.

- i. SI Rajab Ali Khan the then SHO PS Bhanamari.
- ii. HC Taj Mir Shah the then Moharrir PS Bhanamari.
- iii. HC Khitab Gul No.
- iv. HC Jan Muhammad No.
- v. FC Said Kamal No.1184
- vi. FC Rais Khan No.4167
- vii. Salahuddin s/o Khawas Khan (complainant)
- viii. Izhar ullah s/o Najeebullah r/o Lakki Marwat (relative of complainant)
- ix. Mirzada Ali Khan s/o Sherdil Khan r/o Lakki Marwat ( -do- )

All the accused officials were summoned and allowed to cross-examine the complainant Salahuddin. They have denied the charges.

  
**ATTESTED**

Moharrir Taj Mir Shah stated that he released the complainant on the directions of SI Rajab Ali. SI Rajab Ali, denied that they have not taken any money whatsoever.

Izharullah and Mirzada Ali Khan were called to this office but only Mirzada Ali Khan appeared in person while Izharullah submitted a written reply. Both individuals confirmed the arrest of complainant but denied any knowledge of bribe. Mirzada Ali Khan was questioned in the presence of complainant and accused officials and they were allowed to cross-question him.

The antecedents of Salahuddin were sought from the local police in which it was found that he is known to deal in stolen vehicles and is a notorious character. This fact was confronted with the complainant. During the interview, it emerged that the complainant has been nominated in various criminal cases, including murder, but that most of them have been settled by now. He also claimed that he is from a poor background which went against his earlier statement that he was a big landlord.

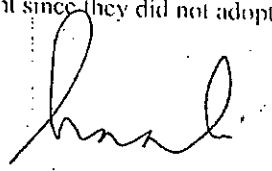
CONCLUSION

The charge that illegal gratification was taken by SI Rajab Ali and Moharrir Taj Mir Shah cannot be established beyond doubt since the sureties have denied any knowledge about it and there is no other independent source to confirm it. The reputation of the complainant is dubious which also casts doubt on the veracity of his statement.

The complainant was definitely picked up by SI Rajab Ali. He was then manhandled during interrogation and released later on. The complainant would seem to have a grudge against the accused officials for manhandling him and decided to get even. Notwithstanding the fact that charge of bribery did not stick, the accused official should have booked him under the relevant preventive section of law instead of releasing on personal sureties. The prescribed legal routine was not followed.

In view of the above, H.C Khitab Gul, HC Jan Muhammad, FC Saïd Kamal No.1184 and FC Rais Khan No.4167 may be warned to be careful in future. SI Rajab Ali & Moharrir Taj Mir Shah are recommended for minor punishment since they did not adopt the proper legal procedure.

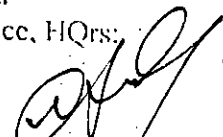
Submitted please.



(HASAN ASAD ALVI)  
Enquiry Officer

Superintendent of Police, HQrs.  
Peshawar.

SSP Operation

  
**ATTESTED**



Complainant Salahuddin stated that he is a big landlord from Takki Marwat and he has been robbed by the accused officials. SHO Rajab Ali stated that he got a tip from his information that a notorious car thief is present at Tirous bus stop. He arrested the complainant from the spot and brought him to the police station for interrogation. However, he later on released the complainant on personal sureties of Izharullah and Mirzada Ali Khan as nothing could be established.

Moharrir Taj Mir Shah stated that he released the complainant on the directions of SI Rajab Ali. SI Rajab Ali denied that they have not taken any money whatsoever.

Izharullah and Mirzada Ali Khan were called to this office but only Mirzada Ali Khan appeared in person while Izharullah submitted a written reply. Both individuals confirmed the arrest of complainant but denied any knowledge of bribe. Mirzada Ali Khan was questioned in the presence of complainant and accused officials and they were allowed to cross-question him.

The antecedents of Salahuddin were sought from the local police in which it was found that he is known to deal in stolen vehicles and is a notorious character. This fact was confronted with the complainant. During the interview, it emerged that the complainant has been nominated in various criminal cases, including murder, but that most of them have been settled by now. He also claimed that he is from a poor background which went against his earlier statement that he was a big landlord.

CONCLUSION

The charge that illegal gratification was taken by SI Rajab Ali and Moharrir Taj Mir Shah cannot be established beyond doubt since the sureties have denied any knowledge about it and there is no other independent source to confirm it. The reputation of the complainant is dubious which also casts doubt on the veracity of his statement.

The complainant was definitely picked up by SI Rajab Ali. He was then manhandled during interrogation and released later on. The complainant would seem to have a grudge against the accused officials for manhandling him and decided to get even. Notwithstanding the fact that charge of bribery did not stick, the accused official should have booked him under the relevant preventive section of law instead of releasing on personal sureties. The prescribed legal routine was not followed.

In view of the above, IIC Khitab Gul, IC Jan Muhammad, FC Saïd Kamal No.1184 and FC Rais Khan No.4167 may be warned to be careful in future. SI Rajab Ali & Moharrir Taj Mir Shah are recommended for minor punishment since they did not adopt the proper legal procedure.

Submitted please.

