

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.6874/2020

Date of Institution ... 02.07.2020
Date of Decision ... 29.09.2022

Mr. Zubair Khan Ex-ASI, District Police, Mardan.

... (Appellant)

VERSUS

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

... (Respondents)

Muhammad Amin Ayub,
Advocate

... For appellant.

Riaz Khan Paindakhel,
Assistant Advocate General

... For respondents.

Mrs. Rozina Rehman

... Member (J)

Miss. Fareeha Paul

... Member (E)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the jurisdiction of this Tribunal through above titled appeal with the prayer as copied below:

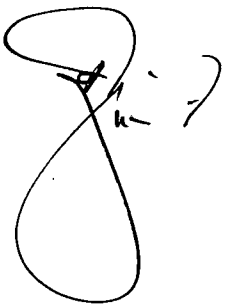
“On acceptance of the instant appeal, the impugned order dated 15.07.2019 passed by respondent No.2 and impugned appellate/revisonal order dated 18.06.2020 passed by respondent No.1 may graciously be set aside/modified and appellant may be restored to his substantive rank of ASI w.e.f 13.06.2019 with all back benefits.”

2. Brief facts of the case are that appellant was appointed as constable in the Police Force. While performing his duties at Police Post Garyala of Police

Station Shahbaz Garhi, he was issued charge sheet alongwith statement of allegations which were properly replied, thereafter, an inquiry was conducted. Upon the recommendation of fact-finding inquiry, appellant was served with show cause notice which was properly replied but his reply was not taken into consideration and he was dismissed from service on 13.06.2019. He filed departmental appeal which was partially accepted and punishment of dismissal from service was converted into reduction in rank to Head Constable. He then filed petition under Rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975 which was rejected, hence, the present service appeal.

3. We have heard Muhammad Amin Ayub, Advocate learned counsel for the appellant and Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Muhammad Amin Ayub Advocate, learned counsel for appellant argued that appellant was not treated in accordance with law, rules and policy and the respondents violated Article-4 of the Constitution of Islamic Republic of Pakistan, 1973, therefore, the impugned order was unjust, unfair, hence, not sustainable in the eyes of law. It was contended that the appellant alongwith SHO brought accused Wisal Khan ASI on the day of occurrence who was arrested in case FIR No.90. Consequently, vide Mad No.20 dated 30.01.2019 appellant was directed to shift the accused to the Police Post Garyala for safe custody. The accused was handcuffed and was assigned to Constable Irfan, who was Santri, to keep watch on accused. The appellant kept his personal articles including pistol on his bed, as it was prayer time, in order to make ablution. In the meantime, he heard a fire shot and came out

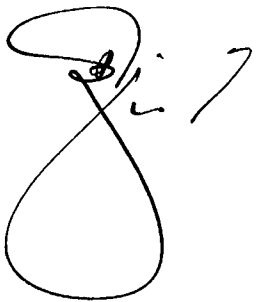


from the washroom where he saw accused ASI Wisal Khan lying on the ground in injured condition. He was taken to hospital and case FIR No.91 was registered against him under 325 PPC. All other officials who were present on spot were issued charge sheet alongwith statement of allegations but they were exonerated during the course of inquiry proceedings while Constable Irfan was awarded major punishment of dismissal from service which was assailed before this Tribunal and which was allowed, therefore, the impugned orders were not sustainable. He contended that no regular inquiry was conducted in the presence of appellant and entire action was taken at his back, thus he was condemned unheard. Lastly, he submitted that discriminatory treatment was meted out to the appellant as all other officials except Constable Irfan, were exonerated, while Constable Irfan who was dismissed in view of the charges that he had permitted the accused to offer prayer without intimating the matter to the superiors was reinstated into service by this Tribunal, therefore, requested for acceptance of the instant service appeal.

5. Conversely, learned AAG submitted that the appellant was issued charge sheet alongwith the statement of allegations on account of his negligence as an accused was arrested in case FIR No.90 who was shifted to PP Garyala where the nominated accused in order to commit suicide, tried at himself with the pistol of appellant. As a result, accused sustained bullet injuries and case vide FIR No.91 was registered against the accused. He submitted that all the codal formalities were complied with and the appellant was punished according to law.



6. After hearing the learned counsel for the parties and going through the record of the case with their assistance and after perusing the precedent cases cited before us, we are of the opinion that that one ASI Wisal Khan was arrested in a robbery case vide FIR No.90 dated 30.01.2019 and he was shifted to PP Garyala for safe custody, where he fired over himself with the pistol of the present appellant, resultantly, he got injuries and case FIR No.91 was registered against ASI Wisal Khan i.e. accused in case FIR No.90. Charge sheet alongwith statement of allegations were issued and ASP/SDPO Ali Bin Tariq was nominated as Inquiry Officer. The appellant was then served with final show cause notice and was awarded major punishment of dismissal from service. He filed departmental appeal which was partially allowed, therefore, by setting aside the impugned order, appellant was reinstated into service and was awarded the punishment of reduction in rank to Head Constable. The period he remained out of duty was treated as leave without pay vide order of RPO Mardan dated 15.07.2019. This fact is not denied that one Wisal Khan ASI was arrested in case FIR No.90 dated 30.01.2019 and he was shifted to PP Garyala for safe custody. He was properly handcuffed and Santri Constable Irfan No.1634 was made responsible for his supervision as per duty chart. It was also not denied by the respondents in their comments that it was prayer time and as the accused was in safe custody under the supervision of a Constable, therefore, the present appellant went for making ablution, leaving aside all his personal belongings including his pistol. It was the duty of the constable to have had taken proper care of the arrested accused but he opened his handcuffs without the permission of his seniors so that the arrested accused could perform his prayer but in the meanwhile, the accused by taking advantage of the articles




