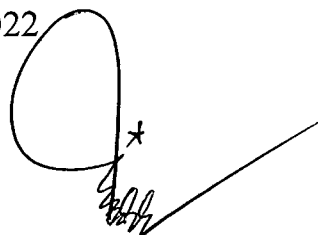


ORDER  
25.10.2022

Appellant alongwith his counsel namely Messrs Said Basher Khan and Roeda Khan, Advocates, present. Mr. Said Basher Khan, Advocate submitted Wakalatnama on behalf of the appellant, which is placed on file of connected Service Appeal bearing No. 569/2022 titled "Niaz Ali Versus District Police Officer Mardan and two others". 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, placed on file of Service Appeal bearing No. 569/2022 titled "Niaz Ali Versus District Police Officer Mardan and two others", the appeal in hand is allowed by setting-aside the impugned orders and the appellant is 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 appellant shall be fully associated with the inquiry proceedings by providing him fair opportunity to cross examine the witnesses as well as production of evidence in his 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.

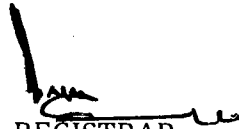

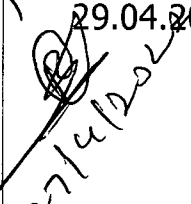
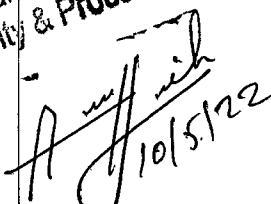
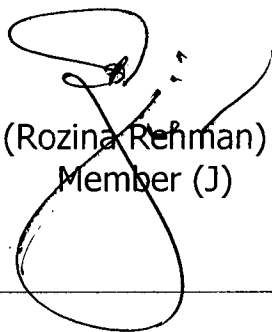


Reader

## FORM OF ORDER SHEET

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

Case No.- 570/2022

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. Tariq 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>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>29.04.22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
	<p>Note. 29.04.2021  27/4/2022</p> <p>Rs-500/- Appellant Deposited Security &amp; Process Fee  10/5/22</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>

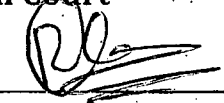
**BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR**

**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, filed.	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. 570 /2022

Tariq Ali Ex-LHC/Police No.627

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 & Reply	"A & B"	8 To 12
5.	Copies of show cause notice and reply	"C & D"	13 To 15
6.	Copy of impugned order	"E"	16 To 19
7.	Copy of departmental appeal & rejection order	"F & G"	20 To 2-3
8.	Wakalatnama		

  
APPELLANT

Through

  
Roeda Khan  
Advocate, High Court  
Peshawar.

Dated: 15/04/2022

(V)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 570 /2022

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 591

Dated 18/4/2022

Tariq Ali Ex-LHC/Police No. 627 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

(3)

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

  
Roed 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.

(6)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2022

Tariq Ali Ex-LHC/Police No.627

VERSUS


District Police Officer Mardan & Others

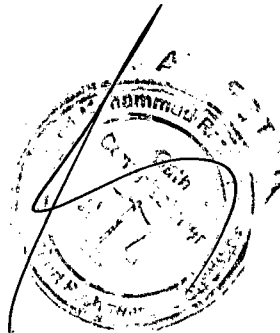
**AFFIDAVIT**

I, Tariq Ali Ex-LHC/Police No. 627 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

Tariq Ali Ex-LHC/Police No:627

VERSUS

District Police Officer Mardan & Others.

**ADDRESSES OF PARTIES**

***PETITIONER.***


Tariq Ali Ex-LHC/Police No. 627 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



**DISTRICT POLICE OFFICER,  
MARDAN**

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

2021

A<sup>3</sup> 8

No. 223 /PA

Dated 01/10/2021

**DISCIPLINARY ACTION**

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan as competent authority am of the opinion that LHC Tariq Ali No.627, 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 Tariq Ali No.627, while posted at PAI Office Mardan (now under suspension Police Lines Mardan) was found negligent for the following irregularities, as per SDPO Rural Mardan office letter No.1299/R dated 07-09-2021:-

1) On 01-09-2021, LHC Abid Khan No.3293 & LHC Niaz Ali No.2697 etc of PP Shaheedan (now under suspension Police Lines) 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, LHC Abid Khan has prepared Remand Judicial Chalan and sent it to the Court through Constable Ayaz No.1663 with advice that the accused is staying at Mardan Katcheri. On reaching Mardan Katcheri, he 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) 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 PAI 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 Tariq Ali has planned his entrance to Mardan Jail and this fact has been accepted by all.


4) From the above discussion, the involvement of LHC Tariq 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 Tariq Ali is directed to appear before the Enquiry Officer on the date & time and place fixed by the Enquiry Officer.

0307-5738501

  
(Dr. Zahid Ullah) PSP  
District Police Officer  
Mardan



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

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

2021

9

CHARGE SHEET

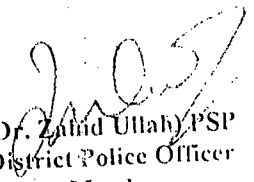
I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority, hereby charge LHC Tariq Ali No.627, while posted at PAL Office Mardan (now under suspension Police Lines Mardan), as per attached Statement of Allegations.

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 DPO Madan.

'B'

(10)

Original. Reply to the charge sheet + summary of allegations NO 225-PA dated 7.10.2021

Respected Sir,

Your honor has issued the 20 point charge sheet to the Petitioner with the following allegations:

Whereas LHC Tariq Ahir no 627, while posted at PAL office Madan (now under suspension police line Madan) was found negligent for the following irregularities as per S.D.Po / Madan office letter no 1299-A dated 7.9.21.

