

06th July, 2022

Counsel for the appellant present and heard.

The appeal is within time which is admitted to full hearing. The appellant is directed to deposit security and process fee within 10 days. Out district respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days, while the local respondents be summoned through process serving agency of the learned Senior Civil Judge, Peshawar. To come up for written reply/comments on 01.09.2022 before the S.B.

Rs-500/-
Appellant Deposited
Security & Process Fee

A. J. J. J.
7/7/22
Notices
01/09/22

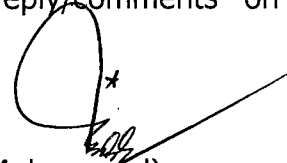


Chairman

01.09.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Fayyaz Ali, H.C for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Adjourned. To come up reply/comments on 10.10.2022 before S.B.





(Mian Muhammad)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1072/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/06/2022	<p>The appeal of Mr. Murad Ali presented today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	4-9-22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>6-7-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>


BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECKLIST

Case Title: Mirach Ali vs Police Deptt

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____	/	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	/	
3.	Whether Appeal is within time?	//	
4.	Whether the enactment under which the appeal is filed mentioned?	/	
5.	Whether the enactment under which the appeal is filed is correct?	/	
6.	Whether affidavit is appended?	/	
7.	Whether affidavit is duly attested by competent oath commissioner?	/	
8.	Whether appeal/annexures are properly paged?	/	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	/	
10.	Whether annexures are legible?	/	
11.	Whether annexures are attested?	/	
12.	Whether copies of annexures are readable/clear?	/	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	/	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	/	
15.	Whether numbers of referred cases given are correct?	/	
16.	Whether appeal contains cuttings/overwriting?	/	
17.	Whether list of books has been provided at the end of the appeal?	/	
18.	Whether case relate to this Court?	/	
19.	Whether requisite number of spare copies attached?	/	
20.	Whether complete spare copy is filed in separate file cover?	/	
21.	Whether addresses of parties given are complete?	/	
22.	Whether index filed?	/	
23.	Whether index is correct?		/
24.	Whether Security and Process Fee deposited? on _____		/
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____		/
26.	Whether copies of comments/reply/rejoinder submitted? on _____		/
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		/

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Teimer Ali Khan

Signature: 

Dated: _____

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 10722022

Murad Ali

V/S


Police Deptt:

INDEX

S. No.	Documents	Annexure	P. No.
01.	Memo of appeal	-----	01-05
02.	Affidavit	-----	06
03.	Copies of suspension order dated 09.11.2020, charge sheet along with statement of allegations and reply to charge sheet	A,B&C	07-10
04.	Copy of inquiry report	D	11
05.	Copies of show cause notice and reply to show cause notice	E&F	12-13
06.	Copy of order dated 30.12.2020	G	14
07.	Copies of departmental appeal, show cause, reply to show cause, order dated 02.08.2021, revision and order dated 02.06.2022	H,I,J,K,L&M	15-21
08.	Vakalat Nama	-----	22

APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

Cell No. 03339390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

Murad Ali Ex-FC No.1188,
Police Lines Nowshera.

(APPELLANT)

VERSUS

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

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 02.06.2022, WHEREBY THE REVISION OF APPELLANT WAS REJECTED, AGAINST THE ORDER DATED 02.08.2021, WHEREBY THE MAJOR PUNISHMENT OF REDUCTION IN PAY BY TWO STAGES FOR A PERIOD OF 02 YEARS WAS CONVERTED INTO DISMISSAL FROM SERVICE ON THE DEPARTMENTAL APPEAL OF THE APPELLANT AND AGAINST THE ORDER DATED 31.012.2020, WHEREBY THE MAJOR PUNISHMENT OF REDUCTION IN PAY BY TWO STAGES FOR A PERIOD OF 02 YEARS WAS IMPOSED UPON THE APPELLANT AND REINSTATED HIM INTO SERVICE.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 02.06.2022 AND 02.08.2021 MAY KINDLY BE SET ASIDE AND THE ORDER DATED 30.12.2020 MAY ALSO BE SET ASIDE TO THE EXTENT OF PUNISHMENT OF REDUCTION IN PAY BY TWO STAGES FOR A PERIOD OF 02 YEARS AND THE APPELLANT MAY BE REINSTATED