of the present appellant lying in a cot tried to make himself injured/to commit suicide who was then shifted to the hospital for proper treatment and FIR No.91 was also registered against him. It is worth mentioning that PP Garyala is infact not a proper Police Post but in the shape of a Betak and as per duty chart of PP Garyala dated 30.01.2019 "Annexure-J" page 25 of main file, Nigran Santri of accused was one Irfan. The other officials present in the PP were the present appellant Zubair Khan, Shakeel Ahmad, Asif and Sami Ullah. All the officials present in the PP were charge sheeted but were exonerated except Nigran Santri Irfan who was dismissed from service, who later on filed Service Appeal No.797/2019 which was partially allowed on 14.02.2020. The impugned orders were set aside and Constable Irfan was reinstated into service with direction to the respondents to conduct de-novo inquiry and today representative of respondents admitted that Constable Irfan is still serving in the respondent Department. Similarly, the main accused Wisal Khan who was an ASI and had been involved in a robbery case was departmentally proceeded against but was reinstated in service.

7. Keeping in view the entire discussion coupled with material available on file, we allow this appeal as prayed for with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
29.09.2022


(Farqeha Paul)
Member (E)


(Rozina Rehman)
Member (J)


ORDER
29.09.2022

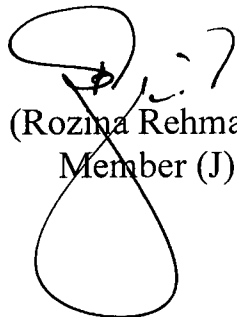
Muhammad Amin Ayub, Advocate for appellant present.

Muhammad Riaz Khan Paindakheil, learned Assistant
Advocate General for respondents present.

Vide our detailed judgment of today, containing 05 pages,
the instant service is accepted as prayed for. Parties are left to bear
their own costs. File be consigned to the record room.

ANNOUNCED.
29.09.2022


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

22.11.2021

Proper D.B is not available, therefore, case is adjourned to 9.2.2022 for the same.


READER

9-2-2022

Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 3-6-2022


Reader.

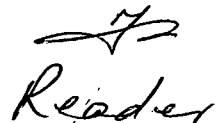
03.06.2022

Bench is incomplete, therefore, case is adjourned to 12.08.2022 for the same as before.

12-8-2022

Proper DB not available the case is adjourned to 29-9-2022


Reader.


Reader

04.08.2021

Counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Former requests for adjournment being not prepared for arguments. Adjourned. To come up for arguments on 22.11.2021 before D.B.



(Atiq-Ur-Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

16.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 25.05.2021 before S.B.


Reader

25.05.2021

Appellant in person and Mr. Kabirullah Khattak, Addl. AG alongwith Khial Roz, Inspector (Legal) for the respondents present.

The Security and process fee as directed vide order dated 24.12.2020 has already been deposited. The respondents after notice were required to furnish written reply/comments on 16.03.2021 before S.B. However, the needful is still awaited. The representative of the respondents present in the court has informed that the written reply/comments are already prepared and have been submitted for signature of the concerned authorities, who are respondents in the appeal.

The respondents are required to furnish written reply/comments in office within 10 days. In case, the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 04.08.2021.


Chairman


P.S

08.06.2021

Learned Addl. A.G be reminded about the omission and for submission of reply within extended time of 10 days.


Chairman

Stipulated time has passed and reply has not been submitted.


8/6/2021

6874/20

24.12.2020

Counsel for the appellant and Asstt. AG for the respondents present.

D
Learned AAG contended that the appellant was obligated to have filed the service appeal after observing ninety days wait period from 20.07.2019, when revision petition was submitted by the appellant. Instead, the service appeal was delayed till 02.07.2020, therefore, it was barred by time.

Learned counsel for the appellant, while referring to judgment reported as 1995-SCMR-16, stated that the appellant had the option to prefer a service appeal after the decision of departmental revision petition. Speaking about merits of the case it was contended that the impugned penalty, as modified by the appellate authority, was not in accordance with law. The competent authority did not mention the period of ^{enhance} ~~sustenance~~ of penalty against the appellant. That, another police official namely Irfan, who was a co-accused alongwith the appellant, was already allowed relief by this Tribunal in Service Appeal No. 979/2019.

The points raised by learned counsel prima-facie are supported by the relevant record, therefore, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 16.03.2021 before S.B.


