

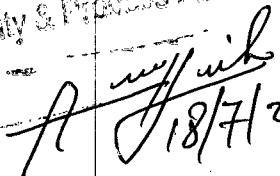



FORM OF ORDER SHEET

Court of _____

Case No.- 1092/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/07/2022	<p>The appeal of Mr. Zar Khan resubmitted today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	<p>5.7.22 Noted for cancel M. I Khan 7.7.22</p>	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>13.7.2022</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
13.07.2022	<p>Noticed Issued for 13/07/22</p> <p>Rs-500/- Appellant Deposited Security & Process Fee</p> <p> 18/7/22</p>	<p>Mr. Taimur Ali Khan, Advocate for the appellant present. Preliminary arguments heard.</p> <p>Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 13.09.2022.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>

The appeal of Mr. Zar Khan Ex-FC No. 53 Police Lines Nowshera received today i.e. on 29.06.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of reply to show cause notice mentioned in the memo of appeal annexure-G is not attached with the appeal which may be placed on it.

No. 2128 /S.T,

Dt. 30/6 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv.
High Court Peshawar.

Respected Sir

As per stance of the appellant he has submitted a same reply to show notice as he submitted to reply to charge sheet without charges. which is attached as annexure-G.

Resubmitted after compliance



04/07/2022.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1092/2022

Zar Khan

V/S

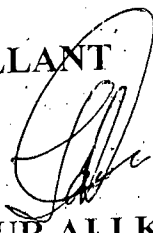
Police Deptt:

INDEX

S. No	Documents	Annexure	P. No.
01.	Memo of appeal	-----	01-05
02.	Affidavit	-----	06
03.	Copies of suspension order dated 09.11.2020 charge sheet statement of allegations and reply to charge	A,B&C	07-09
04.	Copy of inquiries reports	D&E	10-11-A
05.	Copies of show cause notice and reply to show cause notice	F&G	12-13
06.	Copy of order dated 31.12.2020	H	14
07.	Copies of departmental appeal, show cause, reply to show cause, order dated 02.08.2021, revision and order dated 02.06.2022	I,J,K,L,M&N	15-21
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APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
PESHAWAR

Cell No. 03339390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

Zar Khan Ex-FC No.53,
Police Lines Nowshera.

(APPELLANT)

VERSUS

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

(RESPONDENTS)

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

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 02.06.2022 AND 02.08.2021 MAY KINDLY BE SET ASIDE AND THE ORDER DATED 31.12.2020 MAY ALSO BE SET ASIDE TO THE EXTENT OF PUNISHMENT OF REDUCTION IN PAY BY TWO STAGES FOR A PERIOD OF 02 YEARS AND THE APPELLANT MAY BE REINSTATED

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

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant has appointed in the respondent department in the year 2015 and was performing his duty with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed against him regarding his performance.
2. That the A-1 examination was conducted by ETEA authority on 01.11.2020 in District Charsadda and the appellant went with his friend namely Constable Sohail as he was going to give A-1 exam. The appellant during examination was waiting outside the examination Centre for his friend Sohail and after some time some constables who were the candidates of A-1 exam took out their papers to solve the paper with the help of their colleagues and when the examiner came out from the Centre, the people were escaped from the place, however, the appellant along with other some other people did not leave the spot and the examiners took the appellant along with some other people to the examination Centre. Sohail also told the examiner that he came with him only for the purpose of company, but despite that the officials concerned took the appellant along with other people to the PS City Charsadda and the concerned DSP, SHO after proper investigation of the incident left the appellant along with other people as they were innocent.
3. That on the basis of above incident, the appellant was suspended from service vide order dated 09.11.2020 and charge sheet along with the statement of allegations were issued to the appellant in which the allegations of appeared unlawfully in A-1 examination held by ETEA authority on 01.11.2020 by impersonating himself as constable Schail No.419 was leveled against the appellant, which was properly replied by the appellant in which he denied the allegations and gave the real facts about the issue. (Copies of suspension order dated 09.11.2020, charge sheet along with statement of allegations and reply to charge sheet are attached as Annexure-A,B&C)
4. That inquiry was conducted against the appellant which was not according to the prescribed procedure as statements were not

recorded during the inquiry proceeding and the inquiry officer gave his finding that the appellant was present at examination centre during A-1 exam at Charsadda District and on the basis of the presence of the appellant at the location of examination centre he recommended for major punishment on which the respondent No.3 directed to inquiry officer to include the statements by recording statements of different officials, but despite that the inquiry officer again did not recorded the statements in the presence of the appellant nor gave him opportunity of cross examination and made recommendation for major punishment for the appellant only the basis of presence of the appellant at the location of examination centre during A-1 examination paper at Charsadda District. **(Copy of inquiries reports are attached as Annexure-D&E)**