INTO HIS SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant has appointed in the respondent department in the year 2014 and was performing his duty with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed against him regarding his performance.
2. That the A-1 examination was conducted by ETEA authority on 01.11.2020 in District Charsadda and the appellant went with his friend namely Constable Abbas Akhtar as he was going to give A-1 exam. The appellant during examination was waiting outside the examination Centre for his friend Abbas Akhtar and after some time some constables who were the candidates of A-1 exam took out their papers to solve the paper with the help of their colleagues and when the examiner came out from the Centre, the people were escaped from the place, however, the appellant along with other some other people did not leave the spot and the examiners took the appellant along with some other people to the examination Centre. Abbas Akhtar also told the examiner that he came with him only for the purpose of company, but despite that the officials concerned took the appellant along with other people to the PS City Charsadda and the concerned DSP, SHO after proper investigation of the incident left the appellant along with other people as they were innocent.
3. That on the basis of above incident, the appellant was suspended from service vide order dated 09.11.2020 and charge sheet along with the statement of allegations were issued to the appellant in which the allegations of appeared unlawfully in A-1 examination held by ETEA authority on 01.11.2020 by impersonating himself as constable Abbas Akhtar No 1199 was leveled against the appellant, which was properly replied by the appellant in which he denied the allegations and gave the real facts about the issue. (Copies of suspension order dated 09.11.2020, charge sheet along with statement of allegations and reply to charge sheet are attached as Annexure-A,B&C)
4. That inquiry was conducted against the appellant which was not according to the prescribed procedure as neither statements were

recorded in the presence of the appellant nor gave him opportunity of cross examination. The inquiry officer did not conduct regular inquiry in order to dig out the reality about the issue by observing the reply to the charge sheet of the appellant, but despite that the inquiry officer found the appellant guilty. **(Copy of inquiry is attached as Annexure-D)**

5. That show cause notice was issued to the appellant which was replied by the appellant in which he again denied the allegations and gave the real facts about the matter. **(Copies of show cause notice and reply to show cause notice are attached as Annexure-E&F)**
6. That on the basis of above baseless allegations major punishment of reduction in pay by two stages for the period of two years has imposed upon the appellant and also reinstated him in service vide order dated 30.12.2020. **(Copy of order dated 30.12.2020 is attached as Annexure-G)**
7. That the appellant filed departmental appeal on 03.05.2021 against the punishment of reduction in pay by two stages for a period of 02 years on which respondent No.2 issued show cause notice to the appellant which was replied by the appellant in which he again denied the allegations and requested to set aside the punishment imposed by respondent No.3, but respondent No.2 converted the major punishment of reduction in pay by two stages for a period of 02 years into dismissal from service on the departmental appeal of the appellant vide order dated 02.08.2021 without providing opportunity of personal to the appellant. The appellant then filed revision on 27.08.2021, which was rejected vide order dated 02.06.2022 for no good grounds. **(Copies of departmental appeal, show cause, reply to show cause, order dated 02.08.2021, revision and order dated 02.06.2022 are attached as Annexure-H,I,J,K,L&M)**
8. That the appellant has no other remedy except to file the instant service appeal in this Honourable Tribunal on the following grounds amongst others.

GROUND:

- A. That the impugned orders dated 02.06.2022, 02.08.2021 and order dated 30.12.2020 to the extent of punishment of reduction in pay by two stages for a period of 02 years are against the law, facts, norms of justice and material on record, therefore, not tenable and the orders dated 02.06.2022 and 02.08.2021 are liable to be set aside and the

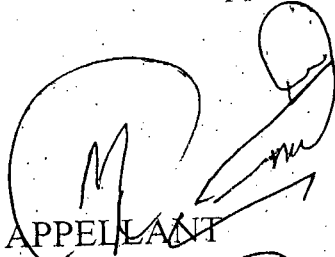
order dated 30.12.2020 is also liable to be set aside to the extent of punishment of reduction in pay by two stages for a period of 02 years.

- B. That inquiry conducted against the appellant was not according to the prescribed procedure as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, which is violation of law and rules and as such the orders dated 02.06.2022 and 02.08.2021 are liable to be set aside and the order dated 30.12.2020 is also liable to be set aside to the extent of punishment of reduction in pay by two stages for a period of 02 years on this ground alone.
- C. That no opportunity of defence was provided to the appellant during inquiry proceeding, which is violation of Article-10A of the Constitution of Pakistan.
- D. That the inquiry office did not conduct regular inquiry in order to dig out the reality about the matter by observing the reply to the charge sheet, which is violation of law and rules.
- E. That inquiry officer also mentioned in his inquiry report that information from some other sources was gathered with specification of source of that information which means that the appellant has been punished on the presumption basis and without conducting regular inquiry, which is not permissible under the law.
- F. That the friend of the appellant namely Constable Abbas Akhtar has A-1 examination in District Charsadda and the appellant went with him just to company him and during examination, the appellant was waiting outside the examination Centre for his friend Abbas Akhtar and after some time some constables who were the candidates of A-1 exam took out their papers to solve the paper with the help of their colleagues and when the examiner came out from the Centre, the people were escaped from the place, however, the appellant along with other some other people did not leave the spot and the examiners took the appellant along with some other people to the examination Centre. Abbas Akhtar also told the examiner that he came with him only for the purpose of company, but despite that the officials concerned took the appellant along with other people to the PS City Charsadda and the concerned DSP, SHO after proper investigation of the incident left the appellant along with other people as they were