(HASAN ASAD ALI)  
Enquiry Officer  
Superintendent of Police, HQrs:  
Peshawar.

SSP Operation

I Sr: Superintendent of Police Operation, Peshawar, as competent authority, under the North-West frontier province Removal from Service (Special Power) Ordinance 2000, do hereby serve you HC Taj Mir Shah of PS Bhanamari, Peshawar as follows:-

That consequent upon the completion of inquiry conducted against you by SP/Hqrs, Peshawar and recommended you for Minor punishment.

You HC Taj Mir Shah while posted at PS Banamari committed the following irregularities that:-

The complainant Salahudin s/o Haji Khawas Khan resident of Lakki Marwat was brought to the PS and locked up vide DD no. 23 dated 06.12.2008.

During search of the complainant an amount Rs. 80,700/- was taken from the possession of the complainant Salahudin. In this regard, a preliminary enquiry was conducted against the above named officer in which he had found guilty and recommended for proper departmental enquiry.

On 30.12.2008, complainant Salahudin submitted an application to DIG of Police Headquarters NWFP Peshawar, wherein he stated that he was standing at Firdous bus stop. In the meantime, a Police party of PS Banamari arrested him without any legal reason. SHO Rajab Ali had taken Rs 80,700/- along with one mobile set from the complainant and Moharrir Taj Mir Shah had also taken Rs. 50,000/- as illegal gratification for his release.

The complaint of Salahudin was marked by the then DIG/Hqrs to SP City for necessary action and report. In this connection a preliminary enquiry was conducted by DSP/Suburb and he submitted report finding that complainant Salahudin was released by local Police without proper procedure which should have been thoroughly interrogated and challaned to court as per rules. The Enquiry Officer found the local Police guilty therefore recommended for proper departmental proceeding.

He was issued charge sheet and summary of allegations vide this office No. 54/E/PA, dated 06.02.2009 and SP/HQrs was appointed as enquiry officer to dig out the real facts of the case. The enquiry was conducted, statement recorded.

In view of the above you HC Moharrir Taj Mir shah was recommended for minor punishment since you did not adopt the proper legal procedure.

Your this act is against the discipline and objectionable, Shows to gross misconduct on your part being a responsible officer and renders you liable for minor punishment under the Rules, removal from "Service (Special power ordinance 2000).

2. As a result thereof, I, as competent authority have tentatively decided to impose upon you the major penalty including dismissal from service under section 3 of the said ordinance.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.
4. If no reply to this notice is received within stipulated period of its deliver, in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case an exparte action shall be taken against you.
6. The copy of the findings of the inquiry officer is enclosed.

*[Handwritten signature]*

He PS WRS  
10.4.09

*[Handwritten signature]*  
(ABDUL GHAFUOR/AFRIDI)  
SR: SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR.

**ATTESTED**

16

Annexure-E

ORDER.

This order will dispose off the departmental enquiry against Head Constable Taj Mir Shah while posted as PS Banamari on the ground of allegations that:

HC Taj Mir Shah while posted at PS Banamari committed the following irregularities that:-

The complainant Salahudin s/o Haji Khawas Khan resident of Lakki Marwat was brought to the PS and locked up vide DD no. 23 dated 06.12.2008.

During search of the complainant an amount Rs. 80,700/- was taken from the possession of the complainant Salahudin. In this regard, a preliminary enquiry was conducted against the above named officer in which he had found guilty and recommended for proper departmental enquiry.

On 30.12.2008, complainant Salahudin submitted an application to DIG of Police Headquarters NWFP Peshawar, wherein he stated that he was standing at Firdous bus stop. In the meantime, a Police party of PS Banamari arrested him without any legal reason. SHO Rajab Ali had taken Rs 80,700.- along with one mobile set from the complainant and Moharrir Taj Mir Shah had also taken Rs. 50,000.- as illegal gratification for his release.

The complaint of Salahudin was marked by the then DIG/Hqrs to SP City for necessary action and report. In this connection a preliminary enquiry was conducted by DSP/Suburb and he submitted report /finding that complainant Salahudin was released by local Police without proper procedure which should have been thoroughly interrogated and challaned to court as per rules. The Enquiry Officer found the local Police guilty therefore recommended for proper departmental proceedings.

He was issued charge sheet and summary of allegations vide this office No. 54/E/PA, dated 06.02.2009 and SP/HQrs was appointed as enquiry officer to dig out the real facts of the case. The enquiry was conducted, statement recorded.

In view of the above you HC Moharrir Taj Mir Shah was recommended for minor punishment since he did not adopt the proper legal procedure. His reply was received and found unsatisfactory. He was also heard in person.

I have gone through the case file and perused the whole record, also keeping in view the recommendation of the enquiry officer. Therefore, I came to the conclusion to take the decision and award him minor punishment of two year Annual Increment with accumulative effect under the Rules, removal from "Service (Special power ordinance 2000).

~~1139~~  
~~14-4-09~~

SR: SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR.

NO. 309 — 14 /PA, Dated Peshawar the 14 - 4 - /09.

Copy to:-

1. The Capital City Police Officer, Peshawar
2. SP/HQrs, SP/City,
3. OASI
4. FMC with enquiry file.
5. CRC Branch

  
**ATTESTED**

(17)

Annex "E"




OFFICE OF THE CAPITAL CITY  
POLICE OFFICER  
PESHAWAR

ORDER.