- 1) On 1.9.21, LHC Abid Khan NO 3293 and LHC Mian Ali no 2697 of PD Shahzad (now under suspension) arrested one Kamran of Nawab Kalli Toru with a 30 bore without number and un-licensed pistol + 5 rounds during roving patrolling vide case R12 NO 1057 dated 1.9.21 u/s 154D PC Peshawar.
- 2) On 2.9.21 LHC Abid Khan has prepared Remand judicial Chalan and sent into the court through constable Ajeer no 1663 with advice that the accused is waiting at Madan Kac-hari. On reaching Madan Kac-hari, he found LHC Mian Ali no 2697 along with accused Kamran, so he handed over the Remand judicial papers to LHC Mian Ali and 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 fined amount, so he was sent to judicial lock up. The main purpose behind preferring judicial lock up was, that on 3.9.21 brother of accused Kamran namely Amir Sajid committed murder vide case R12 NO 88P dated 3.9.21 u/s 302, 302-34 PC Peshawar in which he accused Kamran was also charged for the commission of crime.
- 3) As per SP / madan vide office letter no 531-PA dated 6.9.21 highlighting that - Areas of Page: (2)

(2)

Kamran in connivance with LHE Tariq Ali no 625 of PAL office Madan and his brother LHE No 2 AR no 2697 of PP Shahwala registered the chori Dumbal case against himself, because on the day and time of offence Ameer Kamran was not present on the spot and no direct recovery has been made from him, while on the next day 2.9.21 Ameer Kamran was handed over to Constable Ayaz Ali no 1663 instant had cuffs in the Court, where in before the Counsel Myint Ameer Kamran recited from his statement and was sent to judicial lock up Madan. From the Preliminary inquiry, it had been found, that Ameer Kamran in connivance with LHE Tariq Ali has planned his entrance to Madan jail and this fact 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 connection with the affairs of PP Shahwala.
- 2) The petitioner is not aware about the story of case FIR no 1059 dated 1.9.21 up to ISAAR Ps Rostom. 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 Ameer in case FIR no 889 dated 3.9.21 up to 23.24.24 PPs Ps Toru is not known to me. Neither Ameer Kamran falls in my relation, nor petitioner has got any contact with him.
- 4) Petitioner has not planned the entrance of Ameer 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)

(12)

- 4) The Petitioner was enlisted as constable on 1-X-2011 in Police department and has performed his duty with zeal and efficiency. The Petitioner was <sup>not</sup> debarment 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 Parshaj, who served in Madhav 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 academically graduate and wish to get further promotion in future.

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

Yours obediently,

dt: 14.X.21.

L. He Muhammad Tariq, no 627  
Police Lines Madhav.



**DISTRICT POLICE OFFICER,**  
**MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: [dpardn@gmail.com](mailto:dpardn@gmail.com)

2022

No. 1074-75 /PA

Dated 7/12/2022

**FINAL SHOW CAUSE NOTICE**

LHC Tariq Ali, while posted at PAL Office Mardan (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, HIC Abid Khan No.3293 & LHC Niaz Ali No.2697 etc of PP Shaheedan (now under suspension Police Lines) 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, HIC Abid Khan has prepared Remand Judicial Challan and sent it to the Court through Constable Ayz No.1663 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 Sagad 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 SI/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 (07-09-2021), accused Kamran was handed-over to Constable Ayaz Ali No.1663 without handcuffs in the Court, wherein before the concerned Magistrate, accused Kamran resided 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.

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.632/St-SMT dated 13-12-2021, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.225/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]*

*[Signature]*  
(Dr. Zahid Ullah) PSP  
District Police Officer

Before the Worthy DPO MARDAN

D

1/1/1

Subject:

**REPLY TO FINAL SHOW CAUSE NOTICE NO 1074-75/PA DATED 07.02.2022.**

Respected Sir,

➤ In response to the Final Show cause, it is submitted that the petitioner was posted at PAL Officer Mardan and has no connection with the affairs of PP Shaheedan.

➤ That the petitioner is not aware about the story of case FIR No. 1059 dated 01.09.2021 u/s 15AA PS Rustam. The In-charge PP Shaheedan and his staff will know best regarding the said case at any stage.

➤ The charged accused in case FIR No. 889 dated 03.09.2021 u/s 302/324/34 PPC PS Toru is not known to me. Neither accused Kamran falls in my relation, nor has petitioner got any contact with him.

➤ The petitioner has not planned the entry of accused Kamran to Mardan Jail. The petitioner cannot imagine involving himself in such activities.

➤ There is no evidence against the petitioner to connect him with the allegations levelled against him.

➤ That the petitioner was enlisted as Constable on 01.10.2011 in Police Department and 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.

(S)

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 02 kids and old father. The family depends upon the police service of the petitioner.

➤ The petitioner is well educated officer and wishes to get further success in future.

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**

**Muhammad Tariq No. 627/LHC**

11/13

16



4

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

2022

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

No 2122-24 /PA

Dated 10/13/2022

ORDER ON ENQUIRY OF LHC TARIQ ALI NO.627

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the LHC Tariq 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 Kille 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 Tariq Ali, IHC Abid Khan and LHC Niaz Ali No. 2697 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.

(17)

(V) During the course of Departmental Enquiry, conducted by Mr. Adnan Azam SDPO Sheikh Maltoon vide his office letter No.632/St-SMT dated 13-12-2021, it was found that the delinquent official acted in connivance by falsely implicating the accused Kanran 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 Tariq 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 Tariq Ali) was served with a Final Show Cause Notice, under Khyber Pakhtunkhwa Police Rules-1975, issued vide this office No.1074-75/PA dated 07-02-2022, to which, his reply was received and found unsatisfactory.

Final Order

LHC Tariq 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. 634

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.O (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with ( ) Sheets.

**BETTER COPY**

(18)

**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 ENQUIRY OF LHC TARIQ ALI NO. 627**

This order dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the LHC Tariq 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. 267 who was standing with accused Kamran, so constable Ayaz 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 Tariq Ali No., IHC Abid Khan and LHC Niaz Ali, No. 2697 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

19

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 FIR No. 889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru, holding LHC Tariq 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 Tariq 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 Tariq 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. 634

Dated 9/8/2022.

(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<sup>v</sup>

(20)

The Deputy Inspector General  
of Police Mardan Region-I  
Mardan.

Subject: Appeal against the order of DPO Mardan issued vide  
OP 634 dated 9.3.21, where by the appellant  
was awarded Major punishment of dismissal  
from service.

Respected Sir,

The DPO Mardan had issued the Charge sheet & Summary  
of allegations no 225-PA dated 7.12.21 with the  
following allegations.