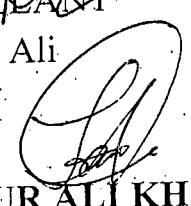
innocent, which means that the appellant has been punished for no fault on his part.

- G. That respondent No.2 enhanced the punishment of reduction in pay by two stages for a period of 02 years to dismissal from from service on the departmental appeal of the appellant without providing opportunity of personal hearing which is violation of law and rules.
- H. That respondent No.3 imposed the penalty of reduction in pay by two stages for a period of 02 years, which was enhanced to dismissal from service by respondent No.2, which is too harsh and was passed without observing codal formalities and such liable to be set aside.
- I. That the appellant has been condemned unheard and has not been treated according to law and rules.
- J. That the appellant seeks permission of this Honourable Tribunal to advance others grounds and proofs at the time of hearing.

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


APPELLANT
Murad Ali

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

CERTIFICATE:

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


DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

Murad Ali

V/S

Police Deptt:

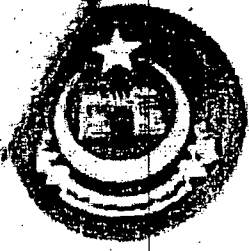
.....
AFFIDAVIT

I, Murad Ali Ex-FC No.11188, Police Lines Nowshera (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this august Court.


DEPONENT

Murad Ali
(APPELLANT)
CNIC: 17201-1812582-1
Cell# 03169690092





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

Tel No. 0923-9220102 & Fax No. 0923-9220103
Email dpo_nowsherakpk@yahoo.com



ORDER

Following Constables are hereby placed under suspension and closed to Police Lines, Nowshera with immediate effect:

1. Murad Ali No 1188 (on 160 days long leave from Police Lines).
2. Zar Khan No 53 of guard NADRA Office, Nowshera Cantt.
3. Sohail No 419 Reader ASP Cantt.
4. Abbas Akhtar No 1189 of Elite Force.

Charge sheets & statement of allegations will be issued against them

separately.

OB No. 1057

Dated 9/11/2020

M. Khan
District Police Officer,
Nowshera

No. 2952-SB/PA dated Nowshera, the 9/11/2020.

Copy for information and necessary action to the:

1. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
2. ASP Cantt Nowshera
3. DSP HQR, Nowshera.
4. Pay Officer
5. Establishment Clerk.
6. OHC
7. FMC.

1-11-2020

9/11/2020

6-11-2020

CHARGE SHEET

B (8)

2020

I, Capt. (R) Naimul Hasnain Liaquat, PSP District Police Officer, Nowshera, as
ent authority, hereby charge FC Murad Ali No. 1188 as per statement of allegations
d.

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

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

Your written defense, if any should reach the Enquiry Officer within the specified
iod, failing which it shall be presumed that you have no defense to put in and in that case ex-
te action shall follow against you.

Intimate whether you desire to be heard in person.

Nia
District Police Officer,
Nowshera

9

DISCIPLINARY ACTION

I, Capt. (R) Naimul Hasnain Liaquat, PSP, District Police Officer, Nowshera
am of the opinion that FC Murad Ali No. 1188 has rendered himself liable to
be taken disciplinary action against as he committed the following acts / omissions within the meaning of Police

STATEMENT OF ALLEGATIONS

Whereas, FC Murad Ali No. 1188 (on 160 days earned leave from Lines,
now under suspension, appeared unlawfully in A-1 Examination held by ETEA authority
No. 020, by impersonating himself as Constable Abbas Akhtar No. 1199 of Platoon No. Elite
(equal candidate), which amounts to grave misconduct on his part and rendered him liable for
disciplinary action under Khyber Pakhtunkhwa Police Rules, 1975.

For the purpose of scrutinizing the conduct of the said accused official with
reference to above allegations ASP Cantt is hereby nominated as
Enquiry Officer.

