

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

BEFORE: MR. KALIM ARSHAD KHAN, CHAIRMAN
MR. MIAN MUHAMMAD, ... MEMBER(E)

Service Appeal No.3425/2021

Imdad Khan(Ex-Constable Belt No.510 MI, Police Station Urmar) son of Haji Muqadar Shah, resident of Gulab Abad, ZaiKohind PO Akbar Pura, District Nowshera..... (*Appellant*)

Versus

1. **Inspector General** of Police/PPOKhyberPakhtunkhwa, Peshawar.
2. **Capital City Police Officer**, Peshawar.
3. **Regional Police Officer**, Peshawar.
4. **Senior Superintendent of Police** (Investigation) Peshawar.....(*Respondents*)

Present:

Mr. Muhammad Saeed Khan, Advocate ...For appellant.

Mr. Muhammad Adeel Butt, Addl. Advocate General...For respondents.

Date of Institution.....04.03.2021
Date of Hearing.....05.04.2022
Date of Decision..... 11.04.2022

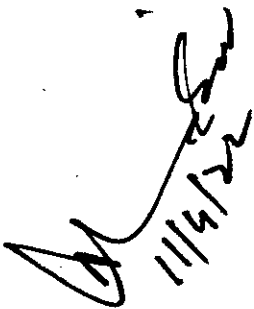
JUDGEMENT

KALIM ARSHAD KHAN CHAIRMAN. This appeal is against the order No.2-07E/PA dated 13.01.2021, whereby the appellant was awarded major punishment of dismissal from service. It is also against the appellate order No.489-96/PA dated 24.02.2021 whereby appeal filed against the dismissal order, was turned down.

2. It is averred in the appeal that the appellant served the department for 30 years at the time when major penalty was imposed

upon him; that on involvement of the appellant in a murder case vide FIR No.246 dated 19.08.2020 under Sections 302/324/148/149 PPC registered at Police Station Akbarpura, Peshawar; that at the time of occurrence, the appellant was on his duty at Police Station Urmar; that the appellant was proceeded against departmentally and was charge sheeted on 26.08.2020 to which he replied; vide order dated 25.09.2020, while agreeing with the enquiry officer, ordered to keep the enquiry pending till the decision by the court. That statement of allegations was served on the appellant and finally on 31.12.2020 respondent No.4 issued final show cause notice wherein it was stated that reply of the appellant was not satisfactory ; that departmental enquiry was initiated in which the appellant was recommended for major punishment; that the appellant got his statement recorded regarding his innocence in the light of enquiry proceedings; that the appellant, being aggrieved from the impugned order dated 13.01.2021 preferred departmental appeal before respondent No.2 wherein he refuted all the allegations and awaiting 90 days when he received no response, he filed the service appeal.

3. On receipt of appeal and its admission after preliminary hearing, the respondents were put on notice, who put appearance and submitted reply and contended that on involvement of the appellant in criminal case, he was suspended and issued charge sheet with statement of allegations and departmental enquiry was initiated; that the enquiry officer conducted the enquiry proceedings and recommended for major punishment; that a final show cause notice was issued to the appellant to which he replied and thereafter he was awarded major punishment of

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dismissal from service; that proper departmental enquiry was conducted against the appellant and the appellant failed to rebut the charges; that the enquiry officer conducted thorough probe into the matter and found the appellant guilty of the charges; that the departmental appeal filed by the appellant was thoroughly processed and ample opportunity of hearing provided to the appellant but he failed to defend himself, therefore, his appeal was rejected/filed.

4. We have heard the learned counsel for the appellant and learned Additional Advocate General for the respondents and have gone through the file with their assistance.

5. Learned counsel for the appellant reiterated the grounds urged in the appeal and submitted that the appellant was wrongly awarded punishment. He prayed for acceptance of this appeal and reinstatement of the appellant in service with all back benefits.

6. The learned Additional Advocate General for the respondents negated the stance taken by the learned counsel for the appellant and prayed for dismissal of the appeal.

7. The appellant has faced disciplinary proceedings for his alleged involvement in a criminal case. The charge sheet served upon the appellant states that he was involved in FIR No.246 dated 19.08.2020 under Sections 302/324/148/149 PPC Police Station Akbarpura District Nowshera and thus his act was considered to highly objectionable and gross misconduct on his part. Statement of allegations also contains the same charge. In the proceedings statement of the appellant was recorded. The gist of his statement is that while posted at Police Station Urmar, a

dispute of landed property was going on between his brother Bakhtiar Ali and sister Mst. Chaman Bibi; that on 18.08.2020, he received 12 hours leave from his senior Shakkar Ghayas Khan OII and proceeded to his house to resolve the matter between them; that he made departure from Police Station Urmur vide DD No.12 dated 18.08.2002 at about 1915 hours and vide DD No.21 dated 19.08.2020 at 0715 hours he made arrival in the Police Station Urmur; that in the meanwhile his son Imad-ul-Islam informed him regarding the cross firing between his brother and brother in law Rabnawaz due to which Arshad Ali from his brother's side and Said Nawaz and Zahid Nawaz from the side of his brother in law were hit and expired; that on the report of his brother in law and his sister, he was charged for commission of the offence and proper case was registered vide the above referred FIR No.246 at Police Station Akbarpura District Nowshera; that due to his leave the OII Shakkar Ghayas marked him absent vide DD No.27 dated 19.08.2020 at about 0855 hours. It is in the enquiry report that being a Police Officer he managed BBA and also struggled to prove himself innocent; that he played vital role to solve the issue and control further devastation of human in future. Statement of OII Shakar Ghayas Khan was recorded wherein he narrated the story of enmity between his brother and sister on some land and also told about 12 hours leave and return of the appellant. He, however, added that after arrival of the appellant, he was directed at about 0845 hours for challan duty but he was found absent at 0855 hours, which absence was recorded in the DD No.27 dated 19.08.2020. the enquiry officer also recorded the statement of MASI Miraj Gul, who


11/4/22

stated that the appellant was posted at Police Station Urmur as MI Investigation and being MI he used to himself make entry regarding arrival/departure but on 19.08.2020 the appellant was marked absent at about 0855 hours. The enquiry officer concluded that the appellant was directly charged by his brother in law in the criminal case for the murder of his sons, who were also sons in law of the appellant; that in the incident one nephew of the appellant had also died. It was recommended that in the light of available material the allegation mentioned in the charge sheet and summary of allegations were proved against the appellant and thus he was recommended for major penalty. It was then he was awarded major penalty of dismissal from service.

8. Copy of the FIR is also annexed with the appeal. The FIR shows that the occurrence had allegedly taken place at about 0630 hours i.e. at the time when the appellant was on 12 hours leave. It is in the statement of MASI Miraj Gul, recorded during the enquiry proceedings, that the appellant himself used to make entries in the DDs so it was quite easier for him to make entries, according to his own wishes, choice and benefit, regarding his departure and arrival especially when he was charged in a murder case of his own nephews by none else but his own brother in law, the husband of his sister. The appellant has not been able to rebut the allegations leveled against him by concrete evidence, at least regarding his absence from duty at the time of occurrence and/or presence on the place of occurrence especially during the time when the 12 hours leave was obtained by him only on the pretext that he was going to resolve the dispute, which fact, disclosed by the appellant himself, not


11/4/22

only establishes his presence at the spot at the time of occurrence but also proves his guilt. In the grounds of appeal, the appellant has not alleged any enmity with the witnesses of enquiry, who deposed against his absence from duty at the relevant point of time.

9. For the foregoing reasons, we do not find any force in this appeal and, therefore, it is dismissed. Consign.

10. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 11th day of April, 2022.*




(KALIM ARSHAD KHAN)
Chairman


(MIAN MUHAMMAD)
Member (E)

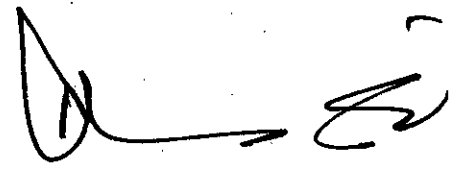
3425/2021

11th April, 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present. Arguments were heard and record perused.

Vide our detailed judgment of today, containing 06 pages, we do not find any force in this appeal and, therefore, it is dismissed. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 11th day of April, 2022.*



(KALIM ARSHAD KHAN)

Chairman



(MIAN MUHAMMAD)

Member (E)

Late diary

05th April, 2022

Mr. Ahmad Jan, S.I (Legal) turned up and submitted written reply/comments.

Arguments heard. To come up for order on 11.04.2022 before this D.B.


(Mian Muhammad)
Member(E)


Chairman

2

22.12.2021

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Raziq, H.C for the respondents present.

The respondents have not furnished reply/comments and seek further time. Let the respondents be afforded with last opportunity with the warning that in case they fail to submit the written reply/comments on or before next date, their right for reply/comments shall be deemed as struck off by virtue of this order. Case to come up for arguments on 05.04.2022 before the D.B.




Chairman

05.04.2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Ahmad Jan, SI (Legal) for the respondents present.

Written reply not submitted. Representative of the respondents requests for short adjournment as reply/comments are in process of completion. Last opportunity is granted to the respondents. To come up for written reply/comments on 07.04.2022 before the S.B.



(Mian Muhammad)
Member(E)



Chairman

Imdad Khan 3425/2021

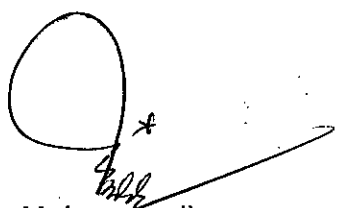
02.09.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant started his arguments with the plea that the appellant was nominated in FIR No. 246 dated 19.08.2020 under Section-302/324/148/149 Police Station Akbarpura District Nowshera. He was departmentally proceeded against without waiting for final decision of the criminal case against him by the competent court of jurisdiction despite the fact that the enquiry officer had recommended to keep the proceedings pending till the decision of court in criminal case. He was dismissed from service vide impugned order dated 13.01.2020 against which he preferred departmental appeal on 25.01.2021. The appellate authority set aside the departmental appeal of appellant on 24.02.2021. The appellant approached thereafter, the Service Tribunal through the instant service appeal on 01.03.2021. It was further argued that the appellant is on bail in the criminal case and trials are still under way before the competent court of law, therefore, he should have been placed under suspension rather than dismissal from service. It was further contended that no fair departmental proceedings have been held and no opportunity of personal hearing afforded to the appellant thus condemning him unheard. He therefore, requested that the service appeal may be allowed and he may be reinstated in service with all arrears and consequential back benefits.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 22.12.2021 before the D.B.

Appellant Deposited
Security & Process Fee
21/9/21





(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 3425 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/03/2021	<p>The appeal of Mr. Imdad Khan resubmitted today by Mr. Muhammad Saeed 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 4/3/21</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/05/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	21.05.2021	<p>Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 02.09.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p>

The appeal of Mr. Imdad Khan Constable no. 510 MI P.S Urmur Peshawar received today i.e. on 01/03/2021 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Copy of impugned order is not attached with the appeal which may be placed on it.
- 2- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 3- Appeal has not been flagged/marked annexures' marks.
- 4- Annexures of the appeal may be attested.
- 5- Annexure-C of the appeal is illegible which may be replaced by legible/better one.

No. 410 /S.T,

Dt. 01/03 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Saeed Khan Adv. Pesh.

*objection fulfilled
and resubmitted
on 04-03-2021*

7/3/21

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. _____/2021

Imdad Khan..... Appellant

Versus

Inspector General of Police/ PPO, Peshawar & others
..... Respondents

I N D E X

S.No.	Description of documents.	Annexure	Pages.
1.	Grounds of appeal.		1-5
2.	Affidavit.		6
3.	Addresses of the parties.		7
4.	Copy of CNIC	A	8
5.	Copy of impugned order dated 13.01.2021	B	9
6.	Copy of FIR	C	10-11
7.	Copies of naqal mads	D	12-13
8.	Copy report of I.O.	E	14
9.	Copy of order dated 20.08.2020	F	15
10.	Copies of charge sheet and reply	G-H	16-17
11.	Copy of order dated 25.09.2020	I	18
12.	Copy of statement of allegations	J	19
13.	Copy of final show cause notice	K	20
14.	Copies of departmental enquiry dated 22.09.2020 and 29.12.2020	L-L/1	21-24
15.	Copies of statements of appellant.	M	25-26
16.	Copy of departmental appeal	N	27
17.	Copy of order dated 24.02.2021	O	28
18.	Wakalatnama.		29

Appellant

Through


Muhammad Saeed Khan
Advocate High Court
Cell: 0300-9020797

Dated: 27.02.2021

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

3425

Service Appeal No. _____/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3308

Dated 01/03/2021

Imdad Khan son of Haji Muqadar Shah
Constable Belt No.510 MI, P.S. Urmar
R/O Gulab Abad, Zai Kohind P.O. Akbar Pura,
Tehsil and District Nowshera Appellant

Versus

- 1) Inspector General of Police/ PPO, Peshawar.
 - 2) Capital City Police Officer, Peshawar.
 - 3) Regional Police Officer, Peshawar.
 - 4) Senior Superintendent of Police (Investigation), Peshawar.
- Respondents

Appeal u/s 4 of the N.W.F.P Service Tribunal Act, 1974 against the impugned order No.2-07-E/PA dated 13.01.2021, against which departmental appeal dated 25.01.2021 has been dismissed vide order No.489-96/PA dated 24.02.2021 by the respondent No.2.

Filed to-day
Registrar
01/03/2021

Prayer:

Re-submitted to-day
and filed.

Registrar
01/03/2021

On acceptance of this appeal, the impugned order dated 13.01.2021 may kindly be set aside and the appellant may please be reinstated in service with all arrears and consequential back benefits.

