

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 569/2022

Date of Institution ... 18.04.2022

Date of Decision ... 25.10.2022

Niaz Ali Ex-LHC/Police No. 2697. R/O Charsadda Road Mirwas Mohallah
Kohistani Mardan.

... (Appellant)

VERSUS

District Police Officer Mardan and two others.

... (Respondents)

MESSRS.
SAID BASHER KHAN,
&
ROEEDA KHAN,
Advocates

--- For appellant.

MR. MUHAMMAD RIAZ KHAN PAINDAKHEL,
Assistant Advocate General

--- For respondents.

SALAH-UD-DIN
MIAN MUHAMMAD


--- MEMBER (JUDICIAL)
--- MEMBER (EXECUTIVE)

CONSOLIDATED JUDGMENT:

SALAH-UD-DIN, MEMBER:- Through this single judgment, we intend to dispose of the instant service appeal as well as connected Service Appeal bearing No. 570/2022 titled " Tariq Ali Versus District Police Officer Mardan and two others", as common question of law and facts are involved in both the appeals.

2. Precisely stated the facts surrounding the instant service appeals are that the appellants were proceeded against departmentally on the allegations that with their active connivance with one Kamran, he was shown arrested in a concocted case FIR No. 1057 dated 01.09.2021 under Section 15AA

Police Station Rustam so as to create plea of *ali-bi* for Kamran in the intended murder of his opponents; that Kamran went to jail in the aforementioned case on 02.09.2021, while his brother namely Amir Sajjad committed murder of two persons on the following day regarding which case FIR No. 889 dated 03.09.2021 under Sections 302/324/34 PPC was registered at Police Station Toru, wherein Kamran was also directly charged. On completion of the inquiry, the appellants were awarded major punishment of dismissal from service vide separate orders dated 09.03.2022 passed by the then District Police Officer Mardan. The departmental appeals of the appellants were also rejected, hence the instant service appeals.



3. Respondents contested the appeals by way of submitting para-wise comments, wherein they refuted the assertions raised by the appellants in their appeals.

4. Learned counsel for the appellants has contended that the appellants are innocent and the allegations leveled against them were totally wrong and baseless; that no material in support of the allegations against the appellants was available but even then the inquiry officer has wrongly held that the allegations against the appellants stood proved; that no evidence was produced during the inquiry proceedings in respect of the alleged connivance of appellants with one Kamran, therefore, the competent Authority was thus, not justified in awarding them major penalty of dismissal from service; that departmental action was also taken against Constable Ayaz Ali, however he was awarded minor penalty of forfeiture of two years approved service, while the appellants were treated with discrimination and were awarded major penalty of dismissal from service; that no opportunity was provided to the appellants for cross examination of

the witnesses examined during the inquiry and they were also not provided any opportunity to produce evidence in their defence; that the inquiry proceedings were conducted in sheer violation of mandatory provisions of Police Rules, 1975, therefore the impugned orders are liable to be set-aside and the appellants are entitled to be reinstated in service with all back benefits.

5. On the other hand, learned Assistant Advocate General for the respondents has argued that the appellants in connivance with one Kamran had managed registration of a concocted case under Section 15AA against Kamran for the purpose of creating plea *ali-bi* for the said Kamran in the intended murder case, which was then committed on 03.09.2021, resulting in death of two persons; that a regular inquiry was conducted in the matter and the appellants were provided opportunity of personal hearing as well as self defence; that evidence of Abid Khan IHC and Constable Ayaz Ali No. 1663 was recorded during the inquiry, which proved the allegations leveled against the appellants; that the appellants had connived in facilitation of the accused charged in case FIR No. 889 dated 03.09.2021 under Sections 302/324/34 PPC registered at Police Station Toru, therefore, they have rightly been dismissed from service.

6. We have heard the arguments of learned counsel for the parties and have perused the record.

7. A perusal of the record would show that the investigating officer had examined Constable Ayaz Ali No. 1663 and Abid Khan IHC during the inquiry, however the appellants have not been provided an opportunity of cross examination of the said witnesses. The statements of the said witnesses

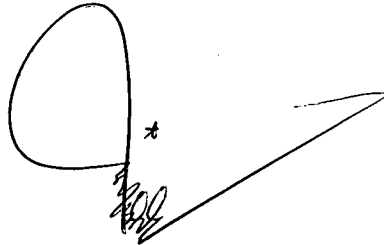
recorded during the inquiry thus could not be used as evidence against the appellants. According to the statements of Constable Ayaz Ali No. 1663 and Abid Khan IHC, the appellants were present in District Courts Mardan on 02.09.2021 and one Kamran, who was charged in FIR No. 889 dated 03.09.2021 registered under Sections 302/324/34 PPC at Police Station Toru, had come to the court alongwith the appellant Niaz Ali LHC. Appellant Niaz Ali LHC has categorically mentioned in his reply to the show-cause notice that as per the entries in daily diary No. 4 and daily diary No. 05 dated 02.09.2021, he alongwith other police officials were on *Nakabandi* duty in front of Police Post Shaheedan and had not at all visited District Courts Mardan on the said date. The inquiry officer had not given any opportunity to the appellants to produce evidence in rebuttal of the allegations leveled against them. The appellant namely Tariq Ali was posted at PAL Office Mardan, while appellant Niaz Ali was posted in Police Post Shaheedan and their role in the alleged episode is not the same but the orders passed on their departmental appeals are verbatim copies of each other, which would show that the departmental appeals were decided in a perfunctory manner. Moreover, the appellants were not provided copy of the inquiry report alongwith final show-cause notices issued to them and they were thus not in a position to properly defend themselves. In these circumstances, we deem it appropriate to remit the matter back to the competent Authority for de-novo inquiry in accordance with relevant law and rules.

8. In view of the above discussion, the appeal in hand as well as connected service appeal bearing No. 570/2022 titled “ Tariq Ali Versus District Police Officer Mardan and two others” are allowed by setting-aside

the impugned orders and the appellants are reinstated in service for the purpose of de-novo inquiry. The de-novo inquiry shall be completed within a period of one month of receipt of copy of this judgment, strictly in accordance with relevant law/rules. Needless to mention that the appellants shall be fully associated with the inquiry proceedings by providing them fair opportunity to cross examine the witnesses as well as production of evidence in their defence. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

25.10.2022



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



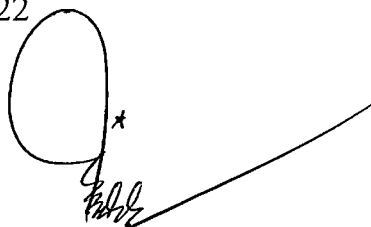
(SALAH-UD-DIN)
MEMBER (JUDICIAL)

ORDER
25.10.2022

Appellant alongwith his counsel namely Messrs Said Basher Khan and Roeda Khan, Advocates, present. Mr. Said Bashar Khan, Advocate submitted Wakalatnama on behalf of the appellant, which is placed on file. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand as well as connected service appeal bearing No. 570/2022 titled “ Tariq Ali Versus District Police Officer Mardan and two others” are allowed by setting-aside the impugned orders and the appellants are reinstated in service for the purpose of de-novo inquiry. The de-novo inquiry shall be completed within a period of one month of receipt of copy of this judgment, strictly in accordance with relevant law/rules. Needless to mention that the appellants shall be fully associated with the inquiry proceedings by providing them fair opportunity to cross examine the witnesses as well as production of evidence in their defence. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
25.10.2022



(Mian Muhammad)
Member (Executive)





(Salah-Ud-Din)
Member (Judicial)

20.06 2022

Learned of counsel for the appellant present. Mr. Muhammad Adeel, Additional Advocate General alongwith Atta-ur-Rehman, Inspector Legal for the respondents present.

Written reply/comments on behalf of the respondents submitted which is placed on file. A copy of the same is also handed over to the learned counsel for the appellant. To come up for rejoinder as well as arguments before D.B on 01.09.2022.


Fareeha Paul
Member (E)


01.09.2022

Bench is incomplete, therefore, case is adjourned to 25.10.2022 for the same as before.



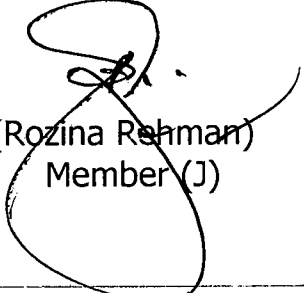

Reader



FORM OF ORDER SHEET

Court of _____

Case No.- _____ 569 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/04/2022	<p>The appeal of Mr. Niaz Ali presented today by Roeeda Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	<p>MSR 29/04/2021 <u>27/4/2022</u></p> <p>Rs-500/- Appellant Deposited Security & Process Fee - A. Hash 19/5/22</p>	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>29-4-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant present through counsel. Preliminary arguments heard. Record perused.</p> <p>Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on <u>20/6/2022</u> before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

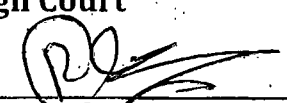
BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

CHECK LIST

1.	Case title		
2.	Case is duly signed.	Yes	No
3.	The law under which the case is preferred has been mentioned.	Yes	No
4.	Approved file cover is used.	Yes	No
5.	Affidavit is duly attested and appended.	Yes	No
6.	Case and annexure are properly paged and numbered according to index.	Yes	No
7.	Copies of annexure are legible and attested. If not, then better copies duly attested have annexed.	Yes	No
8.	Certified copies of all requisite documents have been filed.	Yes	No
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filled.	Yes	No
10.	Case is within time.	Yes	No
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	Yes	No
12.	Court fee in shape of stamp papers affixed. For writ Rs. 500 , for other as required}	Yes	No
13.	Power of attorney is in proper form.	Yes	No
14.	Memo of addressed filed.	Yes	No
15.	List of books mentioned in the petition.	Yes	No
16.	The requisite number of spare copies-attached { Write petition- 3, Civil appeal(SB-2) Civil Revision (SB-1, DB-2)	Yes	No
17.	Case (Revision /appeal/petition etc) is filled on a prescribed form.	Yes	No
18.	Power of attorney is attested by jail authority (for jail prisoner only)	Yes	No

It is certified that formalities /documentations as required in column 2 to 18 above, have been fulfilled.

Name:- **Roeeda Khan**
Advocate High Court
Peshawar

Signature: - 

Dated: - 18-4-2022

FOR OFFICE USE ONLY

Case: - _____

Case received on _____

Complete in all respect: Yes/No, (If NO, the grounds) _____

Signature _____

(Reader)

Dated: - _____

Countersigned: - _____

(Deputy Registrar)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 569 /2022

Niaz Ali Ex-LHC/Police No.2697

VERSUS

District Police Officer Mardan & Others

INDEX

S#	Description of Documents	Annexure	Pages
1.	Grounds of Petition.		1-5
2.	Affidavit.		6
3.	Addresses of parties		7
4.	Copies of charge sheet <i>Reply</i>	"A & B"	8 to 13
5.	Copies of show cause notice and reply	"C & D"	14 to 17
6.	Copy of impugned order	"E"	18 to 20
7.	Copy of departmental appeal & rejection order	"F & G"	22 to 27
8.	Wakalatnama		

~~APPELLANT~~

Through

RA
Roeeda Khan

Advocate, High Court
Peshawar.

Dated: 15/04/2022

(1)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 569 /2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 590

Dated 18-04-2022

Niaz Ali Ex-LHC/Police No. 2697 R/o Charsadda
Road Mirwas Mohallah Kohistani Mardan.

Appellant

VERSUS

1. District Police Officer Mardan
2. Regional Police Officer Mardan.
3. Inspector General of Police KPK Peshawar.

Respondents

Filed to-day

Registrar

18/4/2022

APPEAL U/S-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT 1974 AGAINST THE ORDER DATED
09-03-2022, WHEREBY THE APPELLANT
HAS BEEN AWARDED MAJOR
PUNISHMENT OF DISMISSAL FROM
SERVICE AND AGAINST WHICH THE
APPELLANT FILED DEPARTMENTAL
APPEAL ON 15.03.2022 WHICH HAS
BEEN REJECTED ON 05.04.2022 ON NO
GOOD GROUNDS.