The Enquiry Officer shall in accordance with the provision of Police Rules,
provide reasonable opportunity of hearing to the defaulter official; record his findings and
make immediate recommendations as to punish or other appropriate action against the defaulter

FC Murad Ali No. 1188 is directed to appear before the Enquiry Officer on the
date and place fixed by the Enquiry Officer.

Niam
District Police Officer,
Nowshera

82 / PA,
2/11/2020.

76
21-12-2019

AM
11-11-2020

جناب عالی!

10

2020

to

بحوالہ چارج شیٹ نمبر PA/182 مورخہ 09.11.2020 معروض ہوں کہ بمورخہ 11.2020 چورسده 1A1 امتحان تھا۔ جسکے لیے ضلع ہذا کے علاوہ دیگر اضلاع سے بھی پولیس کنستبلان آئے ہوئے تھے۔ کنستبلان فوریس جو کہ میرا قریبی دوست ہے جسکا بھی 1A1 امتحان تھا تو اسکے ساتھ شہر اور چارہ گیا تھا۔ جب متعینہ جگہ پہنچے تو کنستبلان کے اندر گیا اور ہم باہر تھے۔ میرے علاوہ وہاں دیگر اضلاع سے بھی بہت زیادہ پولیس والے سادہ کپڑوں میں اپنے ساتھ آئے تھے اور امتحانی ہال کے باہر موجود تھے۔ تھوڑی دیر بعد امتحانی ہال سے مختلف کنستبلان نے پتھر پھینکنا شروع کیا۔ ہم انہیں کی مدد سے حل کرانے شروع کیے۔ کداسی اثناء میں EATA کے استاذوں نے باہر نکھے جس میں بہت سے لڑکے تھے اور میرے علاوہ وہاں پر 5/6 لڑکے اور تھے۔ جو نہیں بھاگے۔ تو اس استاذوں نے ہمیں پکڑ کر امتحان ہال کے باہر لے گئے۔ ہمارے قصاصہ برنکالے جب میرے دوست کنستبلان عباس اختر میرے پاس آیا تو اس استاذوں نے ان سے بھی پتھر پھینکا۔ استاذ کو کافی سمجھایا کہ یہ میرا دوست ہے اور میرے ساتھ آیا ہے۔ تو ان سے پوچھنے آیا کہ امتحانی ہال کے اندر کیا کر رہے ہو یا ایک بھی نہ سنی۔ مجھے اور کنستبلان عباس اختر اور دیگر 2/3 لڑکے اور تھے جسکو زیر نگرانی پولیس تھا نہ سنی چار سادہ پہنچایا گیا وہاں تھے۔ اب مجھے علم ہوا کہ من سائل کی انوائٹری ہے بروز وقوعہ جو کچھ بھی ہوا تھا اسکے بارے میں تحریریں بیان دیں۔ اس معاملہ میں یہ قہر استند عاھیکہ میرے خلاف جاری شدہ چارج شیٹ کو بغیر کسی کارروائی داخل دفتر لیا جائے۔

کنستبلان
پولیس لائن نو
1188

2020

OFFICE OF
**SUB-DIVISIONAL POLICE OFFICER,
CANTT CIRCLE**

Tel: 0923-9220108, E-Mail: sdponsrcantt@gmail.com

No. 76 /ST, Dated: 21/12/2020

The Worthy District Police Officer,
Nowshera.

**DISCIPLINARY ACTION AGAINST CONSTABLE MURAD ALI
No.1188 POLICE LINES NOWSHERA.**

Kindly refer to your office Diary No. 182/PA, dated 09.11.2020.

FACTS OF ALLEGATIONS:

Constable Murad Ali No.1188, (on 160 days earned leave from lines Nowshera) now under suspension, appeared unlawfully in A-1 examination held by ETEA authority on 01.11.2020, by impersonating himself as Constable Abbas Akhtar No.1199 of Elite Force (actual candidate). The competent authority designated the undersigned as enquiry officer.

FINDINGS:

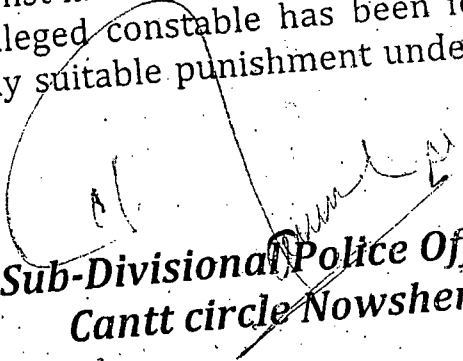
In this connection enquiry proceedings were initiated and the defaulter official was summoned, and served the charge sheet upon him. He submitted his reply to the charge sheet, wherein he did not confess his guilt to his friend. Constable Murad Ali No. 1188 further added that he went with his friend FC Abbas Akhtar in order to accompany him.