[Signature]
Appellant Deposited
Security & Process Fee

[Signature]
Chairman

19.10.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

The legal fraternity is observing strike today, therefore, the case is adjourned to 23.12.2020 on which date to come up for arguments on the point of limitation as well as preliminary hearing before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

Read



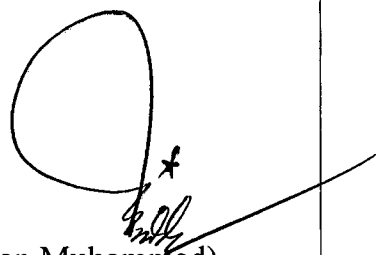


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 6870 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/07/2020	<p>The appeal of Mr. Zubair Khan resubmitted today by Mr. Khaled Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/08/2020</u>.</p> <p> CHAIRMAN</p>
20.08.2020		<p>Counsel for the appellant present.</p> <p>Preliminary arguments to some extent heard. Let pre-admission notice be issued to the learned Additional Advocate General to assist the Tribunal regarding the issue of limitation of the instant appeal.</p> <p>Adjourned to 19.10.2020 before S.B.</p> <p> (Mian Muhammad) Member(E)</p>

The appeal of Mr. Zubair Khan received to-day i.e. on 02.07.2020 is returned to the counsel for the appellant with the direction to submit one more copy/set of the appeal along with annexures i.e. complete in all respect within 15 days.

No. 1383 /S.T,


Dt. 07-07 /2020


Registrar

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Mr. Khaled Rehman Adv. Peh.

Respected Sir,
The requisite copy has been
submitted


07
07/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 6874/2020

Zubair Khan Appellant

Versus

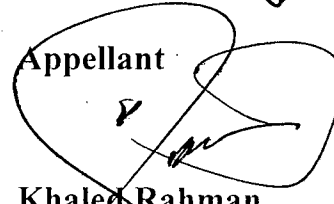
The PPO and others.....Respondents

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S.No.	Description of Documents	Date	Annexure	Pages
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4.	Reply to the Show Cause Notice		C	10-11
5.	Dismissal from service order	13.06.2019	D	12
6.	Departmental Appeal	20.06.2019	E	13-16
7.	Order	15.07.2019	F	17
8.	Departmental Revision	20.07.2019	G	18-22
9.	Impugned Appellate/Revisional Order	18.06.2020	H	23
10.	Naqal Mad No.20	30.01.2019	I	24
11.	Duty Sheet	30.01.2019	J	25-31
12.	Wakalat Nama			

Through

Appellant


Khaled Rahman
Advocate,
Supreme Court of Pakistan

&


Muhammad Amin Ayub
Advocate, High Court

4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458
Cell # 0345-9337312

Dated: 02/07/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 6874/2020Khyber Pakhtunkhwa
Service TribunalDiary No. 6022Dated 2-7-2020Mr. Zubair Khan

Ex-ASI,

District Police, Mardan Appellant

VERSUS

1. The Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
2. The Regional Police Officer,
Mardan Region, Mardan.
3. The District Police Officer,
District Mardan Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 15.07.2019 WHEREBY MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WAS CONVERTED INTO REDUCTION IN RANK TO HEAD CONSTABLE AGAINST WHICH APPELLANT PREFERRED DEPARTMENTAL REVISION/APPEAL TO RESPONDENT NO.1 ON 20.07.2019 BUT THE SAME WAS UNLAWFULLY REJECTED VIDE IMPUGNED APPELLATE/REVISIONAL ORDER DATED 18.06.2020.

2/7/2020
PRAYER:

On acceptance of the instant appeal, the impugned order dated 15.07.2019 passed by Respondent No.2 and impugned appellate/revisonal order dated 18.06.2020 passed by Respondent No.1 may graciously be set aside/modified and appellant may be restored to his substantive rank of ASI w.e.f. 13.06.2019 with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

2/7/2020
Registrar
Re-submitted to
said Hqd.
Registrar
9/7/2020

1. That the appellant was employed in the Police Force as Constable way back in the year 2002 and has rendered meritorious service for the Department. During service, the appellant has never been departmentally proceeded against and even a minor penalty has not been imposed upon him so far, thus the service of the appellant remained unblemished and spotless throughout.
2. That the appellant while performing duties at Police Post Garyala of Police Station Shahbaz Garhi, was issued Charge Sheet and Statement of Allegations (*Annex:-A*) for the reasons mentioned therein. Since the charges were unfounded, misplaced therefore, appellant refuted the same and furnished a detailed reply (*Annex:-B*) thereto explaining his position before the Competent authority. (Copy of the reply may be considered as integral part of this appeal.)
3. That thereafter a summary and irregular enquiry was conducted by the Enquiry Officer at the back of the appellant and report was then submitted to the Competent Authority. The Enquiry Committee recommended appellant for major punishment of dismissal from service without following the mandatory requirements of law. It is significant to add here that inspite of repeated requests to the concerned quarter for providing appellant the copy of Inquiry Report but to no avail.
4. That thereafter upon the recommendation of the Fact Finding enquiry, appellant was served with a Show Cause Notice on 17.04.2019 containing the same allegations which was once again duly replied (*Annex:-C*) by the appellant by explaining his position to the competent authority, but the same was not taken into consideration and the appellant was imposed upon major penalty of dismissal from service vide order dated 13.06.2019 (*Annex:-D*) against which appellant preferred Departmental Appeal (*Annex:-E*) to Respondent No.2 who by means of order dated 15.07.2019 (*Annex:-F*) partially accepted the same and punishment of dismissal from service was converted into reduction in rank to Head Constable.