That on 1.9.21 IHC Abid registered a case vide  
FIR NO 1057 dated 1.9.21 u/s 15 AA @s Rustam against  
Acessal Kamran r/o Newankalli Tower. Accessal Kamran  
was arrested and sent to judicial lock up. According  
to preliminary enquiry conducted by SP Piruzkhan Mardan  
that with the connivance of LHC Muhammad Tariq  
and his brother LHC Miaz Ali NO 2697 of PP Shahedan  
with Accessal Kamran registered the above mentioned  
Case against himself, because on the time and date  
of Police Accessal Kamran was not present in the  
spot vide Case FIR NO 889 dated 3.9.21 u/s  
302/32434 PP @s Toru, where Accessal Kamran was  
also charged in the same case.

(Copy charge sheet is enclosed.)

1) It is submitted that in the light of above charge sheet a departmental  
enquiry was initiated against the appellant, Mr Adnan Azam  
was nominated as EO. The appellant furnished a detailed  
and comprehensive Reply before the EO, which was not  
considered. The EO recommended the appellant for the  
award of Major punishment.

2) The DPO Mardan awarded Major punishment to the appellant  
and dismissed him from service vide OP no 634 - PA  
dated 9.3.21. and hence the present appeal; copy of OP no  
634 is enclosed. Page. (2)

Grounds of appeal

- 1) That during the month of September 2021, the appellant remained posted at PAL office Mandan and had no connection with the Affairs of PS Shaheedan.
- 2) That appellant is not aware about the story of case FIR no 1057 dated 1.9.21 u/s 15AA PS Rustam. The I/C PP Shaheedan and his staff will be knowing best regarding the said case at any stage.
- 3) The charged accused Kamran in case FIR no 889 dated 13.9.21 u/s 3.2/224/34 PP PS Toru is not known to the appellant. Neither accused Kamran falls in the relation of appellant nor appellant has got any contact with the said accused.
- 4) That petitioner has not planned the entry of accused Kamran to Mandan jail as complained by SP-investigation Mandan vide his office letter no 581-PA dated 6.09.21. The worthy SP/MA/MDN has not brought any evidence against the appellant during preliminary enquiry. Similarly the EO has also failed to prove this allegation against the appellant by bringing some solid evidence in this regard. Hence the allegation is superficial.
- 5) The petitioner/appellant has got no connection with story of case u/s 15AA. Hence no allegation.
- 6) The appellant is innocent and does not related to the allegation mentioned in the charge sheet at any stage.

- 7) The Appellant was enlisted as constable in police department on 1.9.21 and since then performed his duty with zeal and efficiency. The appellant was not dealt departmentally prior to this. All facts are evident from the shining service record of the appellant.
- 8) The appellant belongs to poor family. The appellant is the son of retired police officer HE Buxhtay, who has served for more than 37 years in police department.
- 9) The appellant is married with 02 kids and his whole family is depend upon the police service of the father.

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

Dated: 15.7.2022

Yours obediently,

Muhammad Tariq NO 627

Ex. LHE Police.

Dist-Mardan.

Mobile No, 0314-5733267.

" G "

(23)

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-LHC Tariq Ali No. 627 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. 634 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 LHC Niaz Ali No.2697 etc of Police Post Shaheedan Police Station Rustam, Mardan arrested Kamran r/o Nawan Kille 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 LHC Niaz Ali was also present in Mardan Katcheri and was standing with accused Kamran, so constable Ayaz handed-over the said documents to LHC Niaz Ali. The accused was produced in the Court by LHC Niaz Ali 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 LHC Niaz Ali No. 2697 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. It is pertinent to mention here that the appellant had friendship with accused Kamran and he (appellant) staged the entire drama of involving accused Kamran in the above mentioned case through his brother Niaz Ali who was performing his duties at Police Post Shaheedan Police Station Rustam.

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

24

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 Tariq Ali No. 627 (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.




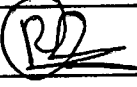
**Order Announced.**

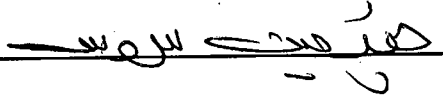
  
Regional Police Officer,  
Mardan.

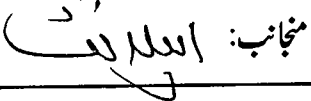

No. 2768 /ES, Dated Mardan the 05/04 /2022.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 62/LB dated 25.03.2022. His Service Record is returned herewith.


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


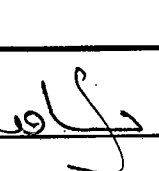
50 روپے	120305			
ایڈویکیٹ: 		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر:				
رابطہ نمبر: 03330265955				

بعدالت جناب:  محمد علی خان

مخاطب: 	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
<b>باعث تحریر آنکہ</b>	

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

آن مقام  کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر 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 نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اوز وکیل یا مختار قانونی اوائسے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے 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:   
 الع  مقام کے لیے منظور ہے۔

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

Accepted  
By  


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

**Service Appeal No. 570/2022**

Tariq Ali Ex-LHC No. 627 r/o Charsadda Road Mirwas Mohallah Kohistani  
Mardan.....Appellant

**VERSUS**

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

**INDEX**

<b>S. No.</b>	<b>Description of Documents</b>	<b>Annexure</b>	<b>Pages.</b>
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	9-23
5.	Copy of Authority Letter.	--	24

MOAAG

(1)

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

**Service Appeal No. 570/2022**

Tariq Ali Ex-LHC No. 627 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 LHC Niaz Ali No.2697 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 LHC Niaz Ali was also present in Mardan Katcheri and was standing with accused Kamran, so constable Ayaz handed-over the said documents to LHC Niaz Ali. The accused was produced in the Court by LHC Niaz Ali 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 LHC Niaz Ali No. 2697 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. It is pertinent to mention here that the appellant had friendship with accused Kamran and he (appellant) staged the entire drama of involving accused Kamran in the above mentioned case through his brother Niaz Ali who was performing his duties at Police Post Shaheedan Police Station Rustam by issuing him Charge Sheet with

3

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 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:**