PRAYER:-

ON ACCEPTANCE OF THIS APPEAL
BOTH THE IMPUGNED ORDERS DATED
09/03/2022, & 05.04.2022 MAY KINDLY

(2)

BE SET ASIDE AND THE APPELLANT
MAY KINDLY BE REINSTATED IN
SERVICE ALONG WITH ALL BACK
BENEFITS. ANY OTHER REMEDY
WHICH THIS AUGUST TRIBUNAL
DEEMS FIT THAT MAY ALSO BE
ONWARD GRANTED IN FAVOUR OF
APPELLANT.

Respectfully Sheweth.

1. That the Appellant has been appointed as Constable since long time with respondent department.
2. That after appointment the appellant performed his duty regularly and with full devotion and no complaint whatsoever has been made against the appellant.
3. That on 07.10.2021 a charge sheet and statement of allegations has been issued against the appellant which has been properly replied by the appellant whereby the appellant denied all the allegation leveled against the appellant. (Copies of charge sheet and reply are attached as annexure "A & B")
4. That on 07.02.2022 a final show cause notice has been issued against the appellant which has been properly replied by the appellant where the appellant denied all the allegation leveled against the appellant. (Copies of show

cause notice and reply are attached as annexure "C & D").

- 5. That on 09.03.2022 the impugned order has been issued against the appellant where by the appellant has been dismissed from service without full filling the codal formalities. (Copy of impugned order is attached as annexure "E").
- 6. That the appellant submitted departmental appeal on 15.03.2022 against the impugned order dated 09.03.2022 which has been rejected on 05.04.2022 on no good grounds. (Copies of departmental appeal & rejection order are attached as annexure "F & G").
- 7. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

GROUND:-

- A. That the impugned order dated 09/03/2022 is void and ab-initio order because it has been passed without fulfilling codal formalities in this respect the appellant relied upon a judgment reported on 2007 SCMR Page 834.
- B. That the impugned order is also void because no regular or departmental inquiry

(4)

was conducted against the appellant which is mandatory before imposing the major penalty and no opportunity of personal hearing and defense has been provided to the appellant relied upon a judgment reported on 2003 PLC (CS) Page 365 on 2021 PLC (CS) page 235 as well as judgment of this Tribunal in service appeal No. 1181/2018 decided on 17.09.2021.

- C. It is a well settled principle of law no one can be condemned unheard because it is against the natural justice of law in this respect the appellant relied upon a judgment reported on 2008 SCMR page:678.
- D. That no statement of witness has been recorded and no opportunity of cross examination has been provided to the appellant. In this respect the appellant relied upon a judgment reported on 2016 SCMR Page 108.
- E. That there is no prove or evidence regarding the allegation leveled against the appellant
- F. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.



(5)

It is therefore, most humbly prayed that on acceptance of this appeal both the impugned orders dated 09/03/2022, & 05.04.2022 may kindly be set aside and the appellant may kindly be reinstated in service along with all back benefits.

Any other remedy which this august tribunal deems fit that may also be onward granted in favour of appellant.


APPELLANT

Through


Roeed Khan
& 
Sheeba Khan
Advocates, High Court
Peshawar.

Dated: 15/04/2022

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.


Advocate.

(7)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2022

Niaz Ali Ex-LHC/Police No.2697

VERSUS


District Police Officer Mardan & Others

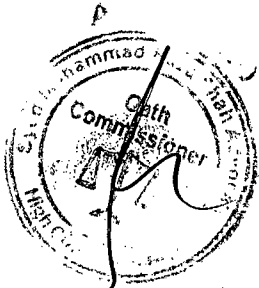
AFFIDAVIT

I, Niaz Ali Ex-LHC/Police No. 2697 R/o at District Mardan, do hereby solemnly affirm and declare that all the contents of the **instant appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.


DEPONENT

IDENTIFIED BY:

Roeeda Khan 
Advocate High Court
Peshawar.



7

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2022

Niaz Ali Ex-LHC/Police No.2697

VERSUS

District Police Officer Mardan & Others

ADDRESSES OF PARTIES

PETITIONER.


Niaz Ali Ex-LHC/Police No. 2697 R/o Charsadda
Road Mirwas Mohallah Kohistani Mardan.

ADDRESSES OF RESPONDENTS

1. District Police Officer Mardan
2. Regional Police Officer Mardan
3. Inspector General of Police KPK Peshawar.


APPELLANT

Through


Roeda Khan
Advocate, High Court
Peshawar.

Dated: 15/04/2022



(A) 8

2021

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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

No. 224 /PA

Dated 07/10/2021

DISCIPLINARY ACTION

I, **Dr. Zahid Ullah (PSP)**, District Police Officer Mardan, as competent authority am of the opinion that **LHC Niaz Ali No.2697**, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, **LHC Niaz Ali No.2697**, while posted at P.P. Shaheedan (now under suspension Police Lines Mardan) was found negligence for the following irregularities, as per SDPO Rural Mardan office letter No.1299/R dated 07-09-2021:-

1) On 01-09-2021, he accompanied by IHC Abid Khan No. 3293, the then Incharge PP Shaheedan etc arrested one Kamran r/o Wawan Killely Toru with a (30) bore without number and unlicensed pistol & (05) rounds during routine patrolling vide case FIR No.1057 dated 01-09-2021 U/S 15AA PS Rustam.

2) On 02-09-2021, IHC Abid Khan has prepared Remand Judicial Challan and sent it to the Court through Constable Ayaz No.1663 with advice that the accused is waiting at Mardan Katcheri. On reaching Mardan Katcheri, he found him (LHC Niaz Ali No. 2697) along-with accused Kamran, so he handed-over the Remand Judicial papers to LHC Niaz Ali & then he produced the accused to the Court wherein the accused couldn't produce any surety, so the Court fined him of Rs.1000/-, but intentionally the accused regretted by not paying the fined amount, so he was sent to Judicial Lock-up. The main purpose behind preferring Judicial Lock-up was that on 03-09-2021, brother of accused namely Amir Sajjad committed murder vide case FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru, in which, he (accused Kamran) was also charged for the commission of crime.

3) As per SP/Investigation Mardan vide his office letter No.531/PA/Inv: dated 06-09-2021, highlighting that accused Kamran in connivance with LHC Muhammad Tariq No.627 of PAL Office Mardan and his brother LHC Niaz Ali No. 2697 of PP Shaheedan (Now both suspended) registered the above quoted case against himself, because on the day and at the time of occurrence, accused Kamran was not present on the spot and no direct recovery has been made from him, while on the next day (02-09-2021), accused Kamran was handed-over to Constable Ayaz Ali No.1663 without handcuffs in the Court, wherein before the concerned Magistrate, accused Kamran resiled from his statement and was sent to Judicial Lockup Mardan. From the preliminary enquiry, it has been found that accused Kamran in connivance with LHC Muhammad Tariq has planned his entrance to Mardan Jail and this fact has been accepted by all.

4) From the above discussion, the involvement of LHC Niaz Ali in this episode/plan can't be ruled-out.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, **Mr. Adnan Azam SDPO SMT is nominated as Enquiry Officer.**

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

LHC Niaz Ali is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

(Dr. Zahid Ullah) PSP
District Police Officer



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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2021

9

CHARGE SHEET

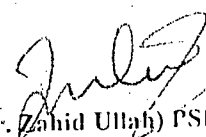
I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority, hereby charge LHC Niaz Ali No.2697, while posted at P.P Shaheedan (now under suspension Police Lines Mardan), as per attached Statement of Allegations.

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

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

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

4. Intimate whether you desired to be heard in person.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Before The App/males.

Subject: Reply to the Charge Sheet + Summary of allegations.
no 221-PA dated 7.10.2021

Respected Sir,

Your honor had issued the subject charge sheet to the petitioner with the following allegations:-

whereas LHC No 2 Ali No 2697 while posted at PO Shahdahan/now under suspension was found negligent for the following irregularities & per sonal made after letter no 1292-A dated 7.7.21.

1) on 1.9.21, he accompanied by the Abid Khan no 3293 The then PO Shahdahan arrested one accused Kamran of Nawab Malik Tary with a 30 bore with one number and unlicensed pistol x.5 Rounds during routine patrolling vide case FIR no 1057 dated 1.9.21 vide 15 AA PS Rustam.

2) on 2.9.21 the Abid Khan prepared Remand judicial challan and sent it to the court through constable Ayaz no 1663, with advice that the accused is residing at Maula Kachhri. on reaching Maula Kachhri, he found him (LHC No 2 Ali no 2697) along with accused Kamran. so he handed over the remand judicial papers to LHC / No 2 Ali & then he produced the accused to the court where in the accused could not produce any surties, so the court fined him of Rs 1000 but intentionally, the accused regretted by not paying the fine amount so he was sent to judicial lockups. The main purpose behind furnishing judicial lock up was that on 3.9.21

brother of accused Kamran namely Amir Saggiat committed murder vide case FIR no 889 dated 3.9.21 vide 3.2.21/2021/50/PS Rustam.

which he (Aasad Kamran) was also charged for the commission of Crime.

3). As per SP / Invt / MDR vide his office letter no 531 PE dated 6.9.21, highlighting that Aasad Kamran co-ince with LHE Mohd Tahir Um 622 of Pall office MDR. of his brother LHE Muz Ali 2697 of Pp Shahzad (arms both suspended) registered the above Outlet case against himself, because on the day and time of occurrence Aasad Kamran was not present on the spot and no direct recovery has been made from him while on the next day 2.9.21, Aasad Kamran was handed over to Constable Ayaz Ali no 1663 without handcuffs in the court when in before the concerned Magistrate, Aasad Kamran resisted from his statement and was sent to judicial lock up MDR. From the preliminary enquiry, it has been found, that Aasad Kamran in connection with LHE Mohd Tahir has planned his entrance to Malak jail and this fact has been accepted by all.

(Copy enclosed.)

1) It is submitted, that LHE Abid Ichan is intermediate formal Police official. According to the story of Case FIR no 1057 dated 1.9.21 u/s 153A PC Pakistan. LHE Abid along with Police Nafsoo was on routine patrolling on 1.9.21. At 1530 hours, he arrested Aasad Kamran, Nroo Habib Mo Nawaz Kull, Tara at Chonica - front and received one uncharged 20 bore Pistol with 05 rounds from his possession. The received arms were taken into custody vide recovery memo. He drafted the Memoranda u/s 153A and was handed over to the petitioner. The petitioner brought the Memoranda to the Ps where case FIR no 1057 dated 1.9.21 u/s 153A PC Pakistan was registered. The FIR is legal and LHE Abid Ichan is responsible for his actual action.

(Copy of FIR is enclosed.)

2) on 2.9.21, Petitioner was present on National's duty in front of Police Post Shahzad along with LHE Abid Ichan, Serhad Ali no 1416, Fais no 544. To this effect a departure report has been entered in the daily diary vide DD no 4 dated

(3)

(12)

2.9.21. The Nalanchandi was continued till 1600 hours and return Wajan report has been entered in the daily diary vide ID no 5 dated 2.9.21. As per the entries of Daily diary petitioner was present on duty at front of PP from 0830 hours to 1600 hours.

(Copies of daily diaries are enclosed.)

- 3) On 2.9.21, Petitioner was present on duty in front of PP Shaukhan and did not want to Khaheri Mandan. The same day, petitioner had not produced Azeem Kamran in the Court. In fact the said Azeem was produced by Constable Ayaz no 1613 in the Court. The said Constable Ayaz has also brought the Azeem Kamran to Central Jail Mandan. The said Constable after entrance of Azeem in jail has also received "Parchi" of entry of Azeem from jail Authorities. This fact can be confirmed from jail Authorities. Similarly the presence of petitioner on 2.9.21 at front of PP Shaukhan can be confirmed from the perusal of daily diaries & well examining of Police officials present on duty with the petitioner.
- 4) Azeem Kamran is not known to the petitioner prior to the registration of Case no 15 AA.
- 5) There is no connivance of petitioner with Azeem Kamran in registration of Case no 15 AA.
- 6) The Investigation Mandan letter no 531-PA dated 6.9.21, mentioned in the charge sheet clearly indicates, that on 2.9.21, Azeem Kamran was handed over to Constable Ayaz, who produced the Azeem before the Court. In his letter, petitioner has not been blamed for any allegations.
- 7) The statement of Constable Ayaz is false and

(4)

(13)

not based on facts. Petitioner is innocent and has shown no negligence in performance of his duties.