CONCLUSION:

The alleged police official was heard in person and reply was submitted. The defaulter official did not admit the charges leveled against him in the charge sheet. In this connection statement of HC Tajbar & HC Masad Shah assistants OHC Nowshera were also recorded, which revealed that they were misled by the ETEA staff for the identification of the person caught in the examination hall for impersonating himself as FC Abbas Akhtar, but the person was identified as the defaulter official FC Murad No.1188 from which it is evident that the alleged constable impersonated himself. Similarly, information from other sources was gathered as well.

RECOMMENDATION:

Hence, the charges leveled against him in the charge sheet have been proved without any doubt and the alleged constable has been found guilty. Therefore, he is recommended for any suitable punishment under the relevant rules and law, if so agreed please.


Sub-Divisional Police Officer,
Cantt circle Nowshera.

CS
E
12

FINAL SHOW CAUSE NOTICE

Whereas, you FC Murad Ali No. 1188, while posted as steno DSP Nowshera now on 160 days earned leave, appeared unlawfully in A-1 Examination ETEA authority on 01.11.2020, by impersonating yourself as Constable Abbas Akhtar 99 of Elite Force (actual candidate).

On account of which you were suspended and proceeded against tentatively through ASP Cantt Nowshera who after fulfillment of legal formalities submitted his report to undersigned, wherein the allegations leveled against you have been noted and recommended you for awarding punishment.

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

Hence, I, Capt: (R) Najmul Husnain Liaquat, PSP District Police Officer, Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within **07 days** of the receipt of this notice, failing which, it will be presumed that you have no defense to offer.

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


District Police Officer,
Nowshera

No. _____ /PA;
Dated _____ /2020.

F (13)

جناب عالی!

بحوالہ فائنل شو کاز نوٹس نمبری PA/279 مورخہ 22-12-2020 معروض ہوں کہ بمورخہ 01-11-2020 کو بمقام چارسدہ A1 کا امتحان تھا۔ جس کیلئے ضلع ہذا کے علاوہ دیگر اضلاع سے بھی پولیس کنسٹیبلان آئے ہوئے تھے۔ کنسٹیبل عباس اختر جو کہ میرا قریبی دوست ہے جرک بھی A1 امتحان تھا اسکے ہمراہ چلا گیا۔ جب متعلقہ جگہ پہنچے تو کنسٹیبل عباس اختر امتحانی حال کے اندر گیا اور ہم باہر تھے۔ میرے علاوہ وہاں پر دیگر اضلاع سے بھی بہت زیادہ پولیس والے سادہ کپڑوں میں اپنے اپنے دوستوں کے ساتھ آئے تھے اور امتحانی حال کے باہر موجود تھے۔ تھوڑی دیر بعد امتحانی حال سے مختلف کنسٹیبلان نے پیپر باہر نکالنے شروع کیے کہ اسی اثناء میں ETEA کے استاذان باہر نکلے جس میں بہت سے لڑکے بھاگ نکلے لیکن میں اور میرے علاوہ وہاں پر 5/6 لڑکے اور تھے جو نہیں بھاگے۔ تو اس استاذان نے ہمیں پکڑ کر امتحانی حال کے اندر لے گئے اور ہمارے تصاویر نکالے جب میرا دوست کنسٹیبل عباس اختر میرے پاس آیا تو ان استاذوں نے اس سے پیپر چھین لیا۔ عباس اختر نے استاذ کو کافی سمجھایا کہ یہ میرا دوست ہے اور میرے ساتھ آیا ہے میں تو ان سے پوچھنے آیا کہ امتحانی حال کے اندر کیا کر رہے ہو لیکن انہوں نے ایک بھی نہ سنی۔ مجھے، کنسٹیبل عباس اختر اور دیگر 2/3 لڑکے اور تھے جسکو زپرنگرانی پولیس تھانہ سٹی چارسدہ پہنچایا گیا وہاں پر DSP/SHO صاحبان نے بھی موقعہ کی نسبت صورتحال کی جانچ پڑتال کر کے ہمیں بغیر کسی کارروائی کے چھوڑ دیا کیونکہ ہم بے گناہ تھے اب مجھے علم ہوا کہ من سائل کے خلاف انکو آری شروع ہوئی ہے امتحان کے دن جو بھی ہوا وہ ارادہ نہیں ہوا اور میں اس معاملے میں بے گناہ ہوں میرے خلاف لگائے گئے الزامات بے بنیاد ہیں استدعا ہے کہ انکو آری چارج شیٹ کو بغیر کسی کارروائی داخل دفتر کی جائے۔