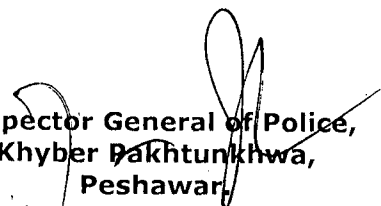
- A. Incorrect. Order passed by the competent authority is legal, lawful and passed it after fulfilling all legal and codal formalities, hence, liable to be maintained.
- B. Incorrect. Plea taken by the appellant is not plausible, because he has been properly proceeded against departmentally by issuing 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

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. 576/2022**

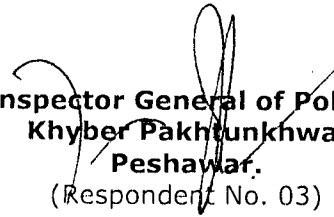
Tariq Ali Ex-LHC No. 627 r/o Charsadda Road Mirwas Mohallah Kohistani  
Mardan.....Appellant

**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)

14. COMMENDATORY ENTRIES -- Concl'd.

05/11  
No is hereby placed under  
suspension and closed to police  
for further till immediate  
order.

J.P.P.  
S.P./M.R.S

AN NO 1500  
dated 05/11/97

	Fer
	Asi
3.	Azi
4.	Kor
5.	Mu
6.	Sajj
7.	Sajj
8.	Imr
9.	Hai
10.	Kas
11.	Kas
12.	Muf
13.	Shal
14.	Ijaz
15.	Inay
16.	Faw
17.	Ham
18.	Shal
19.	Mud
20.	Bakf
21.	Soha
22.	Sarta
23.	Fero
24.	Luqr
25.	Asif
26.	Arsh
27.	Amji
28.	Aftab
29.	Muha
30.	Fahe
31.	Laiq
32.	Gul H
33.	Fahe
34.	Anwa

15. CENSURES AND PUNISHMENTS.

CE/LL  
Awarded him Major punishment of  
dismissal from service with immediate  
effect in exercise of the power vested  
in me under Police Rules, 1975.

CRS/DO - 634  
Dated: 09.08.2022

*[Signature]*  
District Judge Office  
Mandana

ORDER:

The appeal is rejected and filed  
vide B.G. Mandana office order  
NO. 2768/19. Dated: 5.04.2022.

*[Signature]*

8

ROLL OF

(Continued)

15. CENSURES AND PUNISHMENTS. --- Contd.

1 day extra drill for his absence

CR No. 2137  
20-10-14

W.P.P.K.

1 day extra drill for his absence

CR No. 1614  
11-9-15

W.P.P.K.



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

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

9  
2021

No. 225 /PA

Dated 01/12/2021

**DISCIPLINARY ACTION**

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority am of the opinion that LHC Tariq Ali No.627, 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 Tariq Ali No.627, while posted at PAI, Office Mardan (now under suspension Police Lines Mardan) was found negligence for the following irregularities, as per SIDPO 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 Shahcedan (now under suspension Police Lines) arrested one Kamran r/o Navan 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 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 Tariq Ali No.627 of PAI, Office Mardan and his brother LHC Niaz Ali No. 2697 of PP Shahcedan (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 Tariq Ali has planned his entrance to Mardan Jail and this fact has been accepted by all.

4) From the above discussion, the involvement of LHC Tariq 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 Azami SDPO SMT is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provide 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 Tariq Ali is directed to appear before the Enquiry Officer on the date & time and place fixed by the Enquiry Officer.

1/c DSB  
for prep of place  
(Dr. Zahid Ullah) PSP  
District Police Officer  
Mardan

011 PS Toru  
for report please  
PSP SMT Mardan  
01/12/2021





OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

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

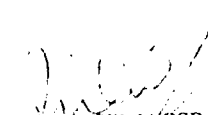
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2021

CHARGE SHEET

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority, hereby charge LHC Tariq Ali No.627, while posted at PAL Office Mardan (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

Subject: Reply to the charge sheet + summary of allegations no 225-PT dated 7.10.2021

*(Signature)*

Report no 570/2021

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

1) In the Tax Act no 62, with effect of 1st January 1963, the provision for the following (now under suspension) was given:

2) In 1963, the provision for the following (now under suspension) was given:

3) In 1963, the provision for the following (now under suspension) was given:

4) In 1963, the provision for the following (now under suspension) was given:

5) In 1963, the provision for the following (now under suspension) was given:

1) on 21.9.21 the petitioner has prepared and submitted to the Income Tax Officer, Lucknow, a return of income for the year 1962-63, in which he has declared an income of Rs. 1,500/-.

2) on 21.9.21 the petitioner has prepared and submitted to the Income Tax Officer, Lucknow, a return of income for the year 1962-63, in which he has declared an income of Rs. 1,500/-.

3) The petitioner has submitted to the Income Tax Officer, Lucknow, a return of income for the year 1962-63, in which he has declared an income of Rs. 1,500/-.

4) The petitioner has submitted to the Income Tax Officer, Lucknow, a return of income for the year 1962-63, in which he has declared an income of Rs. 1,500/-.

5) The petitioner has submitted to the Income Tax Officer, Lucknow, a return of income for the year 1962-63, in which he has declared an income of Rs. 1,500/-.

6) The petitioner has submitted to the Income Tax Officer, Lucknow, a return of income for the year 1962-63, in which he has declared an income of Rs. 1,500/-.

7) The petitioner has submitted to the Income Tax Officer, Lucknow, a return of income for the year 1962-63, in which he has declared an income of Rs. 1,500/-.

8) The petitioner has submitted to the Income Tax Officer, Lucknow, a return of income for the year 1962-63, in which he has declared an income of Rs. 1,500/-.

9) The petitioner has submitted to the Income Tax Officer, Lucknow, a return of income for the year 1962-63, in which he has declared an income of Rs. 1,500/-.

10) The petitioner has submitted to the Income Tax Officer, Lucknow, a return of income for the year 1962-63, in which he has declared an income of Rs. 1,500/-.