Respectfully Sheweth;

Brief facts giving rise to the instant appeal are as under:-

- 1) That the appellant was appointed as Constable on 04.08.1991 in police department after the due process of the law. Moreover the appellant has good repute at his credit from the last more than 30 years of his service at the time of imposition of major penalty vide order No.2-07-E/PA dated 13.01.2021. (Copy of CNIC, and impugned order are attached as Annex: "A and B").
- 2) That the appellant was ~~Suspension~~ from his service vide order No.2807-10/PA dated 20.08.2020 due to charging in a murder case vide FIR No.246 dated 19.08.2020 u/s 302/324/148/149 PPC P.S. Akbarpura. The I.O. submitted his report dated 19.08.2020 regarding arrival and departure of the appellant. (Copy of FIR, naqal mads, report of I.O. and order dated 20.08.2020 are attached as Annex: "C, D, E and F").
- 3) That the appellant is charged in the instant case being close relative, while at the time of occurrence the appellant was on his duty in P.S. Urmar.
- 4) That the appellant was charged sheeted vide charge sheet dated 26.08.2020, which was replied by the appellant. (Copies of charge sheet and reply are attached as annexure "G and H").
- 5) That respondent No.4 vide order dated 25.09.2020 agreed with the recommendations of Inquiry Officer and ordered to keep pending the inquiry papers of the appellant till decision of the court. In this respect statement of allegations was issued by the respondent No.4. (Copies of order dated 25.09.2020 and statement of allegations are attached as Annexure "I and J").

- 6) That finally on 31.12.2020 respondent No.4 issued final show cause notice stating therein that reply of the appellant is not found satisfactory. (Copy of final show cause notice is attached as annexure "K").
- 7) That departmental inquiry against the appellant was initiated in which he was recommended for major punishment. (Copies of departmental enquiry dated 22.09.2020 and 29.12.2020 are attached as Annexure "L and L/1").
- 8) That appellant recorded statement regarding his innocence in the light of inquiry proceedings. (Copies of statements are attached as Annexure "M").
- 9) That the appellant being aggrieved and dissatisfied from the impugned order dated 13.01.2021 preferred his departmental appeal filed on dated 25.01.2021 before the respondent No.2 by refuting all the allegations contained in the impugned order, but the same has not been responded despite the lapse of statutory period of 90 days till date now. (Copy of departmental appeal is attached as Annex: "N" and order dated 24.02.2021 is Annex: "O").

GROUNDS OF APPEAL:

That the appellant being aggrieved and dissatisfied from the impugned order dated 13.01.2021 referred above, prefers the instant service appeal on the following amongst other grounds for reinstatement in service with all consequential back benefits.

- a) That the impugned order is against the law, facts and material available on record.
- b) That the competent authority/ inquiry officer failed to serve mandatory "**show cause notice**" upon the appellant before imposition of major penalty, which is violative of the principles

of natural justice and also offends the established norms of justice. The word "show cause" means to make clear or apparent, as by evidence, testimony, or reasoning to prove. Even on merit no credible evidence was brought on record to sustain the impugned order dated 13.01.2021 against the appellant. The competent authority failed to make out/ establish the alleged charges leveled in the impugned order, hence it is settled and mandatory provision and principle of law that show cause notice cannot be bartered away or contracted out. Section 5(4) Efficiency and Disciplinary Rules.

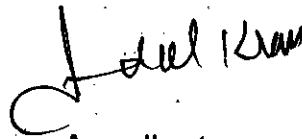
It is also pertinent to mention that even no opportunity of personal hearing was afforded to the appellant before imposition of major penalty.

- c) That the competent authority also failed to act in a judicial spirit and manner in conformity to well recognized principles of natural justice.
- d) That the competent authority was required to conduct a proper inquiry to provide an opportunity of hearing, cross examination and defense to the appellant before imposition of the major penalty.
- e) That the impugned order dated 13.01.2021 is also violative of section 24-A of General Clauses Act as the competent authority failed to pass a speaking order with sound reasoning and to substantiate allegation in the light of admissible evidence on record, there is no discussion at all to this effect.
- f) That the appellant has been falsely charged in the FIR mentioned above wherein the appellant is not convicted and the above mentioned case is still pending.
- g) That the appellant having a young official career and to discharge him in such a fashion alien to law would deprive him

to built on his official career which would also adversely affects his family.

Keeping in view, what has been stated above, it is, therefore, humbly prayed that the impugned order dated 13.01.2021 may kindly be set aside and the appellant may please be reinstated in service with all arrears and consequential back benefits.

Any other relief, which has not been specifically asked for and to whom the appellant found entitled may also be granted.



Appellant
Imdad Khan
Constable
Belt No-510 MI
P.S. Urmar

Dated: 27.02.2021

through



Advocate

Muhammad Saeed Khan
Advocate High Court

6

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. _____/2021

Imdad Khan..... Appellant

Versus

Inspector General of Police/ PPO, Peshawar & others
..... Respondents

AFFIDAVIT

I, **Imdad Khan** son of Haji Muqadar Shah Constable Belt No.510 MI, P.S. Urmar R/O Gulab Abad, Zai Kohind P.O. Akbar Pura, Tehsil and District Nowshera do hereby affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Imdad Khan

Deponent
CNIC No.17201-2178207-1

01 MAR 2021



BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. _____/2021

Imdad Khan..... Appellant

Versus

Inspector General of Police/ PPO, Peshawar & others
..... Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Imdad Khan son of Haji Muqadar Shah
Constable Belt No.510 MI, P.S. Umar
R/O Gulab Abad, Zai Kohind P.O. Akbar Pura,
Tehsil and District Nowshera

RESPONDENTS:

- 1) Inspector General of Police/ PPO, Peshawar.
- 2) Capital City Police Officer, Peshawar.
- 3) Regional Police Officer, Peshawar.
- 4) Senior Superintendent of Police (Investigation), Peshawar.

Appellant

Through


Muhammad Saeed Khan
Advocate High Court

Dated: 27.02.2021

(9)

CAPITAL CITY POLICE PESHAWAR
OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR

No. 2-07-E/PA, Dated Peshawar the 13/01/2020

ORDER

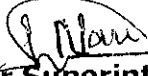
This order will dispose off the departmental Enquiry against FC Imdad No. 510 the then PS Urma, which was initiated by the undersigned on the grounds that he has been charged in case FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PS Akbar Pura District Nowshehra,

He was placed under suspension and issued Charge Sheet/Summary of Allegations and inquiry was marked to Mr. Fazal Rehman DSP Inv: City Peshawar. He called delinquent official and heard in person. The E.O after completion of departmental enquiry found the delinquent official guilty and recommended him for Major punishment.

The alleged official was served with final Show Cause but his reply to the final Show Cause Notice was found unsatisfactory.

Therefore I, hereby as competent authority agree with recommendation of Inquiry officer. Hence, FC Imdad No. 510 is hereby awarded major punishment of dismissal from service as defined in Police Disciplinary Rules 1975 amended 2014.

208.
14/11/2021

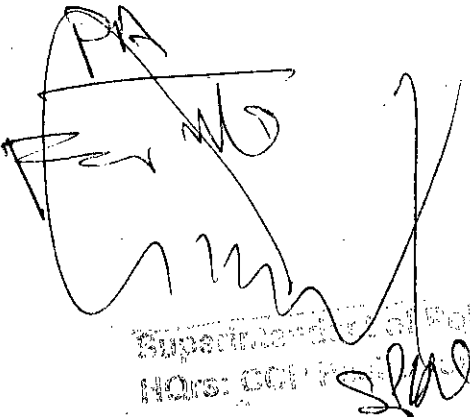

Senior Superintendent of Police,
Investigation
Capital City Police, Peshawar.

OB. No. 03 dated 13/01/2021

Copy of above is forwarded for favor of information to:-

- W/CCPO, Peshawar
- SSP Operation, Peshawar
- SP Head Quarters, Peshawar
- DSP Inv: City
- OSI, FMC, SRC,
- E-C/II, E-C/I

ATTESTED



Superintendent of Police
Hqrs: Capital City Police, Peshawar



وقت پیدائش	19/07/2000	وقت پیدائش	09:30
وزن پیدائش	4075	وزن پیدائش	4075
تاریخ پیدائش	19/07/2000	تاریخ پیدائش	19/07/2000
مقام پیدائش		مقام پیدائش	
نسل		نسل	
پدر		پدر	
مادر		مادر	
تاریخ وفات		تاریخ وفات	
مقام وفات		مقام وفات	
بیماری		بیماری	
تعمیراتی		تعمیراتی	

بطور پیش رو لکھو

اطلاع صحیح درج کرو۔ اس وقت ایک غیر مسلم مسلمان خان 1800 اجارہ کی رقم لے کر بیعت کتبہ میں داخل ہوا۔ اس وقت میں ذرا بچہ تھا۔ اس وقت میں 8000 روپے خان کی بیعت کتبہ میں لے کر آئے۔ اس وقت میں 17251 سے 21401 تک سالانہ رقم لے کر آئے۔ اس وقت میں 55% سالانہ رقم لے کر آئے۔ اس وقت میں 302.324.148.149 رقم لے کر آئے۔ اس وقت میں 17251 سے 21401 تک سالانہ رقم لے کر آئے۔ اس وقت میں 55% سالانہ رقم لے کر آئے۔ اس وقت میں 302.324.148.149 رقم لے کر آئے۔

ATTESTED

"ابتدائی اطلاعی رپورٹ"

مخبر کو کھینچو

تھانہ ایئر پورٹ

تاریخ وقت وقوعہ 19/20 8 وقت 06:30 بجے

ملک 246

1	تاریخ وقت رپورٹ 19/20 8 وقت 09:30 بجے جاگرتی 19/20 8 وقت 06:30 بجے
2	نام مستفیض
3	تحقیق کیفیت جرم (متعدد دفعہ) 149-148-324-302-PPC
4	جائے وقوعہ
5	نام و کونت لازم
6	کارروائی جو تفتیش کے متعلق کی گئی
7	تھانہ سے روانگی کی تاریخ و وقت

بطور سبسٹیل رپورٹ

ابتدائی اطلاع پیچھے درج کرو۔ اس وقت ایک تحریری مراسلہ چیف ایڈوائس خان ASI ایچ اے کے ذریعے بدست کسٹبل حسن رضا 7264 جو پول پور پور میں دہلی کے خرقہ فروشانہ افسر ایچ اے تھانہ ایئر پورٹ 19/20 8 بجے 08:00 بجے تھانہ کا یہ کیوٹی کسٹن آذان سعید کو از 34/33 سال، ذہد ولد محمد شاکر عمر 56 سال شہید کو از عمر 17 سال شکر کیمپ کو روڈ پر مری جو پور پور جسٹس سٹافو عثمان خان، بیرون ولد محمد شاہ عمر 65/64 سال و اھل خان ولد صالح بنار حسین خان عمر 64 سال شکر کیمپ کو روڈ پر موجود ہے گئے جسٹس جبرو حسین حقنوار عرف عثمان، وقار احمد بھٹان ریمو از جو کہ LRH بھٹان میں رہتے ہیں کے متعلق تھانہ ایئر پورٹ نے لطف خان ASI تھانہ ایئر پورٹ کی موجودگی میں LRH بھٹان اور بھٹان کی فروع ریمو از بھٹان بدست جوہن و لو ایل لئون ریکورڈ کرنا جسٹس بھٹان سے بیوی آم سعید بھٹان کی بی بی کو اپنے حصے کی اراضی دی تھی۔ سفیناں اختیار، مختار، مراد، امداد، حیات، سفین بھٹان، سعید شاہ، احمد، نباء اللہ، آواد اللہ بھٹان اختیار نے ہمیں اطلاع دی کہ ہم اپنے اراضیاں کی بلاسٹنگ کرتے ہیں آپ آجائیں کہ آپ کو اپنا اراضی جدا کر کے دیں۔ میں مع بھٹان آم مقولین آم سعید کو از، ذہد کو از، جبرو حسین حقنوار عرف عثمان، وقار احمد، سعید کو از جوہن جوہن آئی آر جوہن کو از، پور پور جب بوقت وقوعہ جلتے وقوعہ بالا ہیں تو مختار، مختار وغیرہ قندکیرہ بالہ بھٹان سے صلح بنا جسٹس موجود تھے ہم لوگوں کو دیکھے ہی مختار، مختار وغیرہ کو کہہ بالہ نے ہم پر یہ امرادہ خیل اصل آئی سفیناں فائرننگ سے بھٹان آم سعید کو از، ذہد کو از، جو کہ وہاں خلد ہی کی طرف سے موجود آ باز ولد و اھل خان ساکن