کنسٹیبل عباس اختر
مراکھی بیلٹ نمبر 1188 متعینہ پولیس لائن نوشہرہ

24.12.2020

Call me OR

Aware of
punishment
in pay by
for a period of 02 x stages
and re-installed
reduction

Mian
29/12

POLICE DEPARTMENT

DISTRICT NOWSHERA

ORDER

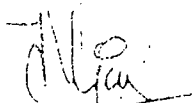
This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975 against Constable Murad Ali No. 1186 (on 150 days earned leave from Police Lines, Nowshera), appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating himself as Constable Abbas Akhtar No. 1199 of Elite Force (active candidate).

On account of which, he was suspended; closed to Police Lines and proceeded against departmentally through ASP Cantt Nowshera, who after fulfillment of legal formalities submitted his report to undersigned vide his office No. 76/St: dated 21.12.2020, wherein the allegations leveled against him have been proved and recommended him for awarding suitable punishment.

He was served with Final Show Cause Notice, to which he submitted his reply, which was perused by the undersigned and found unsatisfactory.

He was heard in orderly room by the undersigned wherein he failed to produce any cogent reason in his defense, therefore, he is hereby awarded major punishment of reduction in pay by two stages for a period of 02 years and re-instated in service with immediate effect, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 1286
Dated 30/12 2020


District Police Officer
Nowshera

No. 3519-24 /PA, dated Nowshera, the 30/12 2020.
Copy for information and necessary action to the:

1. DSP HQrs: Nowshera.
2. Pay Officer.
3. Establishment Clerk.
4. OHC.
5. FMC with enquiry papers (12 pages).
6. Official concerned.

MAT. PL. - 025P
03 - 05 - 2021

03 - 05 - 2021
11-5-2021

8

Handwritten notes in Urdu, including "میں نے اس کے بارے میں سوچا" and "میں نے اس کے بارے میں سوچا".

Handwritten notes in Urdu, including "میں نے اس کے بارے میں سوچا" and "میں نے اس کے بارے میں سوچا".

26/04/2021

Handwritten notes in Urdu, including "میں نے اس کے بارے میں سوچا" and "میں نے اس کے بارے میں سوچا".

Handwritten notes in Urdu, including "میں نے اس کے بارے میں سوچا" and "میں نے اس کے بارے میں سوچا".

Handwritten notes in Urdu, including "میں نے اس کے بارے میں سوچا" and "میں نے اس کے بارے میں سوچا".



Phone No 0937-0230113 114
Fax No: 0937-0230115
Email: diamardan@gmail.com

GOVERNMENT OF KHYBER PAKHTUN KHWA
OFFICE OF THE
REGIONAL POLICE OFFICER,
MARDAN

No. 3153 /ES, dated, Mardan Region the 18-06-2021

SHOW CAUSE NOTICE

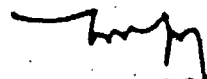
Whereas, you Constable Murad Ali No.1188, Nowshera while on leave for 150 days appeared unlawfully in A-1 examination held by ETEA on 01-11-2020, by impersonating yourself as Constable Abbas Akhtar No.1199/Elite Force. On account of the aforementioned allegations proper departmental enquiry/proceedings were initiated against you and on conclusion of the same, the District Police Officer, Nowshera awarded you major punishment of reduction in pay by two stage vide O.B No.1286, dated 30.12.2020. Feeling aggrieved, you filed a departmental appeal and during personal hearing it transpired that the order of punishment does not commensurate with the gravity of your misconduct, rather you deserve not to be retained in the force because of the unbecoming of an officer.

Therefore, it is proposed that why your punishment shall not be enhanced as envisaged under Rule 11, Sub Rule 4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014.

Hence, I, Yaseen Farooq, PSP Regional Police Officer, Mardan in the exercise of the power vested under Rule 11, Sub Rule 4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014 call upon you to Show Cause as to why not impose upon you the enhance punishment of dismissal/removal of service provided in the above-mentioned rules.

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

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


(YASEEN FAROOQ)PSP,
Regional Police Officer,
Mardan.