5. That thereafter appellant by virtue of Article-11A of the Khyber Pakhtunkhwa Police Rules,1975 preferred a Departmental Revision/Appeal (*Annex:-G*) to the Respondent No.1 who mechanically relied upon the report of the so called Inquiry Officer and rejected the same vide impugned Appellate/Revisional Order dated 18.06.2020 (*Annex:-H*). It is apprised that under the Rules ibidi, the Respondent No.1 was bound to furnish the reasons in support of his order but he outright failed.
6. **That** appellant, being aggrieved of the impugned orders ibid, files this appeal, inter-alia, on the following grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned orders, which is unjust, unfair and hence not sustainable in the eye of law.
- B. That it is momentous to aver that on the day of occurrence appellant alongwith SHO of Police Station Shahbaz Ghar brought accused Wisal Khan ASI who was arrested in case F.I.R No.90 dated 30.01.2019 U/S 395, 342 PPC. Consequently vide Madd No.20 dated 30.01.2019 (*Annex:-I*) appellant was directed to shift the accused to Police Post Gharyala, for safe custody. In view of the importance of the matter, the accused was handcuffed and assigned to Constable Irfan No.1634 who was *Santri* to keep watch on him. It is apprised that it was prayer time and appellant kept his personal articles including Pistol on his bed which he routinely does in order to make ablution. In the meantime, appellant heard a fire shot and came out from the Washroom and saw that accused ASI Wisal was lying on the ground in injured condition who was taken to Hospital resultantly, case F.I.R No.91 dated 30.01.2019 U/S 325 PPC was registered against him. Being Muslim it is a religious obligation to offer prayer and usually at the time of prayer weapon is not retained. Moreover, it was the duty of the said Constable Irfan who opened handcuffs of the accused without permission of the high-ups. It is further elaborated that Shakeel LHC, Constable Roohullah, Sami, Irfan and Asif were present on their respective duties as is evidence from Duty Sheet dated 30.01.2019 (*Annex:-J*). They were issued Charge Sheet and Statement of Allegations for the same allegations but

were exonerated during the course of inquiry proceedings. Moreover, Constable Irfan was awarded major punishment of dismissal from service which was assailed before this Hon'ble Tribunal in Service Appeal No.979/2019 which was allowed on _____, therefore, clear violation of Article-25 of the Constitution of the Islamic Republic of Pakistan, 1973 was made, therefore, the impugned orders are not sustainable in the eye of law.


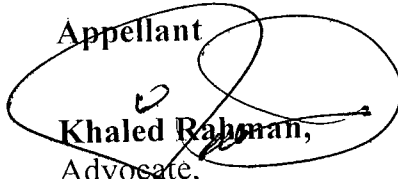
- C. That neither regular inquiry was conducted into the case in hand nor any documentary or oral evidence was recorded in presence of the appellant nor he was provided opportunity of cross-examination. The entire action was taken at the back of the appellant and thus he was condemned unheard. It is a settled law that where a major penalty is to be imposed then regular inquiry is necessary which has not been done in the case in hand. Even the copy of the Enquiry Report was not provided to appellant, which was mandatory in case of major penalty.
- D. That it is admitted fact that appellant was facing enquiry alongwith other civil servants who were also charged with the same allegations but they were exonerated, while Constable Irfan, who had also been dismissed from service in view of established charges as he had permitted the accused for prayer without intimating the matter to the superiors, was re-instated into service. Hence, discriminatory treatment has been meted out to appellant. Furthermore, there is no Judicial Lockup in the Police Post Garyala, therefore, Police Administration/staff used room of appellant as Judicial Lockup.
- E. That Article-10A of the Constitution of the Islamic Republic of Pakistan, 1973 provides for the right of fair trial for the determination of every civil right and obligation or on any criminal charge against a person. Even the Enquiry Report was not provided to the appellant which was the mandatory requirement of law and also appellant was condemned unheard, thus the impugned orders are void, ab-initio as well as against the principle of natural justice.
- F. That instead of a regular enquiry, an irregular, fact finding enquiry was conducted in a highly pre-judicial manner and without any evidence the

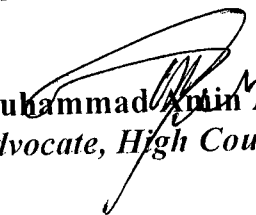
conclusion was jumped upon suddenly on the basis of mere surmises and conjectures declaring charges as proved in utter deviation of the procedure and Rules on the subject which has resulted into serious miscarriage of justice.