8) Petitioner was enlisted as Constable in Police Department in the year 2009 and since then performed his duty with zeal and efficiency. Petitioner was not absent duty dutably prior to this.

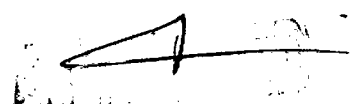
9) Petitioner is the son of retired Mr. Namah of Panchaj, who served in Madhya Pradesh. Petitioner is married with one kid and the family is depend upon the police service of the petitioner.

Keeping in view the above facts of circumstance, it is humbly requested, that the subject charge sheet may kindly be filed please.

Dated, 14.11.21

Yours obediently,

LHC / Niaz Ali NO 2697
Police Lines Madan.





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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

022

No. 1078-73 /PA

Dated 7/12/2022

FINAL SHOW CAUSE NOTICE

LHC Niaz Ali No.2697, while posted at P.P Shaheedan (now under suspension Police Lines Mardan) was found of negligence for the following irregularities, as per SDPO Rural Mardan office letter No.1299/R dated 07-09-2021:-

1) On 01-09-2021, you accompanied by LHC Abid Khan No. 3293, the then Incharge PP Shaheedan etc arrested one Kamran r/o Nuwan Killely Toru, with a (30) bore without number and unlicensed pistol & (05) rounds during routine patrolling vide case FIR No.1057 dated 01-09-2021 U/S 15AA PS Rustam.

2) On 02-09-2021, LHC Abid Khan has prepared Remand Judicial Challan and sent it to the Court through Constable Ayaz No.1667 with advice that the accused is waiting at Mardan Katcheri. On reaching Mardan Katcheri, he found him (LHC Niaz Ali No. 2697) along-with accused Kamran, so he handed-over the Remand Judicial papers to LHC Niaz Ali & then he produced the accused to the Court wherein the accused couldn't produce any surety, so the Court fined him of Rs.1000/-, but intentionally the accused regretted by not paying the fined amount, so he was sent to Judicial Lock-up. The main purpose behind preferring Judicial Lock-up was that on 03-09-2021, brother of accused namely Amir Sajjad committed murder vide case FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru, in which, he (accused Kamran) was also charged for the commission of crime.

3) As per SP/Investigation Mardan vide his office letter No.531/PA/Inv: dated 06-09-2021, highlighting that accused Kamran in connivance with LHC Muhammad Tariq No.627 of PAL Office Mardan and his brother LHC Niaz Ali No. 2697 of PP Shaheedan (Now both suspended) registered the above quoted case against himself, because on the day and at the time of occurrence, accused Kamran was not present on the spot and no direct recovery has been made from him, while on the next day (02-09-2021), accused Kamran was handed-over to Constable Ayaz Ali No.1663 without handcuffs in the Court, wherein before the concerned Magistrate, accused Kamran resiled from his statement and was sent to Judicial Lockup Mardan. From the preliminary enquiry, it has been found that accused Kamran in connivance with LHC Muhammad Tariq has planned his entrance to Mardan Jail and this fact has been accepted by all.

4) From the above discussion, your involvement in this episode/plan can't be ruled-out.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Adnan Azam SDPO Shikli Maltoon vide his office letter No.633/St-SMT dated 13-12-2021, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.224/PA dated 01-10-2021, holding responsible you of gross misconduct & recommended for major punishment. You were heard in OR on 02-02-2022, during which, you have failed to present any plausible reason in your defense.

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

Hence, I Dr. Zahid Ullah (PSP) District Police Officer Mardan, in exercise of the power vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

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

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

Received by

Dated: 07/12/2022

Copy to P.D.O.

(Dr. Zahid Ullah) PSP
District Police Officer

Before the Worthy DPO MARDAN

"D"
157

Subject:

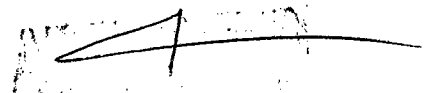
**REPLY TO FINAL SHOW CAUSE NOTICE NO 1072-73/PA DATED
07.02.2022.**

Respected Sir,

➤ In response to the Final Show cause, it is submitted that IHC Abid khan is intermediate posted police officer. According to the story of case FIR No. 1057 dated 01.09.2021 u/s 15AA PS Rustam. IHC Abid along with police officer was on routine patrolling on 1-9-2021. At 1530 hours, he arrested accused Kamran s/o Noor Habib at Chowki front and recovered one unlicensed 30 bore pistol with 5 rounds from his possession. The same were taken into custody vide recovery memo. He drafted Murasila u/s 15AA and handed over to the petitioner. The petitioner brought the Murasila to PS where the above mentioned case was registered. The FIR is legal and IHC Abid is responsible for his admitted action.

➤ On 02.09.2021, the petitioner was present on nakabandi duty in front of Police Post Shaheedan along with IHC Abid, Sarhad Ali No 1416, Faiz No 544. To this effect, a departure report has been entered in the daily dairy vide DD NO 4 Dated 2-9-021. The Nakabandi was continued till 1600 hours and return/wapasi report has been entered vide DD NO 5 dated 2-9-021. as per the entries of daily dairy petitioner was present on duty at front of PP from 0830 hours to 1600 hours.

➤ On 02.09.2021, the petitioner was present on Nakabandi duty in front of Police Post Shaheedan and did not go to Kachehri Mardan. The same day, petitioner had not produced accused Kamran in the court. In fact, the said accused was produced by Constable Ayaz No 1613 in the court. The said Constable has also



brought accused Kamran to central jail Mardan. The said Constable after entrance of accused in jail has also received receipt (parchi) of entry of accused from Authority which can be verified from concerned Authorities. Similarly, the presence of petitioner on 02.09.2021 at front of PP Shaheedan can be confirmed from the perusal of daily diary as well as examining of police officer present on duty with the petitioner.

➤ The accused Kamran is not known to the petitioner prior to the registration of above mentioned case u/s 15AA.

➤ That there is no connivance of the petitioner with the accused Kamran in registration of FIR u/s 15AA.

➤ That the letter No 531/PA/Inv dated 06.09.2021 of worthy SP Investigation Mardan mentioned in the charge sheet clearly indicates that on 02.09.2021, accused Kamran was handed over to Constable Ayaz who produced the accused before the court. Moreover, in the same letter the petitioner has not been blamed for any allegations.

➤ The statement of the Constable Ayaz is false and not based on facts. The petitioner is innocent and has shown no negligence in performance of his duties.

➤ That the petitioner was enlisted as Constable in Police Department in the year 2009 and since then has performed his duty with good and efficient behavior. That the petitioner was not dealt departmentally prior to this. All facts are evident from the shining service record of the petitioner as there is no bad entry in service record of the petitioner.

~~AT 11/10/21~~

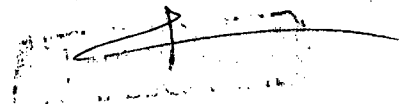
That petitioner belongs to a police family. The petitioner is the son of a retired police officer HC Bakht Taj who served in Police department. The petitioner is married with 04 kids and old father. The family depends upon the police service of the petitioner.

Keeping in view the above facts and circumstances, it is humbly prayed that being innocent, the subject charge sheet may kindly be filed.

Dated: /02/2022

Yours Obediently

Niaz Ali No. 2697/LHC



(u) — OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2022

No. 2119-21 /PA

Dated 10/3/2022

ORDER ON ENQUIRY OF LHC NIAZ ALI NO. 2697

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the LHC Niaz Ali on the report of SDPO Rural circle containing the allegations of criminal negligence and gross misconduct. Brief facts of the case are that:-

During routine patrolling on 01-09-2021, IHC Abid Khan No.3293 & LHC Niaz Ali No.2697 etc of PP Shaheedan arrested Kamran r/o Nawan Killely Toru with a 30 bore unlicensed pistol along with five bullet rounds and a case FIR No.1057 dated 01-09-2021 U/S 15AA PS Rustam was registered against him.

On the next day IHC Abid Khan prepared a report for obtaining judicial remand and sent it to the Court through Constable Ayaz No.1663 with advice that the accused Kamran will be waiting at Mardan Katcheri. On reaching Mardan Katcheri, constable Ayaz found LHC Niaz Ali No. 2697 who was standing with accused Kamran, so constable Ayaz handed-over the report for obtaining judicial remand to LHC Niaz Ali. The accused was produced in the Court by LHC Niaz Ali wherein, the accused couldn't produce any surety so the Court fined him Rs.1000/-, but the accused did not pay the above mentioned fine due to which he was sent to judicial lock up. The main motive behind sending the accused to judicial lock-up was that on 03-09-2021 the brother of accused namely Amir Sajjad had to commit murder with the connivance of his brother and the delinquent official. Later on, a case vide FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru was registered in which the accused Kamran was also charged for the commission of offence.

It is worth mentioning that SP/Investigation Mardan vide his office letter No.531/PA/Inv: dated 06-09-2021 also highlighted the fact that accused Kamran in connivance with LHC Niaz Ali No. 2697, IHC Abid Khan and LHC Tariq Ali, malafidely got registered the above mentioned case so as to entitle the accused for plea of alibi in a murder case and the accused Kamran was presented in court without handcuffs for entitling him to judicial lock up.

(15)

During the course of Departmental Enquiry, conducted by Mr. Adnan Azam SDPO Sheikh Maltoon vide his office letter No.633/St-SMT dated 13-12-2021, it was proved that the delinquent official acted in connivance by falsely implicating the accused Kamran in a minor offence to save him from FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru, holding LHC Niaz Ali guilty of gross misconduct and hence recommended for major punishment. During his hearing in O.R on 02-02-2022, he failed to present any plausible reason in his defense, therefore, he (LHC Niaz Ali) was served with a Final Show Cause Notice, under Khyber Pakhtunkhwa Police Rules-1975, issued vide this office No.1072-73/PA dated 07-02-2022, to which, his reply was received and found unsatisfactory.

Final Order

LHC Niaz Ali was heard in OR on 09-03-2022, during which, he failed to present any plausible reasons in his defense, therefore, keeping in view the findings of the Enquiry Officer & material on record, the allegations leveled against the delinquent official have been proved, therefore, awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 635

Dated 9 / 3 2022.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The DSP/HQrs Mardan.
- 2) The P.O & E.A. (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with () Sheets.

BETTER COPY

(20)

**OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN**

**Tel No. 0937- 9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com**

No. 2119-21

Dated 10/03/2022

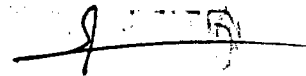
ORDER ON ENOURY OF LHC NIAZ ALI NO. 2697

This order dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the LHC Niaz Ali on the report of SDPO Rural circle containing the allegation of criminal negligence and gross misconduct. Brief facts of the case are that:

During routine patrolling on 01-09-2021, IHC Abid Khan No. 3293 & LHC Niaz Ali No. 2697 etc of PP Shaheedan arrested Kamran r/o Killey Toru with a 30 bore unlicensed pistol along with five bullet rounds and a case FIR No. 1057 dated 01/09/2021 U/S 15-AA PS Rustam was registered against him.

On the next day IHC Abid Khan prepared a report for obtaining judicial remand and sent it to the Court through Constable Ayaz No. 1663 with advice that the accused Kamran will be waiting at Mardan Katcheri. On reaching Mardan Katcheri constable Ayaz found LHC Niaz Ali No. 2697 who was standing with accused Kamran, so constable Aayaz handed-over the report for obtaining judicial remad to LHC Niaz Ali. The accused was produced in the Court by LHC Niaz Ali wherein, thee accused couldn't produce any surety so the Court fined him Rs. 1000/- but the accused did not pay the above mentioned fine due to which he was sent to judicial lock up. The main motive behind sending the accused to judicial lock-up was that on 03-09-2021 the brother of accused namely Amir Sajjad had to commit murder with the connivance of his brother and the delinquent official. Later on a case FIR No. 889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru was registered in which the accused Kamran was also charged from commission of offence.