دسمہ آگ کر وقوع پر جان بحق ہوئے جبکہ میں اور پسران شاہد کووار، حقنواز عرف
ضمان، وقار احمد سندھ زخمی ہوئے وقولہ بڑا قیدہ علودہ مجرور حسین پسران آگ اور دیگر وہاں
پر موجود مکان کا چشم دید ہے۔ وجہ عناد اراہمیات کا تازہ ہے جس میں پسر آگ مقتولین
سید کووار، ذاعہد کووار اور آماز ولد و اہل خانہ کے قتل کرنے کا، اپنی جبر و عنایت اور
شاہد کووار، حقنواز، وقار احمد کی جبر و عنایت کا بر خلاف اختیار، اختیار، فراد، اعداد
جہات، شہید پسران فقیر شاہ، احمد، ثنا والہ، آواد اللہ پسران اختیار قتل
بالد و عوبدار ہوں۔ البتہ انکوٹھا اسی طرح موجود مکان پر و نیز اور مقتول آماز
کے والد و اہل خانہ نے رپورٹ بالا کی تائید کی البتہ انکوٹھا کا عروا
یوٹیس جسٹس گفٹہ سنال رپورٹ درج بالا ہو کر پڑھ کر سنایا۔ درست تسلیم کر کے
زیر رپورٹ خود انکوٹھا ثابت کی۔ تائید کنندہ مکان رپورٹ باری باری تائیدی
انکوٹھے ثابت کے لئے جسکی میں تصدیق کرتا ہوں۔ پیر 3 مقتولین کے کاغذات تحریر
اور جبر میں کے نقشہ مندرجہ فرم کے بغیر میں یوٹیس فارم رپورٹ و علاج معالجہ و برائے
ڈاکٹری حوالہ آن ڈیوٹی CMO صاحبان کی تھی۔ دوران رپورٹ نعشیں آذان مقتول
ارشد ولد اختیار بعد 37/38 سال مکمل کیے کو بروہ حال رہی ضمانت کو رشتہ داران نے ہسپتال والا حاکم
جسٹس سنال والدہ اس مسماہ الوردی بی زوجہ اختیار موجود یا کو رپورٹ تھی ہے کہ پسر آگ ارشد
ارہمیات خود جار یا تمام بمقام جانی و عوبدہ مالہ مسماہ وقار احمد، حقنواز، سید کووار پسران کووار
رہنواز ولد قیمت شاہ، مسماہ عین بی زوجہ رهنواز ساکنان گندہ کووند نے یہ ارادہ قتل پسر آگ
ذریعہ اسلحہ آتشیں سے فائر کیا جسکی فائرنگ سے پسر آگ بگ کر وقوع پر جان بحق ہوئے و عوبدہ
وہاں پر موجود مکان کا چشم دید ہے وجہ عناد اراہمیات کا تازہ ہے جس میں پسر آگ ارشد کی قتل کرنے
کا بر خلاف وقار احمد، حقنواز، سید کووار پسران رهنواز ولد قیمت شاہ، مسماہ عین بی زوجہ
قیمت شاہ ساکنان گندہ کووند عوبداری کرتی ہوں۔ البتہ انکوٹھا کا عروا کی یوٹیس جسٹس گفٹہ سنال
رپورٹ درج بالا ہو کر پڑھ کر سنایا درست تسلیم کر کے زیر رپورٹ خود انکوٹھا ثابت کی جسکی میں
تصدیق کرتا ہوں۔ مقتول اہل گندہ کاغذات تحریر فرم کے بغیر میں یوٹیس فارم رپورٹ حوالہ
آن ڈیوٹی CMO صاحبان کا گیا۔ عوبدہ رپورٹ سے صورت صبرم بالا کا پائی جا کر صورت سے بغیر میں
قائمی مقدمہ بدعت میں رہنماء 472 بطور اسپیشل رپورٹ از سال ضمانت ہے مقدمہ درج
رہنماء کے بغیر میں نعشیں حوالہ شہید گفٹہ سنال کیجاوے دستخط انگریزی اول جان ASI
گجولی اچان، بی ہسپتال مور 20/08/2020 کا عروا کی ضمانت آئندہ تحریری فرام
صرف نہ صرف درج بالا ہو کر پڑھ کر سنایا جا کے مقتول پسر جہات و مراد
بغیر میں گفٹہ سنال حوالہ شمارہ عد جان 20/08/2020 کا جانی ہے۔ صاحب SHO صاحب
اور افسران بالا کو بطور اسپیشل رپورٹ اطلاع دی جانی ہے۔ پیر 3 گزارش

دستخط
ASI - PS - AP
19/8/2020

18	اسی	جلد اولیٰ	جلد اولیٰ میں 1752ء سے 1742ء تک کے حالات
19	اسی	اسی	اسی میں 1742ء سے 1752ء تک کے حالات
20	اسی	اسی	اسی میں 1752ء سے 1762ء تک کے حالات
21	اسی	اسی	اسی میں 1762ء سے 1772ء تک کے حالات
22	اسی	اسی	اسی میں 1772ء سے 1782ء تک کے حالات
23	اسی	اسی	اسی میں 1782ء سے 1792ء تک کے حالات

(12)

09	تتمت برہم	جلد الحی ۱۰	وقت ۱۸:۰۰ بجے بروز ۱۸/۰۵/۲۰۲۰ اس وقت تک یہ مہمات لکھنؤ کی لکھنؤ کی کتاب خانہ کی طرف سے تھیں۔
۱۰	حکیر محمد	جلد الحی ۱۰	وقت ۱۹:۰۰ بجے بروز ۱۸/۰۵/۲۰۲۰ اس وقت تک یہ مہمات لکھنؤ کی لکھنؤ کی کتاب خانہ کی طرف سے تھیں۔
۱۱	احتمال برہم	جلد الحی ۱۰	وقت ۱۹:۱۰ بجے بروز ۱۸/۰۵/۲۰۲۰ اس وقت تک یہ مہمات لکھنؤ کی لکھنؤ کی کتاب خانہ کی طرف سے تھیں۔
۱۲	لوہانی	شکریات	وقت ۱۹:۱۵ بجے بروز ۱۸/۰۵/۲۰۲۰ اس وقت تک یہ مہمات لکھنؤ کی لکھنؤ کی کتاب خانہ کی طرف سے تھیں۔
۱۳	اروانی	تلخ خان	وقت ۲۰:۰۰ بجے بروز ۱۸/۰۵/۲۰۲۰ اس وقت تک یہ مہمات لکھنؤ کی لکھنؤ کی کتاب خانہ کی طرف سے تھیں۔
۱۴	طیبا	جلد الحی ۱۰	وقت ۲۰:۱۰ بجے بروز ۱۹/۰۵/۲۰۲۰ اس وقت تک یہ مہمات لکھنؤ کی لکھنؤ کی کتاب خانہ کی طرف سے تھیں۔

(14)

ضلع پشاور

تھانہ ارمر

رپورٹ

گزارش ہے کہ امداد MI/HC نمبر 510 انوسٹی گیشن تھانہ ارمر تعینات ہے اور مورخہ 18.07.2020 کو محرر صاحب نے عرض معروض کیا کہ اسکے بھائی، بہنوئی اور بھنجاگان کے درمیان جائیداد کے تنازعہ میں تلخ کلامی ہوئی ہیں اور اس میں ابھی جرگہ مقرر ہوا ہے اور گزارش کیا کہ میں جا کر اس جرگہ میں راضی نامہ کی کوشش کرونگا۔ مندرجہ ذیل حالات کو دیکھتے ہوئے بحوالہ مد نمبر 12 روزنامچہ 18.08.2020 بوقت 19:15 بجے محرر کو گھر خود 12 گھنٹے کیلئے روانہ کر کے مناسب ہدایت ہوئی۔

محرر امداد بحوالہ مد 21 روزنامچہ 19.08.2020، بوقت 07:15 بجے 12 گھنٹے چھٹی گزارنے کے بعد تھانہ حاضر آیا، محرر تھانہ میں موجود تھا کہ اسکو ہدایت ہوئی کہ چالان ڈیوٹی کیلئے تیار ہو جاؤ تو بوقت 08:55 بجے تھانہ میں عدم موجود پایا گیا اور موبائل نمبر 0306-9161448 پر رابطہ کرنے کی کوشش کی لیکن موبائل نمبر مسلسل بند آرہا تھا، مذکورہ محرر امداد عدم موجود پا کر جس کے خلاف رپورٹ غیر حاضری بحوالہ مد 27 روزنامچہ 19.08.2020 بوقت 08:55 بجے درج کیا گیا، نقلد بغرض کارروائی افسران بالا کے خدمت میں ارسال کی جائیگی۔

آج ہی مورخہ 19.08.2020 کو پچھری ضلع پشاور میں موجود تھا کہ محرر آپریشن معراج گل تھانہ ارمر نے بوقت 12:25 بجے بذریعہ ٹیلی فون اطلاع دی کہ محرر تھانہ اکبر پورہ ضلع نوشہرہ نے بذریعہ فون اطلاع دی کہ تھانہ ارمر میں تعینات محرر انوسٹی گیشن امداد کے خلاف قتل کا مراسلہ ہسپتال سے آیا ہے، مقدمہ درج کرنے کے بعد مزید اطلاع دی جانی گی۔ فی الحال اتنی ہی معلومات ہو سکی ہے آمدہ اطلاع درج روزنامچہ کیا گیا ہے۔

جناب عالی!

نقلدات، FIR کاپی تھانہ اکبر پورہ مقدمہ علت 246، مورخہ 19.08.2020، جرم 302/324/148/149

لف کر کے بغرض اطلاعیاتی، مناسب کارروائی ارسال خدمت ہے۔



SI/OII SHAKAR GAYYAS

PS URMAR

D/NO 1550/SI
DT. 19/8/2020

PA

SIW

Forwarded

DSP-TNU-SD

19/8/20

ATTACHED

SIW
SSP/HRM
20/8/2020

4458-PA.SSP
/NO
25.8.2020

13



CAPITAL CITY POLICE PESHAWAR
OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR

No 8867-10/PA

Dated Peshawar the 20/08/2020

ORDER

HC Imdad No. 510 MI PS Urmair is hereby placed under suspension and closed to PBI/HQrs with immediate effect, in the wake of his involvement in criminal case FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC PS Akbar Pura. Charge Sheet and Summary allegations will be issued separately.

Signature
SENIOR SUPERINTENDENT OF POLICE
INVESTIGATION
CAPITAL CITY POLICE PESHAWAR

Signature
20/08

OB No. 126/INV:-

Copy of the above is forwarded to W/CCPO Peshawar, for favor of information, please.

- 1. SSP Operations CCP, Peshawar.
- 2. SP HQrs: PBI Peshawar.
- 3. DSP Investigation Saddar Circle Peshawar.
- 4. EC-I, OSI Police Line, FMC

D/1/140-155879
DT-20/8/2020

Signature

OII PS Urmair
For Information

Signature
DSP Saddar
Division-INV
20/08/2020

CAPITAL CITY POLICE PESHAWAR
OFFICE OF THE

SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR

No. 256/E/PA

Dated Peshawar the 26/08/2020 266

CHARGE SHEET

I, Nausher Khan Senior Superintendent of Police, Investigation, Peshawar, as competent hereby charge you HC Imdad Khan No. 510 MI of PS Urmar Peshawar as follow: -

- I. **It has been noted with great concern that you have been involved in a case vide FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC I Pura. Your this act is highly objectionable and gross misconduct on your**
- II. This amounts to gross misconduct, negligence and mala-fide on your part for v are liable for punishment as defined in Police Disciplinary Rules, 1975.
 - 1. By the reasons of the above, you appeared to be guilty of misconduct unc Disciplinary Rules, 1975 and have rendered yourself liable to all or any of the specified in the said Rules.
 - 2. You are therefore, required to submit your written defense within **seven day** receipt of this charge sheet to the Inquiry Officer/Committee.
 - 3. Intimate as to whether you desire to be heard in person?
 - 4. A Statement of allegation is enclosed.

[Signature]
Senior Superintendent of Police
Investigation
Capital City Police, Peshawar

[Signature]
DY. 140-1593/SF
DT - 26/8/2020

Sir/Received by today
09/09/20
07/09/20

Senno
Call the official for
statement and personal
hearing.

DSP CIV-INV

جناب عالی!

بحوالہ مشمولہ چارج شیٹ معروض خدمت ہوں کہ میں بحیثیت محرر انوسٹی گیشن تھانہ ار مڑ میں تعینات تھا میرے بھائی مسی بختیار اور بہن مسماۃ چمن بی بی کے درمیان جائیداد پر تنازعہ چل رہا تھا مورخہ 18.08.2020 میں نے Oii شکر غیاث خان تھانہ ار مڑ کو آگاہ کر کے 12 گھنٹے رخصت برائے راضی نامہ حاصل کر کے بحوالہ مد 12 روزنامہ 18.8.2020 روانگی کی گھر جا کر بھائی بختیار کیساتھ بات چیت اور منت سماجت کے بعد میں بہن کے گھر جا کر بہن، بہنوئی اور بھانجاگان سعید نواز 2، زاہد نواز 3، منان پسران رب نواز ساکنان کیمپ کورونہ جو کہ سعید نواز اور زاہد نواز میرے داماد بھی ہے کہ ساتھ بات چیت اور منت سماجت کی اور شرفساد کے نقصانات سے آگاہ کیا جو کہ وقت کم تھا اس لئے ڈیوٹی کیلئے تھانہ ار مڑ واپس چلا گیا اور بحوالہ مد 21 روزنامہ 19.8.2020 میں واپسی کی رپورٹ کی۔ ہر دو نقلدات ہمراہ لف ہے۔ سورج رہا تھا کہ اس سلسلے میں ایک جرگہ ترتیب دوں گا۔ میں تھانے میں موجود تھا کہ تھانہ کے ٹیلی فون نمبر پر کال آئی جو میں نے خود ریسیو کیا۔ جو کہ میرے بیٹے عماد السلام نے تمام حالات واقعات سے آگاہ کیا کہ آپ بھائی بختیار اور بہنوئی رہنواز کے مابین فائرنگ کا تبادلہ ہوا جسکے نتیجے میں بختیار کی طرف سے ارشد علی اور بہنوئی کی طرف سے سعید نواز اور زاہد نواز لگ کر جان بحق ہو چکے ہیں۔ بہن اور بہنوئی کی طرف سے آپ پر بھی دعویٰ داری ہوئی ہے۔ اطلاع سننے کے بعد حالات برداشت سے باہر تھے اور کچھ دیر بعد تھانہ سے نکل گیا کیونکہ ایک طرف بھتیجاگان اور دوسری طرف بھانجاگان جو کہ میرے داماد بھی تھے زندگی کی بازی ہار گئے تھے۔ بحیثیت ایک پولیس افسر سوچ پر مجبور ہوا کہ مفروضہ ہونے سے بہتر ہے کہ ضمانت قبل از گرفتاری کروا کر اپنی بے گناہی ثابت کروں۔ اور دوسری طرف مابین فریقین راضی نامہ میں کردار ادا کر سکوں۔ تاکہ اور نقصان سے بچانے میں کامیاب ہو جاوں۔

ضمانت قبل از گرفتاری کروا کر تھانہ اکبر پورہ کی تفتیشی افسر کے روبرو برائے تفتیش پیش ہوا ہوں۔ مقدمہ ہذا میں تفتیش جاری ہے میں اپنی بے گناہی کیلئے کافی ثبوت اور شہادت پیش کر سکتا ہوں۔ تھانہ ار مڑ میں CCTV کیمرے لگے ہوئے ہیں۔ ان کیمروں سے پتہ لگ سکتا ہے کہ میں کس وقت تھانہ کے اندر داخل ہوا ہوں۔ اور وقوعہ کس وقت رونما ہوا ہے۔ دوسری طرف میں رات کی راضی نامہ کیلئے گیا تھا نا کہ فساد پھیلانے اور قتل کرنے کیلئے اور کون اتنا ظالم ہو گا کہ اپنے اولاد بھانجاگان اور داماد کو قتل کرے گا۔ یہی میرا جواب ہے جو حقیقت پر مبنی ہے۔ چارج شیٹ فائل کرنے کا حکم صادر

۔۔۔۔۔

فرمائیں۔ 4/12/20
سائل امداد خان 510 محرر انوسٹی گیشن تھانہ ار مڑ حال معطل PBI ہیڈ کوارٹر

18

**CAPITAL CITY POLICE PESHAWAR
OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR**

No. 308-09 /PA, Dated Peshawar the 25/09 /2020.