5. That show cause notice was issued to the appellant which was replied by the appellant in which he again denied the allegations and gave the real facts about the matter. **(Copies of show cause notice and reply to show cause notice are attached as Annexure-F&G)**
6. That on the basis of above baseless allegations major punishment of reduction in pay by two stages for the period of two years has imposed upon the appellant and also reinstated him in service vide order dated 31.12.2020. **(Copy of order dated 31.12.2020 is attached as Annexure-H)**
7. That the appellant filed departmental appeal on 03.05.2021 against the punishment of reduction in pay by two stages for a period of 02 years on which respondent No.2 issued show cause notice to the appellant which was replied by the appellant in which he again denied the allegations and gave the real facts about the issue, but respondent No.2 converted the major punishment of reduction in pay by two stages for a period of 02 years into dismissal from service on the departmental appeal of the appellant vide order dated 02.08.2021 without providing opportunity of personal to the appellant. The appellant then filed revision on 12.08.2021, which was rejected on 02.06.2022 for no good grounds. **(Copies of departmental appeal, show cause, reply to show cause, order dated 02.08.2021, revision and order dated 02.06.2022 are attached as Annexure-I,J,K,L,M&N)**
9. That the appellant has no other remedy except to file the instant service appeal in this Honourable Tribunal on the following grounds amongst others.


GROUND:

- A. That the impugned orders dated 02.06.2022, 02.08.2021 and order dated 31.12.2020 to the extent of punishment of reduction in pay by two stages for a period of 02 years are against the law, facts, norms of justice and material on record, therefore, not tenable and the orders dated 02.06.2022 and 02.08.2021 are liable to be set aside and the order dated 31.12.2020 is also liable to be set aside to the extent of punishment of reduction in pay by two stages for a period of 02 years.
- B. That inquiry conducted against the appellant was not according to the prescribed procedure as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, which is violation of law and rules and as such the orders dated 02.06.2022 and 02.08.2021 are liable to be set aside and the order dated 31.12.2020 is also liable to be set aside to the extent of punishment of reduction in pay by two stages for a period of 02 years on this ground alone.
- C. That no opportunity of defence was provided to the appellant during inquiry proceeding, which is violation of Article-10A of the Constitution of Pakistan.
- D. That the inquiry officer recommended punishment only on the basis of presence of the appellant at the location of examination centre during A-1 exam without recording the statements of witness on which the respondent No.3 directed to inquiry officer to recorded statements of the different officials but despite that statements were again not recorded in the presence of the appellant nor gave him opportunity of cross examination and the inquiry officer gave recommendation only on the presence of the appellant at the location of examination centre during A-1 exam, which means that the appellant was punished on the basis of presumption which is not permissible under the law.
- E. That the inquiry office did not conduct regular inquiry in order to dig out the reality about the matter by observing the reply to the charge sheet, which is violation of law and rules.
- F. That the friend of the appellant namely Constable Sohail has A-1 examination in District Charsadda and the appellant went with him just to company him and during examination, the appellant was waiting outside the examination Centre for his friend Sohail and after some time some constables who were the candidates of A-1 Exam took out their papers to solve the paper with the help of their colleagues and when the examiner came out from the Centre, the

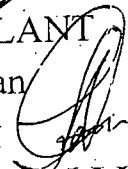
people were escaped from the place, however, the appellant along with other some other people did not leave the spot and the examiners took the appellant along with some other people to the examination Centre. Sohail also told the examiner that he came with him only for the purpose of company, but despite that the officials concerned took the appellant along with other people to the PS City Charsadda and the concerned DSP, SHO after proper investigation of the incident left the appellant along with other people as they were innocent, which means that the appellant has been punished for no fault on his part.