It is worth mentioning that SP/Investigation Mardan vide his office letter No. 531/PA/Inv: dated 06-09-2021 also highlighted that fact that accused Kamran in connivance with LHC Niaz Ali No. 2697, IHC Abid Khan and LHC Tariq Ali, malafidely got registered the above mentioned case so as to entitle that accused for plea of alibi in a murder case and the accused Kamran was presented in court without hand-cuffs for entitling him to judicial lock up.



Better Copy

During the course of Departmental Enquiry, conducted by Mr. Adnan Azam SDPO Sheikh Maltoon vide his office letter No. 633/St-SMT dated 13/12/2021, it was proved that the delinquent official acted in connivance by falsely implicated the accused Kamran in a minor offence to save him for FIR5 No. 889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru, holding LC Niaz Ali guilty of gross misconduct and hence recommended for major punishment. During his hearing in O.R on 02-02-2022, he failed to present any plausible reason in his defense, therefore, he (LHC Niaz Ali) was served with a Final Show Cause Notice under Khyber Pakhtunkhwa Police Rules, 1975, issued vide this office No. 1072-73/PA dated 07-02-2022, to which, his reply was received and found unsatisfactory.

Final Order

LHC Niaz Ali was heard in OR on 09-03-2022, during which, he failed to present any plausible reasons in his defense, therefore, keeping in view the findings of the Enquiry Officers & material on record, the allegations leveled against the delinquent official have been proved, therefore, awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested to me under Police Rules 1975 .

OB No. 635

Dated 9/3/2022.

(Dr. Zahid Ullah PSP)

District Police Officer

Mardan

Copy forwarded for information & n/action to:-

- 1) The DSP/HQrs Mardan.
- 2) The P.O & E.G Office Mardan.
- 3) That OSI (Police Officers) Mardan wit () Sheets.

To

(F)

(22)

The Deputy Inspector General
of Police Manday Region - I
Manday

Subject: Appeal against the order of DPO Manday issued vide
OB NO 635 dated 9.3.2022, where by the appellant
was awarded major punishment of disband from
service.

Respected Sir,

The DPO Manday had issued charge sheet & summary of allegations
NO 224-DA dated 7.11.2021 to the appellant with the
following allegations :-

Whereas LHE No 2 Ali NO 269, while posted
at PP Shahdai was found negligent for the
following irregularities as per DPO Manday
Manday office letter NO 1292-R dated
7.9.2021.

① on 1.9.2021 he accompanied by H.E. Abid Ishaq
NO 3293 the then H.E. PP Shahdai arrested
one accused Kamran r/o Wazir Kalli Toru
with 4.30 bore without number and un-licensed
pistol with 05 rounds during Police patrolling
vide case FIR NO 1057 dated 1.9.2021 u/s
ISAR Ps Rustam

② on 2.9.2021 H.E. Abid Ishaq prepared remand
judicial challan and sent to the court through
courtable Ag 2 NO 1663 with the advice that
the accused is waiting at Manday Kachhisi.
on reaching Manday Kachhisi he found him
(H.E. No 2 Ali NO 269) along with accused
Kamran, so he handed over the remand judicial
paper to LHE No 2 Ali then he produced
the accused to the court where in the accused
could not produce any surety, so the court
fined him Rs 1000 but intentionally, the
accused repudiated by not paying the fine amount.
so he was sent to judicial lock up. The
main purpose behind getting judicial
lock up was that on 3.9.2021, brother of
accused Kamran namely Amir Sajjad

Committed murder vide case PIR No 889 dated 3.9.21 u/s 302-324/04
P.O. P.S. Turan. While he (Acessal Kamran) was also charged for the
Commission of Crime.

- 3) As per S.O. Investigation Mandar vide his office letter No 531-PA dated
6.9.21 highlighting that Accessal Kamran in connivance with
LHC Muhammad Taria No 627 of P.O. office Madan, and his
bro. Ther ~~_____~~ He was Ali 2647 of P.O. Shahwalan, registered the
above Quoted case against himself, because on the day and time of
occurrence Accessal Kamran was not present on the spot and
no direct recovery has been made from him while on the next
day i.e. 2.9.21, Accessal Kamran was handed over to Constable
A/92 No 1663 without hand cuffs in the court where in before the
Concern Magistrate, Accessal Kamran resisted from his statement
and was sent to judicial lockup Madan. From the Preliminary
enquiry, it has been found that Accessal Kamran in connivance
with LHC Muhammad Taria has obtained his entrance to
Madan Jail and this fact has been accepted by A.I.

(Copy of Charge sheet is enclosed.)

- 1) It is submitted that in the light of the above charge sheet, a
departmental enquiry was initiated against the appellat. Mr. Adnan Azam
Dsp/SOT was nominated as EO. The appellat produced
a detailed and comprehensive reply in response to the charge
sheet before the EO. The appellat disclosed that he is
minor. The version of the appellat was not considered and the EO
recommended the appellat for the award of Major Punishment.

- 2) In the light of enquiry findings the DPO/MSN issued FSCN to
the appellat vide FSCN No 1072-73/PA dated 7.2.22.
The appellat again submitted his reply before the DPO/MSN
but unfortunately the same was not considered. The DPO
Madan awarded Major Punishment of dismissal from service
vide O.B. 635 dated 9.3.22.

(Copy of FSCN + Reply + O.B. No 635 dated 9.3.22
are enclosed.)

- 3) That being aggrieved from the order of dismissal vide
O.P. No 635 dated 9.3.22, the appellat submits the
instant APPEAL.

Facts of the Case AIR NO 1057 Dated 1.9.21 vs 15AA Ps Toru

① on 1.9.2021, IHC Abid Me PP Shabecan along with police officials was present patrolling in the area. During patrolling he arrested Ameer Komran 810 Noor Habib of Nawankhdi town at chokeri front and recovered one un-licensed 20 bore pistol with 5 rounds from his possession. The recovered pistol along with rounds were taken vide recovery memo. IHC Abid drafted the Murasila of 15AA and handed over the same to the appellant. The appellant brought the Murasila to upon which the above mentioned case was registered. The FIR is legal and IHC Abid is responsible for his admitted action (Copy of FIR is enclosed.)

2) on 2.9.21, The appellant along with IHC Abid Sarhad Ah No 1416, Fiza No 544 was present on Nakabandi duty in front of Police post Shabecan. To this effect a proper departure report has been entered in the daily diary of the PP vide DD No 4 dated 2.9.2021. The Nakabandi was continued till 1600 hours. The same day return report has been entered vide DD No 5 dated 2.9.21 PP Shabecan. As per entries of daily diary petitioner was present on duty at front of PP from 0830 hours to 1600 hours.

Grounds of Appeal.

① on 2.9.21, appellant was on Nakabandi along with other police official at front of PP Shabecan. This fact can be confirmed from the examination of police officials who were present on Nakabandi point along with appellant. The EO was requisited to examine these police officials during enquiry, but this important aspect was ignored by the EO.

2) The EO was further requisited to check and peruse the daily diary of the PP for 2.9.21, as to whether the appellant was on Nakabandi at the front of PP from 0830 hours to 1600 hours. Again the EO failed to

to bring such documentary facts on ending file.

3) on 2.9.21, Constable Ayaz no 1613 Produced Aeesal Kamran in the Court, where Aeesal was sent to judicial lock up. The Said Constable Ayaz brought the Aeesal to Central jail Mandan. After entrance of Aeesal Kamran in jail, Constable Ayaz also received receipt (Parchi) of entry of Aeesal from jail staff. This fact can be easily verified from the concerned jail Authorities. The EO again did not bothered to attend this aspect during the course of ending.

4) on 2.9.21, appellant was present on Nakebandi duty in front of SP Shahzad from 0830 hours to 1600 hours and did not visited Mandan.

5) That the statement of Constable Ayaz, that on 2.9.21, when he reached to Kachori Mandan, he met with Aeesal Kamran and IHC Muz Ali (appellant) is false and baseless. This statement is the result of high pressure, which was made at that by investigation staff.

6) that Aeesal Kamran is not known to the appellant prior to the registration of case u/s 15AA. The EO was again required to check the CPR of appellant and Aeesal Kamran to prove any contact with Aeesal. As there was no contact between the appellant and Aeesal Kamran, going in the favour of appellant - therefore this aspect was also ignored by the EO during the course of ending.

7) That there is no connivance of appellant with Aeesal Kamran in the registration of case u/s 15AA as the protest case has been registered by IHC Abid and not by the appellant himself.

8) that the appellant was enlisted as constable in police department in the year 2009 and since then, he performed his duty with zeal and efficiency.

9) That appellant was not dealt departmentally prior to this. A.H

facts are evident from the shining service record of the appellant. (26)

- 10) That appellant is married with 4 kids and belongs to poor family.
- 11) That the appellant is the son of Retired Police Officer IHC Bakhsh-Jag, who served in the police department more than 37 years service. The whole family of the appellant is depend upon the Police service of the appellant.

Keeping in view the above facts and circumstances, it is humbly prayed that being innocent and on acceptance of the instant appeal the order of DPO Marlan may kindly be set-aside and the appellant be re-instated in service from the date of dismissal please.

Dated: 15.3.2022

Yours obediently,

Niaz Ali No 2697.

EX-2 HC. Police.

Dist Marlan.

Mobile No 0311-7695993

'G'

(21)

ORDER.

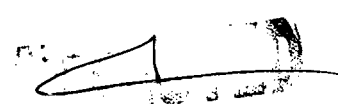
This order will dispose-off the departmental appeal preferred by Ex-LHC Niaz Ali No. 2697 of Mardan District Police, against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 635 dated 09.03.2022. The appellant was proceeded against departmentally on the basis of report of Sub Divisional Police Officer, (SDPO) Rural, Mardan containing the allegations of criminal negligence and gross misconduct.

As on 01.09.2021 during routine patrolling, IHC Abid Khan No.3293 and the delinquent Officer etc of Police Post Shaheedan Police Station Rustam, Mardan arrested Kamran r/o Nawan Killey Toru with a 30 bore unlicensed pistol along with five live rounds and a case vide FIR No.1057 dated 01.09.2021 U/S 15-AA Police Station Rustam was registered against him.

On the next day i.e 02.09.2021 IHC Abid Khan drafted application for obtaining judicial remand and sent it to the Court through Constable Ayaz No.1663 with advice that the accused Kamran will be waiting at Mardan Katcheri. On reaching Mardan Katcheri, constable Ayaz found that the delinquent Officer was also present in Mardan Katcheri and was standing with accused Kamran, so constable Ayaz handed-over the said documents to the delinquent Officer. The accused was produced in the Court by the delinquent Officer as he (accused) couldn't produce any surety so the Court awarded him punishment of fine to the tune of Rs.1000/-, but the accused did not pay the above mentioned fine due to which he was sent to judicial lock up. The main motive behind sending the accused to judicial lock-up was that on 03-09-2021 the brother of accused namely Amir Sajjad had to commit murder with the connivance of his brother and the delinquent Officer. Later on, a case vide FIR No.889 dated 03.09.2021 U/S 302/324/34-PPC Police Station, Toru was registered in which the accused Kamran was also charged for the commission of offence.

It is worth mentioning that Superintendent of Police Investigation, Mardan vide his office letter No.531/PA/Inv: dated 06-09-2021 also highlighted the fact that accused Kamran in connivance with LHC Tariq Ali, IHC Abid Khan and the delinquent Officer malafidely got registered the above mentioned case so as to entitle the accused for plea of alibi in a murder case and the accused Kamran was presented before the Court without handcuffs.