Constable Murad Ali No.53
District Nowshera

CC.

The District Police Officer, Nowshera.

J (17)

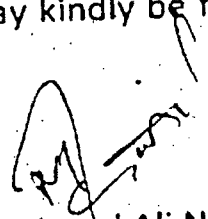
Respected sir,

With reference to the Show Cause Notice No. 3150/ES, dated 18.06.2021, it is submitted that I had been awarded major punishment of reduction in pay by two stages by DPO Nowshera vide OB No. 1286, dated 30.12.2020.

Respected sir, I had already been awarded a major punishment after proper departmental enquiry. I already been through a lot of embarrassment and I am really ashamed of whatever I have done. I apologize for this act and feel regret from the depth of my heart.

Besides, I am being the sole bread winner of my family, the punishment awarded to me greatly affected me financially. It is humbly requested that I may kindly be given a single chance. I am assured/promised that I will never ever give chance of any misconduct to my superior in future and will perform my duties efficiently and honestly.

Keeping in view the above submission, it is requested that the instant Show Cause Notice may kindly be filed and set aside the punishment awarded to me by DPO Nowshera.



Constable Murad Ali No. 1188 Police Lines, Nowshera
Cell No. 0312-5801433

27.06.2021

ORDER.

This order will dispose-off the departmental appeal preferred by Constable Murad Ali No. 1188, of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of reduction in pay by two stages vide OB: No. 1286 dated 31.12.2020. The appellant was proceeded against departmentally on the allegations that he was granted 152 days earned leave, during the said leave, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating himself as Constable Abbas Akhtar No. 1199 of Elite Force (actual candidate).

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, Cantt. Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Nowshera, wherein he held responsible the delinquent Officer and recommended him for suitable punishment.

He was issued Firal Show Cause Notice to which his reply was received/perused and found unsatisfactory. The delinquent Official was heard in Orderly Room by the District Police Officer, Nowshera, wherein he failed to produce any cogent reason in his defense. Therefore, he was awarded major punishment of reduction in pay by two stages vide OB. No. 1286 dated 31.12.2020.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in Orderly Room held in this office on 16.06.2021 but he failed to advance any plausible reason to justify his innocence. Hence, he was issued Show Cause Notice under Rule-11, Sub Rule-4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014, to which his reply was received and found unsatisfactory. Therefore, he was called in Orderly Room held this on 26.07.2021 but this time too he bitterly failed to advance any cogent reasons in his defense.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt and the competent authority has treated him leniently by not registering a criminal case although the misconduct of the appellant deserved a harsher punishment. Therefore, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in illegal and criminal activities. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer.

K (18)

Keeping in view the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, hereby convert the major punishment of reduction in pay by two stages into major-punishment of dismissal from service with immediate effect.

19

Order Announced.

[Signature]
Regional Police Officer,
Mardan.

No. 4033 /ES, Dated Mardan the 02-08- /2021.

Copy forwarded to District Police Officer, Nowshera for information and necessary action w/r to his office Memo: No. 1222/PA dated 26.05.2021. His Service Record is returned herewith.

(****)

20/EC/04e/03e/EME
For necessary action

790
5/8/2021

[Signature]
5/8/2021

Na 1475/PA
dt 05/8/2021

اپیل بخدمت جناب صوبائی پولیس آفیسر خیبر بختونخوا

20

برائے منسوخی حکم جناب ریجنل پولیس آفیسر صاحب مردان

برخاستگی نمبری: 4Q33/ES مورخہ 02.06.2021

جناب عالی!

بعد احترام و تکریم معروض ہوں کہ سائل مورخہ 01.09.2014 بھرتی شدہ ہے کہ سائل کو جناب DPO صاحب نوشہرہ نے ذمہ داریوں میں چارج شیٹ دے کر بحوالہ OB No. 1286 مورخہ 31.12.2020 کو reduction in pay by two stages for two years کی سزا دی۔ جن کی نسبت سائل نے ریجنل پولیس آفیسر صاحب مردان کو سزا کی معافی کی اپیل کی جنہوں نے سزا میں اضافہ کرتے ہوئے DPO صاحب نوشہرہ کی سزا کو Convert کر کے سائل کو بحوالہ حکم نمبری 4033/ES مورخہ 02.08.2021 کو ملازمت سے برخاست کیا۔ جسکی بابت یہ تفصیل اپنی صفائی پیش کرتا ہوں:

جناب عالی!