ORDER

HC Imdad No: 510 the then MI PS Urmar is under suspension on the grounds that been charged in case FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PS Ak District Nowshehra, he was served with Charge Sheet and Summery of allegati inquiry was marked to Mr. Fazal Rehman DSP Inv:City Peshawar. E.O recommend the said Inquiry may be keep pending the decision of the Court.

I, hereby as competent authority agree with recommendation of Inquiry officer. He inquiry papers of aforesaid official is hereby kept pending till the decision of the Co

[Signature]
**Senior Superintendent of Police,
Investigation
Capital City Police, Peshawar**
[Signature] 24/10

OB. No. 142 /*inc* dated 25/09 /2020

Copy of above is sent to DSP Inv: City Peshawar for information .

[Signature]
ATTACHED

**CAPITAL CITY POLICE PESHAWAR
OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR.**

No: _____ / PA

Dated Peshawar the ____ / ____ / 2020

DISCIPLINARY ACTION AGAINST HC IMDAD NO. 510 PSURMAR PESHAWAR

I, Nausher Khan Senior Superintendent of Police, (Investigation), Peshawar, as competent authority am of the opinion that HC Imdad Khan No. 510 MI of PS Urmar Peshawar has rendered himself liable to be proceeded against as he has committed the following acts/omissions within the meaning of Police Disciplinary Rules, 1975.

STATEMENT OF ALLEGATIONS.

- I. **It has been noted with great concern that you have been involved in a case vide FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC PS Pura. Your this act is highly objectionable and gross misconduct on your part.**
- II. This amounts to gross misconduct, negligence and mala-fide on your part for which you are liable for punishment as defined in Police Disciplinary Rules, 1975.
 - 1. That all the above acts amount to gross misconduct, negligence, in-efficiency and negligence on his part for which he is liable for punishment as defined in Police Disciplinary Rules, 1975.
 - 2. For scrutinizing the conduct of said accused with reference to the above allegations DSP Fazal Rehman city inve is deputed as the Inquiry Officer.
 - 3. The Inquiry shall be conducted in accordance with the provision of the Rules to provide reasonable opportunity of hearing to the accused officer, record its finding within 15 days of the receipt of this order, & make recommendations as to punishment & appropriate action against the accused.
 - 4. The accused shall join the proceeding on the date and time and place fixed by the Inquiry Officer.

[Handwritten signature]

[Handwritten signature]
**Senior Superintendent of Police
Investigation
Capital City Police, Peshawar**



20

CAPITAL CITY POLICE PESHAWAR
OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR.

No. 416/E/PA

Dated Peshawar the 31/12/2020

FINAL SHOW CAUSE NOTICE

(UNDER RULES 5(3) KHYBER PAKHTUNKHWA, POLICE RULES, 1975)

1. That you HC Imdad the then MI PS Umar, Peshawar have rendered yourself liable proceeded under Rule 5(3) of the Khyber Pakhtunkhwa, Police Rules for folk misconduct:

It has been observed with great concerns that in case vide FIR No.246 19.08.2020 u/s 302/324/148/149 PPC, PS Umar, Peshawar, you were i Charge Sheet, but your reply is not found satisfactory, as your directly char the above mentioned FIR and you failed to provide any kind of evidence reg your innocence . Your this criminal act is highly objectionable and gross misc on your part being a responsible police officer.

2. That by reason of the above, as sufficient material is placed before the undersigned; there decided to proceed against you in general Police proceedings without aid of Inquiry officer

3. That the misconduct on your part is prejudicial to good order of discipline in the Police Force

4. That your retention in the Police Force will amount to encourage in efficient and unbecoming good Police Officer.

5. You are, therefore, called upon to show cause as to why you should not be dealt with in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred above.

6. You should submit reply to this show cause notice within 07 days of the receipt of this notice failing which an ex-parte action shall be taken against you.

7. You are further directed to inform the undersigned that you wish to be heard in person.

[Handwritten signature]
[Handwritten signature]
31/12/20

[Handwritten signature]
**Senior Superintendent of
Investigation
Capital City Police, Pesh**

From: DSP Investigation, City Division, Peshawar
 To: SSP Investigation, CCP, Peshawar
 No. 3066 /St, dated Peshawar the 22 /Sep, 2020

Subject: **DEPARTMENTAL ENQUIRY AGAINST MI IMDAD OF PS Urmar**

Please refer to your office memo: No.256-E/PA SSP Inv: dated 26.08.2020 follow by Dy: No. 5052/PA, dated 16.09.2020 on the subject cited above.

ALLEGATIONS

This is a departmental enquiry against HC Imdad Khan No. 510 with the allegations that while he was posted at PS Urmar as MI/Investigation involved in a criminal case vide FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC PS Akbar Pura District Nowshera. Your act is high objectionable and gross misconduct on your part. For which you make him liable for punishment as defined in Police Disciplinary Rules, 1975.

For the purpose to scrutinize the conduct of the said allegations the SSP Investigation nominated the undersigned to finalize the enquiry and report.

PROCEEDING

During the process of enquiry the following were examined; heard in person and their statements recorded are as under:-

- > HC Imdad Khan the then MI/Investigation of PS Urmar
- > Shakkar Ghaya Khan SI/OII PS Urmar
- > Miraj Gul MASI PS Urmar (Opt:)

STATEMENT OF HC IMDAD KHAN

HC Imdad stated in his statement that when he was posted as MI Investigation at PS Urmar a dispute of land property was going between his brother Bakhtiar Ali and sister Mst Chaman Babi. On 18.08.2020 he received 12-hours leave from his senior Shakkar Ghayas Khan SI/OII and proceeded to his house for the purpose to solve the matter between them. He made his departure from PS Urmar vide DD No. 12 dated 18.08.2020 at about 19:15 hrs: & vide DD No.21 dated 19.08.2020 at 07:15 hrs: he made his arrival in Police Station Urmar. Meanwhile his son Imad-u-Islam informed him regarding the cross firing between his brother and his brother-in-law Rabnawaz. Resultantly due to their firing from Bakhtiar side Arshad Ali who brother-in-law side Said Nawaz and Zahid Nawaz were hit and expired. He was charged his sister and brother-in-law for the commission of offence and a proper case vide FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC PS Akbar Pura distr to leave the Police Station and (

It is pertinent to mentioned here that deceased Said Nawaz and Zah Nawaz his maternal nephew and also his son-in-laws, due to this incident his two daughters made widow.

Being a Police officer he managed BBA and also in struggle to prove himself innocence in the matter, and also played vital role to solve the issue and control further devastation of human. Further case is under process in the court and he is in better position to produce cogent witnesses regarding his innocence.

STATEMENT OF SI/OII SHAKAR GHAYAS

Shakar Ghayas Khan SI/OII PS Urmar stated in his statement which revealed that on 18.08.2020 MI Imdad meet with him in his office and disclosed that he need 12- hours leave because a dispute of land property has been raised between his brother Mukhtiar and sister Chaman Bibi, while he try his best to solve the issue peacefully. After this he allowed him 12-hours leave. He made his departure vide DD No.12 dated 18.08.2020 at about 19:15 hrs; and arrival DD No. 21 dated 19.08.2020 at 07:15 AM. According to OII after arrival at about 08:45 am he directed him for challan duty, but at about 08: 55 hrs; he found MI Imdad absent, and a proper report vide DD No.27 dated 19.08.2020 has been lodged in the daily diary of PS Urmar.

STATEMENT OF MASI MIRAJ GUL

MASI Miraj Gul statement in his statement that HC Imdad No. 510 was posted at PS Urmar as MI Investigation, being as MI entry regarding arrival/departure etc made by self, and according to daily diary record after the permission of his senior Shakar Ghayas Khan SI /OII he made his departure vide DD No. 12 dated 18.8.2020 and arrival vide DD No. 21 dated 19.08.2020 at about 07:15 AM, but at about 08:50 SI Shakar Ghayas Khan was marked him absent vide DD No. 27 dated 19.08.2020

CONCLUSION

From the perusal of enquiry paper as well as recorded statements mentioned above the undersigned reached to the conclusion that no positive role was noted regarding the involvement of HC Imdad in the crime, however from this incident he faced great loss in shape two younger's daughter became widow.

RECOMMENDATION

In light of above that the above mentioned case against him is under process at the Court of Additional Session Judge, Nowshera, according to views of the undersigned that Court in better position to decide the case on merit, it is therefore requested that inquiry in hand may please be kept pending till the decision of the court, if approved.

[Handwritten signature]

[Handwritten signature]

From: DSP Investigation, City Division, Peshawar
 To: SSP Investigation, CCP, Peshawar
 No. 3066 /St, dated Peshawar the 29 /Dec, 2020

Subject: **DEPARTMENTAL ENQUIRY AGAINST MI IMDAD OF PS URMAR**

Please refer to your office memo: No.256-E/PA SSP Inv: dated 26.08.2020 follow by Dy: No. 5052/PA, dated 16.09.2020 on the subject cited above.

ALLEGATIONS

This is a departmental enquiry against HC Imdad Khan No. 510 with the allegations that while he was posted at PS Urmur as MI/Investigation involved in a criminal case vide FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC PS Akbar Pura District Nowshera. Your act is high objectionable and gross misconduct on your part. For which you make him liable for punishment as defined in Police Disciplinary Rules, 1975.

For the purpose to scrutinize the conduct of the said allegations the SSP Investigation nominated the undersigned to finalize the enquiry and report.

PROCEEDING

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CONCLUSION

From the perusal of enquiry paper, recorded statements mentioned abo as well as enclosed copy of FIR the undersigned reached to the conclusion that he w directly charged in the above cited case by his brother in-law for the murder of t sons, who's are also the sons in-law of the alleged officer HC Imdad. In the incident : a result of cross fire one nephew of the alleged officer HC Imdad was also died and th FIR was registered against both the parties. Motive behind the incident was lar dispute

RECOMMENDATION

In light of above discussion and other available material the allegatic mentioned in the charged sheet and summary of allegations has been found **PROVE** against the alleged official. Therefore alleged officer is recommended for majc punishment.

بیان آذان امداد 510/Mi تھانہ ارمر

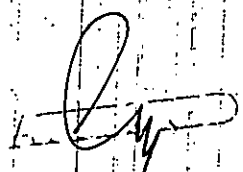
بمقدمہ علت 246 مورخہ 19.08.2020 جرم 302.324.148.149 تھانہ اکبر پورہ

بجسیت محررانو سٹی گیشن تھانہ ارمر میں تعینات ہوں میرا بھائی مسی بختیار علی اور بہن مسماہ بہن بی بی کے درمیان جائیداد پر رہا تھا کہ مورخہ 18.08.2020 کو میں نے شکر غیاث خان Oii تھانہ ارمر کو آگاہ کر کے 12 گھنٹے رخصت برائے راضی نامہ کے بحوالہ مد 12 روزناچہ 18.8.2020 روانگی کی گھر جا کر بھائی بختیار کیساتھ بات چیت اور منت سماجت کے بعد میں بہن کے اور بہنوئی اور بھانجاگان سعید نواز 2، زاہد نواز 3، وقار اور منان پسران رہنواز ساکنان کیمپ کورونڈا جو کہ سعید نواز اور زاہد نواز کے داماد بھی تھے کے ساتھ بات چیت اور منت سماجت کی اور شرفساد کی نقصانات سے آگاہ کیا چونکہ وقت کم تھا اس لئے ڈیوٹی رٹرواپس چلا گیا اور بحوالہ مد 21 روزناچہ 19.8.2020 میں واپسی کی رپورٹ کی ہر دو نقلدات لف بیان ہذا ہے۔ سوچ رہا تھا ملے میں ایک جرگہ ترتیب دوں گا میں تھانہ میں موجود تھا کہ تھانہ کی ٹیلوفون نمبر پر کال آئی جو میں نے خود ریسیو کی جو کہ بیٹے عماد السلام نے مجھے تمام حالات واقعات سے آگاہ کیا کہ آپ کے بھائی بختیار اور بہنوئی رہنواز کے مابین فائرنگ کا تبادلہ ہوا نتیجے میں بختیار کی طرف سے ارشد علی اور بہنوئی کی طرف سے سعید نواز اور زاہد نواز لگ کر جان بحق ہو چکے ہیں۔ اور بہن اور طرف سے آپ پر دعویٰ داری ہوئی ہے۔ اطلاع سننے کے بعد حالات برداشت سے باہر تھے اور کچھ دیر بعد تھانہ سے نکل گیا۔ طرف بھتیجا اور دوسری طرف بھانجاگان جو کہ میرے داماد بھی تھے زندگی کی باڑی ہار گئے تھے۔

یک پولیس افسر سوچنے پر مجبور ہوا کہ مفرد ہونے سے بہتر ہے کہ ضمانت قبل از گرفتاری کروا کر اپنی بے گناہی ثابت کروں گی طرف مابین فریقین میں راضی نامہ میں کردار ادا کر سکوں تاکہ اور نقصان سے بچانے میں کامیاب ہو جاؤں۔ ضمانت قبل از کروا کر تھانہ اکبر پورہ کی تفتیشی افسر کوروبہ روبرائے تفتیش پیش ہوا ہوں۔ مقدمہ ہذا میں تفتیش جاری ہے میں اپنے بے گناہی و ت اور شہادت پیش کر سکتا ہوں۔

ٹری میں CCTV کیمرے لگے ہوئے ہیں ان کیمروں سے پتہ لگ سکتا ہے کہ میں کس وقت تھانے کے اندر داخل ہوا ہوں اور وقت رونما ہوا ہے۔ دوسری طرف میں رات کو راضی نامہ کیلئے گیا تھا کہ فساد پھیلانے اور قتل کرنے کیلئے کون اتنا ظالم ہو گا جو اولاد اور بھانجاگان داماد کو قتل کرے گا۔

دعا ہے کہ اس مقدمہ میں میرے خلاف جھوٹی اور بے بنیاد دعویٰ داری ہوئی ہے لہذا آپ صاحبان سے استدعا ہے کہ صاف اور انکواری کر کے انکواری داخل دفتر کرنے کا حکم صادر فرمایا جاوے۔



امداد خان 510/HC محررانو سٹی گیشن تھانہ ارمر

فون نمبر: 03069161448

اکارڈ نمبر: 17201-2178207-1

نامہ امداد FC/510 سابقہ MI تھانہ ارمڑ

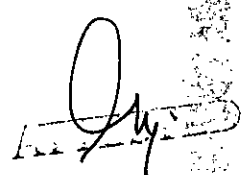
مقدمہ علت 246 مورخہ 19.08.2020 جرم 149/148/324/302 اکبر پورہ

جناب عالی!