Appeal filed by Tajmir Shah ASI is being disposed off by this office, in exercise of the powers, conferred under the law, vide this day order dated 23<sup>rd</sup> July 2013.

Short facts are that accused ASI was blamed for recovery of Rs.80,700/- from complainant Salahuddin on his personal search which was established during facts finding enquiry by the enquiry & complaint cell CPO. On their recommendation for departmental enquiry, he was proceeded with departmentally under the RSO 2000.

All relevant record was perused but reflected no irregularity or illegality to have been occasioned during the course of enquiry proceedings. The order bearing OB No.1139 dated 14.4.2009, passed by the Senior Superintendent of Police, Operations needs no interference and appeal of the appellant Tajmir Shah being unmerited is hereby dismissed.

  
Capital City Police Officer,  
Peshawar.

No. 1043-47 /PA dated Peshawar the 29/07/2013

Copies for information & n/a to the:-

1. SSP/Ops: Peshawar.
2. Pay Officer.
3. EC-II.
4. FMC along with complete FM
5. Appellant.

  
**ATTESTED**

DT: 5.8.13

15.8.13

حضرت جناب انسٹرکشنل آف پولیس ایوب خیر خٹو

No 4509 SSP(OP) 2203-R-SP-R No 96A-LB  
Dt 20/08/2013 19.8.13 20/8/2013

جناب عالی (11)

گزارش جس کے سائل 2008 میں تھا عدالت عالی میں  
کئی مرتبہ تصدیقات تھیں کہ اس وقت تھا کہ Stho رجب علی نے ایک شخص  
مسمیٰ بہرح الدین ولد میر خواجہ خاں ساکن بنوں - مشہور باکر جس کو رپورٹ  
54 ص 54 جو الہ پور 23 اور ناظم 12 06 گرفتار کے بعد جو الامت ہاٹنگ  
گیا۔ جو کہ گورنر Stho صاحب نے ہی مذکورہ شخص کو سمیان اظہار اللہ  
2) میرزا علی ساکن بنوں کی پھانسی پر فلسفی دی۔ جو کہ نقلہ اور ضمانت  
نامہ لف درخواستی چھڑا ہے۔

گورنر مسمیٰ بہرح الدین نے ایک درخواست Stho رجب علی اور علی فرید کے  
خلاف لفرین انکوٹری جمع کروا کر حوقف اختیار کیا کہ جو سے رہائی کے بعد  
رقم کا الزام لگایا جس میں انکوٹری حق رپورٹ تھا۔ SP صاحبہ کو رپورٹ  
حسن اسد علوی صاحب سابقہ SP صاحبہ کو رپورٹ انکوٹری افسر حقر دیوا۔  
انکوٹری پور SP صاحبہ رقم کے الزام کو من گھڑت قرار دیا۔

جس کے SP صاحبہ نے انکوٹری میں لوجہ مسمیٰ بہرح الدین کے خلاف السدادی کارروائی  
نہ ہو کر خیر خیر شکایت کی جس پر جا۔ SP صاحبہ سیرین عبد العزیز انکوٹری  
میں نے 2) سالہ سالانہ انٹریٹ سٹاب کیا۔

جو کہ پولیس رولہ کے مطابق قرار تھا نہ السدادی کارروائی کا حوالہ نہیں ہوتا  
اور میں سائل لوجہ السدادی کارروائی نہ کرنے پر 2) سالہ سالانہ  
انٹریٹ سٹاب کیا گیا ہے۔

P-T-0

Mr Malik Habib S I L  
for n/e Pl. 18/8/13  
21/8/13

ATTESTED

بذریعہ درخواستیں استدعا ہے کہ سائل کے ③ سالہ انگریز عدالت  
حسب حق نظر ثانی کی جاوے کسی اور کے ذریعے دوبارہ انگریزی کیا کر  
انگریز عدالت بحال کرنے کا حکم صادر فرمائیں۔

(نوٹ) انگریزی کا عدالت لف درخواستیں ہیں۔

*[Handwritten signature]*

ASR Peshawar

1.8.2013

03339388455

الگارال

آگیا ہے فرمایا جا چکا ہے اس آگیا ہے حال صحت قابل ملاحظہ ہے

Forwarded PL

SHO  
7-8-13

S.D.P.O.  
CHAMKANI  
KPK Peshawar  
15-8-13

انگریزی کا عدالت کو نقل ذیل  
① نقل نو 23 روز ماہ 12/08 - 06 - بابا ہلسی رسمی پشاور انڈیا  
② پابنت قمری - اداں پشاور انڈیا  
③ آرڈر جاریہ انگریزی آفسر - اسپ۔ صاحب صدر ڈاٹر احسن انگریزی  
④ آرڈر جاریہ - سابقہ اسپ۔ سرین عبد الغفور انگریزی  
⑤ ایسی منوخی آرڈر جاریہ - اسپ۔ صاحب

DSJ-legal  
For legal opinion

Forwarded PL

ATTESTED

Senior Superintendent of Police  
Operation Peshawar.