Proper departmental enquiry proceedings were initiated against him and enquiry was entrusted to Mr. Adnan Azam Sub Divisional Police Officer (SDPO) Sheikh Maltoon, Mardan. During the course of enquiry it was proved that the delinquent Officer in active connivance with accused Kamran booked him in the aforementioned case for extending benefits as the accused and his brother had managed/planned the murder as a result of which they succeeded in their design and 02 persons lost their lives vide case FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC Police Station Toru. The enquiry Officer held the delinquent Officer guilty of gross misconduct and recommended for major punishment. During his hearing in Orderly Room on 02-02-2022 by the District Police Officer, Mardan, he failed to present any plausible reason in his defense.



therefore, he was served with a Final Show Cause Notice, to which, his reply was received and found unsatisfactory.

The delinquent Officer was again heard in Orderly Room on 09.03.2022 by the District Police Officer, Mardan but this time too he failed to present any cogent reasons in his defense, therefore, he was awarded major punishment of dismissal from service with immediate effect

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 31.03.2022.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Moreover, the Investigating Officer of case FIR No. No.889 dated 03-09-2021 U/S 302/324/34 PPC Police Station Toru also affirmed the involvement of appellant in this heinous criminal case because Call Data Record of accused Kamran revealed that he was present in his village Toru despite his arrest in case FIR No. 1057 dated 01.09.2021 U/S 15-AA Police Station Rustam and on the very next day he came to District Courts, Mardan from his home where from he was sent to District Jail, Mardan. The accused Officer namely Niaz Ali No. 2697 (appellant) staged the drama of the FIR for sending accused Kamran to Jail just to facilitate him in a murder which the brother of the accused planned to commit after two days. Hence, the involvement of appellant in such like activities is clearly a stigma on his conduct. Therefore, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. Moreover, he could not present any cogent justification regarding his innocence.

Keeping in view the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.


Regional Police Officer,
Mardan.

No. 2767 /ES, Dated Mardan the 05/04 /2022.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 64/LB dated 25.03.2022. His Service Record is returned herewith.

(*****)

~~RECEIVED~~

AG

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

Service Appeal No. 569/2022

Niaz Ali Ex-LHC No. 2697 r/o Charsadda Road Mirwas Mohallah
Kohistani Mardan.....Appellant

VERSUS

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar and
others.....Respondents

INDEX

S. No.	Description of Documents	Annexure	Pages.
1.	Copy of Written Reply.	--	1-4
2.	Copy of Affidavit.	--	5
3.	Copy of bad entries	A	6-8
4.	Copy of Charge Sheet, Enquiry & orders	B, C & D	9-17
5.	Copy of Authority Letter.	--	18

①

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

Service Appeal No. 569/2022

Niaz Ali Ex-LHC No. 2697 r/o Charsadda Road Mirwas Mohallah
Kohistani Mardan.....Appellant

VERSUS

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar and
others.....Respondents

Para-wise comments by respondents:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the appeal is barred by law & limitation.

REPLY ON FACTS

1. Correct to the extent that the appellant was initially appointed as constable in Police Department.
2. Incorrect. Plea taken by the appellant is not plausible because every Police Officer is under obligation to perform his duty upto the entire satisfaction of his superiors. Moreover, non receipt of complaint against the appellant does not mean a clean chit for the future wrong deeds, but service record of the appellant is tainted with bad entries **(Copy of list of bad entries and punishment enclosed as Annexure "A")**.
3. Correct to the extent that the appellant was issued charge sheet with statement of allegations to which his reply was received but found unsatisfactory.

4. Correct to the extent that the appellant was issued Final Show Cause Notice to which his reply was received but found unsatisfactory.
5. Incorrect. Plea taken by the appellant is not plausible, because he has been properly proceeded against departmentally on the basis of report of Sub Divisional Police Officer, (SDPO) Rural, Mardan containing the allegations of criminal negligence and gross misconduct.

As on 01.09.2021 during routine patrolling, IHC Abid Khan No.3293 and the delinquent Officer etc of Police Post Shaheedan Police Station Rustam, Mardan arrested Kamran r/o Nawan Killey Toru with a 30 bore unlicensed pistol along with five live rounds and a case vide FIR No.1057 dated 01.09.2021 U/S 15-AA Police Station Rustam was registered against him.

On the next day i.e 02.09.2021 IHC Abid Khan drafted application for obtaining judicial remand and sent it to the Court through Constable Ayaz No.1663 with advice that the accused Kamran will be waiting at Mardan Katcheri. On reaching Mardan Katcheri, constable Ayaz found that the delinquent Officer was also present in Mardan Katcheri and was standing with accused Kamran, so constable Ayaz handed-over the said documents to the delinquent Officer. The accused was produced in the Court by the delinquent Officer as he (accused) couldn't produce any surety so the Court awarded him punishment of fine to the tune of Rs.1000/-, but the accused did not pay the above mentioned fine due to which he was sent to judicial lock up. The main motive behind sending the accused to judicial lock-up was that on 03-09-2021 the brother of accused namely Amir Sajjad had to commit murder with the connivance of his brother and the delinquent Officer. Later on, a case vide FIR No.889 dated 03.09.2021 U/S 302/324/34-PPC Police Station, Toru was registered in which the accused Kamran was also charged for the commission of offence.

It is worth mentioning that Superintendent of Police Investigation, Mardan vide his office letter No.531/PA/Inv: dated 06-09-2021 also highlighted the fact that accused Kamran in connivance with LHC Tariq Ali, IHC Abid Khan and the delinquent Officer malafidely got registered the above mentioned case so as to entitle the accused for plea of alibi in a murder case and the accused Kamran was presented before the Court without handcuffs by issuing him Charge Sheet with Statement of Allegations and enquiry was

3

entrusted to the then SDPO Sheikh Maltoon Mardan. The enquiry officer during the course of enquiry recorded statements of all concerned and fulfilled all legal and codal formalities by extending right of self defense to the appellant to produce evidence/grounds in his defense but in fiasco. The Enquiry Officer after fulfilling necessary process, submitted his finding report and recommended the appellant for major punishment. Therefore, the appellant was issued Final Show Cause Notice to which his reply was received but found un-satisfactory and the appellant was also called in Orderly Room on 09.03.2022, but this time too, the appellant failed to justify his innocence, hence, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant **(Copies of Charge Sheet with statement of allegations, enquiry report and Final Show Cause Notice are annexed as annexure "B, C & D")**.

6. Correct to the extent that the appellant preferred departmental appeal which was also decided on merit because he was called in orderly room on 31.03.2022 but this time too he bitterly failed to produced any cogent justification in his defense. Therefore, his departmental appeal was also rejected/filed being devoid of any merit.
7. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

REPLY ON GROUNDS:

- A. Incorrect. Order passed by the competent authority is legal, lawful and passed it after fulfilling all legal and codal formalities, hence, liable to be maintained.
- B. Incorrect. Plea taken by the appellant is not plausible, because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations and enquiry was entrusted to the then SDPO Sheikh Maltoon Mardan. The enquiry officer during the course of enquiry recorded statements of all concerned and fulfilled all legal and codal formalities by extending right of self defense to the appellant to produce evidence/grounds in his defense but in fiasco. The Enquiry Officer after fulfilling necessary process, submitted his finding report and recommended the appellant for major punishment. Therefore, the appellant was issued Final Show Cause Notice to which his reply was received but found un-satisfactory and the appellant was also called in Orderly

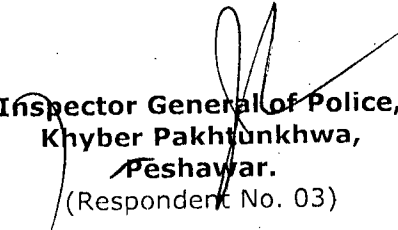
(4)

Room on 09.03.2022, but this time too, the appellant failed to justify his innocence, hence, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant.

- C. Correct to the extent that no one can be condemned unheard but the appellant cannot take this plea as he has duly been provided fulfilled opportunity of defending himself.
- D. Incorrect. Stance taken by the appellant is totally devoid of merit because during the course of enquiry the appellant was extended fulfilled opportunity of defending himself but he bitterly failed to justify his innocence.
- E. Incorrect. Para already explained needs no comments.
- F. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

Keeping in view the above narrated facts, it is most humbly prayed that the appeal of the appellant being badly barred by law and limitation, may kindly be dismissed with costs please.


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 03)


**Regional Police Officer,
Mardan.**
(Respondent No. 02)


**District Police Officer,
Mardan.**
(Respondent No. 01)

(5)

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

Service Appeal No. 569/2022

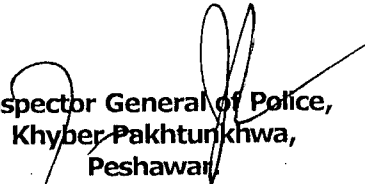
Niaz Ali Ex-LHC No. 2697 r/o Charsadda Road Mirwas Mohallah
Kohistani Mardan.....Appellant

VERSUS

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar and
others.....Respondents

COUNTER AFFIDAVIT.

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


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar**
(Respondent No. 03)


**Regional Police Officer,
Mardan.**
(Respondent No. 02)


**District Police Officer,
Mardan.**
(Respondent No. 01)

CHARACTER ROLL OF

14. COMMENDATORY ENTRIES --- Conclid.

Serial No.

Selected for lower college course
W.C. from 10-5-2017

[Signature]
DPO/Mardan

Qualified lower college course during
the term ending 20-09-2017. vide
Commandant P.O. Hanga notification No.
1765/5, dated 06-11-2017.

OB: No. 2899-

dt. 12-12-2017.

DPO, Mardan

Name brought on promotion list C-1
IN.E.F 20-09-2017.

OB: No. 2960

dt. 27-12-2017

DPO/Mardan

OB: No. 1506
The ... under suspension
and ... with immediate effect

OB NO. 1506

dt. 06-09-2022

[Signature]
DPO/MRE

7

15. CENSURES AND PUNISHMENTS.

ORDER
Awarded him Major punishment of dismissal from service with immediate effect in exercise of the power vested in me under Police Rules - 1975.

OBNO = 635
Dated - 09.03.2022

[Signature]
District Police Officer

2022

office Rules
maintaining the
that-

No 3293 &
Form with a
dated 01-09-

ORDER -> the appeal is rejected and filed vide DIG Mandana office order no 2767/15 dated 03.04.2022

D.P. (MRD)
4

or obtained
twice that the
an Katchari
Kauran, so
diaz Ali. The
didn't produce
ve mentioned
I send the
monely. Aour
quent official.
DS Tom was
to them.

ade his office
ed Kauran in
malafidely ge
abr in a name
ntidline. 6000

(8)

16. LEAVE, ABSENCE AND BREAKS IN SERVICE.
 All Periods not counting as "approved service" to be entered in red ink.

1.			2.			3.	4.
Date			Extent			No. Of District Order	Description of leave i.e privilege hospital, sick leave or of absence, or forfeiture of approved service.
To	Years	Months	Days				
			(14)			4164 21-10-10	M/Leave - DPO/MR
			(5)			3304 14.12.12	E/Leave - DPO/MR
			(01)			17 27/10/19	Leave w/o pay - DPO/MR



Annex A/B

(9)

2021

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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

No. 224 /PA

Dated 21/11/2021

DISCIPLINARY ACTION

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority am of the opinion that LHC Niaz Ali No.2697, himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, LHC Niaz Ali No.2697, while posted at P.P Shaheedan (now under suspension Police Lines Mardan) was found negligence for the following irregularities, as per SDPO Rustam Mardan office letter No.1299/R dated 07-09-2021:-

1) On 01-09-2021, he accompanied by IHC Abid Khan No. 3293, the then incharge PP Shaheedan etc arrested one Kamran r/o Nawan Killy Toru with a (30) bore without number and unlicensed pistol & (05) rounds during routine patrolling vide case FIR No.1057 dated 01-09-2021 U/S 15AA PS Rustam.