گزارش ہے کہ اس سلسلہ میں قبل ازیں میں نے تفصیلی بیان دیا ہوا ہے عرض ہے کہ میں بحیثیت MI تھانہ ارمڑ میں تعینات تھا کہ مورخہ 19.08.2020 کو میرے بھائی بختیار اور ربنواز وغیرہ کے درمیان کراہی فائرنگ ہو کر جسمیں ایک فریق سے میرے بھانجاگان جو کہ میرے داماد ہیں سعید نواز اور زاہد نواز پسران ربنواز لگ کر جاں بحق ہو چکے ہیں اور دوسرے فریق سے میرا بھتیجا ارشد ولد مختیار بھی لگ کر جاں بحق ہو چکا ہے جس کی دعویداری اب ربنواز فریق کی طرف سے مجھ پر بھی ہوئی ہے جسمیں باقاعدہ انکوائری جناب DSP متھرا نندا حسین صاحب نے کر کے تا تصفیہ عدالت تک انکوائری جناب SP صاحب ہیڈ کوارٹر بھجوا کر جو کہ دفتر جناب SP ہیڈ کوارٹر کی دفتر میں تا تصفیہ عدالت داخل ہوا ہے جسمیں باقاعدہ عدالت سے ضمانت کر کے فی الحال ضمانت پر ہوں اور مدعی مقدمہ بھی میرے بے گناہی کے بارے میں جانتا ہے اور اس سے معلومات کی جاسکتی ہے۔ میں و قومیہ ہذا میں بے گناہ ہوں اس لئے بذریعہ زیر استدعا ہے کہ میری انکوائری بغیر کسی مزید کارروائی کے داخل دفتر فرمائی جاوے اور میرے چھوٹے بچوں پر رحم کیا جائے میں تاحیات دعا گو رہوں گا یہی میرا بیان ہے جو کہ درست ہے۔

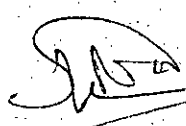
الحارض

FC امداد بیلٹ نمبر 510



SPi/PBI/HR

Plz check all the papers and discuss.

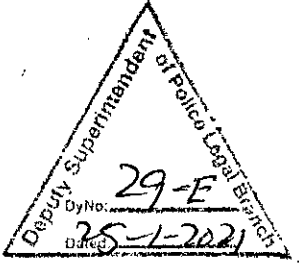


SSP MV
12-01-21

خدمت جناب سی سی پی او ملتان

اپیل برائے بحالی نوکری

Dy. No. 101-PA-CCPU
Date: 25-01-2021
Page: 1



بنا بحالی!

گزارش حیدر سائل سال 1991 میں شکمہ پولیس میں بھرتی ہوا تھا۔ حوالہ آرڈر نمبر 2-07E/PA و 13-01-2021 بجاریہ ایس ایس پی انوسٹی گیشن ملتان پور جوہرہ قتل قدم میں نامزد ملزم محکمہ سے برخواست کیا گیا۔

معروض خدمت ہوں کہ مہرے بھائیوں اور بھتیگوں کے درمیان جائیداد کا تنازعہ جلا کر باقی تمام جہیں وقتاً فوقتاً توڑ میں میں رہتی تھی۔ فوراً 19.8.20 کو سائل حسب معمول تھانہ ایس ایس پی (جنیٹ ٹھکانہ انوسٹی گیشن) موجود تھا کہ گھر سے اطلاع ملی کہ فریقین مذکورہ کے درمیان فائرنگ کا تبادلہ ہو کر ایک فریق سے 2 ندے ہو کر مہرے بھائی اور داماد بھی تھے جبکہ دوسرے فریق سے بھتیگہ تک قتل ہو گئے ہیں۔

جسکی FIR تھانہ اکبر پورہ میں درج ہوئی اور سائل کو بھی 447 میں ملزم نامزد کیا گیا۔ چونکہ سائل خود میں بے گناہ ہے اس لیے اپنی گرفتاری پیش کی اور عدالت سے کثرت ضمانت پیر ہے۔ چھٹ عدالت سے گواہ لے کر ہے۔

سارے معاملے میں سائل نے کوئی غلط رول نہیں ادا کیا ہے جب سے یہ تنازعہ چل پڑا ہے سائل نے ہمیشہ فریقین میں صلح اور امن امان کو برقرار رکھنے کی ہر ممکن کوشش کی ہے۔ کیونکہ دونوں فریقین سائل کے بہت ہی قریبی رشتہ دار ہیں اور سائل بحسن طرح چند روپوں یا زمین کے چند ٹکڑوں کیلئے اپنی 2 بیٹیاں کے گھر اجاڑ سکتا ہے ہم ازم ایک باپ کیلئے ایسا کرنا تو ممکن ہی نہیں۔ چونکہ جھگڑا مہرے بھائیوں اور بھتیگوں کا ان سے تھا اس لیے سائل کو بھی ملزم نامزد کیا ہے۔

حالانکہ سائل خدفاً اقرار کرتا حیدر سارے معاملے سے لا تعلق ہوں نہ واردات میں شامل رہا اور نہ ہی کوئی اعانت کی ہے۔ بالکل بے گناہ ہے قصور ہوں۔

خود میں برہنہ سے شامل کیا گیا ہے۔ سارے ثبوت برائے ملاحظہ فرمائیے۔

بمباردانہ غور فرماویں۔ سائل کو دوبارہ نوکری پر بحال فرماویں اگر خود میں سائل کے خلاف جرم ثابت ہو جائے تو سزا کا مستحق گردانا جائے۔

25-01-2021

[Signature]

الحارث ا

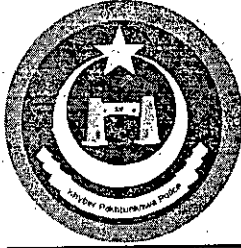
اسد اد خان نمبر 510 (سابقہ پولیس ایگٹار) محکمہ پولیس ملتان

F.M.C

0306-9161448

DSP sb legal

put up record



(28)

**OFFICE OF THE
CAPITAL CITY POLICE OFFICER
PESHAWAR**

Phone No. 091-9210989
Fax No. 091-9212597


ORDER

This order will dispose of departmental appeal preferred by **Ex-Constable Imdad Khan No.510** who was awarded the major punishment of "**Dismissal from Service**" under PR-1975 by SSP/Investigation Peshawar vide OB No.03, dated 13-01-2021.

2- He while posted in Investigation Wing CCP Peshawar as Moharrer Investigation Police Station Urmar was proceeded against departmentally for involvement in a criminal case FIR No.246, dated 19-08-2020 u/s 302/324/148/149/PPC PS Akbarpura District Nowshera.

3- He was issued proper Charge Sheet and Summary of Allegations by SSP/Investigation Peshawar and DSP Investigation City Peshawar was appointed as enquiry officer to scrutinize the conduct of the accused official. The enquiry officer after conducting proper enquiry submitted that the alleged official is found guilty of the charges mentioned in the charge sheet and recommended him for major punishment. The competent authority in light of the findings of the enquiry officer issued him Final Show Cause to which his reply was also found unsatisfactory. Hence he was awarded the above major punishment.


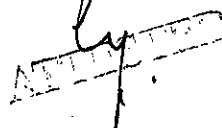
4- He was heard in person in O.R. and the relevant record along with his explanation perused. IO of the case was also summoned to the office alongwith case file. The IO has stated that the accused has been directly charged in the FIR and been challaned to the court. Moreover, there are no evidence or eye witnesses to show his innocense in the case. Therefore his appeal for setting aside the punishment awarded to him by SSP/Investigation Peshawar vide OB No.03, dated 13-01-2021 is hereby **rejected/filed**.


(ABBAS AHSAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 489-96 /PA dated Peshawar the 24-9-2021

Copies for information and n/a to the:-

1. SSP/Investigation Peshawar
2. DSP/Investigation City Peshawar
3. OSI/ Pay Officer/ CRC
4. FMC along with Fouji Missal.
5. Official concerned.

وکالت نامہ



29

بعدالت جناب: سروسٹریٹریٹ پیپلز سٹیمپ

منجانب: Appellant	علت نمبر:
امداد خان	جزا:
بنام	مورخہ:
ای جی بی دہریہ	تھانہ:

بیاعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام سٹیمپ کیلئے محمد سعید خان ایڈووکیٹ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور 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 مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہونگے اور اس کا ساختہ پرداختہ 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 صاحب پابند ہونگے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند رہے۔

المرقوم 01-03-2021

العبد گواہ شد العبد

مقام سٹیمپ کے لئے منظور ہے۔

محمد سعید خان ایڈووکیٹ پشاور

موبائل نمبر: 0300-9020797

بار کونسل نمبر: BC-10-8020

امداد خان عمر 55 (سابقہ پوئل اہلکار) عمل کو وکیل پشاور

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.3425 /2021.

Ex- Constable Imdad Khan No.510 of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

REPLY BY RESPONDENTS NO. 1, 2, &3.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file instant appeal.
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 the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-

1. Incorrect. The appellant was appointed as constable in the year 1991 in the respondent department. The appellant has not a clean service record and contains 04 bad entries and 01 minor punishment on different occasions in his service. (copy of list as annexure A)
2. Incorrect. In fact the appellant was suspended and issued charge sheet with statement of allegations and initiated departmental enquiry on the grounds of involvement in a criminal case vide FIR No.246 dated 19.08.2020 u/s 302/324/148/149/PPC PS Akbarpura District Nowshera. The enquiry officer after conducting enquiry proceedings recommended for major punishment. After completion of the enquiry proceedings, the appellant was issued final show cause notice to which he replied. After observing all codal formalities, he was awarded major punishment of dismissal from service. (copy of charge sheet, statement of allegations, enquiry report, Final Show Cause Notice are annexure as B,C,D,E)
3. Incorrect. Proper departmental enquiry was conducted against him. During the course of enquiry, the appellant failed to rebut the charges and the enquiry officer conducted thorough probe into the matter and found the appellant guilty of the charges.
4. Correct to the extent that the appellant was issued charge sheet with statement of allegation which he replied but his reply was found unsatisfactory.
5. Incorrect. Proper departmental enquiry was conducted against him. During the course of enquiry, the appellant failed to rebut the charges and the enquiry officer conducted thorough probe into the matter and found the appellant guilty of the charges. The whole

enquiry was conducted purely on merit. The appellant was provided full opportunity of defense, but the appellant failed to defend himself. After fulfilling all the codal formalities he was awarded the major punishment.

6. Incorrect. After completion of the enquiry proceedings he was issued final show cause notice, which he replied but his explanation was found unsatisfactory.
7. Correct to the extent that proper departmental enquiry was conducted against him. During the course of enquiry, the appellant failed to rebut the charges and the enquiry officer conducted thorough probe into the matter and found the appellant guilty of the charges. After fulfilling of all codal formalities, he was awarded major punishment of dismissal from service by the competent authority.
8. Incorrect. The whole enquiry proceedings were initiated purely on merit and in accordance with law/rules. The appellant availed the opportunities of defense, but he failed to defend himself nor produced in cogent evidence.
9. Incorrect. The appellant filed departmental appeal on 25.01.2021, which was thoroughly processed and an ample opportunity of hearing was provided to appellant by appellate authority but appellant failed to defend himself with plausible/justifiable grounds, hence his appeal was rejected/filed on 24.02.2021.

REPLY ON GROUNDS:

- a) Incorrect. The punishment order passed by the competent authority is in accordance with law/rules and liable to be upheld.
- b) Incorrect. After completion of the enquiry proceedings, the appellant was issued final show cause notice to which he replied, but his reply was also found unsatisfactory.
- c) Incorrect. The appellant was treated as per the law/rules. No injustice was done to him.
- d) Incorrect. The appellant was associated with the enquiry proceedings and proper opportunity of defense was provided to appellant. He failed to defend the charges leveled against him. The enquiry officer after detail probe reported that the charges were proved. Proper opportunity of defense was provided to the appellant, but he failed to defend himself.
- e) Incorrect. The appellant was issued charge sheet with summary of allegations, proper departmental enquiry was conducted against him. He was provided full opportunity of defense, but he failed to defend himself. After fulfilling of all codal formalities, he was found guilty, hence awarded major punishment of dismissal from service.
- f) Incorrect. The charges levelled against him were stood proved. The appellant being a member of a disciplined force, committed gross misconduct. Court proceedings and departmental proceedings are two different entities and can run side by side.
- g) Incorrect. The appellant himself is responsible for the situation by committing gross misconduct.

PRAAYER.

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 with costs please.


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


**Capital City Police Officer,
Peshawar.**


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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.3425 /2021.

Ex- Constable Imdad Khan No.510 of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

AFFIDAVIT

We respondents No. 1 , 2 & 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.

on oath

*07-04
2022*



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

[Signature]
**Capital City Police Officer,
Peshawar.**

[Signature]
**Senior Superintendent of Police,
Investigation Peshawar.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.3425 /2021.

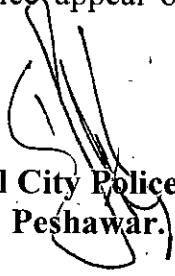
Ex- Constable Imdad Khan No.510 of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

AUTHORITY.

I **Capital City Police Officer, Peshawar**, hereby authorize **Mr.Ahmad Jan** SI legal of Capital City Police, Peshawar to attend the Hon'ble Court and submit written reply, statement and affidavit required for the defense of above service appeal on behalf of respondent department.