Kamran in connivance with LHC Tania Ali no 625 of PAL office Malan and his brother LHC No 2 Ali no 2697 of PP Shahwalan registered the above Dumbul Case against himself, because on the day and time of offence. Accused Kamran was not present on the spot and no official recovery has been made from him, while on the next day 2.9.21 Accused Kamran was handed over to Constable Ayaz Ali no 1663 who had cuffs in the Court, where in before the Concud Magistrate Accused Kamran resisted from his statement and was sent to judicial lock-up Malan. From the Preliminary inquiry, it had been found, that Accused Kamran in connivance with LHC Tania Ali has planned his entrance to Malan jail and this fact has been accepted by All.

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

(Copy enclosed.)

①: It is submitted that Petitioner has been posted at PAL office Malan. The Petitioner has got no concern with the affairs of PP Shahwalan.

2) The Petitioner is not aware about the story of case FIR no 1057 dated 1.9.21 u/s 153A Pz Rustam. 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 Accused in case FIR no 889 dated 3.9.21 u/s 2.2-324-24 Pz Pz Toru is not known to me. Neither Accused Kamran falls in my relation, nor Petitioner has got any contact with him.

4) Petitioner has not planned the entrance of Accused Kamran to Malan jail. Petitioner can not imagine to involve himself in such like nefarious activities.

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

(3)

13

- 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 <sup>not</sup> absent departmentally prior to this. All salary 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 Pashtaj, who served in Maulan 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 academically graduate and wish to get further promotion in future.

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

Yours obediently,

Date: 14-X-21.

HE Muhammad Tariq, no 627  
Police line Maulan.

Annexure  
"C"  
19 14

DISCIPLINARY ACTION AGAINST LHC TARIQ ALI No. 627.

Kindly refer to your office diary No. 225/PA, dated 01.10.2021.

ALLEGATIONS:-

Whereas, LHC TARIQ ALI NO.627. (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 and NIAZ ALI NO.2697 etc PP Shaheedan (Now Under suspension police line) 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 (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, Brother of Accused Namely Amir sajjad committed a murder while FIR No.889 Dated 03.09.2021 u/s 302.324.34 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 PAI, 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 Mardan jail and this fact has been accepted by all.

4) From the above discussion the involvement of LHC TARIQ ALI NO.627 in this plan/episode cannot ruled out.

PROCEEDINGS:-

The undersigned conducted departmental enquiry where the delinquent officer LHC Tariq Ali was called to the office and enquired. His written statement was also recorded and placed on enquiry file. The delinquent police officer stated that he was posted at PAI, office Mardan and has got not concern with the officers of PP Shakedan. Further added that he is not aware of actual story of case FIR No.1057 dated 01.09.2021 u/s 15AA PS Rustam and showed ignorance from the whole scenario. Similarly, he denied any relation with the accused Kamran charged in case FIR No. 889 dated 03.09.2021 u/s 302/324/34 PS Toru. Moreover, he stated that neither the accused Kamran is known to me nor is my relative. That he has not planned the entrance of the accused Kamran to Mardan Jail as he can't to do such illegal activities and denied all the leveled allegations against him.

To dig out facts, secret information/report was obtained where it was found that the accused Kamran and LHC Tariq 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. However, during investigation it came to surface that accused Kamran was in Jail in case FIR No. 1057 dated 01.09.2021 u/s 15AA PS Rustam who was later arrested by the local police after getting bail.

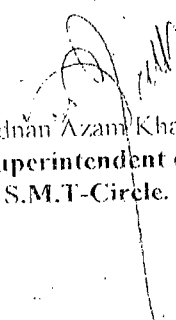
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It is pertinent to mention that in the subject matter SDPO Rural circle has also submitted a detail report vide his office letter No.1299/R -dated 07.09.2021 and recommended the alleged officer for departmental proceedings. Besides, preliminary enquiry 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:**

From the enquiry conducted, hearing of the concerned officers and going through the record, the undersigned reached to the conclusion that the alleged officer has indirectly assisted the accused Kamran to confine himself in jail. This helped the accused in the murder case which adversely affected the investigation of the case. Therefore, he is found guilty and is recommended for **Major Punishment** if agreed, please.

No. 632 /St-SMT  
Dated. 13/9 /2021

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

Handwritten notes and stamps, including a date stamp that appears to be 13/9/2021.

Handwritten notes and stamps, including a date stamp that appears to be 13/9/2021.



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpomrda@qunad.com

Amme...  
D

2022

16

No. 1074 /PA

Dated 7/12/2022

**FINAL SHOW CAUSE NOTICE**

**LHC Tariq Ali**, while posted at PAL Office Mardan (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, IIC Abid Khan No.3293 & LHC Niaz Ali No.2697 etc of PP Shaheedan (now under suspension Police Lines) 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, 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 (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) 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 (07-09-2021), 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 Tariq Ali 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.632/SI-SMT dated 13-12-2021, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.225/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: 7/12/2022

(Dr. Zahid Ullah) PSP  
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.

صفا علی

کتابت میں حاصل شدہ دستاویزات، نوٹس  
کتابت میں حاصل شدہ دستاویزات، نوٹس  
کتابت میں حاصل شدہ دستاویزات، نوٹس

دستخط: محمد علی احمد

11/11/22

RI-PR-MRD

07/02/22



Before the Worthy DPO MARDAN

(18)

Subject:

REPLY TO FINAL SHOW CAUSE NOTICE NO 1074-75/PA DATED  
07.02.2022.

Respected Sir,

➤ In response to the Final Show cause, it is submitted that the petitioner was posted at PAI, Officer Mardan and has no connection with the affairs of PP Shaheedan.

➤ That the petitioner is not aware about the story of case FIR No. 1074 dated 01.09.2021 u/s 15AA PS Rustam. The In-charge PP Shaheedan and his staff will know best regarding the said case at any stage.

➤ The charged accused in case FIR No. 889 dated 03.09.2021 u/s 1074/34 PPC PS Toru is not known to me. Neither accused Kamran falls in my relation, nor has petitioner got any contact with him.

➤ The petitioner has not planned the entry of accused Kamran to Mardan Jail. The petitioner cannot imagine involving himself in such activities.

➤ There is no evidence against the petitioner to connect him with the allegations levelled against him.

➤ That the petitioner was enlisted as Constable on 01.10.2011 in Police Department and 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 existing service record of the petitioner as there is no bad entry in service record of the petitioner.

at 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 02 kids and old father. The family depends upon the police service of the petitioner.