- G. That it is a settled legal principle that where major penalty is proposed then only a regular enquiry is to be conducted wherein the accused must be associated with all stages of the enquiry including the collecting of oral and documentary evidence in his presence and he must be confronted to the same and must be afforded an opportunity of cross-examining the witnesses. In the case in hand a summary enquiry was concluded in an irregular manner and appellant was illegally found guilty without any evidence. Thus the impugned enquiry being irregular and the impugned orders based thereupon is nullity in the eye of law and hence liable to be set aside.
- H. That no opportunity of personal hearing was afforded to the appellant neither by the competent authority, nor by the Enquiry Officer or by the appellate authority which are the mandatory requirements of law. Thus appellant was condemned unheard as the action has been taken at the back of the appellant which is against the principle of natural justice.
- I. That by virtue of Fundamental Rules-29 the appellate authority was bound to mention timeframe but he failed to do so, hence the impugned appellate orders are void-ab-intio and the same are not sustainable in the eye of law and liable to set aside.
- J. That the appellant served the Department, ever since 2002 and during this period, the appellant has not been ever departmentally proceeded against nor even a minor penalty has ever been imposed upon him, thus the service of the appellant remained unblemished, spotless throughout.
- K. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.


Appellant
Through 
Khaled Rahman,
Advocate,
Supreme Court of Pakistan

&

Muhammad Amin Ayub
Advocate, High Court

Dated: 02 /07/2019

①
**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com



-6-

ANNEX 'A'

CHARGE SHEET

I, Sajjad Khan (PSP), District Police Officer Mardan, as competent authority, hereby charge ASI Zubair Khan, while posted as In-charge Police Post Garyala (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.

(Sajjad Khan) PSP
District Police Officer
Mardan

[Handwritten signature]



2

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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com



No. 58 /PA

Dated 14/12/2019

DISCIPLINARY ACTION

I, Sajjad Khan (PSP), District Police Officer Mardan, as competent authority am of the opinion that ASI Zubair Khan, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, ASI Zubair Khan, while posted as In-charge Police Post Garyala (Now under suspension Police Lines Mardan), ASI Wisal Ahmad Son of Iftikhar Ahmed Resident of Kot Daulatzai Pakistan Koroonia (Garhi Kapura) was arrested in a Robbery Case vide FIR No.90 dated 30.01.2019 U/S 395-342 PPC P.S. Shahbaz Garh and was shifted to P.P Garyala for safe custody, where due to negligence of ASI Zubair Khan, he (ASI Wisal Ahmad) fired over himself with his (ASI Zubair) Pistol, resultantly, he was injured vide case FIR No.91 dated 30.01.2019 U/S 325 PPC PS Shahbaz Garh, indicting negligence + inefficiency on his part.

For the purpose of scrutinizing the conduct of the said accused Official with reference to the above allegations, ASP Ali Bin Tariq SDPO/City 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.

ASI Zubair Khan is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.

(SAJJAD KHAN) PSP
District Police Officer
Mardan

(Handwritten Signature)

جناب عالی!

ANNEX B

بحوالہ مشمولہ چارج شیٹ نمبری IPA/58- مورخہ 14/12/19- مجاریہ جناب ضلعی پولیس سربراہ صاحب