**Capital City Police Officer,
Peshawar.**

Name of Official' **IMDAD KHAN NO.510 S/O MUQADAR SHAH**

R/O **Zakhai Kohrona Nowshera PS.Akbar pura Distt: Nowshera**

2. Date of Birth **07-04-1973**

3. Date of enlistment **04-08-1991**

4. Education **10th**

5. Courses Passed **Recruit**

6. Total qualifying service **29 years, 04 Months & 03 days.**

7. Good Entries **Nil**

Bad Entries (L.W.O Pay, E/Drill & Warning)

1. 02 days leave without Pay vide OB No 1872.dt; 27-10-2020
2. 03 days E/drill vide OB No.02 dt: 01.01.1995
3. Warning be careful in future vide OB No.5257 dt: 30.12.1998
4. 15 days leave without pay vide OB No.2539 dt;28-06-2012

Minor Punishment

1. Censured vide OB No.43 dated 02.01.2015

Major Punishment

Nil

08. **Punishment (Current)**

Awarded major punishment of dismissed from service vide order Endst: No.2969-73/PA, dated 28.12.2020 by SSP/Operation Peshawar.

09. **Leave Account**

<u>Total leave at his credit</u>	<u>Availed leaves</u>	<u>Balance</u>
1408 days	Nil	1408 Days

CRC 9/02

PA M/15/2

Attested

[Signature]

WICCPO

Dy. Supdt. Police
Peshawar

B

**CAPITAL CITY POLICE PESHAWAR
OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR**

No. 256/E/PA

Dated Peshawar the 26/08/2020 3566

CHARGE SHEET

31/8/20
DSE

I, Nausher Khan Senior Superintendent of Police, Investigation, Peshawar, as competent authority hereby charge you HC Imdad Khan No. 510 MI of PS Urmar Peshawar as follow: -

- I. **It has been noted with great concern that you have been involved in a case vide FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC PS Pura. Your this act is highly objectionable and gross misconduct on your part.**
- II. This amounts to gross misconduct, negligence and mala-fide on your part for which you are liable for punishment as defined in Police Disciplinary Rules, 1975.
 1. By the reasons of the above, you appeared to be guilty of misconduct under Disciplinary Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.
 2. You are therefore, required to submit your written defense within **seven days** of receipt of this charge sheet to the Inquiry Officer/Committee.
 3. Intimate as to whether you desire to be heard in person?
 4. A Statement of allegation is enclosed.

**Senior Superintendent of Police
Investigation
Capital City Police, Peshawar**

*DY. 140-1593/SF -
DT - 26/8/2020*

*Sir receive by today
MSD/150
27/8/20*

*Senoo
Call the official for
statement and personal
hearing.*

Attested

[Signature]
Dy. Supt: Police

DSP CITY-INDU



CAPITAL CITY POLICE PESHAWAR
OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR

No. _____ / PA

Dated Peshawar the _____ / _____ / 2020

32

DISCIPLINARY ACTION AGAINST HC IMDAD NO. 510 PS URMAR PESHAWAR

I, Nausher Khan Senior Superintendent of Police, (Investigation), Peshawar, as competent authority, am of the opinion that HC Imdad Khan No. 510 MI of PS-Urmar Peshawar has rendered himself liable to be proceeded against as he has committed the following acts/omissions within the meaning of Police Disciplinary Rules, 1975.

STATEMENT OF ALLEGATIONS

- I. It has been noted with great concern that you have been involved in a criminal case vide FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC PS Akbar Pura. Your this act is highly objectionable and gross misconduct on your part.
- II. This amounts to gross misconduct, negligence and mala-fide on your part for which you are liable for punishment as defined in Police Disciplinary Rules, 1975.
 1. That all the above acts amount to gross misconduct, negligence, in-efficiency and mala-fide on his part for which he is liable for punishment as defined in Police Disciplinary Rules, 1975
 2. For scrutinizing the conduct of said accused with reference to the above allegations, DSP Fazal Rehman Imre is deputed as the Inquiry Officer.
 3. The Inquiry shall be conducted in accordance with the provision of the Rules to provide reasonable opportunity of hearing to the accused officer, record its finding within 15 days of the receipt of this order, & make recommendations as to punishment or other appropriate action against the accused.
 4. The accused shall join the proceeding on the date and time and place fixed by the Inquiry Officer.

Attested

[Signature]
Dy. Supd: Police

[Signature]

Senior Superintendent of Police,
Investigation
Capital City Police, Peshawar

55/08

✓

D

From: DSP Investigation, City
Division, Peshawar

To: SSP Investigation, CCP, Peshawar

No. 3066 /St, dated Peshawar the 29 /Dec, 2020

Subject: **DEPARTMENTAL ENQUIRY AGAINST MI IMDAD OF PS URMAR**

Please refer to your office memo: No.256-E/PA SSP Inv: dated 26.08.2020 follow by Dy: No. 5052/PA, dated 16.09.2020 on the subject cited above.

ALLEGATIONS

This is a departmental enquiry against HC Imdad Khan No. 510 with the allegations that while he was posted at PS Urmur as MI/Investigation involved in a criminal case vide FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC PS Akbar Pura District Nowshera. Your act is high objectionable and gross misconduct on your part. For which you make him liable for punishment as defined in Police Disciplinary Rules, 1975.

For the purpose to scrutinize the conduct of the said allegations the SSP Investigation nominated the undersigned to finalize the enquiry and report.

PROCEEDING

During the process of enquiry the following were examined; heard in person and their statements recorded are as under:-

- HC Imdad Khan the then MI/Investigation of PS Urmur
- Shakkar Ghaya Khan SI/OII PS Urmur
- Miraj Gul MASI PS Urmur (Opt :)

STATEMENT OF HC IMDAD KHAN

HC Imdad stated in his statement that when he was posted as MI Investigation at PS Urmur a dispute of land property was going between his brother Bakhtiar Ali and sister Mst Chaman Babi. On 18.08.2020 he received 12-hours leave from his senior Shakkar Ghayas Khan SI/OII and proceeded to his house for the purpose to solve the matter between them. He made his departure from PS Urmur vide DD No. 12 dated 18.08.2020 at about 19:15 hrs: & vide DD No.21 dated 19.08.2020 at 07:15 hrs: he made his arrival in Police Station Urmur. Meanwhile his son Imad-ul-Islam informed him regarding the cross firing between his brother and his brother-in-law Rabnawaz. Resultantly due to their firing from Bakhtiar side Arshad Ali while brother-in-law side Said Nawaz and Zahid Nawaz were hit and expired. On the report of his brother in-law & his sister he was charged for the commission of offence and a proper case vide FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC PS Akbar Pura district Nowshera was registered against him. Due to this he leave the Police Station and OII Shakkar Ghayas Khan marked him absent vide DD No. 27 dated 19.08.2020 at about 08:55 AM.

Arrested

C. J. Khan

Dy. Superintendent
Police
Legal, CCP/Peshawar

It is pertinent to mentioned here that deceased Said Nawaz and Zahid Nawaz his maternal nephew and also his son-in-laws, due to this incident his two daughters made widow.

Being a Police officer he managed BBA and also in struggle to prove himself innocence in the matter, and also played vital role to solve the issue and control further devastation of human in future. Further case is under process in the court and he is in better position to produce cogent witnesses regarding his innocence.

STATEMENT OF SI/OII SHAKAR GHAYAS

Shakar Ghayas Khan SI/OII PS Urmur stated in his statement which revealed that on 18.08.2020 MI Imdad meet with him in his office and disclosed that he need 12- hours leave because a dispute of land property has been raised between his brother Mukhtiar and sister Chaman Bibi, while he try his best to solve the issue peace fully. After this he allowed him 12-hours leave. He made his departure vide DD No.12 dated 18.08.2020 at about 19:15 hrs; and arrival DD No. 21 dated 19.08.2020 at 07:15 AM. According to OII after arrival at about 08:45 am he directed him for challan duty, but at about 08: 55 hrs; he found MI Imdad absent, and a proper report vide DD No.27 dated 19.08.2020 has been lodged in the daily dairy of PS Urmur.

STATEMENT OF MASI MIRAJ GUL

MASI Miraj Gul statement in his statement that HC Imdad No. 510 was posted at PS Urmur as MI Investigation, being as MI entry regarding arrival/departure etc made by self, and according to daily dairy record after the permission of his senior Shakar Ghayas Khan SI /OII he made his departure vide DD No. 12 dated 18.8.2020 and arrival vide DD No. 21 dated 19.08.2020 at about 07:15 AM, but at about 08:55, SI Shakar Ghayas khan was marked him absent vide DD No. 27 dated 19.08.2020.

CONCLUSION

From the perusal of enquiry paper, recorded statements mentioned above as well as enclosed copy of FIR the undersigned reached to the conclusion that he was directly charged in the above cited case by his brother in-law for the murder of his sons, who's are also the sons in-law of the alleged officer HC Imdad. In the incident a result of cross fire one nephew of the alleged officer HC Imdad was also died and the FIR was registered against both the parties. Motive behind the incident was land dispute

RECOMMENDATION

In light of above discussion and other available material the allegation mentioned in the charged sheet and summary of allegations has been found **PROVEN** against the alleged official. Therefore alleged officer is recommended for major punishment.

DEPUTY SUPERINTENDENT OF POLICE,
INVESTIGATION CITY, BESHAWAR

Arrested
Ch. Ghay

Dy. Supdt. Police
Investigation, City, Beshawar



CAPITAL

CE PESHAWAR

CE OF THE

SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR.

No. 416/E/PA

Dated Peshawar the 31/12 /2020

FINAL SHOW CAUSE NOTICE

(UNDER RULES 5(3) KHYBER PAKHTUNKHWA, POLICE RULES, 1975)

1. That you HC Imdad the then MI PS Urmar, Peshawar have rendered yourself liable to proceed under Rule 5(3) of the Khyber Pakhtunkhwa, Police Rules for follow misconduct:-

It has been observed with great concerns that in case vide FIR No.246 da 19.08.2020 u/s 302/324/148/149 PPC, PS Urmar, Peshawar, you were issi Charge Sheet, but your reply is not found satisfactory, as your directly charged the above mentioned FIR and you failed to provide any kind of evidence regard your innocence . Your this criminal act is highly objectionable and gross misconduct on your part being a responsible police officer.

2. That by reason of the above, as sufficient material is placed before the undersigned; therefore decided to proceed against you in general Police proceedings without aid of Inquiry officer.
3. That the misconduct on your part is prejudicial to good order of discipline in the Police Force.
4. That your retention in the Police Force will amount to encourage in efficient and unbecoming good Police Officer.
5. You are, therefore, called upon to show cause as to why you should not be dealt strictly accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referrec above.
6. You should submit reply to this show cause notice within 07 days of the receipt of the no failing which an ex-parte action shall be taken against you.
7. You are further directed to inform the undersigned that you wish to be heard in person or not.

*Recd
J. J. J.
12/20
Arrested
C. J. J.
H. J. J.*

Dy. Supt: Police

S. J. J.
**Senior Superintendent of Police,
Investigation
Capital City Police, Peshawar.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.3425 /2021.

Ex- Constable Imdad Khan No.510 of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

REPLY BY RESPONDENTS NO. 1, 2, &3.


Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file instant appeal.
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 the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-

1. Incorrect. The appellant was appointed as constable in the year 1991 in the respondent department. The appellant has not a clean service record and contains 04 bad entries and 01 minor punishment on different occasions in his service. (copy of list as annexure A)
2. Incorrect. In fact the appellant was suspended and issued charge sheet with statement of allegations and initiated departmental enquiry on the grounds of involvement in a criminal case vide FIR No.246 dated 19.08.2020 u/s 302/324/148/149/PPC PS Akbarpura District Nowshera. The enquiry officer after conducting enquiry proceedings recommended for major punishment. After completion of the enquiry proceedings, the appellant was issued final show cause notice to which he replied. After observing all codal formalities, he was awarded major punishment of dismissal from service. (copy of charge sheet, statement of allegations, enquiry report, Final Show Cause Notice are annexure as B,C,D,E)
3. Incorrect. Proper departmental enquiry was conducted against him. During the course of enquiry, the appellant failed to rebut the charges and the enquiry officer conducted thorough probe into the matter and found the appellant guilty of the charges.
4. Correct to the extent that the appellant was issued charge sheet with statement of allegation which he replied but his reply was found unsatisfactory.
5. Incorrect. Proper departmental enquiry was conducted against him. During the course of enquiry, the appellant failed to rebut the charges and the enquiry officer conducted thorough probe into the matter and found the appellant guilty of the charges. The whole



enquiry was conducted purely on merit. The appellant was provided full opportunity of defense, but the appellant failed to defend himself. After fulfilling all the codal formalities he was awarded the major punishment.

6. Incorrect. After completion of the enquiry proceedings he was issued final show cause notice, which he replied but his explanation was found unsatisfactory.
7. Correct to the extent that proper departmental enquiry was conducted against him. During the course of enquiry, the appellant failed to rebut the charges and the enquiry officer conducted thorough probe into the matter and found the appellant guilty of the charges. After fulfilling of all codal formalities, he was awarded major punishment of dismissal from service by the competent authority.
8. Incorrect. The whole enquiry proceedings were initiated purely on merit and in accordance with law/rules. The appellant availed the opportunities of defense, but he failed to defend himself nor produced in cogent evidence. /
9. Incorrect. The appellant filed departmental appeal on 25.01.2021, which was thoroughly processed and an ample opportunity of hearing was provided to appellant by appellate authority but appellant failed to defend himself with plausible/justifiable grounds, hence his appeal was rejected/filed on 24.02.2021.