#8 19

The petitioner is well educated officer and wishes to get further success in future.

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



Muhammad Tariq No. 627/LHC

R

DPK / 10/10/20  
10/2/22



(M)

(190)

2022

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

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

No. 2188-24 /PA

Dated 10/13/2022

ORDER ON ENQUIRY OF LHC TARIQ ALI NO.627

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the LHC Tariq 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, LHC Abid Khan No.3293 & LHC Niaz Ali No.2697 etc of PP Shaheedan arrested Kamran r/o Nawan Killy 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 LHC 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 remand 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 order No. 331 P.A/Inv. dated 06-09-2021 also highlighted the fact that accused Kamran in ~~2197~~ connivance with LHC Tariq Ali, LHC Abid Khan and LHC Niaz Ali No. 2697 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.

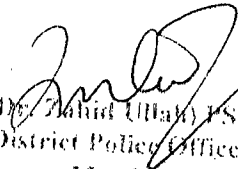
(M) During the course of Departmental Enquiry, conducted by Mr. Adnan Azam SI PO Sheikh Maltoon vide his office letter No.632/SI-SMT dated 15-12-2021, it was proved that the delinquent official acted in connivance by falsely implicating the accused Kan-ain in a minor offence to save him from FIR No.889 dated 03-09-2021 U/S 302/324/34 IPC PS Tom, holding LHC Tariq 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 Tariq Ali) was served with a Final Show Cause Notice, under Khyber Pakhtunkhwa Police Rules-1975, issued vide this office No.1074-75/PA dated 07-02-2022, to which, his reply was received and found unsatisfactory.

Final Order

LHC Tariq 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. 634

Date 9 / 3 / 2022.

  
(By) Zahid Ullah) P.S.P  
District Police Officer  
Mardan

Copy forwarded for information & n/action to:

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

"G"  
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ORDER.

This order will dispose-off the departmental appeal preferred by Ex-LHC Tariq Ali No. 627 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. 634 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 LHC Niaz Ali No.2697, 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 LHC Niaz Ali was also present in Mardan Katcheri and was standing with accused Kamran, so constable Ayaz handed-over the said documents to LHC Niaz Ali. The accused was produced in the Court by LHC Niaz Ali 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 LHC Niaz Ali No. 2697 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. It is pertinent to mention here that the appellant had friendship with accused Kamran and he (appellant) staged the entire drama of involving accused Kamran in the above mentioned case through his brother Niaz Ali who was performing his duties at Police Post Shaheedan Police Station Rustam.

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

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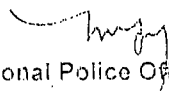
The delinquent Officer was again heard in Orderly Room on 09.03.2022 by the District Police Officer, Mardan but this time too he failed to present any cogent reasons in his defense, therefore, he was awarded major punishment of dismissal from service with immediate effect

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 Tariq Ali No. 627 (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. 2768 /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. 62/LB dated 25.03.2022. His Service Record is returned herewith.

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

**Service Appeal No. 570/2022**

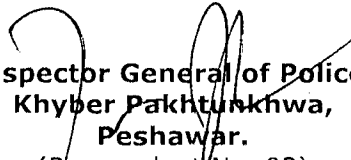
Tariq Ali Ex-LHC No. 627 r/o Charsadda Road Mirwas Mohallah Kohistani  
Mardan.....Appellant

**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)

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

**Service Appeal No. 570/2022**

Tariq Ali Ex-LHC No. 627 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 LHC Niaz Ali No.2697 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 LHC Niaz Ali was also present in Mardan Katcheri and was standing with accused Kamran, so constable Ayaz handed-over the said documents to LHC Niaz Ali. The accused was produced in the Court by LHC Niaz Ali 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 LHC Niaz Ali No. 2697 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. It is pertinent to mention here that the appellant had friendship with accused Kamran and he (appellant) staged the entire drama of involving accused Kamran in the above mentioned case through his brother Niaz Ali who was performing his duties at Police Post Shaheedan Police Station Rustam 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 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:**

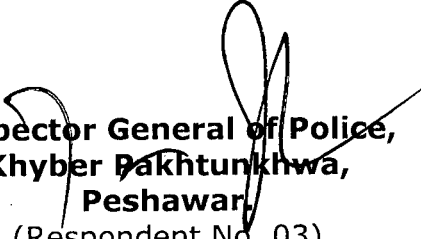
- A. Incorrect. Order passed by the competent authority is legal, lawful and passed it after fulfilling all legal and codal formalities, hence, liable to be maintained.
- B. Incorrect. Plea taken by the appellant is not plausible, because he has been properly proceeded against departmentally by issuing 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

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. 576/2022**

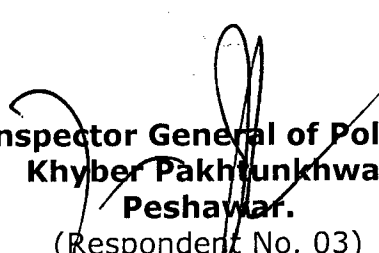
Tariq Ali Ex-LHC No. 627 r/o Charsadda Road Mirwas Mohallah Kohistani  
Mardan.....Appellant

**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)

**ATTESTED**

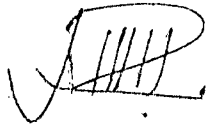


  
**District Police Officer,  
Mardan.**  
(Respondent No. 01)

## 14. COMMENDATORY ENTRIES --- Concl'd.

ORDER  
 He is hereby Placed under  
 Suspension and Closed to Police  
 Line Mardan, with immediate  
 effect -

OR NO = 1506  
 Dated = 06-09-2021

  
 JPO/MRD

	Fer
	Asi
3.	Azi
4.	Koi
5.	Mu
6.	Sajj
7.	Sajj
8.	Imr
9.	Hai
10.	Kas
11.	Kas
12.	Mu
13.	Shal
14.	Ijaz
15.	Inay
16.	Faw
17.	Ham
18.	Shal
19.	Mud
20.	Bakh
21.	Soha
22.	Sarta
23.	Fero
24.	Luqn
25.	Asif
26.	Arsh
27.	Amji
28.	Aftab
29.	Muha
30.	Fahe
31.	Laiq
32.	Gul H
33.	Fahee
34.	Anwa

## 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.

OB NO = 634  
Dated - 09-03-2022

  
District Police Officer  
& Mardan

ORDER

the appeal is rejected and filed  
vide DIG, Mardan office order  
NO 2768/ES Dated 5-04-2022

DPO / MARDAN



ALL OF

(Continued)

## 15. CENSURES AND PUNISHMENTS. --- Contd.

① Day extra drill for his absence.