مردان معروض خدمت ہوں کہ سائل کے خلاف جاری شدہ چارج شیٹ میں سائل کے خلاف اختیار کردہ/عائد کردہ موقف کے اصل حقائق کچھ یوں ہیں کہ سائل چونکہ نخثیت انچارج چوکی گڑیالہ تھانہ شہباز گڑھ تعینات تھا۔ مورخہ 30/01/2019 کو سائل ہمرکاب جناب SHO صاحب تھانہ شہباز گڑھ ودیگر نفری پولیس کے ملزم وصال خان ASI ولد افتخار احمد ساکن کوٹ دولتزئی پاکستان کورونہ گڑھی کپورہ مطلوبہ بمقدمہ نمبر 90 مورخہ 30/01/2019 جرم PPC 395/342 تھانہ شہباز گڑھ کو حسب ضابطہ گرفتار کر کے جو تھانہ لا کر جناب SHO صاحب نے باقاعدہ بحوالہ مد نمبر 20- روزنامچہ 30/01/2019 تھانہ شہباز گڑھ ایک رپورٹ درج روزنامچہ کر کے من سائل کو ہدایت کی کہ ملزم وصال خان ASI چونکہ محکمہ پولیس میں ایک اہم عہدہ پر فائز تھا اس لئے مذکورہ کو محفوظ خراست کے لئے چوکی گڑیالہ منتقل کریں پس ہدایات کے پیش نظر ملزم وصال خان ASI کو ہمراہ چوکی گڑیالہ لے جا کر معاملہ کی ناز کی کو مد نظر رکھتے ہوئے باقاعدہ ملزم وصال خان ASI کے دونوں ہاتوں کو پیچھے کی جانب سے ہتھکڑی لگوا کر باقاعدہ بمطابق ڈیوٹی چارٹ ایک سنتری کانسٹیبل عرفان نمبر 1634 کو بغرض نگرانی سنا کر ملزم بمہ سنتری کو ایک بارک کانسٹیبلان میں بٹھائے جا کر نخثیت انچارج اپنی ذمہ داری نبھاتے ہوئے باقاعدہ جملہ موجودہ ملازمان چوکی کو ملزم وصال خان ASI کی گرفتاری اور مقدمہ کی حساسیت سے آگاہ کئے گئے چونکہ نماز کا وقت تھا اس لئے خود دوسرے کمرے/بارک میں جا کر اپنی پستول ایک چارپائی کے سرہانے کے نیچے رکھ کر بغرض وضو با تھر روم چلا گیا ابھی سائل خود با تھر روم میں تھا کہ ایک فائر اور چوکی میں ملازمان کی شور سن کر فوری طور پر با تھر روم سے نکل کر دیکھا کہ ایک کمرہ/بارک جہاں من سائل نے پستول رکھا تھا میں کانسٹیبلان ہیں میں نے بھی فوری جا کر دیکھا تو ملزم وصال خان ASI زخمی حالت میں پڑا تھا۔ جس کو فوری اٹھا کر بغرض علاج معالجہ بہ امداد دیگر نفری کے ہسپتال روانہ ہو کر حالات واقعات فوری طور پر جناب SHO کے نوٹس میں بزریہ فون لائے جا کر جناب SHO صاحب نے ہسپتال DHQ مردان عقب پہنچ کر باقاعدہ جناب SHO صاحب نے وقتی معلومات کر کے جس کے پیش نظر باقاعدہ برخلاف ملزم وصال خان ASI اقدام خودکشی کی پاداش میں جرم PPC 325 مراسلہ ارسال تھانہ کر کے جس پر مقدمہ نمبر 91 مورخہ 30/01/2019 جرم PPC 325 تھانہ شہباز گڑھ درج رجسٹر ہو چکا ہے۔ جملہ معاملہ میں من سائل کی کسی قسم کی بھی غفلت بے احتیاطی شامل نہیں ہے۔ کیونکہ من سائل نے ملزم مذکورہ کو باقاعدہ کانسٹیبل عرفان 1634 کی نگرانی میں ملزم کے دونوں ہاتوں کو پیچھے کی جانب سے ہتھکڑی لگا کر ایک علیحدہ کمرہ/بارک میں بٹھایا تھا اور خود پستول ایک دوسرے بارک میں ایک چارپائی کے سرہانے کے نیچے رکھ کر خود بغرض وضو کرنے با تھر روم چلا گیا تھا اور میرے عدم موجودگی کے دوران چند منٹس میں ہی معاملہ ہو چکا ہے۔ سائل نے بعد میں جب کانسٹیبل عرفان 1634 (سنتری) سے اس بابت معلومات کی کہ ملزم کو ایک کمرہ سے دوسرے کمرہ کیوں لائے تھے تو مذکورہ سنتری نے ظاہر کیا

Ausate

-9-

کہ ملزم نے بھی نماز کی ادائیگی کی خواہش ظاہر کی تھی اس لئے ملزم کو دوسرے کمرہ میں لایا تھا اور بغرض ادائیگی نماز دوسرے کمرہ میں لانے کی وجہ یہ ظاہر کی کہ ملزم مذکورہ چونکہ محکمہ پولیس میں چند گھنٹے قبل ہی ایک ASI تھا۔ پس جملہ معاملہ سائل کے چند منٹس کے عدم موجودگی کے دوران رونما ہو چکا ہے۔ چونکہ سائل کی ملزم مذکورہ کے ساتھ متذکرہ عدم موجودگی ایک جائز انسانی اور مذہبی عذر ہے۔ جس کو غفلت کا نام دینا درست نہیں ہے۔ کیونکہ ملزم وصال خان ASI نے اپنی ایک کردہ سنگین نوعیت کے جرم کے ارتکاب کے بعد اقدام خودکشی کر کے ایک اور جرم انجام دیا ہے جس میں سائل کی کسی بھی قسم کی غفلت شامل نہیں ہے۔

استدعا ہے کہ جملہ حقائق بالا کو مد نظر رکھتے ہوئے سائل کے خلاف جہاز شدہ چارج شیٹ ہذا بلا کسی مذید کارروائی کے فائل کرنے کی حکم طوری فرمائی جائے۔

سائل تابع حکم و احکام زیر خان ASI



تھانہ شہباز گڑھ شوکا ز نوٹس نمبری 115/PA مورخہ 17.4.2019 مجاریہ جناب ضلعی پولیس سربراہ صاحب مردان معروض خدمت ہوں کہ سائل کے خلاف جاری شدہ شوکا ز نوٹس میں من سائل کے خلاف اختیار کردہ/عائد کردہ موقف کے اصل حقائق کچھ یوں ہیں کہ سائل چونکہ بحیثیت انچارج چوکی گڑیا لہ تھانہ شہباز گڑھ تعینات تھا۔ مورخہ 30/01/2019 کو سائل ہمریکاب جناب SHO صاحب تھانہ شہباز گڑھ و دیگر نفری پولیس کے ملزم وصال حان ASI ولد افتخار احمد ساکن کوٹ دولت زئی پاکستان کو روٹہ گڑھی کپورہ مطلوبہ بمقدمہ نمبر 90 مورخہ 30/01/2019 جرم 395/342PPC تھانہ شہباز گڑھ کو ڈالنا گرفتار کر کے جو تھانہ لا کر جناب SHO صاحب نے باقاعدہ بحوالہ مد نمبر 20 روزنامچہ 30/01/2019 تھانہ