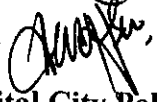
REPLY ON GROUNDS:

- a) Incorrect. The punishment order passed by the competent authority is in accordance with law/rules and liable to be upheld.
- b) Incorrect. After completion of the enquiry proceedings, the appellant was issued final show cause notice to which he replied, but his reply was also found unsatisfactory.
- c) Incorrect. The appellant was treated as per the law/rules. No injustice was done to him.
- d) Incorrect. The appellant was associated with the enquiry proceedings and proper opportunity of defense was provided to appellant. He failed to defend the charges leveled against him. The enquiry officer after detail probe reported that the charges were proved. Proper opportunity of defense was provided to the appellant, but he failed to defend himself.
- e) Incorrect. The appellant was issued charge sheet with summary of allegations, proper departmental enquiry was conducted against him. He was provided full opportunity of defense, but he failed to defend himself. After fulfilling of all codal formalities, he was found guilty, hence awarded major punishment of dismissal from service.
- f) Incorrect. The charges levelled against him were stood proved. The appellant being a member of a disciplined force, committed gross misconduct. Court proceedings and departmental proceedings are two different entities and can run side by side.
- g) Incorrect. The appellant himself is responsible for the situation by committing gross misconduct.

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 with costs please.


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


**Capital City Police Officer,
Peshawar.**


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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.3425 /2021.


Ex- Constable Imdad Khan No.510 of CCP Peshawar..... **Appellant.**


VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

AFFIDAVIT

We respondents No. 1 , 2 & 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,
Investigation Peshawar.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.3425 /2021.

Ex- Constable Imdad Khan No.510 of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

AUTHORITY.

I **Capital City Police Officer, Peshawar**, hereby authorize **Mr.Ahmad Jan** SI legal of Capital City Police, Peshawar to attend the Hon'ble Court and submit written reply, statement and affidavit required for the defense of above service appeal on behalf of respondent department.


**Capital City Police Officer,
Peshawar.**

Name of Official

IMDAD KHAN NO.510 S/O MUQADAR SHAH

R/O

Zakhai Kohrona Nowshera PS.Akbar.pura Distt: Nowshera

- 2. Date of Birth 07-04-1973
- 3. Date of enlistment 04-08-1991
- 4. Education 10th
- 5. Courses Passed Recruit
- 6. Total qualifying service 29 years, 04 Months & 03 days.
- 7. Good Entries Nil

Bad Entries (L.W.O Pay, E/Drill & Warning)

- 1. 02 days leave without Pay vide OB No 1872.dt; 27-10-2020
- 2. 03 days E/drill vide OB No.02 dt: 01.01.1995
- 3. Warning be careful in future vide OB No.5257 dt: 30.12.1998
- 4. 15 days leave without pay vide OB No.2539 dt;28-06-2012

Minor Punishment

- 1. Censured vide OB No.43 dated 02.01.2015

Major Punishment

Nil

08. Punishment (Current)

Awarded major punishment of dismissed from service vide order Endst: No.2969-73/PA, dated 28.12.2020 by SSP/Operation Peshawar.

09. Leave Account

<u>Total leave at his credit</u>	<u>Availed leaves</u>	<u>Balance</u>
1408 days	Nil	1408 Days

4
CRC 9/02

PA MY 15/2

Arrested

[Signature]

Dy. Supdt. Police

W/CCPO

B

CAPITAL CITY POLICE PESHAWAR
OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR
No. 256/E/PA Dated Peshawar the 26/08/2020

CHARGE SHEET

Dy. No. 256
Date: 31/8
DSP Inv

I, Nausher Khan Senior Superintendent of Police, Investigation, Peshawar, as competent hereby charge you HC Imdad Khan No. 510 MI of PS Urmar Peshawar as follow: -

- I. **It has been noted with great concern that you have been involved in case vide FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC Pura. Your this act is highly objectionable and gross misconduct on your part.**
- II. This amounts to gross misconduct, negligence and mala-fide on your part for which you are liable for punishment as defined in Police Disciplinary Rules, 1975.
 - 1. By the reasons of the above, you appeared to be guilty of misconduct under Police Disciplinary Rules, 1975 and have rendered yourself liable to all or any of the provisions specified in the said Rules.
 - 2. You are therefore, required to submit your written defense within **seven days** of receipt of this charge sheet to the Inquiry Officer/Committee.
 - 3. Intimate as to whether you desire to be heard in person?
 - 4. A Statement of allegation is enclosed.

[Signature]
Senior Superintendent of Police
Investigation
Capital City Police, Peshawar

DY. No. 1593/SF -
DT - 26/8/2020

Six received by today
27/8/20
AS: [Signature]

Senno

Call the official for statement and personal hearing.

Attested

[Signature]
Dy. Supt. Police

DSP CITY-INV



CAPITAL CITY POLICE PESHAWAR
OFFICE OF THE

SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR

No. _____ / PA

Dated Peshawar the ____ / ____ / 2020

31

DISCIPLINARY ACTION AGAINST HC IMDAD NO. 510 PS URMAR PESHAWAR

I, Nausher Khan Senior Superintendent of Police, (Investigation), Peshawar, as competent authority am of the opinion that HC Imdad Khan No. 510 MI of PS Urmar Peshawar has rendered himself liable to be proceeded against as he has committed the following acts/omissions within the meaning Police Disciplinary Rules, 1975.

STATEMENT OF ALLEGATIONS

- I. It has been noted with great concern that you have been involved in a criminal case vide FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC PS Akt Pura. Your this act is highly objectionable and gross misconduct on your part.
- II. This amounts to gross misconduct, negligence and mala-fide on your part for which you are liable for punishment as defined in Police Disciplinary Rules, 1975.
 1. That all the above acts amount to gross misconduct, negligence, in-efficiency and mala-fide on his part for which he is liable for punishment as defined in Police Disciplinary Rules, 1975.
 2. For scrutinizing the conduct of said accused with reference to the above allegations DSP Fazal Rehman Imve is deputed as the Inquiry Officer.
 3. The Inquiry shall be conducted in accordance with the provision of the Rules to provide reasonable opportunity of hearing to the accused officer, record its finding within 15 days of the receipt of this order, & make recommendations as to punishment or other appropriate action against the accused.
 4. The accused shall join the proceeding on the date and time and place fixed by the Inquiry Officer.

Attested

[Signature]
Dy. Supd: Police

[Signature]
Senior Superintendent of Police,
Investigation
Capital City Police, Peshawar

251

✓

D

From: DSP Investigation, City
Division, Peshawar

To: SSP Investigation, CCP, Peshawar

No. 3066 /St, dated Peshawar the 29 /Dec, 2020

Subject: **DEPARTMENTAL ENQUIRY AGAINST MI IMDAD OF PS URMAR**

Please refer to your office memo: No.256-E/PA SSP Inv: dated 26.08.2020 follow by Dy: No. 5052/PA, dated 16.09.2020 on the subject cited above.

ALLEGATIONS

This is a departmental enquiry against HC Imdad Khan No. 510 with the allegations that while he was posted at PS Urmur as MI/Investigation involved in a criminal case vide FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC PS Akbar Pura District Nowshera. Your act is high objectionable and gross misconduct on your part. For which you make him liable for punishment as defined in Police Disciplinary Rules, 1975.

For the purpose to scrutinize the conduct of the said allegations the SSP Investigation nominated the undersigned to finalize the enquiry and report.

PROCEEDING

During the process of enquiry the following were examined; heard person and their statements recorded are as under:-

- HC Imdad Khan the then MI/Investigation of PS Urmur
- Shakkar Ghaya Khan SI/OII PS Urmur
- Miraj Gul MASI PS Urmur (Opt :)

STATEMENT OF HC IMDAD KHAN

HC Imdad stated in his statement that when he was posted as Investigation at PS Urmur a dispute of land property was going between his brother Bakhtiar Ali and sister Mst Chaman Babi. On 18.08.2020 he received 12-hours leave from his senior Shakkar Ghayas Khan SI/OII and proceeded to his house for purpose to solve the matter between them. He made his departure from PS Urmur DD No. 12 dated 18.08.2020 at about 19:15 hrs: & vide DD No.21 dated 19.08.2020 at 07:15 hrs: he made his arrival in Police Station Urmur. Meanwhile his son Imaad Islam informed him regarding the cross firing between his brother and his brother-in-law Rabnawaz. Resultantly due to their firing from Bakhtiar side Arshad Ali brother-in-law side Said Nawaz and Zahid Nawaz were hit and expired. On the death of his brother in-law & his sister he was charged for the commission of offence under section 302 PPC. A proper case vide FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC PS Akbar Pura district Nowshera was registered against him. Due to this he leave the Police Station and OII Shakkar Ghayas Khan marked him absent vide DD No. 27 dated 19.08.2020 at about 08:55 AM.

Arrested

Ch. Gh. Khan

*City Police
Investigation, CCP, Peshawar*

It is pertinent to mentioned here that deceased Said Nawaz and Zahid Nawaz his maternal nephew and also his son-in-laws, due to this incident his two daughters made widow.

Being a Police officer he managed BBA and also in struggle to prove himself innocence in the matter, and also played vital role to solve the issue and control further devastation of human in future. Further case is under process in the court and he is in better position to produce cogent witnesses regarding his innocence.

STATEMENT OF SI/OII SHAKAR GHAYAS

Shakar Ghayas Khan SI/OII PS Urmur stated in his statement which revealed that on 18.08.2020 MI Imdad meet with him in his office and disclosed that he need 12- hours leave because a dispute of land property has been raised between his brother Mukhtiar and sister Chaman Bibi, while he try his best to solve the issue peace fully. After this he allowed him 12-hours leave. He made his departure vide DD No.12 dated 18.08.2020 at about 19:15 hrs; and arrival DD No. 21 dated 19.08.2020 at 07:15 AM. According to OII after arrival at about 08:45 am he directed him for challan duty, but at about 08: 55 hrs; he found MI Imdad absent, and a proper report vide DD No.27 dated 19.08.2020 has been lodged in the daily dairy of PS Urmur.

STATEMENT OF MASI MIRAJ GUL

MASI Miraj Gul statement in his statement that HC Imdad No. 510 was posted at PS Urmur as MI Investigation, being as MI entry regarding arrival/departure etc made by self, and according to daily dairy record after the permission of his senior Shakar Ghayas Khan SI /OII he made his departure vide DD No. 12 dated 18.8.2020 and arrival vide DD No. 21 dated 19.08.2020 at about 07:15 AM, but at about 08:15 AM SI Shakar Ghayas khan was marked him absent vide DD No. 27 dated 19.08.2020.

CONCLUSION

From the perusal of enquiry paper, recorded statements mentioned above as well as enclosed copy of FIR the undersigned reached to the conclusion that he is directly charged in the above cited case by his brother in-law for the murder of two sons, who's are also the sons in-law of the alleged officer HC Imdad. In the incident as a result of cross fire one nephew of the alleged officer HC Imdad was also died and FIR was registered against both the parties. Motive behind the incident was land dispute

RECOMMENDATION

In light of above discussion and other available material the allegations mentioned in the charged sheet and summary of allegations has been found **PROVEN** against the alleged official. Therefore alleged officer is recommended for **punishment**.

DEPUTY SUPERINTENDENT OF POLICE,
INVESTIGATION CITY, DESHAWAR

Arrested

*City
House*

Dy. Suptd. Police

Investigation City, Deshwar



CAPITAL

CE PESHAWAR
CE OF THE

SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR

No. 416/E/PA

Dated Peshawar the 31/12 /2020

FINAL SHOW CAUSE NOTICE

(UNDER RULES 5(3) KHYBER PAKHTUNKHWA, POLICE RULES, 1975)

1. That you HC Imdad the then MI PS Urmur, Peshawar have rendered yourself proceeded under Rule 5(3) of the Khyber Pakhtunkhwa, Police Rules for misconduct:-

It has been observed with great concerns that in case vide FIR No. 19.08.2020 u/s 302/324/148/149 PPC, PS Urmur, Peshawar, you were charged with Charge Sheet, but your reply is not found satisfactory, as your directly to the above mentioned FIR and you failed to provide any kind of evidence in your innocence. Your this criminal act is highly objectionable and gross negligence on your part being a responsible police officer.

2. That by reason of the above, as sufficient material is placed before the undersigned; the undersigned decided to proceed against you in general Police proceedings without aid of Inquiry Officer.
3. That the misconduct on your part is prejudicial to good order of discipline in the Police Force.
4. That your retention in the Police Force will amount to encourage in efficient and unbecoming conduct of a good Police Officer.
5. You are, therefore, called upon to show cause as to why you should not be dealt with in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct mentioned above.
6. You should submit reply to this show cause notice within 07 days of the receipt of this notice failing which an ex-parte action shall be taken against you.
7. You are further directed to inform the undersigned that you wish to be heard in person.

*Recd
J. J. J.
12/20
Attest ed B/20*

*C. J. J.
J. J. J.*

Dy. Supt. Police

S. J. J.
Senior Superintendent of
Investigation
Capital City Police, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.3425 /2021.

Ex- Constable Imdad Khan No.510 of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

REPLY BY RESPONDENTS NO. 1, 2, &3.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file instant appeal.
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 the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-

1. Incorrect. The appellant was appointed as constable in the year 1991 in the respondent department. The appellant has not a clean service record and contains 04 bad entries and 01 minor punishment on different occasions in his service. (copy of list as annexure A)
2. Incorrect. In fact the appellant was suspended and issued charge sheet with statement of allegations and initiated departmental enquiry on the grounds of involvement in a criminal case vide FIR No.246 dated 19.08.2020 u/s 302/324/148/149/PPC PS Akbarpura District Nowshera. The enquiry officer after conducting enquiry proceedings recommended for major punishment. After completion of the enquiry proceedings, the appellant was issued final show cause notice to which he replied. After observing all codal formalities, he was awarded major punishment of dismissal from service. (copy of charge sheet, statement of allegations, enquiry report, Final Show Cause Notice are annexure as B,C,D,E)
3. Incorrect. Proper departmental enquiry was conducted against him. During the course of enquiry, the appellant failed to rebut the charges and the enquiry officer conducted thorough probe into the matter and found the appellant guilty of the charges.
4. Correct to the extent that the appellant was issued charge sheet with statement of allegation which he replied but his reply was found unsatisfactory.
5. Incorrect. Proper departmental enquiry was conducted against him. During the course of enquiry, the appellant failed to rebut the charges and the enquiry officer conducted thorough probe into the matter and found the appellant guilty of the charges. The whole

enquiry was conducted purely on merit. The appellant was provided full opportunity of defense, but the appellant failed to defend himself. After fulfilling all the codal formalities he was awarded the major punishment.