Superintendent of Police  
Rural Divnl Peshawar  
16.8.13

# وکالت نامہ

بعدالت پنجاب۔ سرور میں شہید محمد حجت اللہ جان ایڈووکیٹس پشاور

تاج ہیر شاہ

منجانب سائل دعویٰ یا جرم

تھانہ ایف آئی آر تاریخ

باعث تحریر آنکہ مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن بمقام پیشہ ور۔ کیلئے ارباب شیراز خان، نوید خان و ڈپٹی اینڈ محمد حجت اللہ جان ایڈووکیٹس پشاور مقرر کر کے قرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحبان کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دیئے جواب دہی اقبال دعویٰ اور بصورت ڈگری کرنے اجراء در وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحبان مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس ساختہ پرواختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحبان پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Attested & Accepted

ATTESTED

by

Arbab Sheraz Khan

Naveed Khan Wadpagga

Muhammad Hujjat Ullah Jan

Advocates, Peshawar

2004ء

06

2

المرقوم

کے لئے منظور ہے۔

پشاور

بمقام

تاج ہیر شاہ

17301/175139.1 =

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Taj Mir Shah vs Police

Application for Adjournment

Respectfully Sheweth,

- 1) That, the above title case is pending before this honorable court which is fixed for hearing today 04<sup>06</sup>/2014;
- 2) That, the learned counsel of the petitioner/applicant is busy before the honorable high court Peshawar.
- 3) That, due to unavoidable circumstances the counsel of the petitioner cannot appear before this honorable service tribunal Peshawar.

It is therefore humbly prayed that on acceptance of this Application the case may kindly be fixed for any other convenient date.

At 04<sup>06</sup>/2014

petitioner

through



Haroon Khan wadpallya  
Advocate



• Before The Court of Service Tribunal R.P.K Pesh.

Taj Meer Shah VS Police.

## Application for Adjournment

Respectfully sheweth,

- 1) That, the above title Appeal is pending before this honorable tribunal which is fixed for hearing today.
- 2) That, the learned counsels of the petitioner's are giving M.A political Science Exam and today are leaving the paper in this connection.
- 3) That, due to above noted reason the learned counsels of the petitioner's are not able to appear before this honorable court.

Applicant  
through Adv. It is therefore most humbly prayed  
enforced when Adjourn to any other convenient date.  
Advocate Peshawar

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

**Service Appeal No.504/2014.**

Taj Mir Shah ASI Police Station Chamkani District Peshawar.....Appellant

**VERSUS.**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Senior Superintendent of Police, Operations Peshawar.
3. Capital City Police Officer, Peshawar.....Respondents.

**Reply on behalf of Respondents No. 1, 2, & 3.**

**PRELIMINARY OBJECTIONS.**

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.
7. That this Hon'ble tribunal has no jurisdiction to entertain the appeal.

**FACTS:-**

1. Para No.1 pertains to record, hence needs no comments.
2. Para No.2 pertains to record, hence needs no comments.
3. Para No.3 is correct hence needs no comments.
4. Para No.4 is correct to the extent that the said accused was released on bail but without proper procedure which should have been thoroughly interrogated and challaned to court as per rules.
5. Para No.5 is correct to the extent that the accused namely Salah ud din s/o Haji Khawas Khan r/o Lakki Marwat was brought to PS Bhana Mari and was locked up. A case vide DD No.23 dated 06.12.2008 was registered. During search of the said accused an amount of RS 80,700/- was taken from his possession. On 30.12.2008, complainant Salah ud din submitted an application to DIG Hqrs KPK Peshawar, wherein he stated that the Moharar Tajmir Shah had taken RS 50,000/- as illegal gratification for his release. In this regard an inquiry was conducted against him by DSP Subrub. The enquiry officer submitted in his report that the complainant was released by the local police without proper procedure

which should have been thoroughly interrogated and challaned to court as per rules. The appellant was issued charge sheet and summary of allegations vide No.54/E/PA dated 06.02.2009 and SP Hqrs was appointed as E.O to dig out the real facts of the case. During enquiry the charges leveled against appellant were stand proved. Hence was awarded minor punishment of stoppage of two increments with accumulative effect under RSO 2000.

6. Para No. 6 is correct hence needs no comments.
7. Para No. 7 is incorrect hence denied. During the course of enquiry the E.O submitted in his report that the appellant did not adopted proper procedure for release of accused which should have been thoroughly interrogated and challaned to court as per rules. Hence the appellant committed negligence which was stand proved.
8. Para No. 8 is correct to the extent that the appellant was proceeded departmentally on the complaint of one Salah Ud Din who charged the appellant for illegal gratification of about RS 50,000/- for his release. Since the appellant did not adopted proper procedure for his release, hence was awarded minor punishment of stoppage of 02 years annual increments with accumulative effect under RSO 2000.
9. Para No.9 is correct to the extent that appeal of appellant was rejected/filed by the appellate authority after due consideration. And the appellate authority agreed with the punishment order.