تھانہ لا کر ایک رپورٹ درج روزنامچہ کر کے من سائل کو ہدایت کی کہ ملزم وصال حان ASI چونکہ محکمہ پولیس میں ایک اہم عہدہ دار تھا۔ اس لیے مذکورہ کو محفوظ حراست کے لیے چوکی گڑیا لہ منتقل کریں۔ پس ہدایات کے پیش نظر ملزم وصال حان ASI کو ہمراہ چوکی گڑیا لہ لے جا کر معاملہ کی نازی کو مد نظر رکھتے ہوئے باقاعدہ ملزم وصال حان ASI کے دونوں ہاتھوں کو پیچھے کی جانب سے ہتھکڑی لگا کر باقاعدہ بمطابق ڈیوٹی چارٹ ایک سنتری کانسٹیبل عرفان نمبر 1634 کو بعرض نگرانی سنا کر ملزم ہمہ سنتری کو ایک بارک کانسٹیبلان میں بٹھائے جا کر بحیثیت انچارج اپنی ذمہ داری نبھاتے ہوئے باقاعدہ جملہ موجودہ ملازمان چوکی کو ملزم وصال حان ASI کے گرفتاری اور مقدمہ کی حساسیت سے آگاہ کئے گئے چونکہ نماز کا وقت تھا اس لیے خود دوسرے کمرے بارک میں جا کر اپنی پستول ایک چارپائی کے سرہانے چھپا کر رکھ کر بعرض وضو ہاتھ روم چلا گیا ابھی سائل خود ہاتھ روم میں تھا کہ ایک فائر کی آواز اور چوکی میں ملازمان کے شور سن کر فوری طور پر پستول نکال کر دیکھا کہ ایک کمرہ بارک جہاں من سائل نے پستول رکھا تھا۔ جسمیں کانسٹیبلان ہیں میں نے بھی فوری جا کر دیکھا تو ملزم

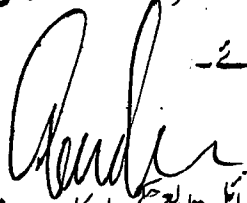
وصال حان ASI زخمی حالت میں پڑا تھا۔ جس کو فوری اٹھا کر بعرض علاج معالجہ بہ امداد دیگر نفری کے ہسپتال روانہ ہو کر کے حالت اقبال فوری طور پر جناب SHO کے نوٹس میں بذریعہ فون لائے جا کر جناب SHO صاحب نے ہسپتال DHQ مردان عقب پہنچ کر باقاعدہ جناب SHO صاحب نے وقتی معلومات کر کے جس کے پیش نظر باقاعدہ برخلاف ملزم وصال حان ASI اقدام خودکشی کی پاداش میں جرم 325PPC مراسلہ ارسال تھانہ کر کے جس پر مقدمہ نمبر 91 مورخہ 30/01/2019 جرم 325PPC تھانہ شہباز گڑھ درج رجسٹر ہو چکا ہے۔

مذکورہ سائل میں من سائل کی کسی قسم کی بھی غفلت بے احتیاطی شامل نہیں ہے۔ کیونکہ من سائل نے ملزم مذکورہ کو باقاعدہ کانسٹیبل 1634 کی نگرانی میں ملزم کے دونوں ہاتھوں کو پیچھے کی جانب سے ہتھکڑی لگا کر ایک علیحدہ کمرہ بارک میں بٹھائیں تھے اور خود ہتھوں میں دوسرے کمرہ بارک میں ایک چارپائی کے سرہانے کے نیچے رکھ کر خود بعرض وضو کرنے ہاتھ روم چلا گیا تھا۔



درج ذیل کے نام موجودگی کے دوران چند منٹ میں ہی یہ معاملہ ہو چکا ہے سائل نے بعد میں جب کنسٹیبل عرفان 1634 سنتری سے اس کی معلومات کی کہ ملزم کو ایک کمرہ سے دوسرے کمرہ کیوں لائے تھے۔ تو مذکورہ سنتری نے ظاہر کیا۔
 ملزم نے بھی نماز کی ادائیگی کی خواہش ظاہر کی تو اس لیے ملزم کو دوسرے کمرے میں لایا تھا اور بعض ادائیگی نماز کمرہ میں لائے کی وجہ یہ ظاہر کی کہ ملزم مذکورہ چونکہ محکمہ پولیس میں چند گنٹھے قبل ہی ایک ASI تھا۔ پس جملہ معاملہ سائل کی چند متنبس کی عدم موجودگی کے دوران نماز ہو چکا ہے۔ چونکہ سائل کی ملزم کی مذکورہ کیساتھ متذکرہ عدم موجودگی ایک جائز انسانی اور مذہبی عذر ہے۔ جس کو غفلت کا نام دینا درست نہیں ہے۔ کیونکہ ملزم وصال حان ASI نے اپنی ایک کردہ سنگین نوعیت کے جرم کے ارتکاب کے بعد اقدام خودکشی کر کے ایک اور جرم انجام دیا جس میں سائل کی کسی بھی قسم کی غفلت شامل نہیں ہے۔