6. Incorrect. After completion of the enquiry proceedings he was issued final show cause notice, which he replied but his explanation was found unsatisfactory.
7. Correct to the extent that proper departmental enquiry was conducted against him. During the course of enquiry, the appellant failed to rebut the charges and the enquiry officer conducted thorough probe into the matter and found the appellant guilty of the charges. After fulfilling of all codal formalities, he was awarded major punishment of dismissal from service by the competent authority.
8. Incorrect. The whole enquiry proceedings were initiated purely on merit and in accordance with law/rules. The appellant availed the opportunities of defense, but he failed to defend himself nor produced in cogent evidence.
9. Incorrect. The appellant filed departmental appeal on 25.01.2021, which was thoroughly processed and an ample opportunity of hearing was provided to appellant by appellate authority but appellant failed to defend himself with plausible/justifiable grounds, hence his appeal was rejected/filed on 24.02.2021.

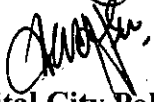
REPLY ON GROUNDS:


- a) Incorrect. The punishment order passed by the competent authority is in accordance with law/rules and liable to be upheld.
- b) Incorrect. After completion of the enquiry proceedings, the appellant was issued final show cause notice to which he replied, but his reply was also found unsatisfactory.
- c) Incorrect. The appellant was treated as per the law/rules. No injustice was done to him.
- d) Incorrect. The appellant was associated with the enquiry proceedings and proper opportunity of defense was provided to appellant. He failed to defend the charges leveled against him. The enquiry officer after detail probe reported that the charges were proved. Proper opportunity of defense was provided to the appellant, but he failed to defend himself.
- e) Incorrect. The appellant was issued charge sheet with summary of allegations, proper departmental enquiry was conducted against him. He was provided full opportunity of defense, but he failed to defend himself. After fulfilling of all codal formalities, he was found guilty, hence awarded major punishment of dismissal from service.
- f) Incorrect. The charges levelled against him were stood proved. The appellant being a member of a disciplined force, committed gross misconduct. Court proceedings and departmental proceedings are two different entities and can run side by side.
- g) Incorrect. The appellant himself is responsible for the situation by committing gross misconduct.

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 with costs please.


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


**Capital City Police Officer,
Peshawar.**


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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.3425 /2021.

Ex- Constable Imdad Khan No.510 of CCP Peshawar..... **Appellant.**


VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

AFFIDAVIT

We respondents No. 1 , 2 & 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,
Investigation Peshawar.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.3425 /2021.

Ex- Constable Imdad Khan No.510 of CCP Peshawar:..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

AUTHORITY.

I **Capital City Police Officer, Peshawar**, hereby authorize **Mr.Ahmad Jan** SI legal of Capital City Police, Peshawar to attend the Hon'ble Court and submit written reply, statement and affidavit required for the defense of above service appeal on behalf of respondent department.

**Capital City Police Officer,
Peshawar.**

Name of Official **IMDAD KHAN NO.510 S/O MUQADAR SHAH**
 R/O Zakhai Kohrona Nowshera PS.Akbar.pura Distt: Nowshera
 2. Date of Birth 07-04-1973
 3. Date of enlistment 04-08-1991
 4. Education **10th**
 5. Courses Passed **Recruit**
 6. Total qualifying service 29 years, 04 Months & 03 days.
 7. Good Entries **Nil**

Bad Entries (L.W.O Pay, E/Drill & Warning)

1. 02 days leave without Pay vide OB No 1872.dt; 27-10-2020
2. 03 days E/drill vide OB No.02 dt: 01.01.1995
3. Warning be careful in future vide OB No.5257 dt: 30.12.1998
4. 15 days leave without pay vide OB No.2539 dt;28-06-2012

Minor Punishment

1. Censured vide OB No.43 dated 02.01.2015

Major Punishment

Nil

08. **Punishment (Current)**

Awarded major punishment of dismissed from service vide order Endst: No.2969-73/PA, dated 28.12.2020 by SSP/Operation Peshawar.

09. **Leave Account**

<u>Total leave at his credit</u>	<u>Availed leaves</u>	<u>Balance</u>
1408 days	Nil	1408 Days

CRC 9/02

PA My 15/2

Attested

C. J. J. J.

Dy. Supdt. Police

WICCPO

B

**CAPITAL CITY POLICE PESHAWAR
OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR**

No. 256/E/PA

Dated Peshawar the 26/08/2020

CHARGE SHEET

File No. _____
Date: 31/8
DSE Inv _____

I, Nausher-Khan Senior Superintendent of Police, Investigation, Peshawar, as competent hereby charge you HC Imdad Khan No. 510 MI of PS Urmar Peshawar as follow: -

- I. **It has been noted with great concern that you have been involved in case vide FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC Pura. Your this act is highly objectionable and gross misconduct on your part.**
- II. This amounts to gross misconduct, negligence and mala-fide on your part for which you are liable for punishment as defined in Police Disciplinary Rules, 1975.
 1. By the reasons of the above, you appeared to be guilty of misconduct under Police Disciplinary Rules, 1975 and have rendered yourself liable to all or any of the provisions specified in the said Rules.
 2. You are therefore, required to submit your written defense within **seven days** of receipt of this charge sheet to the Inquiry Officer/Committee.
 3. Intimate as to whether you desire to be heard in person?
 4. A Statement of allegation is enclosed.

*DY. 140-1593/SF -
DT - 26/8/2020*

[Signature]
**Senior Superintendent of Police
Investigation
Capital City Police, Peshawar**

Senno

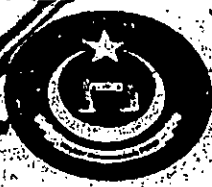
*Call the official for
statement and personal
hearing.*

*Sir/ receive by today
[Signature]
09/08/20
07/09/20*

Attest

[Signature]
By: Senior Police Officer

DSP CITY-INV



CAPITAL CITY POLICE PESHAWAR
OFFICE OF THE

SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR

No. _____ / PA

Dated Peshawar the ____ / ____ / 2020

31

DISCIPLINARY ACTION AGAINST HC IMDAD NO: 510 PS URMAR PESHAWAR

I, Nausher Khan Senior Superintendent of Police, (Investigation), Peshawar, as competent authority am of the opinion that HC Imdad Khan No. 510 MI of PS Urmar Peshawar has rendered himself liable to be proceeded against as he has committed the following acts/omissions within the meaning Police Disciplinary Rules, 1975.

STATEMENT OF ALLEGATIONS

- I. It has been noted with great concern that you have been involved in a criminal case vide FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC PS Akt Pura. Your this act is highly objectionable and gross misconduct on your part.
- II. This amounts to gross misconduct, negligence and mala-fide on your part for which you are liable for punishment as defined in Police Disciplinary Rules, 1975.
 1. That all the above acts amount to gross misconduct, negligence, in-efficiency and mala-fide on his part for which he is liable for punishment as defined in Police Disciplinary Rules, 1975.
 2. For scrutinizing the conduct of said accused with reference to the above allegations DSP Fazal Rehman Imve is deputed as the Inquiry Officer.
 3. The Inquiry shall be conducted in accordance with the provision of the Rules to provide reasonable opportunity of hearing to the accused officer, record its finding within 15 days of the receipt of this order, & make recommendations as to punishment or other appropriate action against the accused.
 4. The accused shall join the proceeding on the date and time and place fixed by the Inquiry Officer.

Witnessed

[Signature]
Dy. Supdt. Police

[Signature]
Senior Superintendent of Police,
Investigation
Capital City Police, Peshawar

251

01 December, 2020

✓

D

From: DSP Investigation, City
Division, Peshawar

To: SSP Investigation, CCP, Peshawar

No. 3066 /St, dated Peshawar the 29 /Dec, 2020

Subject: **DEPARTMENTAL ENQUIRY AGAINST MI IMDAD OF PS URMAR**

Please refer to your office memo: No.256-E/PA SSP Inv: dated 26.08.2020 follow by Dy: No. 5052/PA, dated 16.09.2020 on the subject cited above.

ALLEGATIONS

This is a departmental enquiry against HC Imdad Khan No. 510 with the allegations that while he was posted at PS Urmur as MI/Investigation involved in a criminal case vide FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC PS Akbar Pura District Nowshera. Your act is high objectionable and gross misconduct on your part. For which you make him liable for punishment as defined in Police Disciplinary Rules, 1975.

For the purpose to scrutinize the conduct of the said allegations the SSP Investigation nominated the undersigned to finalize the enquiry and report.

PROCEEDING

During the process of enquiry the following were examined; heard person and their statements recorded are as under:-

- HC Imdad Khan the then MI/Investigation of PS U. mar
- Shakkar Ghaya Khan SI/OII PS Urmur
- Miraj Gul MASI PS Urmur (Opt :)

STATEMENT OF HC IMDAD KHAN

HC Imdad stated in his statement that when he was posted as Investigation at PS Urmur a dispute of land property was going between his brother Bakhtiar Ali and sister Mst Chaman Babi. On 18.08.2020 he received 12-hours leave from his senior Shakkar Ghayas Khan SI/OII and proceeded to his house for purpose to solve the matter between them. He made his departure from PS Urmur DD No. 12 dated 18.08.2020 at about 19:15 hrs: & vide DD No.21 dated 19.08.2020 07:15 hrs: he made his arrival in Police Station Urmur. Meanwhile his son Ima Islam informed him regarding the cross firing between his brother and his brother-in-law Rabnawaz. Resultantly due to their firing from Bakhtiar side Arshad Ali brother-in-law side Said Nawaz and Zahid Nawaz were hit and expired. On the report of his brother in-law & his sister he was charged for the commission of offence under proper case vide FIR No. 246 dated 19.08.2020 u/s 302/324/148/149 PPC PS Akbar Pura district Nowshera was registered against him. Due to this he leave the Police Station and OII Shakkar Ghayas Khan marked him absent vide DD No. 27 dated 19.08.2020 at about 08:55 AM.

Arrested

C. J. Khan

Police Station, CCP, Peshawar

It is pertinent to mentioned here that deceased Said Nawaz and Zahid Nawaz his maternal nephew and also his son-in-laws, due to this incident his two daughters made widow.

Being a Police officer he managed BBA and also in struggle to prove himself innocence in the matter, and also played vital role to solve the issue and control further devastation of human in future. Further case is under process in the court and he is in better position to produce cogent witnesses regarding his innocence.

STATEMENT OF SI/OII SHAKAR GHAYAS

Shakar Ghayas Khan SI/OII PS Urmur stated in his statement which revealed that on 18.08.2020 MI Imdad meet with him in his office and disclosed that he need 12- hours leave because a dispute of land property has been raised between his brother Mukhtiar and sister Chaman Bibi, while he try his best to solve the issue peace fully. After this he allowed him 12-hours leave. He made his departure vide DD No.12 dated 18.08.2020 at about 19:15 hrs; and arrival DD No. 21 dated 19.08.2020 at 07:15 AM. According to OII after arrival at about 08:45 am he directed him for challan duty, but at about 08: 55 hrs; he found MI Imdad absent, and a proper report vide DD No.27 dated 19.08.2020 has been lodged in the daily dairy of PS Urmur.

STATEMENT OF MASI MIRAJ GUL

MASI Miraj Gul statement in his statement that HC Imdad No. 510 was posted at PS Urmur as MI Investigation, being as MI entry regarding arrival/departure etc made by self, and according to daily dairy record after the permission of his senior Shakar Ghayas Khan SI /OII he made his departure vide DD No. 12 dated 18.8.2020 and arrival vide DD No. 21 dated 19.08.2020 at about 07:15 AM, but at about 08:15 AM SI Shakar Ghayas khan was marked him absent vide DD No. 27 dated 19.08.2020.

CONCLUSION

From the perusal of enquiry paper, recorded statements mentioned above as well as enclosed copy of FIR the undersigned reached to the conclusion that he was directly charged in the above cited case by his brother in-law for the murder of two sons, who's are also the sons in-law of the alleged officer HC Imdad. In the incident as a result of cross fire one nephew of the alleged officer HC Imdad was also died and FIR was registered against both the parties. Motive behind the incident was land dispute

RECOMMENDATION

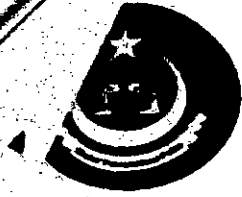
In light of above discussion and other available material the allegations mentioned in the charged sheet and summary of allegations has been found **PROVING** against the alleged official. Therefore alleged officer is recommended for **punishment**.

DEPUTY SUPERINTENDENT OF POLICE,
INVESTIGATION CITY, DESHAWAD

Arrested

*Chy
Hane*

Dy. Suptd: Police



CAPITAL

CE PESHAWAR
CE OF THE

SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR

No. 416/E/PA

Dated Peshawar the 31/12 /2020

FINAL SHOW CAUSE NOTICE

(UNDER RULES 5(3) KHYBER PAKHTUNKHWA, POLICE RULES, 1975)

1. That you HC Imdad the then MI PS Urmar, Peshawar have rendered yourself proceeded under Rule 5(3) of the Khyber Pakhtunkhwa, Police Rules for misconduct:-

It has been observed with great concerns that in case vide FIR No. 19.08.2020 u/s 302/324/148/149 PPC, PS Urmar, Peshawar, you were charged with Charge Sheet, but your reply is not found satisfactory, as you directly denied the above mentioned FIR and you failed to provide any kind of evidence in your defence to prove your innocence. Your this criminal act is highly objectionable and gross misconduct on your part being a responsible police officer.

2. That by reason of the above, as sufficient material is placed before the undersigned; the undersigned has decided to proceed against you in general Police proceedings without aid of Inquiry Commission.
3. That the misconduct on your part is prejudicial to good order of discipline in the Police Force.
4. That your retention in the Police Force will amount to encourage in efficient and unbecoming conduct of good Police Officer.
5. You are, therefore, called upon to show cause as to why you should not be debarred from service in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct mentioned above.
6. You should submit reply to this show cause notice within 07 days of the receipt of this notice, failing which an ex-parte action shall be taken against you.
7. You are further directed to inform the undersigned that you wish to be heard in person.

*Recd
J. S. Khan
12/20*

Ch. J. Khan

De. Supt. Police

S. J. Khan
**Senior Superintendent of
Investigation
Capital City Police, Peshawar**