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

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


APPELLANT
Zar Khan

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
PESHAWAR

CERTIFICATE:

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


DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

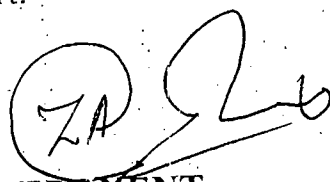
Zar Khan

V/S

Police Deptt:

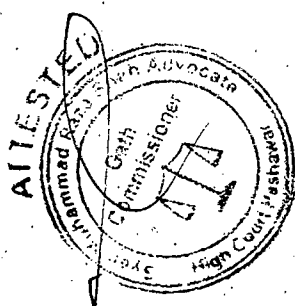
AFFIDAVIT

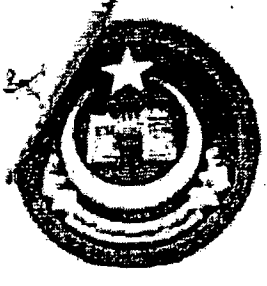
I, Zar Khan Ex-FC No.53, Police Lines Nowshera (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this august Court.



DEPONENT

Zar Khan
(APPELLANT)
CNIC: 17201-2604053-3
Cell# 03161920696





12 A 7

OFFICE OF THE
DISTRICT POLICE OFFICER,
NOWSHERA

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



ORDER

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

1. Murad Ali No 1188 (on 160 days long leave from Police Lines).
2. Zar Khan No 53 of guard NADRA Office, Nowshera Cantt.
3. Sohail No 419 Reader ASP Cantt.
4. Abbas Akhtar No 1199 of Elite Force.

Charge sheets & statement of allegations will be issued against them separately.

OB No. 1057

Dated 9/11/2020

[Signature]
District Police Officer,
Nowshera

No. 2952-58/PA dated Nowshera, the 9/11/2020.

Copy for information and necessary action to the:

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

[Handwritten]
1-11-20

[Handwritten]
09/11/2020

[Handwritten]
6-11-20

B (8)

CHARGE SHEET

1. I, Capt. (R) Najmul Hasnain Liaquat, PSP District Police Officer, Nowshera, as competent authority, hereby charge FC Zar Khan No. 53 as per statement of allegations enclosed.
2. 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.
3. 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.
4. Your written defense, if any should reach the Enquiry Officer 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.
5. Intimate whether you desire to be heard in person.

Mia
 District Police Officer,
 Nowshera

of the departmental while posted at guard
FC Zar Khan No. 53 ETEA authority on 01.11.2020.

(9) 11

DISCIPLINARY ACTION

I, Capt: (R) Najmul Hasnain Liaquat, PSP, District Police Officer, Nowshera as competent authority am of the opinion that FC Zar Khan No. 53 has rendered himself liable to be proceeded against as he committed the following acts / omissions within the meaning of Police Rules, 1975.

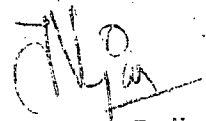
STATEMENT OF ALLEGATIONS

Whereas, FC Zar Khan No. 53 while posted at guard NADRA office Nowshera Cantt, now under suspension, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating himself as Constable Sohail No. 419 Read ASP-Cantt (actual candidate), which amounts to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa Police Rules, 1975.

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

The Enquiry Officer shall in accordance with the provision of Police Rules, 1975, provide reasonable opportunity of hearing to the defaulter official, record his findings and make immediate recommendations as to punish or other appropriate action against the defaulter official.

FC Zar Khan No. 53 is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.


District Police Officer,
Nowshera

179 IPA
d. 3/11/2020

10

جناب عالی!