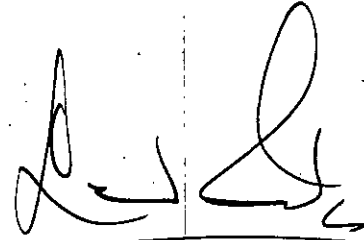
**GROUND:-**

- A) Incorrect. The appellant was treated as per law and rules.
- B) Incorrect. The appellant did not adopted proper procedure for release of accused. He committed negligence which was stand proved during the course of enquiry.
- C) Incorrect. The appellant failed to satisfy the enquiry officer about the allegations leveled against him.
- D) Incorrect. The accused was released without adopting proper procedure, which should have been thoroughly interrogated and challaned to court as per rules.
- E) Incorrect. The enquiry was conducted as per rules and law.
- F) Incorrect. The appellant was proceeded as per law on the subject.
- G) Incorrect. Proper enquiry was conducted against appellant for the charges leveled against him.
- H) Incorrect. Proper enquiry was conducted by the enquiry officer. The appellant was issued charge sheet and summary of allegations. He also submitted his reply but was found unsatisfactory. Hence after fulfilling all codal formalities the appellant was awarded minor penalty of stoppage of two annual increments with accumulative effect under RSO 2000.

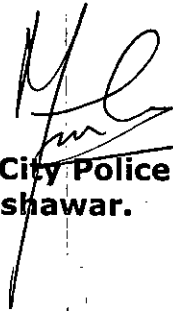
I) Respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

**PRAYER.**

It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merits and legal footing, may kindly be dismissed.



**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.**



**Capital City Police Officer  
Peshawar.**



**Senior Superintendent of Police  
Operations, Peshawar.**

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

**Service Appeal No.504/2014.**


Taj Mir Shah ASI Police Station Chamkani District Peshawar.....Appellant

**VERSUS.**

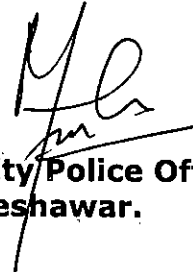
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Senior Superintendent of Police, Operations Peshawar.
3. Capital City Police Officer, Peshawar.....Respondents.

**AFFIDAVIT**

We respondents No. 1 ,2 and 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.



**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.**



**Capital City Police Officer,  
Peshawar.**



**Senior Superintendent of Police  
Operations, Peshawar.**

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

Service Appeal No. 504/2014

Taj Mir Shah.....(Appellant)

**VERSUS**

I.G.P. KPK and others.....(Respondents)

**REJOINDER ON BEHALF OF THE**  
**APPELLANT.**

**Respectfully Sheweth:**

**Preliminary objections:**

That all objections raised by respondents are illegal, without lawful, concocted, not supported by any documentary proof, and are not sustainable in the eye of law, hence denied. So, the appellant has already filed an condonation of delay application u/s 5 of Limitation Act, and the act of respondents are stopping of two increments is illegal, therefore, the appellant has locus standi to knock the door of this Hon'ble Tribunal, moreover, the appellant has

no other efficacious remedy and this Hon'ble Tribunal has jurusction to entertain the instant appeal. Furthermore, respondents have concealed material facts before this Hon'ble Tribunal.

**GROUND:**

1. Para No. 1 is incorrect, hence denied.
2. Para No. 2 is incorrect, hence denied.
3. Para No. 3 is incorrect, hence denied.
4. Para No. 4 is incorrect, hence denied. The respondents ignored the Police Rules during the inquiry in which the Head Constable has no power to release the accused, inasmuch in Chapter XXII, Volume-III, of Police Rules, 1934, Sub-Rule 22.3 the Head Constable is only performing his duties as a Clerk, Accountant, Record Keeper and Custodian of Government and other property at a Police Station under the control and supervision of the Incharge of the Police Station, and was not authorized to withheld or release a person from the custody, moreover the allegation which was leveled against the appellant for taking illegal gratification has not



been proved and appellant was exonerated accordingly.

5. Para No. 5 is incorrect, hence denied properly being replied above.

6. Para No. 6 needs no reply.

7. Para No. 7 is incorrect, hence denied. The same is already explained in Para No. 4 of the rejoinder.

8. Para No. 8 is incorrect, hence denied.

9. Para No. 9 is incorrect, hence denied.

**GROUND:**

A. That ground "A" is incorrect. Hence denied.

B. Ground "B" is incorrect, hence denied. Already explained in detail in the Para No. 4 of rejoinder.

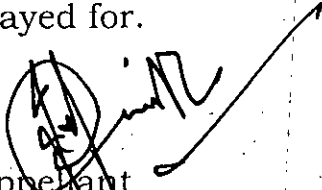
C. Ground "C" is incorrect, hence denied.

D. Ground "D" is incorrect, hence denied.

E. Ground "E" is incorrect, hence denied.


- F. Ground "F" is incorrect, hence denied.
- G. Ground "G" is incorrect, hence denied.
- H. Ground "H" is incorrect, hence denied.
- I. The appellant seeks permission to raise additional grounds at the time of arguments.

It is, therefore, respectfully prayed that on acceptance of rejoinder, the appeal of the appellant may please be allowed as prayed for.