جہاں تک الزامات کا تعلق ہے A1 امتحان منعقدہ 01.11.2020 بمقام چارسدہ تھا۔ کنسٹیبل عباس اختر ایسٹ فورس نوشہرہ جو میرا قریبی دوست ہے اس کا بھی A1 امتحان تھا اس کے ہمرا چلا گیا تھا۔ جب جگہ پہنچے تو کنسٹیبل عباس اختر ہال کے اندر گیا اور ہم باہر تھے میرے علاوہ وہاں پر دیگر اضلاع سے بھی بہت زیادہ پولیس والے سادہ کپڑوں میں اپنے اپنے دوستوں کے ساتھ آئے تھے اور باہر موجود تھے تھوڑی دیر بعد امتحانی ہال سے مختلف کنسٹیبلان نے پیپر بارزکا لئے شروع کئے اور وہاں پر انفرافری شروع ہوئی کہ اسی اثناء میں ETEA اساتذہ باہر نکلے جس میں سے بہت سے لڑکے بھاگ نکلے لیکن میں اور میرے علاوہ وہاں پر چند لڑکے تھے جو نہیں بھاگے تو اساتذہ نے ہم پر لڑکے امتحانی ہال کے اندر لے گئے تو میرا دوست عباس اختر میرے پاس آیا کہ کیا مسئلہ ہے تو ETEA کے اساتذہ نے ان سے بھی پیپر چھینا اور ہمارے تصاویر نکالے کہ آپ ان کی مدد کر رہے ہیں۔ ہم نے ETEA کے اساتذہ کو بہت سمجھایا کہ میں باہر تھا لیکن انہوں نے ہماری آواز نہ سنی اور مجھے اور کنسٹیبل عباس اختر کے علاوہ دو تین لڑکے اور تھے زیر نگرانی تھانہ سٹی پولیس چارسدہ پہنچایا گیا اور وہاں پر DSP صاحبان نے موقع کی نسبت جانچ پڑتال کر کے ہمیں بغیر کسی کارروائی کے چھوڑ دیا کیونکہ ہم بے گناہ تھے۔

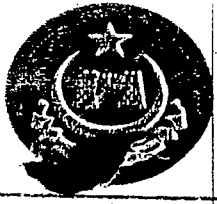
جناب عالی!

سائل کا تعلق ایک غریب خاندان سے ہے اور سائل اپنے خاندان کا واحد خود کفیل ہے۔ سائل نے محکمہ پولیس میں بے داغ ملازمت کی ہے۔

استدعاء ہے کہ سائل کے گھریلو غریبت اور بے داغ ملازمت پولیس اور الزام ہذا میں بے گناہی کو مد نظر رکھتے ہوئے سائل کو محکمہ پولیس میں بحال کر کے مشکور فرمائیں۔ سائل تاحیات احسان مند اور دُعا گو رہے گا۔

العارض

آپ کا تابعدار سابقہ کنسٹیبل مراد علی بلٹ نمبر 1188 ضلع نوشہرہ



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

M (21)

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Murad Ali No. 1188.

The petitioner was awarded punishment of reduction in pay by two stages for a period of two (02) years by District Police Officer, Nowshera vide OB No. 1286, dated 30.12.2020 on the allegations that he was granted 160-days earned leave, during the said leave, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonation himself as Constable Abbas Akhtar No. 1199 of Elite Force (actual candidate). The Appellate Authority i.e. Regional Police Officer, Mardan converted his penalty of reduction in pay by two stages for a period of two (02) years into dismissal from service vide order Endst: No. 4033/ES, dated 02.08.2021.

Meeting of Appellate Board was held on 19.05.2022 wherein petitioner was heard in person. Petitioner denied the allegations leveled against him.

Perusal of enquiry papers revealed that the allegations against the petitioner was proved during enquiry. His conduct was detrimental to discipline and his further retention in Police is bound to negatively influence discipline of other personnel of the force. Moreover, the petitioner could not produce cogent evidence of his innocence. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-

SABIR AHMED, PSP

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI/1269-75/22, dated Peshawar, the 2/16/2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 5561/ES, dated 06.10.2021 is returned herewith for your office record.
2. District Police Officer, Nowshera.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

(DR. ZAHID ULLAH) PSP
AIG Establishment,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Copy

APPEAL No.....*1072*..... of 20 ^{*SB*}*22*

Murad Ali

Appellant/Petitioner

Versus

PPO KPK Peshawar

RESPONDENT(S)

Notice to Respondent (3) Appellant/Petitioner *DPO Nowshera*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on..... at.....

02/09/2022 9:00am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply

Copy of appeal is attached

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.