بحوالہ چارج شیٹ نمبری PA/179 مورخہ 09-11-2020 معروض ہوں کہ بمورخہ 01-11-2020 کو بمقام چار سده A1 کا امتحان تھا۔ جس کیلئے ضلع ہذا کے علاوہ دیگر اضلاع سے بھی پولیس کنسٹیبلان آئے ہوئے تھے۔ کنسٹیبل سہیل سابقہ ریڈر ASP کینٹ جو کہ میرا قریبی دوست ہے جس کا بھی A1 امتحان تھا اسکے ہمراہ چلا گیا۔ جب متعلقہ جگہ پہنچے تو کنسٹیبل سہیل امتحانی حال کے اندر گیا اور ہم باہر تھے۔ میرے علاوہ وہاں پر دیگر اضلاع سے بھی بہت زیادہ پولیس والے سادہ کپڑوں میں اپنے اپنے دوستوں کے ساتھ آئے تھے اور امتحانی حال کے باہر موجود تھے۔ تھوڑی دیر بعد امتحانی حال سے مختلف کنسٹیبلان نے پیمپ باہر نکالنے شروع کیے کہ اسی اثناء میں ETEA کے استاذان باہر نکلے جس میں بہت سے لڑکے بھاگ نکلے لیکن میں اور میرے علاوہ وہاں پر 5/6 لڑکے اور تھے جو نہیں بھاگے۔ تو اس استاذان نے ہمیں پکڑ کر امتحانی حال کے اندر لے گئے اور ہمارے تصاویر نکالے جب میرا دوست کنسٹیبل سہیل میرے پاس آیا تو ان استاذوں نے اس سے پیمپ چھین لیا۔ سہیل نے استاذ کو کافی سمجھایا کہ یہ میرا دوست ہے اور میرے ساتھ آیا ہے میں تو ان سے پوچھنے آیا کہ امتحانی حال کے اندر کیا کر رہے ہو لیکن انہوں نے ایک بھی نہ سنی۔ مجھے، کنسٹیبل سہیل اور دیگر 2/3 لڑکے اور تھے جسکو زیر نگرانی پولیس تھانہ سٹی چار سده پہنچایا گیا وہاں پر DSP/SHO صاحبان نے بھی موقعہ کی نسبت صورتحال کی جانچ پڑتال کر کے ہمیں بغیر کسی کارروائی کے چھوڑ دیا کیونکہ ہم بے گناہ تھے اب مجھے علم ہوا کہ من سائل کے خلاف انکو آری شروع ہوئی ہے امتحان کے دن جو بھی ہوا وہ ارادہ نہیں ہوا اور میں اس معاملے میں بے گناہ ہوں میرے خلاف لگائے گئے الزامات بے بنیاد ہیں استدعا ہے کہ انکو آری چارج شیٹ کو بغیر کسی کارروائی داخل دفتر کی جائے۔

کنسٹیبل زرخان بیلٹ نمبر 53 پولیس لائن

ZAR Khan

کنسٹیبل
1-11-2020

2020-11-01

D 11 6
2020

**OFFICE OF THE
DY: SUPERINTENDENT OF POLICE
HEADQUARTERS NOWSHERA**

Tel No. 0923-9220109 & Fax No. 0923-9220103

ENQUIRY CONDUCTED AGAINST CONSTABLE ZAR KHAN NO.53

ALLEGATIONS:

Constable Zar Khan No.53 while posted at Guard NADRA office Nowshera Cantt now under suspension appeared unlawfully in A-1 examination held by ETIA Authority one 01-11-2020 by impersonating himself as Constable Sohail Amin No.419 Reader of ASP Cantt (actual candidate) which amount to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa police Rule. 1975.

PROCEEDING:


The Charge Sheet was served upon him, to which he submitted his reply, stating therein that on 01.11.2020, at district Charsadda A-1 examination was scheduled he went there and due his friendship he seated in examination on place of his friend Sohail Amin constable posted as reader ASP Cantt Nowshera. Similarly different constable came out of examination hall and out paper. Meantime the teachers came out of examination hall and captured him along other 5/6 persons and taken to the examination hall and photo of all the persons taken. The teachers took them SHO PS City Charsadda wherefrom they were released without any action due innocent. Later he knows about the enquiry initiated against him. The defaulter official further added in his statement that all such was happen due misunderstanding and was no bad intension.

FINDING:

From perusal of statement and circumstances cited above, recorded statement, available record and enquiry conducted so far, the undersigned has reached to the conclusion that the delinquent official has admitted in his statement that he was present at examination hall during A-1 examination paper at Charsadda District.