  
Appellant

Through

Dated: 30/08/2016

  
**Naveed Khan Wadpagga**  
Advocate High Court,  
Peshawar.

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

Service Appeal No. 504/2014

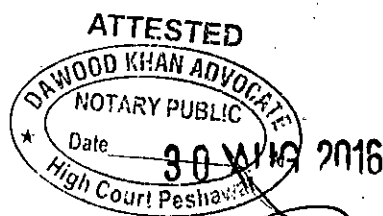
Taj Mir Shah.....(Appellant)

**VERSUS**

I.G.P. KPK and others.....(Respondents)

**AFFIDAVIT**

I, Naveed Khan Wadpagga Advocate Peshawar, as per instructions of my client, do hereby solemnly affirm and declare that all the contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



  
ADVOCATE

**OFFICE OF THE  
SENIOR SUPERINTENDENT OF POLICE  
(OPERATIONS)  
PESHAWAR**



No. 1746 /PA, DATED 29/12 /2015

**FINAL SHOW CAUSE NOTICE**

I Dr. Mian Saeed Ahmad, Senior Superintendent of Police, Operations, Peshawar as competent authority, under the Police disciplinary Rules 1975, do hereby serve you ASI Tajmir Shah while posted at PP Shagai PS Regi, Peshawar as follows:-

2. (i) That consequent upon the completion of departmental enquiry conducted against you by Mr. Jehan Zeb Khan, SP HQrs Peshawar and recommended you for one or two minor punishments for which you were given opportunity of hearing.
- (ii) On going through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the said officers.

I am satisfied that you have committed the following acts/omission:-

- i. That you remained posted at PS Regi w.e.f 10.09.2015 till date (03-months) which is sufficient period but your attitude & dealing with general public was found not good as reported by your supervisory officer (SHO & SDPO).
- ii. That the E.O found you guilty of the misconduct.

3. As a result there of I, as Competent Authority decided to impose upon you major/minor penalty including dismissal from service under the said Rules.
4. You are, therefore, require to Show Cause as to why the aforesaid penalty should not be imposed upon you.
5. If no reply to this notice received within 7-days of its delivery, it shall be resumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
6. You are at liberty to be heard in person, if so wished.

**SR SUPERINTENDENT OF POLICE,  
(OPERATIONS),  
PESHAWAR**

*with holding of  
increment for one  
year w/o cumulative  
effect.*

*ASST. SP  
PP Shagai  
29/12/2015*

**REFERENCE ATTACHED**

Subject: **ENQUIRY AGAINST ASI TAJ MIR SHAH**  
**Sir**

398/E  
14/12/15

**BRIEF OF ALLEGATIONS:-**

Please refer to the attached enquiry papers received from your good office vide: No.398/E/PA, dated 25.11.2015 against ASI Taj Mir Shah of PP Shahgai PS Regi, Peshawar on the allegations that:

It is alleged that as per report of SDPO Regi vide his office memo: No.2287 duly forwarded by SP Cantt that ASI Taj Mir Shah of PP Shahgai PS Regi Peshawar on the grounds:

1. That he is an irresponsible Police Officer.
2. Non compliance of complaint in time which received from high-ups for necessary action and report
3. Public Dealing in the area is not good.
4. Misusing of official power.

**PROCEEDINGS**

To probe into the matter against ASI Taj Mir Shah of PP Shahgai PS Regi was summoned, charge sheet was served upon him, he was heard in person an ample opportunity was given to defend himself written reply was received in time which found unsatisfactory (Copy is enclosed for ready reference). Moreover, the alleged official has provided the statements of other officials in his self defence as he making groupbandi in the force which is clear violation of Police Rules chapter-14.

In this connection, SHO PS Regi, SI Ahmad Gul was also called heard in person and his statement was recorded & placed on file.

**STATEMENT OF SHO PS REGI:**


He stated that many complaints were received against ASI Taj Mir Shah Incharge PP Shahgai regarding his misbehaviour with general public. The public dealing of the alleged ASI was not good. He further stated that he has not been deposited case properties in time due to which the general public are facing great hardships. The SHO further added that ASI Taj Mir Shah is irresponsible & ill attitude person. He affirmed the contents of daily diaries report entered vide DD No.12 dated 09.11.2015, DD No.19 dated 12.10.2015 & DD No.07 dated 11.11.2015 against the above mentioned alleged ASI.

**FINDINGS/CONCLUSION**

It merits mentioning here that respondent ASI Taj Mir Shah was enlisted as Constable in Police department in 13.07.1991 and remained posted at PS Regi w.e.f 10.09.2015 till date (03-months) which is sufficient period of time. His attitude & dealing with general public was found not good as reported by his supervisory officer (SHO) as well as SDPO concerned.

From perusal of statements recorded & other material available on record, the undersigned is of the view, that ASI Taj Mir Shah of PS Regi is found guilty of this misconduct.


Therefore, he is recommended to be awarded minor punishment of censure (one/two). Furthermore, he may be selected for special training for a period of 03-months at PTC Hangu as per standing order No.09/2010 to mend his attitude with general public in future

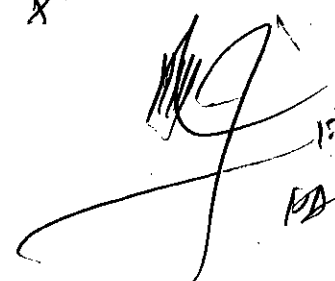
  
**(JEHANZEB KHAN)**  
**SUPERINTENDENT OF POLICE**  
**HEADQUARTERS, CCP PESHAWAR**

**W/SSP (Ops)**

~~W/SSP (Ops)~~  
EC-II  
for inaction  
& Discuss.