2) On 02-09-2021, IHC Abid Khan has prepared Remand Judicial Challan and sent it to the Court through Constable Ayaz No.1663 with advice that the accused is waiting at Mardan Katcheri. On reaching Mardan Katcheri, he found him (LHC Niaz Ali No. 2697) along-with accused Kamran, so he handed-over the Remand Judicial papers to LHC Niaz Ali & then he produced the accused to the Court wherein the accused couldn't produce any surety, so the Court fined him of Rs.1000/-, but intentionally the accused regretted by not paying the fined amount, so he was sent to Judicial Lock-up. The main purpose behind preferring Judicial Lock-up was that on 03-09-2021, brother of accused namely Amir Sajjad committed murder vide case FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru, in which, he (accused Kamran) was also charged for the commission of crime.

3) As per SP/Investigation Mardan vide his office letter No.531/PA/Inv: dated 06-09-2021, highlighting that accused Kamran in connivance with LHC Muhammad Tariq No.627 of PAL Office Mardan and his brother LHC Niaz Ali No. 2697 of PP Shaheedan (Now both suspended) registered the above quoted case against himself, because on the day and at the time of occurrence, accused Kamran was not present on the spot and no direct recovery has been made from him, while on the next day (02-09-2021), accused Kamran was handed-over to Constable Ayaz Ali No.1663 without handcuffs in the Court, wherein before the concerned Magistrate, accused Kamran resiled from his statement and was sent to Judicial Lockup Mardan. From the preliminary enquiry, it has been found that accused Kamran in connivance with LHC Muhammad Tariq has planned his entrance to Mardan Jail and this fact has been accepted by all.

4) From the above discussion, the involvement of LHC Niaz Ali in this episode/plan can't be ruled-out.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Adnan Azam SDPO SMT is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

LHC Niaz Ali is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

(Dr. Zahid Ullah) PSP
District Police Officer

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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomrdn@gmail.com

-2021

(40)

CHARGE SHEET

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority, hereby charge LHC Niaz Ali No.2697, while posted at P.P Shaheedan (now under suspension Lines Mardan), as per attached Statement of Allegations.

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

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

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

Intimate whether you desired to be heard in person.

(Signature)
(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

initial facts up to that on ... namely

14

Annex C

DISCIPLINARY ACTION AGAINST LHC NIAZ ALI NO. 2697.

Kindly refer to your office diary No.224/PA, dated 01.10.2021.

GATION:-

Whereas, **LHC NIAZ ALI NO. 2697**, While posted PP shaheedan (no under suspension police lines Mardan) was found negligence for the following irregularities, as per SDPO rural Mardan office letter No.1299/R dated 07-09-2021:-

1) On 01.09.2021, he accompanied by IHC Abid khan No.3293 the then incharge PP Shaheedan etc arrested one kamran r/o nawan kaly Toru with a(30) bore without number and unlicensed pistol & (05) rounds during routine patrolling vide case FIR No.1057 dated 01.09.2021 15AA PS Rustam.

2) On 02.09.2021 IHC Abid khan has prepared Remand judicial challan and sent to the court through Constable Ayaz No.1663 with advice that the accused is waiting Mardan kacheri. On reaching Mardan kacheri, he found him (LHC Niaz Ali No.2697) along with accused kamran, so he handed over the remand judicial papers to LHC Niaz Ali, who produced the accused to the court wherein the accused couldn't produce any surety, so the court fined him of RS.1000/-, but intentionally the accused regretted by not paying the fined amount, so he was sent to judicial lock up. The main purpose behind preferring judicial lock up was that on 03.09.2021 u/s 302/324/34 PPC PS Toru, in which he (accused kamran) was also charged for the commission of crime.

3) As per SP/Investigation Mardan vide his office letter No.531/PA/Inv: dated 06.09.2021, highlights that accused kamran in connivance with LHC Muhammad Tariq No. 627 of PAL Branch office Mardan and his brother LHC Niaz Ali No. 2697 of PP Shaheedan (Now both suspended) registered the above case against himself, because on the day and at the time of occurrence accused kamran was not present on the spot and no direct recovery has been made from him, while on the next day (02.09.2021), accused Kamran was handed over to Constable Ayaz ali No. 1663 without handcuffs in the court, wherein before court magistrate accused Kamran resiled from his statement and was sent to judicial lock up Mardan, from the preliminary inquiry, it has been found that accused Kamran in connivance with LHC Muhammad Tariq has planned his entrance to Maran jail and this fact has been accepted by all.

4) From the above discussion the involvement of LHC Niaz Ali in this plan/episode cannot ruled out.

PROCEEDINGS:-

The departmental enquiry was marked to the undersigned where enquiry was conducted and the defaulter LHC Niaz Ali was called to the office: He was enquired about the matter and his statement was also recorded which is placed on file. He stated that he was on duty at PP Shaheedan along-with IHC Abid Ali doing picketing. Meanwhile, accused Kamran was arrested and a pistol was recovered from him and taken into possession vide recovery memo. During legal proceedings, IHC Abid Khan drafted murasila and handed over to him. He brought the same murasila to police station where a case vide FIR No.1057 dated 01.09.2021 u/s 15AA PS Rustam was registered against Kamran. Further he added that accused kamran is unknown to him and he has no relation with him. Similarly, he stated that he has no connivance with LHC Tariq in registration of case of u/s 15AA against Kamran. Moreover, he stated that he handed over the accused kamran to constable Ayaz for legal proceedings in court and denied the allegations leveled against him.

In order to further probe the matter, the CDR of the mobile number of Kamran was obtained and the location of the accused Kamran was searched on the date & time of occurrence/registration of FIR u/s 15AA which was noted as Nawan Kaly Toru. Similarly, secret information/report was obtained in the matter where it was found that the accused Kamran and LHC Niaz Ali are friends. Besides this, I.O of the case was called to the office and enquired. SI Niaz Muhammad, I.O of the case stated that accused Ameer Sajjad was arrested on the spot.

LHC Niaz Ali is directed to appear before the Enquiry Officer on the date & time and place fixed by the Enquiry Officer.

(Dr. Zahid Ullah) PSP
District Police Officer

19

However, during investigation it came to surface that accused Kamran was in Jail in case FIR No. 1357 dated 01.09.2021 u/s 15AA PS Rustam who was later arrested by the local police after getting bail. It is pertinent to mention that in the subject matter SDPO Rural circle has also submitted a detail report vide his office letter No.1299/R dated 07.09.2021 and recommended the alleged officer for departmental proceedings. Besides, preliminary enquiry in the instant matter was conducted by w/SP Investigation Mardan which reveals that the accused in connivance with LHC Tariq Ali and other police officers created the whole scenario in order to save him from the murder case. Hence, they were recommended for proper departmental enquiry.

RECOMMENDATION:

Keeping in view enquiry conducted and perusal of enquiry file, the undersigned reached to the conclusion that the delinquent officer has assisted the accused Kamran to be confined in jail. Moreover, he stated that accused Kamran was arrested at front of PP Shahcedan but his CDR location was noted at Nawe Kale Toru which is in contradiction to his statement. This adversely affected the investigation of the case as he was confined in jail at the time of occurrence which left loop holes for the accused in the murder case. Therefore, he is found guilty and recommended for **Major Punishment** if agreed, please.

No. 633 /St-SMT
Dated. 13/11 /2021

(Adnan Azam Khan)
Deputy Superintendent of Police,
S.M.T-Circle.

OR
↓
D. P. / 11/2021

PCAV
1

2-2-2022



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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

13

No. 1078-73 /PA

Dated 7/12/2022

FINAL SHOW CAUSE NOTICE

LHC Niaz Ali No.2697, while posted at P.P Shaheedan (now under suspension Police Lines Mardan) was found of negligence for the following irregularities, as per SDPO Rural Mardan office letter No.1299/R dated 07-09-2021:-

1) On 01-09-2021, you accompanied by IIC Abid Khan No. 3293, the then Incharge PP Shaheedan etc arrested one Kamran r/o Nawan Killely Toru with a (30) bore without number and unlicensed pistol & (05) rounds during routine patrolling vide case FIR No.1057 dated 01-09-2021 U/S 15AA PS Rustam.

2) On 02-09-2021, IIC Abid Khan has prepared Remand Judicial Challan and sent it to the Court through Constable Ayaz No.1663 with advice that the accused is waiting at Mardan Katcheri. On reaching Mardan Katcheri, he found him (LHC Niaz Ali No. 2697) along-with accused Kamran, so he handed over the Remand Judicial papers to LHC Niaz Ali & then he produced the accused to the Court wherein the accused couldn't produce any surety, so the Court fined him of Rs.1000/-, but intentionally the accused regretted by not paying the fined amount, so he was sent to Judicial Lock-up. The main purpose behind preferring Judicial Lock-up was that on 03-09-2021, brother of accused namely Amir Sajjad committed murder vide case FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru, in which, he (accused Kamran) was also charged for the commission of crime.

3) As per SP/Investigation Mardan vide his office letter No.531/PA/Inv: dated 06-09-2021, highlighting that accused Kamran in connivance with LHC Muhammad Tariq No.627 of PAL Office Mardan and his brother LHC Niaz Ali No. 2697 of PP Shaheedan (Now both suspended) registered the above quoted case against himself, because on the day and at the time of occurrence, accused Kamran was not present on the spot and no direct recovery has been made from him, while on the next day (02-09-2021), accused Kamran was handed-over to Constable Ayaz Ali No.1663 without handcuffs in the Court, wherein before the concerned Magistrate, accused Kamran resiled from his statement and was sent to Judicial Lockup Mardan. From the preliminary enquiry, it has been found that accused Kamran in connivance with LHC Muhammad Tariq has planned his entrance to Mardan Jail and this fact has been accepted by all.

4) From the above discussion, your involvement in this episode/plan can't be ruled-out.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Adnan Azam SDPO Sheikh Maltoon vide his office letter No.633/St-SMT dated 13-12-2021, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.224/PA dated 01-10-2021, holding responsible you of gross misconduct & recommended for major punishment. You were heard in OR on 02-02-2022, during which, you have failed to present any plausible reason in your defense.

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

Hence, I Dr. Zahid Ullah (PSP) District Police Officer Mardan, in exercise of the power vested in me under Rules 5, (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

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

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

Received by [Signature]

(Dr. Zahid Ullah) PSP
District Police Officer,
Mardan

Dated: 07/12/2022

Copy to RI Police Lines Mardan (Attention Reader) to deliver this Notice upon the alleged official & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.



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

14

2022

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpoindn@gmail.com

2119-81 PA

Dated 10/13/2022

ORDER ON ENQUIRY OF LHC NIAZ ALI NO. 2697

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the LHC Niaz Ali on the report of SDPO Rural circle containing the allegations of criminal negligence and gross misconduct. Brief facts of the case are that:-

During routine patrolling on 01-09-2021, HIC Abid Khan No. 3293 & LHC Niaz Ali No. 2697 etc. of PP Shaheedan arrested Kamran son Nawan Kalley Toru with a Malware unlicensed pistol along with five bullet rounds and a case FIR No. 1057 dated 01-09-2021 PC/175/5AA PS Rustam was registered against him.

On the next day HIC Abid Khan prepared a report for obtaining judicial remand and sent it to the Court through Constable Ayaz No. 1663 with advice that the accused Kamran will be waiting at Mardan Katcheri. On reaching Mardan Katcheri, constable Ayaz found LHC Niaz Ali No. 2697 who was standing with accused Kamran, so constable Ayaz handed-over the report for obtaining judicial remand to LHC Niaz Ali. The accused was produced in the Court by LHC Niaz Ali wherein, the accused couldn't produce any surety so the Court fined him Rs. 1000/-, but the accused did not pay the above mentioned fine due to which he was sent to judicial lock up. The main motive behind sending the accused to judicial lock-up was that on 03-09-2021 the brother of accused namely Amir Sahid had to commit murder with the connivance of his brother and the delinquent official, constable Ayaz No. 1663. FIR No. 889 dated 03-09-2021 U/S 302, 324, 34 PPC PS Toru was registered in which the accused Kamran was also charged for the commission of offence.

It is worth mentioning that SP/Investigation Mardan vide his office letter No 531/PA/Inv. dated, 06-09-2021, also highlighted the fact that accused Kamran in connivance with LHC Niaz Ali No. 2697, HIC Abid Khan and LHC Tariq Ali, mala fide got registered the above mentioned case so as to entitle the accused for plea of alibi in a murder case and the accused Kamran was presented in court without handcuffs for entitling him to judicial lock up.