RECOMMENDATION:

Keeping in view, the above details, the undersigned recommends that Constable Zar Khan No. 53 may be awarded major punishment, if agreed so.


(SAIF ALI KHAN)
Deputy Supdt: of Police HQRS,
Nowshera.

No. 434 /St:
Dt: 25/11/2020.

DSP HQRS
Attach evidences
/DP report of PS Charsadda.
Include statement of all
concerned.

No. 1647/PA
dt 26/11/2020

OFFICE OF THE
DY: SUPERINTENDENT OF POLICE
HEADQUARTERS NOWSHERA

Tel No. 0923-9220109 & Fax No. 0923-9220103

2020
E 11-A

ENQUIRY CONDUCTED AGAINST CONSTABLE ZAR KHAN NO. 53

ALLEGATIONS:

Constable Zar Khan No.53 while posted at Guard NADRA office Nowshera Cantt now under suspension appeared unlawfully in A-1 examination held by ETEA Authority on 01-11-2020 by impersonating himself as Constable Sohail Amin No.419 (actual candidate) which amount to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa police Rule. 1975.

PROCEEDING:

The Charge Sheet was served upon him, to which he submitted his reply, stating therein that on 01.11.2020, at district Charsadda, A-1 examination was scheduled. He went there with FC Sohail and present outside the examination Hall, in the meantime, few candidates along with their papers. Mean time the invigilator staff also came out from the Hall and searching them, the outsiders fled away from the spot, while he was pulled from his hand and took inside to the examination Hall. His photographs was taken, FC Sohail also came there try to understand the invigilator staff but they did not convince them. He is not guilty misconduct and falsely charged.

Statement of Bilal Ahmd Assistant Director ETEA:

That on 01.11.2020 stated that FC Zar Khan No.53 was impersonating himself as Constable Sohail No.419 during the A1 examination in District Charsadda.

Statement of Masad Shah A.OHC Nowshera:

That on 01.11.2020 A.OHC stated that examination of A1 held in Charsadda. During the examination DSP/HQrs Charsadda called OHC staff Nowshera, To find out that FC Zar Khan No.53 who was standing separate there and known about that the said Constable belongs to District Nowshera or not. After verification that FC Zar Khan No.53 was present in place of FC Sohail No.419 during the A1 examination in District Charsadda.

Statement of Tajbar Khan A.OHC Nowshera:

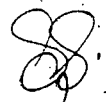
That on 01.11.2020 A.OHC stated that examination of A1 held in Charsadda. During the examination DSP/HQrs Charsadda called OHC staff Nowshera, To find out that FC Zar Khan No.53 who was stand separate there and known about that the said Constable belongs to District Nowshera or not. After verification that FC Zar Khan No.53 was present in place of FC Sohail No.419 during the A1 examination in District Charsadda.

FINDING:

From perusal of statement and circumstances cited above, recorded statement, available record and enquiry conducted so far, the undersigned has reached to the conclusion that the delinquent official has admitted in his statement that he was present at examination hall, during A-I examination paper at Charsadda District. Furthermore, the statements of Masad Shah A.OHC, Tajbar Khan A.OHC Nowshera and the PS City Charsadda, DD No.10 dated 01.11.2020 proves that in the examination Hall, FC Zar Khan No.53 appeared in place of FC Sohail No.419 for A1 examination. Hence, this act of FC Zar Khan No.53 is against law and discipline.

RECOMMENDATION:

Keeping in view, the above details, the undersigned recommends that Constable Zar Khan No. 53 may be awarded major punishment, if agreed so.



(SAIF ALI KHAN)
Deputy Supdt. of Police HQRS,
Nowshera.

PA
F. SEN

No. 459 /St:
Dt: 08/12/2020.

F 12

FINAL SHOW CAUSE NOTICE

Whereas, you **FC Zar Khan No. 53**, while posted at guard NADR office Nowshera Cantt, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating yourself as Constable **Sohail** No. **419** (actual candidate).

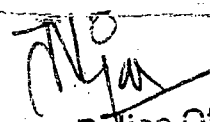
On account of which you were suspended, closed to Police Line Nowshera, and proceeded against departmentally through DSP HQrs. Nowshera who after fulfillment of legal formalities submitted his report to undersigned, wherein the allegations leveled against you have been proved and recommended you for awarding major punishment.