EC-II refused to receive the file 3 times

  
Senior Superintendent of Police  
Operation Peshawar

  
17-12-15  
PA

DISCIPLINARY ACTION

I Dr. Mian Saeed Ahmad, Senior Superintendent of Police Operations, competent authority, am of the opinion that ASI Taj Mir Shah of PP Shah shawar has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.

STATEMENT OF ALLEGATIONS

It is alleged that as per report of SDPO Regi vide his office memo No. 2287 duly forwarded by SP Cantt that ASI Taj Mir Shah of PP Shahgaj PS Regi Peshawar on the grounds:

- i. *That he is an irresponsible police official.*
- ii. *Non compliance of complaint in time which received from high-ups for necessary action and report.*
- iii. *Public Dealing in the area is not good.*
- iv. *Misusing of official power.*

Being a discipline force the act of above is high objectionable and against rules. Therefore, he has been recommended for proper departmental enquiry agasint under the police rules 1975.

By doing so he has committee gross misconduct.

For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations SP HQ, Jehanzeb Khan is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

The Enquiry Officer shall in-accordance with the provision of the Police Rules (1975), provide reasonable oppotunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.

E-NO 05  
27/11/15

  
SR: SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR.

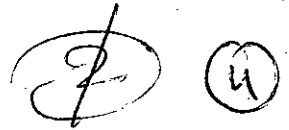
No. 398 E/PA, dated Peshawar the 25/11/2015.

Copy to the above is forwarded to the Enquiry Officer for initiating proceeding against the accused under the provision of Police Rules 1975

PA/Reader

Call him  
h

SP/HQ  
30/11/15

CHARGE SHEET


Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against you **ASI Taj Mir Shah of PP Shahgai PS Regi** Peshawar.

2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I Dr. Mian Saeed Ahmad, Senior Superintendent of Police, Operations, Peshawar hereby charge you **ASI Taj Mir Shah of PP Shahgai PS Regi**, Peshawar under Rule 5 (4) of the Police Rules 1975 on the basis of following allegations:-


It is alleged that as per report of SDPO Regi vide his office memo No. 2287 duly forwarded by SP Cantt that you ASI Taj Mir Shah of PP Shahgai PS Regi Peshawar on the grounds:

- i. ***That you are an irresponsible police official.***
- ii. ***Non compliance of complaint in time which received from high-ups for necessary action and report.***
- iii. ***Public Dealing in the area is not good.***
- iv. ***misusing of official power.***

Being a discipline force the act of above is high objectionable and against rules. Therefore, you have been recommended for proper departmental enquiry against under the police rules 1975

4. I hereby direct you further under Rule 6 (1) (b) of the said Rules to put forth written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why the action should not be taken against you and also stating at the same time whether you desire to be heard in person.

5. In case your reply is not received within the specific period to the Enquiry Officer, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.

  
SR SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR

24-4-16





# تنظیم نو جوانان آفریدی آباد



جزل بیکری: مشرف خان  
0300-5924497

صدر: حاجی غلام حسین  
0321-9069691

دوره روڈ آفریدی آباد نزد گورنمنٹ سپر سائٹس کالج چشاور

سرپرست اعلیٰ: حاجی گل ولی  
0321-9015948

رجسٹریشن نمبر 1757 - ACT.XX10F1860

تاریخ

حوالہ نمبر

جناب عالی؟

گزارش کمالی حکیم میرا برادر آرم لٹل اہل صبر 3959 فورم 7/1  
2009

تھا لٹریچر سے اغواء ہو چکا ہے جو کہ فورم 365 تھا لٹریچر نامعلوم  
ملزما منسل باغ روپ کے خلاف FIR درج ہو چکا ہے والدہ

اس سے پہلے بھی ضعیف العمر اور بیماری میں مبتلا تھا بیٹائی او انرسن کر  
چا رہی تھی میں پڑھا رہا ایک طرف برادر آرم کی بازیابی کی کوشش میں تھا

اور دوسری طرف والدہ علاج معالجہ اور خدمت میں مبتلا تھا اس دوران  
میں بھی صلیح الدین نافی شخص نے درخواست رشوت کے متعلق افسران

میں پرکھی درخواست پر انڈوائٹری مقرر کر کے انڈوائٹری افسر صلیح الدین  
حسن علوی صاحب مقرر ہوئے انڈوائٹری کے انڈوائٹری میں من سائن

تایید ہوا پھر بھی صاحب نے انڈوائٹری میں نہ ہا ہے کہ ملزم صلیح الدین  
نافی شخص نے صلیح الدین نافی کی روٹی چھوڑی ہے چھوٹی سی چھوٹی سزا دی جا

کہی اور پین عبدالغفور صاحب نے چھوٹی سزا پر سال کو دو سال ایپر پینٹ سٹاپ کی اس  
میں صلیح الدین صاحب کو اپیل کی ہے صاحب نے اپیل سنو (دی) صاحب