(W) During the course of Departmental Enquiry, conducted by Mr. Adrian Azam SDPO Sheikh Mubeen vide his office letter No.633/SI-SMF dated 15-12-2021, it was noted that the delinquent official acted in connivance by falsely implicating the accused Karam in a minor offence to save him from FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC/PS Toru, holding LHC Niaz Ali guilty of gross misconduct and hence recommended for major punishment. During his hearing in O.R on 02-02-2022, he failed to present any plausible reason in his defense, therefore, he (LHC Niaz Ali) was served with a Final Show Cause, Notice under Khyber Pakhtunkhwa Police Rules-1975, issued vide the office No.1072/73-PA dated 07-02-2022, to which, his reply was received and found untenable.

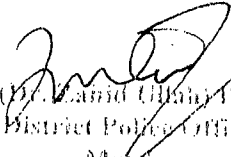
15

Final Order

LHC Niaz Ali was heard in OR on 09-03-2022, during which he failed to present any plausible reasons in his defense, therefore, keeping in view the findings of the Enquiry Officer & material on record, the allegations leveled against the delinquent official have been proved, therefore, awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

Off No. 635

Dated 9 / 3 2022.


(M. Farid Ullah) PSI
District Police Officer
Mardan

Copy forwarded for information & action to

- 1) The DSI (RO) Mardan.
- 2) The I.O & E.O (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with () Sheets.

①

①6

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-LHC Niaz Ali No. 2697 of Mardan District Police, against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 635 dated 09.03.2022. The appellant was proceeded against departmentally on the basis of report of Sub Divisional Police Officer, (SDPO) Rural, Mardan containing the allegations of criminal negligence and gross misconduct.

As on 01.09.2021 during routine patrolling, IHC Abid Khan No.3293 and the delinquent Officer etc of Police Post Shaheedan Police Station Rustam, Mardan arrested Kamran t/o Nawan Killely Toru with a 30 bore unlicensed pistol along with five live rounds and a case vide FIR No.1057 dated 01.09.2021 U/S 15-AA Police Station Rustam was registered against him.

On the next day i.e 02.09.2021 IHC Abid Khan drafted application for obtaining judicial remand and sent it to the Court through Constable Ayaz No.1663 with advice that the accused Kamran will be waiting at Mardan Katcheri. On reaching Mardan Katcheri, constable Ayaz found that the delinquent Officer was also present in Mardan Katcheri and was standing with accused Kamran, so constable Ayaz handed-over the said documents to the delinquent Officer. The accused was produced in the Court by the delinquent Officer as he (accused) couldn't produce any surety so the Court awarded him punishment of fine to the tune of Rs.1000/-, but the accused did not pay the above mentioned fine due to which he was sent to judicial lock up. The main motive behind sending the accused to judicial lock-up was that on 03-09-2021 the brother of accused namely Amir Sajjad had to commit murder with the connivance of his brother and the delinquent Officer. Later on, a case vide FIR No.889 dated 03.09.2021 U/S 302/324/34-PPC Police Station, Toru was registered in which the accused Kamran was also charged for the commission of offence.

It is worth mentioning that Superintendent of Police Investigation, Mardan vide his office letter No.531/PA/Inv. dated 06-09-2021 also highlighted the fact that accused Kamran in connivance with LHC Tanq Ali, IHC Abid Khan and the delinquent Officer malaofidely got registered the above mentioned case so as to entitle the accused for plea of alibi in a murder case and the accused Kamran was presented before the Court without handcuffs.

Proper departmental enquiry proceedings were initiated against him and enquiry was entrusted to Mr. Adnan Azam Sub Divisional Police Officer (SDPO) Sheikh Maltoon, Mardan. During the course of enquiry it was proved that the delinquent Officer in active connivance with accused Kamran booked him in the aforementioned case for extending benefits as the accused and his brother had managed/planned the murder as a result of which they succeeded in their design and 02 persons lost their lives vide case FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC Police Station Toru. The enquiry Officer held the delinquent Officer guilty of gross misconduct and recommended for major punishment. During his hearing in Orderly Room on 02-02-2022 by the District Police Officer, Mardan, he failed to present any plausible reason in his defense.

therefore, he was served with a Final Show Cause Notice, to which, his reply was received and found unsatisfactory.

The delinquent Officer was again heard in Orderly Room on 09.03.2022 by the District Police Officer, Mardan but this time too he failed to present any cogent reasons in his defense, therefore, he was awarded major punishment of dismissal from service with immediate effect

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 31.03.2022.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Moreover, the Investigating Officer of case FIR No. No.889 dated 03-09-2021 U/S 302/324/34 PPC Police Station Toru also affirmed the involvement of appellant in this heinous criminal case because Call Data Record of accused Kamran revealed that he was present in his village Toru despite his arrest in case FIR No. 1057 dated 01.09.2021 U/S 15-AA Police Station Rustam and on the very next day he came to District Courts, Mardan from his home where from he was sent to District Jail, Mardan. The accused Officer namely Niaz Ali No. 2697 (appellant) staged the drama of the FIR for sending accused Kamran to Jail just to facilitate him in a murder which the brother of the accused planned to commit after two days. Hence, the involvement of appellant in such like activities is clearly a stigma on his conduct. Therefore, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. Moreover, he could not present any cogent justification regarding his innocence.

Keeping in view the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.

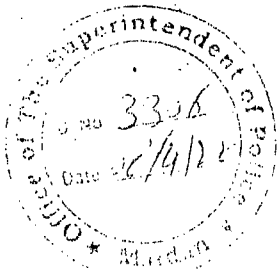
[Signature]
Regional Police Officer,
Mardan.

No. 2767 /ES, Dated Mardan the 05/04 /2022.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 64/LB dated 25.03.2022 His Service Record is returned herewith.

(****)

D.S.C. / Legal / EC
For information



18

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

Service Appeal No. 569/2022

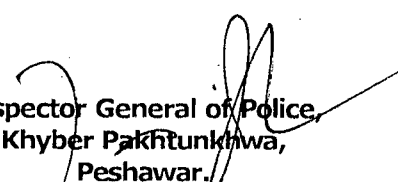
Niaz Ali Ex-LHC No. 2697 r/o Charsadda Road Mirwas Mohallah
Kohistani Mardan.....Appellant

VERSUS

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar and
others.....Respondents

AUTHORITY LETTER.

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


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 03)


**Regional Police Officer,
Mardan.**
(Respondent No. 02)


**District Police Officer,
Mardan.**
(Respondent No. 01)

قیمت
50 روپے

120306



ایڈوکیٹ: (RO)

بار کونسل / ایسوسی ایشن نمبر:

رابطہ نمبر: 03330868900

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: محمد سعید احمد

 <p>منجانب: <u>ایڈوکیٹ</u></p> <p>نیاز علی</p>	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام روڈ ٹیکس کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از پر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل اگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ مانتے ہوئے بجا اپنے بھائی کے اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور ان کا استعمال پر دائر شدہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب از تو ائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: محمد سعید احمد

الع بد پشاور الع بد

مقام پشاور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

Accepted
134

(RO)

Before the Worthy DPO MARDAN

Subject:

REPLY TO FINAL SHOW CAUSE NOTICE NO 1072-73/PA DATED
07.02.2022.

Respected Sir,

➤ In response to the Final Show cause, it is submitted that IHC Abid Khan is intermediate posted police officer. According to the story of case FIR No. 1057 dated 01.09.2021 u/s 15AA PS Rustam. IHC Abid along with police officer was on routine patrolling on 1-9-2021. At 1530 hours, he arrested accused Kamran s/o Noor Habib at Chowki front and recovered one unlicensed 30 bore pistol with 5 rounds from his possession. The same were taken into custody vide recovery memo. He drafted Murasila u/s 15AA and handed over to the petitioner. The petitioner brought the Murasila to PS where the above mentioned case was registered. The FIR is legal and IHC Abid is responsible for his admitted action.

➤ On 02.09.2021, the petitioner was present on nakabandi duty in front of Police Post Shaheedan along with IHC Abid, Sarhad Ali No 1416, Faiz No 544. To this effect, a departure report has been entered in the daily dairy vide DD NO 4 Dated 2-9-2021. The Nakabandi was continued till 1600 hours and return/wapasi report has been entered vide DD NO 5 dated 2-9-2021. As per the entries of daily dairy petitioner was present on duty at front of PP from 0830 hours to 1600 hours.

➤ On 02.09.2021, the petitioner was present on Nakabandi duty in front of Police Post Shaheedan and did not go to Kachehri Mardan. The same day, petitioner had not produced accused Kamran in the court. In fact the said accused was produced by Constable Ayaz No 1613 in the court. The said Constable has also

Dated: 07/02/2022

District Police Officer
Mardan

Copy to RI Police Lines Mardan (Attention Reader) to deliver this Notice upon the alleged official & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.

②

ught accused Kamran to central jail Mardan. The said Constable after entrance of accused in jail has also received receipt (parchi) of entry of accused from Authority which can be verified from concerned Authorities. Similarly, the presence of petitioner on 02.09.2021 at front of PP Shaheedan can be confirmed from the perusal of daily diary as well as examining of police officer present on duty with the petitioner.

➤ The accused Kamran is not known to the petitioner prior to the registration of above mentioned case u/s 15AA.

➤ That there is no connivance of the petitioner with the accused Kamran in registration of FIR u/s 15AA.

➤ That the letter No 531/PA/Inv dated 06.09.2021 of worthy SP Investigation Mardan mentioned in the charge sheet clearly indicates that on 02.09.2021, accused Kamran was handed over to Constable Ayaz who produced the accused before the court. Moreover, in the same letter the petitioner has not been blamed for any allegations.

➤ The statement of the Constable Ayaz is false and not based on facts. The petitioner is innocent and has shown no negligence in performance of his duties.

➤ That the petitioner was enlisted as Constable in Police Department in the year 2009 and since then has performed his duty with good and efficient behavior. That the petitioner was not dealt departmentally prior to this. All facts are evident from the shining service record of the petitioner as there is no bad entry in service record of the petitioner.

Dated: 07/02/2022

District Police Officer
Mardan

Copy to RI Police Lines Mardan (Attention Reader) to deliver this Notice upon the alleged official & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.

3
The petitioner belongs to a police family. The petitioner is the son of a retired police officer HC Bakht Taj who served in Police department. The petitioner is married with 04 kids and old father. The family depends upon the police service of the petitioner.

Keeping in view the above facts and circumstances, it is humbly prayed that being innocent, the subject charge sheet may kindly be filed.

Dated: 02/02/2022

Yours Obediently



Niaz Ali No. 2697/LHC

OR

DPS/mon
10/2/22

Dated: 07/02/2022

District Police Officer

Mardan

Copy to RI Police Lines Mardan (Attention Reader) to deliver this Notice upon the alleged official & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.