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

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

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

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


District Police Officer
Nowshera.

No. 271 /PA,
Dated 08/12 /2020.

Sen. F. Su

Deputy Supdt: of Police II
Nowshera.

No. 459 /St:
Dated 08/12 /2020.

جناب عالی!

بحوالہ چارج شیٹ نمبری 179/PA مورخہ 09-11-2020 معروض ہوں کہ بمورخہ 01-11-2020 کو بمقام چارسدہ AI کا امتحان تھا جس کیلئے ضلع ہڈا کے علاوہ دیگر اضلاع سے بھی پولیس کنسٹیبلان آئے ہوئے تھے۔ کنسٹیبل سہیل سابقہ ریڈر گیارہ متعلقہ جگہ پہنچے تو کنسٹیبل سہیل امتحانی حال کے اندر گیا اور ہم باہر تھے میرے علاوہ وہاں پر دیگر اضلاع سے بھی بہت زیادہ پولیس والے سادہ کپڑوں میں اپنے اپنے دوستوں کے ساتھ آئے تھے اور امتحانی حال کے باہر موجود تھے۔ تھوڑی دیر بعد امتحانی حال سے مختلف کنسٹیبلان نے پیپر باہر نکالنے شروع کیے کہ اسی اثناء میں ETEA کے استاذان باہر نکلے جس میں بہت سے لڑکے بھاگ نکلے لیکن میں اور میرے علاوہ وہاں پر 5/6 لڑکے اور تھے جو نہیں بھاگے تو اس وقت میرا دوست کنسٹیبل سہیل میرے پاس آیا تو ان استاذوں نے اس سے پیپر چھین لیا۔ سہیل نے استاد کو کافی سمجھایا کہ یہ میرا دوست ہے اور میرے ساتھ آیا ہے میں تو ان سے پوچھنے آیا کہ امتحانی حال کے اندر کیا کر رہے ہو لیکن انہوں نے ایک بھی نہ سنی مجھے، کنسٹیبل سہیل اور دیگر 2/3 لڑکے اور تھے جسکو زیر نگرانی پولیس تھانہ سٹی چارسدہ پہنچایا گیا وہاں پر DSP/SHO صاحبان نے بھی موقعہ کی نسبت صورتحال کی جانچ پڑتال کر کے ہمیں بغیر کسی کارروائی کے چھوڑ دیا کیونکہ ہم بے گناہ تھے اب مجھے علم ہوا کہ من سائل کے خلاف انکوائری شروع ہوئی ہے امتحان کے دن جو بھی ہوا وہ ارادہ نہیں ہوا اور میں اس معاملے میں بے گناہ ہوں میرے خلاف لگائے گئے الزامات بے بنیاد ہیں استدعا ہے کہ انکوائری چارج شیٹ کو بغیر کسی کارروائی داخل دفتر کی جائے۔

کنسٹیبل زرخان بیٹ نمبر 53 پولیس لائن

(Signature)

Call in or
Awarded with punishment of 02x stages
reduction in pay by two
for a period of years and re-install

(Signature)

ORDER

This order will dispose of the departmental enquiry initiated under K Pakhtunkhwa Police Rules-1975, against Constable Zar Khan No. 53, while posted at guard N office, Nowshera Cantt, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11. by impersonating himself as Constable Sohail No. 419 (actual candidate).

On account of which, he was suspended, closed to Police Lines and proceeded against departmentally through DSP HQrs: Nowshera, who after fulfillment of legal formalities submitted his report to undersigned vide his office No. 459/St: dated 08.12.2020, wherein allegations leveled against him have been proved and recommended him for awarding punishment.

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

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

OB No. 1293
Dated 31/12 2020

[Signature]
District Police Officer
Nowshera

No. 3526-31 /PA, dated Nowshera, the 31/12 2020.
Copy for information and necessary action to the:

1. DSP HQrs: Nowshera.
2. Pay Officer.
3. Establishment Clerk.
4. OHC.
5. FMC with enquiry papers (22 pages).
6. Official concerned.

for 4 years and
[Signature]

03-05-2021
PC-NR

03-05-2021

03-05-2021

Handwritten signature

Handwritten text in Urdu, possibly a signature or name.