OB No. 2137  
21-10-74

DPC/MR

Day extra drill for his absence

OB No. 1614  
11-9-75

DPC/MR



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

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

9  
2021

No. 223 /PA

Dated 01/10/2021

**DISCIPLINARY ACTION**

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority am of the opinion that LHC Tariq Ali No.627, 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 Tariq Ali No.627, while posted at PAL Office Mardan (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, IHC Abid Khan No.3293 & LHC Niaz Ali No.2697 etc of PP Shaheedan (now under suspension Police Lines) arrested one Kamran r/o Nawan Killay 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 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 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 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 Tariq Ali has planned his entrance to Mardan Jail and this fact has been accepted by all.

4) From the above discussion, the involvement of LHC Tariq 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, provide 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 Tariq 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  
Mardan

01/10/2021  
For  
D.S.P.

Mardan

01/10/2021

1/10/2021  
D.S.P.  
Mardan





2

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

3

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

10  
2021

**CHARGE SHEET**

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority, hereby charge LHC Tariq Ali No.627, while posted at PAL Office Mardan (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 DPO Madan

(175)

Subject: Reply 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 Ali no 627, while posted at PAL  
office Madan (now under suspension Police Lines  
Madan) was found negligent for the following  
irregularities as per S.D.Po / Rwd Madan office letter  
no 1299-R dated 7.9.21.

- 1) on 1.9.21, LHE Abid Khan no 3293 and LHE Niaz Ali  
no 2697 of PD Shahedpur (now under suspension) arrested  
one Komran of Nawan Kalki Toru. with a 3 bore  
without number and un-licensed pistol + 5 rounds  
during routine patrolling vide case R12 no 1057 dated  
1.9.21 u/s 154A, P.S. Rustam.
- 2) on 2.9.21 LHE Abid Khan has prepared Remand judicial  
Challan and sent into the court through constable  
Ajeaz no 1663 with advice that the Accused is  
residing at Madan Kachhori. on reaching  
Madan Kachhori he found LHE Niaz Ali no  
2697 along with Accused Komran, so he handed  
over the Remand judicial Papers to LHE  
Niaz Ali and then he produced the Accused to the  
court, when in the Accused could not produce  
any surties. so the court fined him of Rs 1000,  
but intentionally the Accused repented by not  
paying the fined amount, so he was sent to  
judicial lock up. The main purpose behind  
preparing judicial lock up was, that on 3.9.21  
brother of Accused Komran namely Amir Sajid  
committed murder vide case R12 no 88P  
dated 3.9.21 u/s 302, 302-34 P.S.  
Toru in which he Accused Komran was  
also charged for the commission of crime.
- 3) As per S.D.Po / Rwd Madan vide his office letter no  
531-PA dated 6.9.21 highlighting that Accused

(2)

X/B

(12)

Kamran in connivance with LHe Tariq Ali no 625 of PAL office Malan and his brother LHe No 2 Ali no 2697 of PP Shahedan registered the above Dumbal Case against himself, because on the day and time of offence Ameer Kamran was not present on the spot and no direct recovery has been made from him, while on the next day 2.9.21 Ameer Kamran was handed over to Constable Ayaz Ali no 1663 without handcuffs in the Court, when in before the Concerned Magistrate Ameer Kamran resiled from his statement and was sent to judicial lock-up Malan. From the Preliminary inquiry, it had been found, that Ameer Kamran in connivance with LHe Tariq Ali has planned his entrance to Malan jail and this fact 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 Malan. The petitioner has got no concern with the affairs of PP Shahedan.

2) The petitioner is not aware about the story of case FIR no 1059 dated 1.9.21 u/s 15AA Ps Rioting. 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 Ameer in case FIR, no 889 dated 3.9.21 u/s 202, 324, 24 PP. Ps Toru is not known to me. Neither Ameer Kamran falls in my relation, nor petitioner has got any contact with him.

4) Petitioner has not planned the entrance of Ameer Kamran to Malan jail. Petitioner can not imagine to involve himself in such like nefarious activities.

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

(3)

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- 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-<sup>not</sup> departmentally prior to this. All such facts are evident from the shining service record of the petitioner.
- 5) The Petitioner belongs to a poor Police family. Petitioner is the son of Retired HE Parchoj, who served in Maudan 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 cadet graduate and wish to get further promotion in future.

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

Yours obediently,

Dated: 14.X.21.

L. HE / Muhammad Tariq No 627  
Police Lines Malan.

Annexure  
"C"  
19 14

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DISCIPLINARY ACTION AGAINST LHC TARIQ ALI No. 627.

Kindly refer to your office diary No.225/PA, dated 01.10.2021.

ALLEGATIONS:-

Whereas, LHC TARIQ ALI NO.627, (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 and NIAZ ALI NO.2697 etc PP Shaheedan (Now Under suspension police line) 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 (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 produced 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 a murder while FIR No.889 Dated 03.09.2021 u/s 302.324.34 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 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 Mardan jail and this fact has been accepted by all.
- 4) From the above discussion the involvement of LHC TARIQ ALI NO.627 in this plan/episode cannot ruled out.

PROCEEDINGS:-

The undersigned conducted departmental enquiry where the delinquent officer LHC Tariq Ali was called to the office and enquired. His written statement was also recorded and placed on enquiry file. The delinquent police officer stated that he was posted at PAL office Mardan and has got not concern with the officers of PP Shahedan. Further added that he is not aware of actual story of case FIR No.1057 dated 01.09.2021 u/s 15AA PS Rustam and showed ignorance from the whole scenario. Similarly, he denied any relation with the accused Kamran charged in case FIR No. 889 dated 03.09.2021 u/s 302/324/34 PS Toru. Moreover, he stated that neither the accused Kamran is known to me nor is my relative. That he has not planned the entrance of the accused Kamran to Mardan Jail as he can't to do such illegal activities and denied all the leveled allegations against him.