لوکی-حصہ اول نقل نمبر 4 مورخہ 29/21

روایتی نامہ خانہ AS وقت 8:30-4:30 29/21 میں مع تیار

کلی 2697 سجاد 2972 سرحد علی 1916 مٹا من 544 LHC

باسمہ صیغہ پختہ لکھن ماں بڑی جی و سہ روات پختہ

صاف کالی

نقل مٹا من لکھن

MHC PP. Malakalau

02-9-21

خوبی تحصیل

نقل مری روزنامہ 9/2

کتاب

راہی = مامہ خان ۱۹۶ وقت ۵:۱۶ سے ۱۱:۲۱

رفتہ حوالہ مری بازار اور مری مامہ مری سے بحیرت و این

آئے۔ دوران مامہ مری مشورک گارڈیاں اور مشورک اسکاں

کا حیدر اور مامہ مری غیر نالوی سے برآمد ہوا۔

دوران کشتہ خیریت مری

خبر

نقل مری روزنامہ

AG-PP-Shahedani

14.10.2021

بیانی ہو کر، من کی نمائندگی طور پر ہے مفہوم ملک 889
3.9.21

302-324 کی تفسیر کی ہے
34 109 جم 3 9 2021

ملفوظات امیر سیلاب کا حصہ ہے، دوسری کمرہ ملزم امیر سیلاب صوفی پر گستاخ

ہو کر جبکہ ملزم کا حصہ ہے متعلقہ امدان تفسیر معلوم کہ ملزم

صوفی جیل میں ہے اور اسکی رہائی ہو چکی ہے جسکو عطا اللہ خان

جیل نروال سے گرفتار کر کے ہمراہ نکال کر سندھ جوالاڑی جمانہ کیا مقررہ

صوفی ملزم ڈاک خارج تھا جسکی مقدم کے بیان پر بعد ملزم

کا حصہ کو 109 کا نفاذ کر کے جلالا علیا کے دوران تفسیر

معلوم ہوا کہ ملزم دفعہ سے ایک جم قبل مقررہ سال 1957ء کو 9/21

جم 15AA جمانہ و تنظیم 18C عابد خان سے گرفتار کر کے جیل مردان کیا

اس مقدمہ کی وجہ سے ملزم کاٹریں کو 302 سے نکال کر بحکم 109

نفاذ ہو کر جیل میں ملزم کا حصہ کی جمانہ سے نفاذ ہو گیا ہے

مقررہ کا پورے تفسیر کے طور پر ہو گیا ہے یہی امر بیان ہے

تعمیر 11/25

ایڈیٹرز محمد خان دیہ جمانہ طور پر

ابتدائی اطلاع رپورٹ

ابتدائی اطلاع نسبت قابل دست اندازی پولیس رپورٹ شدہ زبردقہ ۱۵۲ مجموعہ ضابطہ نو جداری

37	تاریخ و وقت رپورٹ	09/02/21	وقت وقوع	09/02/21	محل وقوع	عبدال
	نام و سکونت اطلاع دہندہ مستغیث	عابد خان				
	شناختی کارڈ نمبر / سوبائل نمبر	15AA				
	مختصر کیفیت جرم (مصدقہ) (حوالہ اگر کچھ لیا گیا ہے)	برآمدگی لیٹل 30 بوریٹ (5) عدد مارا				
	جائے وقوعہ قاصد قاعدہ سے اور سمت	چوک قنفط				
	نام و سکونت ملزم	16101-0702528-1				
	شناختی کارڈ نمبر / سوبائل نمبر	0333-9655510				
	کارروائی / تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کر دو	بہ اسدگی دیا گیا ہے				
	قاعدہ سے روانگی کی تاریخ و وقت	بہ سبیل ڈاک				

ابتدائی اطلاع نیچے درج کرو۔ بدنامہ صورتوں میں عابد خان ۸۵۱ بدست
 نیازی عیسا حصول سے درج کریں۔ نسبت آفیسر قاعدہ زبردقہ اور قافلہ بدست
 پولیس کے ساتھ ہیں جو وہ قاعدہ کے ساتھ آج صبح ۷ بجے سٹی مارٹن ٹرانزپورٹ سٹیشن پر
 سے قافلہ بردوان کے قریب آئیٹھ بڑا لٹل 30 بوریٹ (5) مارٹر میں سے ایک بوریٹ
 پولیس میں اس کے ذریعہ مارٹن کو رسد مہم بالا مارٹن صاحب خان کے ذریعہ لٹل
 لٹل بدست نیازی عیسا مارٹن کے پاس لٹل کے ذریعہ عابد خان ۸۵۱ کے پاس
 09/02/21 کا اطلاع تھا۔ لٹل آمد بدنامہ وقت وقوعہ کے بعد لٹل کے
 مع بدنامہ عیسا رینٹل عیسا ۸۵۱ کے پاس لٹل کے ذریعہ لٹل کے پاس

عابد خان
 09/02/21

کوئی تحصیل
نمبر 4 روزنامہ 21
کھارم

روانی - کابرفان AS وقت 8:30 - 4:30 21

علی 2697 - سجاد 2912 - سرمد علی 1416 - مبین 544
LHC

یا علی جنت جنت برحق نام بڑی جنتی و بہار و آواز بڑی

صاحب

نقل بظاہر

PP. Malakawan
02. 6. 21

میری شہیدان

نقل میری شہیدان 2/9

دراستی = مامہ خان آبی وقت 16:00 سے 17:00 بجے میری شہیدان

رفیق حوالہ میری شہیدان مامہ خان میری شہیدان

آئے۔ دوران مامہ خان مشترک گاڑیاں اور شہیدان

میری شہیدان میری شہیدان میری شہیدان

دوران شہیدان میری شہیدان

میری شہیدان

نقل میری شہیدان

AS-PP Shikharu
14.10.2021

Before the DPO Malan

(6)

Subject: Report to the Charge sheet + Summary of allegations NO
225-PA dated 7.10.2021

Respected Sir,

Your honor has issued the subject charge sheet to the
Petitioner with the following allegations:

Whereas LHE Tariq Akh no 627, while posted at PAL
office Malan (now under suspension police lines
Malan) was found negligent for the following
irregularities as per SDPO / Rural Malan office letter
no 1299-A dated 7.9.21.

- 1) On 1.9.21, LHE Abid Khan NO 3293 and LHE Mir Ali
no 2697 of PD Shahedan (now under suspension) arrested
one Kamran of Nawab Kelli Toru with a 3-bore
without number and unlicensed pistol + 5 rounds
during routine patrolling vide case R12 NO 1057 dated
1.9.21 u/s 154D) PS Rustam.
- 2) On 2.9.21 LHE Abid Khan has prepared Remand judi
Challan and sent into the court through constable
Aqar no 1663 with advice that the Accused is
waiting at Malan Kachari. On reaching
Malan Kachari he found LHE Mir Ali no
2697 along with Accused Kamran, so he handed
over the Remand Judicial Papers to LHE
Mir Ali and then he produced the Accused to
Court, where in the Accused could not produce
any sureties. So the Court fined him of Rs 10
but intentionally the Accused requested by
paying the fined amount, so he was sent to
Judicial lock up. The main purpose behind
preparing judicial lock up was, that on 3.
brother of Accused Kamran namely A.
committed murder vide case R12 NO
dated 3.9.21 u/s 302-302-34 Pt
Toru in which he Accused Kamran
also charged for the commission -

- 3) As per SD / Rmt mem vide his office l
221-PA dated 6.9.21 highlighting

(2)

Kamran in connivance with LHe Tariq Ali no 627 of PAL office Madan and his brother LHe Mirza Ali no 2697 of PP Shahedan registered the above Dumbal case against himself, because on the day and time of offence Aeesal Kamran was not present on the spot and no direct recovery has been made from him, while on the next day 2.9.21 Aeesal Kamran was handed over to Constable Ayaz Ali no 1663 without handcuffs in the Court, whereas in before the concerned Magistrate Aeesal Kamran resided from his statement and was sent to judicial lock-up Madan. From the Preliminary inquiry, it had been found, that Aeesal Kamran in connivance with LHe Tariq Ali has planned his entrance to Madan jail and this jail has been accepted by All.

4. From the above discussion, the involvement of LHe Tariq Ali in this episode / plan can not be ruled out.

(Copy enclosed.)

①: It is submitted, that - Petitioner has been posted at PAL / office Madan. The Petitioner has got no concern with the affairs of PP Shahedan.

a) The Petitioner is not aware about the story of case FIR no 1059 dated 1.9.21 u/s 15AA Ps Rustom. The officer and his accompanied police officials will be knowing best regarding this case. The Petitioner is not associated with the said case at any stage.

3) The charged Aeesal in case FIR, no 889 dated 3.9.21 u/s 202, 324, 24 PP: Ps Toru is not known to me. Neither Aeesal Kamran falls in my relation, nor Petitioner has got any contact with him.

4) Petitioner has not planned the entrance of Aeesal Kamran to Madan jail. Petitioner cannot imagine to involve himself in such like repairs activities.

5) There is no evidence against the Petitioner to connect him with the allegations levelled against him.

(3)

4) That Petitioner was enlisted as constable on 1-X-2011 in Police department and has performed his duty with zeal and efficiency. The petitioner was dealth- departmentally prior to this. All such facts are evident from the Service Record of the Petitioner.

5) The Petitioner belongs to a poor Police family. Petitioner is the son of Retired HE Parshoty, who served in Mawal district. Petitioner is married with 02 kids and old father. All this family is depend upon the Police Service of the Petitioner.

6) Petitioner is a deeply grateful and wish to get further promotion in future.

Keeping in view the above facts and circumstances, it is humbly requested that being merited, the subject charge sheet may kindly be filed please.

Yours obediently,

Dated: 14.X.21.

HE Muhammad Tariq no 627
Police Lines Mawal.



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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2022

No. _____/PA

Dated ____/____/2022

ORDER ON ENQUIRY OF CONSTABLE AYAZ ALI NO.1663

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at PS Rustam was found of negligence for the following irregularities, as per SDPO Rural Mardan office letter No.1299/R dated 07-09-2021:-

1) On 01-09-2021, IHC Abid Khan No.3293 & LHC Niaz Ali No.2697 etc of PP Shaheedan (now under suspension Police Lines) has arrested one Kamran r/o Nawan Killy Toru with a (30) bore without number and unlicensed pistol & (05) rounds during routine patrolling vide case FIR No.1057 dated 01-09-2021 U/S 15AA PS Rustam.

2) On 02-09-2021, IHC Abid Khan has prepared Remand Judicial Challan and sent it to the Court through him with advice that the accused is waiting at Mardan Katcheri. On reaching Mardan Katcheri, he (C/Ayaz) found LHC Niaz Ali No. 2697 along-with accused Kamran, so he handed-over the Remand Judicial papers to LHC Niaz Ali & then he produced the accused to the Court wherein the accused couldn't produce any surety, so the Court fined him of Rs.1000/-, but intentionally the accused regretted by not paying the fined amount, so he was sent to Judicial Lock-up. The main purpose behind preferring Judicial Lock-up was that on 03-09-2021, brother of accused namely Amir Sajjad committed murder vide case FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru, in which, he (accused Kamran) was also charged for the commission of crime.

3) On the other hand, as per SP/Investigation Mardan vide his office letter No.531/PA/Inv: dated 06-09-2021, highlighting that accused Kamran in connivance with LHC Tariq Ali No.627 of PAL Office Mardan and his brother LHC Niaz Ali No. 2697 of PP Shaheedan (Now both suspended) registered the above quoted case against himself, because on the day and at the time of occurrence, accused Kamran was not present on the spot and no direct recovery has been made from him, while on the next day (02-09-2021), accused Kamran was handed-over to him without handcuffs in the Court, wherein before the concerned Magistrate, accused Kamran resiled from his statement and was sent to Judicial Lockup Mardan.

From the preliminary enquiry, it has been found that accused Kamran in connivance with LHC Tariq Ali has planned his entrance to Mardan Jail and this fact has been accepted by all, therefore, his (Constable Ayaz Ali) involvement in this episode/plan can't be ruled-out.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Adnan Azam SDPO Sheikh Maltoon vide his office letter No.643/St-SMT dated 21-12-2021, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.227/PA dated 01-10-2021, holding responsible him of misconduct & recommended for minor punishment. During his hearing in O.R on 02-02-2022, he failed to present any plausible reason in his defense, therefore, he (Constable Ayaz Ali) was served with a Final Show Cause Notice, under Khyber Pakhtunkhwa Police Rules-1975, issued vide this office No.1070-71/PA dated 07-02-2022, to which, his reply was received and found unsatisfactory.

Final Order

Constable Ayaz Ali was heard in OR on 09-03-2022, during which, he failed to present any plausible reasons in his defense, therefore, keeping in view the findings of the Enquiry Officer & material on record, awarded him minor punishment of forfeiture his two years approved service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. _____

Dated ____/____/2022.

**(Dr. Zahid Ullah) PSP
District Police Officer
Mardan**

Copy forwarded for information & n/action to:-

- 1) The DSP/Rural Mardan.
- 2) The P.O & E.C (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with () Sheets.