03-05-2021

Handwritten text in Urdu, appearing to be a list or detailed notes.

Handwritten text at the bottom left.

Handwritten text at the very bottom, including a circled number '15'.



Phone No: 0937-9230113-114
Fax No: 0937-9230115
Email: digmardan@gmail.com

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

J 16

No. 3150 /ES, dated, Mardan Region the 18-05-2021.

SHOW CAUSE NOTICE

Whereas, you Constable Zar Khan No.53, Nowshera appeared unlawfully in A-1 examination held by ETEA on 01-11-2020, by impersonating yourself as Constable Sohail No.419. On account of the aforementioned allegations proper departmental enquiry/proceedings were initiated against you and on conclusion of the same, the District Police Officer, Nowshera awarded you major punishment of reduction in pay by two stage vide O.B No.1293, dated 31.12.2020. Feeling aggrieved, you filed a departmental appeal and during personal hearing it transpired that the order of punishment does not commensurate with the gravity of your misconduct, rather you deserve not to be retained in the force because of the unbecoming of an officer.

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

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

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

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

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

Constable Zar Khan No.53
District Nowshera

CC.

The District Police Officer, Nowshera.

27-06-2021
3150/ES
3150/ES

بند 5 میں لکھی گئی ہے کہ...

درج ذیل کے سر کے ساتھ...

☆ درج ذیل کے سر کے ساتھ...

☆ درج ذیل کے سر کے ساتھ...

☆ درج ذیل کے سر کے ساتھ...

☆ درج ذیل کے سر کے ساتھ...

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☆ درج ذیل کے سر کے ساتھ...

☆ درج ذیل کے سر کے ساتھ...

☆ درج ذیل کے سر کے ساتھ...

17

بند 5 میں لکھی گئی ہے کہ...

ORDER.

This order will dispose-off the departmental appeal preferred by Constable Zar Khan No. 53 of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of reduction in pay by two stages vide OB: No. 1293 dated 31.12.2020. The appellant was proceeded against departmentally on the allegations that he while posted at guard NADRA office, Nowshera Cantt, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating himself as Constable Sohail No. 419 (actual candidate).

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

He was issued Final Show Cause Notice to which his reply was received/perused and found unsatisfactory. The delinquent Officer was heard in Orderly Room by the District Police Officer, Nowshera, wherein he failed to present any cogent reason in his defense. Therefore, he was awarded major punishment of reduction in pay by two stages vide OB: No. 1293 dated 31.12.2020.

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

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt and the competent authority has treated him in a harsher punishment. Therefore, the retention of appellant in Police Department stigmatize the prestige of entire Police Force as instead of fighting crime, the appellant indulged in illegal and criminal activities. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer.

19

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

Order Announced.

[Signature]
Regional Police Officer,
Mardan.

No. 4034 /ES, Dated Mardan the 02-08- /2021.

Copy forwarded to District Police Officer, Nowshera for information and necessary action w/r to his office Memo: No. 1223/PA dated 26.05.2021. His Service Record is returned herewith.

(*****)

OB No: 789
Dated: 5/8/2021

PO/EE/OHC/OBC/FME
For necessary action

[Signature]
5/8/2021

No. 1476/PA
dt 05/8/2021

بخدمت جناب صوبائی پولیس آفیسر خیر پختونخوا

M (20)

اپیل دربارہ منسوخ کرنے کا حکم جناب ریجنل پولیس آفیسر صاحب مردان

برخاستگی نمبری: ES/4034 مورخہ 02.08.2021

جناب عالی!