To dig out facts, secret information/report was obtained where it was found that the accused Kamran and LHC Tariq 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. However, during investigation it came to surface that accused Kamran was in Jail in case FIR No. 1057 dated 01.09.2021 u/s 15AA PS Rustam who was later arrested by the local police after getting bail.

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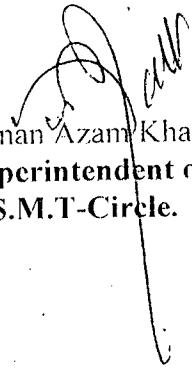
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It is pertinent to mention that in the subject matter SDPO Rural circle has also submitted a detail report vide his office letter No.1299/R dated 07.09.2021 and recommended the alleged officer for departmental proceedings. Besides, preliminary enquiry 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.

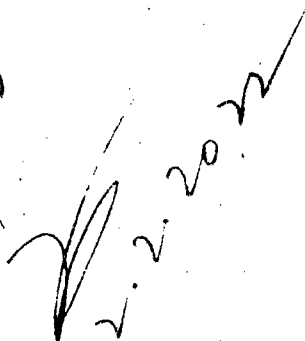
**RECOMMENDATION:**

From the enquiry conducted, hearing of the concerned officers and going through the record, the undersigned reached to the conclusion that the alleged officer has indirectly assisted the accused Kamran to confine himself in jail. This helped the accused in the murder case which adversely affected the investigation of the case. Therefore, he is found guilty and is recommended for **Major Punishment** if agreed, please.

No. 632 /St-SMT  
Dated. 13/12 /2021

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

OR  
  
DPC/RIDW

FCN  
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2.2.2022



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

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

Annexure

2022

16

No. 1074-75/PA

Dated 7/12/2022

FINAL SHOW CAUSE NOTICE

LHC Tariq Ali, while posted at PAL Office Mardan (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, IIC Abid Khan No.3293 & LHC Niaz Ali No.2697 etc of PP Shaheedan (now under suspension Police Lines) arrested one Kamran r/o Navan 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 (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) 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 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 Tariq Ali 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.632/St-SMT dated 13-12-2021, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.225/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: 01/12/2022

(Dr. Zahid Ullah) PSP  
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.

صبا علی

گزارش رسیدگی به شکایت زنی  
کتابی تنظیم طابق علی 627  
در تاریخ 10/02/22

U.S.A.

Ri-Pr-MRD

07/02/22



Before the Worthy DPO MARDAN

Subject:

REPLY TO FINAL SHOW CAUSE NOTICE NO 1074-75/PA DATED  
07.02.2022.

Respected Sir,

➤ In response to the Final Show cause, it is submitted that the petitioner was posted at PAL Officer Mardan and has no connection with the affairs of PP Shaheedan.

➤ That the petitioner is not aware about the story of case FIR No. 1057 dated 01.09.2021 u/s 15AA PS Rustam. The In-charge PP Shaheedan and his staff will know best regarding the said case at any stage.

➤ The charged accused in case FIR No. 889 dated 03.09.2021 u/s 302/324/34 PPC PS Toru is not known to me. Neither accused Kamran falls in my relation, nor has petitioner got any contact with him.

➤ The petitioner has not planned the entry of accused Kamran to Mardan Jail. The petitioner cannot imagine involving himself in such activities.

➤ There is no evidence against the petitioner to connect him with the allegations levelled against him.

➤ That the petitioner was enlisted as Constable on 01.10.2011 in Police Department and 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 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 02 kids and old father. The family depends upon the police service of the petitioner.

> The petitioner is well educated officer and wishes to get further success in future.

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

Muhammad Tariq No. 627/LHC

CR

DPS / n / DTW  
10/2/22



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2022

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

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

No. 2192-24 /PA

Dated 10/13/2022

**ORDER ON ENQUIRY OF LHC TARIQ ALI NO.627**

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the LHC Tariq 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 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 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 ~~2192~~ connivance with LHC Tariq Ali, IHC Abid Khan and LHC Niaz Ali No. 2697 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.

(M) During the course of Departmental Enquiry, conducted by Mr. Adnan Azam SI/PO Sheikh Maltoon vide his office letter No.632/St-SMT dated 13-12-2021, it was proved that the delinquent official acted in connivance by falsely implicating the accused Kan-ram in a minor offence to save him from FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Tom, holding LHC Tariq 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 Tariq Ali) was served with a Final Show Cause Notice, under Khyber Pakhtunkhwa Police Rules-1975, issued vide this office No.1074-75/PA dated 07-02-2022, to which, his reply was received and found unsatisfactory.

**Final Order**

LHC Tariq 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. 634

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.O (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with ( ) Sheets.

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ORDER.

This order will dispose-off the departmental appeal preferred by Ex-LHC Tariq Ali No. 627 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. 634 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 LHC Niaz Ali No.2697 etc of Police Post Shaheedan Police Station Rustam, Mardan arrested Kamran r/o Nawan Killy 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 LHC Niaz Ali was also present in Mardan Katcheri and was standing with accused Kamran, so constable Ayaz handed-over the said documents to LHC Niaz Ali. The accused was produced in the Court by LHC Niaz Ali 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 LHC Niaz Ali No. 2697 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. It is pertinent to mention here that the appellant had friendship with accused Kamran and he (appellant) staged the entire drama of involving accused Kamran in the above mentioned case through his brother Niaz Ali who was performing his duties at Police Post Shaheedan Police Station Rustam.

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

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

**Service Appeal No. 570/2022**

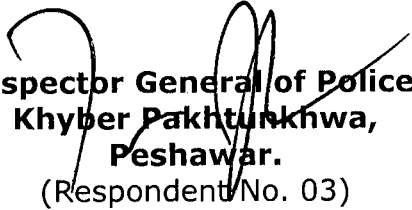
Tariq Ali Ex-LHC No. 627 r/o Charsadda Road Mirwas Mohallah Kohistani  
Mardan.....Appellant

**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)