طلب کر کے اپیل کی سنو ایک فوٹو کالی جمع والے لکھی اور دو سزا میں سوئی  
میں بندہ سزا کے روز کے مطابق ریکارڈ میں جمع لکھی اس کے بعد فوراً



# تنظیم نوجوانان آفریدی آباد



جنرل سیکرٹری: مشرف خان  
0300-5924497

صدر: حاجی غلام حسین  
0321-9069691

دوره روڈ آفریدی آباد نزد گورنمنٹ سپر سائٹس کالج پشاور

سرپرست اعلیٰ: حاجی گل ولی  
0321-9015948

رجسٹریشن نمبر: 1757 - ACT.XX10F1860

تاریخ

حوالہ نمبر

مہربان صاب کو اپنی کلبی من سائل اپنی اور مکمل انوائسٹی جمع کر کے دفتر علم نے 18/11/1998 کو  
 بجرائی گئی اور دفتر علم نے کہا کہ آپ کے انتظار کے لیے خود بخود طلب کی جائیں گی اس دوران  
 والدہ سہت بیماری میں کشمکش میں تھا اور بہت سخت تکلیف میں تھا تھا علاج معالجہ  
 اور خدمت کر رہا تھا بیٹا آم کی بازیابی انتظار میں تھا کہ اس دوران موت آکر اس دنیا سے  
 چل رہا والدہ کی دعا اور خیرات وغیرہ کے جو فارغ ہو چکے ہیں بعد 19/11/1998 صاب اپنی مصروفیت  
 کیلئے 19/11/1998 کو رپورٹ کیا کہ صاب نے کہا کہ آپ کے اہل امیران صاب کے حکم سے فائل کر دی ہے اور  
 اطلاع امیران صاب کی حکم سے نہیں کی ہے اپنی چوری کی طرح خاموش رکھی ہے اور ان کے متعلق اطلاع دینی  
 موت ہے تو عدالت صاب و جوف کے سامنے پیش کریں

حساب صدر: برادر آم کی اغواء اور والدہ آم کی موت بیماری میں شدید علاج معالجہ وغیرہ کے  
 عدتہ مشران سبواہ سے

- 1) الفتحیہ ولد فقیر گل سائل آفریدی کالج پشاور  
17301-9084453-1  
03339148730
- 2) الفتحیہ ولد بیگم اور صاحب  
17301-7839761-2  
03219069691
- 3) الفتحیہ ولد بیگم اور صاحب  
17301-5786752-3  
03138787027
- 4) الفتحیہ ولد بیگم اور صاحب  
173-1-334-180-3  
03219-11593
- 5) الفتحیہ ولد بیگم اور صاحب  
17301-1440057-4  
03459093296
- 6) الفتحیہ ولد بیگم اور صاحب  
17301-678958-1  
032190772430







**OFFICE OF THE  
SENIOR SUPERINTENDENT OF POLICE  
(OPERATIONS)  
PESHAWAR**



No. 1746 /PA, DATED 29/12 /2015

FINAL SHOW CAUSE NOTICE

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*1 mfr mdu 14.4.09*

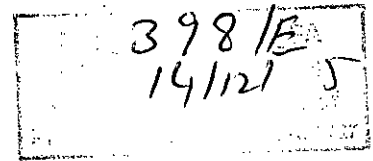
**SR SUPERINTENDENT OF POLICE,  
(OPERATIONS),  
PESHAWAR**

*with holding of  
increment for one  
year w/o accumulated  
effect.*

*ASi PP Shagai  
29/12/2015*

**REFERENCE ATTACHED**

Subject: **ENQUIRY AGAINST ASI TAJ MIR SHAH**  
**Sir**



**BRIEF OF ALLEGATIONS:-**

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**PROCEEDINGS**

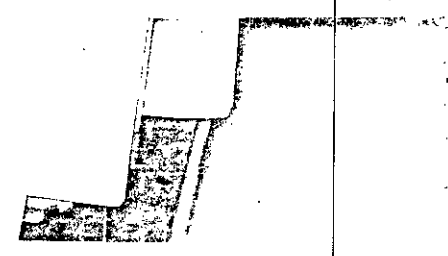
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1-0



**FINDINGS/CONCLUSION**

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**(JEHANZEB KHAN)**  
**SUPERINTENDENT OF POLICE**  
**HEADQUARTERS, CCP PESHAWAR**

**W/SSP (Ops)**

~~Head PS~~

EC II

for inaction  
& Discuss.

EC-II refused  
to receive the  
file 3 times

Senior Superintendent of Police  
Operation Peshawar

17-12-15  
PD

P.T.O

30/11/15



DISCIPLINARY ACTION

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*E-NO 05*  
*27/11/15*

SR: SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR.

No. 398 E/PA, dated Peshawar the 25/11/2015.

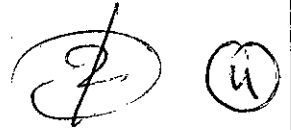
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*Handwritten notes and signatures in the bottom left corner, including a signature that appears to be 'Saeed Ahmad' and some illegible text.*

*PA/Reader*  
*Call him*  
*h*

*SP/HQ*  
*30/11/15*



CHARGE SHEET


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24-4-16