2147

بعد احترام و تکریم معروض ہوں کہ سائل مورخہ 31.12.2015 کا بھرتی شدہ ہے اور وہاں لوئر کورس PTC، سنگو میاں لوئر کورس کر رہا تھا کہ سائل کو جناب DPO صاحب نے ذیل الزامات میں چارج شیٹ دے کر بجواا OB.No.1293 مورخہ 31.12.2020 تخفیف ملازمت سے Reduction in pay two stage for two years کی سزا دی۔ جس کا نسبت سائل نے ریجنل پولیس آفیسر صاحب مردان کو سزا کی معافی کی اپیل کی جنہوں نے سزا میں اضافہ کرتے ہوئے سائل کو بجوالہ حکم نمبری 4034/ES مورخہ 02.08.2021 کو ملازمت سے برخاست کیا۔ جسکی بابت یہ تفصیل اپنی صفائی پیش کرتا ہوں۔ جناب عالی!

جہاں تک الزام کا تعلق ہے A1 امتحان منعقدہ 01.11.2020 بمقام چار سدہ تھا کانسٹیبل سہیل سابقہ ریڈ رائے ایس پی کینٹ سرکل ضلع نوشہرہ جو کہ میرا قریبی دوست ہے اس کا بھی A1 امتحان تھا اس کے ہمراہ چلا گیا تھا جب متعلقہ جگہ پہنچے تو کانسٹیبل سہیل امتحانی ہال کے اندر گیا اور ہم باہر تھے۔ میرے علاوہ وہاں پر دیگر اضلاع سے بھی بہت زیادہ پولیس والے سادہ کپڑوں میں اپنے اپنے دوستوں کے ساتھ آئے تھے اور امتحانی ہال کے باہر موجود تھے تھوڑی دیر بعد امتحانی ہال سے مختلف کانسٹیبلان نے پیپر باہر نکالنے شروع کیے اور وہاں پر افراتفری شروع ہوئی کہ اسی اثناء میں ETEA کے اساتذہ باہر نکلے جس میں سے بہت سے لڑکے بھاگ نکلے لیکن میں اور میرے علاوہ وہاں پر چند لڑکے تھے جو نہیں بھاگے تو اساتذہ نے ہمیں پکڑ کر امتحانی ہال کے اندر لے گئے، تو میرا دوست کانسٹیبل سہیل میرے پاس آیا کہ کیا مسئلہ ہے تو ETEA کے اساتذہ نے ان سے بھی پیپر چھین لیا اور ہمارے تصاویر نکالے کہ آپ ان کی مدد کر رہے ہیں ہم نے ETEA کے اساتذہ کو بہت سمجھایا کہ میں تو باہر تھا لیکن انہوں نے ہماری ایک نہ سنی اور مجھے اور کانسٹیبل سہیل کے علاوہ دو تین لڑکے اور تھے زیر نگرانی تھانہ سٹی پولیس چار سدہ پہنچایا گیا وہاں پر DSP اور SHO صاحبان نے موقع کی نسبت جانچ پڑتال کر کے ہمیں بغیر کسی کارروائی کے چھوڑ دیا کیونکہ ہم بے گناہ تھے۔ جناب عالی!

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

استدعا ہے کہ سائل کے گھریلو غربت اور بے داغ ملازمت پولیس اور الزام ہذا میں بے گناہی کو مد نظر رکھتے ہوئے سائل کو محکمہ پولیس میں واپس بحال کرنے اور لوئر کورس میں شامل ہونے کا حکم صادر فرما کر مشکور فرمائیں۔ سائل تاحیات احسان مند اور دُعا گور ہے گا۔

العارض

سنگو میاں لوئر کورس سہیل سہیل ریجنل پولیس آفیسر

کنستبلان



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

N 21

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Zar Khan No. 53.

The petitioner was awarded punishment of reduction in pay by two (02) stages for a period of two (02) years by District Police Officer, Nowshera vide OB No. 1293, dated 31.12.2020 on the allegations that he while posted at guard NADRA office, Nowshera Cantt; appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonation himself as Constable Sohail No. 419 (actual candidate). The Appellate Authority i.e. Regional Police Officer, Mardan converted his penalty of reduction in pay by two stages for a period of two (02) years into dismissal from service vide order Endst: No. 4034/ES, dated 02.08.2021.

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

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

Sd/-

SABIR AHMED, PSP

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

No. S/1276-82/22, dated Peshawar, the 2/6/2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 5167/ES; dated 17.09.2021 is returned herewith for your office record.
2. District Police Officer, Nowshera.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

(DR. ZAHID ULLAH) PSP

AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.