استدما ہے کہ جملہ حالات واقعات اور حقائق بالا کو مد نظر رکھتے ہوئے سائل کے خلاف جاری کردہ اشدہ انکوائری شوکا ز نوٹس ہذا بلا کسی مزید کارروائی کے فائل کرنے کی حکم صدوری فرمائی جائے۔


 سائل تابع حکم و احکام زیر خان ASI





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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2019

No. 3718-22 /PA

Dated 17/6 /2019

ORDER ON ENQUIRY OF ASI ZUBAIR KHAN

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject Official, under the allegations that while posted as In-charge Police Post Garyala (Now under suspension Police Lines Mardan) was suspended and closed to Police Lines vide this office OB No.261 dated 01-02-2019 on account of arresting of ASI Wisal Ahmad Son of Ifrikhar Ahmed Resident of Kot Daulatzai Pakistan Koroona (Garhi Kapura) in a robbery case vide FIR No.90 dated 30.01.2019 U/S 395-342 PPC PS Shahbaz Garh and was shifted to P.P Garyala for safe custody, where he fired over himself with a pistol of ASI Zubair Khan, resultantly, ASI Wisal Ahmed was injured vide case FIR No.91 dated 30.01.2019 U/S 325 PPC PS Shahbaz Garh.

To ascertain real facts, ASI Zubair Khan was proceeded against departmentally through Captain ® Ali Bin Tariq ASP/SDPO/City Mardan vide this Office Statement of Disciplinary Action/Charge Sheet No.58/PA dated 14-02-2019, who (E.O) after fulfilling necessary process, submitted his Finding Report to this Office vide his Office letter No.635/S dated 02-04-2019, holding responsible the alleged official of gross misconduct and recommended for major punishment.

In this connection, ASI Zubair Khan was served with a Final Show Cause Notice. under K.P.K Police Rules-1975, issued vide this office No.115/PA dated 17-04-2019, to which, his reply was received & found un-satisfactory.

Final Order

ASI Zubair Khan was heard in O.R on 11-06-2019, but he could not satisfy the undersigned. Therefore, he is awarded **major punishment of dismissal from service** with immediate effect, in exercise of the power vested in me under Police Rules 1975.

OB No. 1264

Dated 13/6 2019.

(SAJJAD KHAN) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan, please.
- 2) The DSP/HQrs Mardan.
- 3) The P.O + E.C (Police Office) Mardan.
- 4) The OSI (Police Office) Mardan with () Sheets.

12-11
ANWAR D

To

The Regional Police Officer,
Mardan Region-I,
M A R D A N

-13-
ANNEX E

THROUGH PROPER CHENNEL

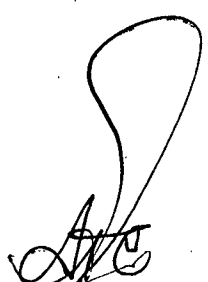
Sub:- REPRESENTATION AGAINST THE ORDER OF THE DPO
MARDAN CONTAINED IN ENDORSEMENT No. 3719-22/
PA DATED 17.06.2019 (OB No. 1264 DATED
13.06.2019 AWARDDING THE APPELLANT WITH THE
PUNISHMENT OF "DISMISSED FROM SERVICE.

Sir,

With reference to the captioned letter, whereby
I am awarded the punishment of dismissal from service

COPY ATTACHED

It is submitted that the impugned order is
illegal, void and against the principles of natural
justice. The same is liable to be set aside, on the
following amongst many other grounds:-

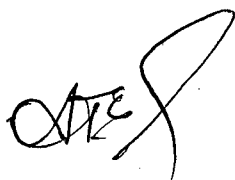
1. That no enquiry had been conducted in my presence
and even, no witness was examined.
 2. That in case, any witness is examined in my
in my absence, his evidence if of no avail.
Because, the evidence of a witness who is not
allowed to be cross-examined, is illegal and
cannot be relied upon.
- 

3. That the accused was hand-cuffed and placed in room under the supervision of constable Irfan, No. 1634 who was appraised about the sensitivity of the offence committed by the accused.
4. That there is no lock-up in PP Garyala. Hence the accused was kept in a barrak of the PP.
5. That since it was prayer time, I went to wash room for preparation to offer prayer and kept my Pistol under the Pillow on my bed in my room and instructed the sentry to be alert.
6. That meanwhile, I notice firing and noise, I rushed-out from wash room and notice that the accused was lying on the ground in injured condition.
7. That I reported the matter to the high ups and sent the said accused to the Hospital for treatment.



Contd.....3/-

8. That Constable Irfan No. 1634, the Santry/Constable-
-disclosed that-
-the accused desired to offer prayer. Hence his
one hand was de-hand cupped and was taken to attend
the Wash Room. Hence taking the benefits of
santry carelessness, the accused took the Pistol
and tried to commit suisella.
9. That no negligence or carelessness was displaed
by me, in the occurance.
10. That I was not served with the final Show Cause
Notice nor supplied the copy of the Enquiry Report
Hence, I was not provided the right of proper
defence, before awarding the punishment.
11. That my suspension period was illegally prolonged
12. That the impugned punishment ~~as~~ too harsh in
the circumstance of the case.
13. That my long standing service record prevailing
over a period of (17) years is clean and unblamished
through-out.

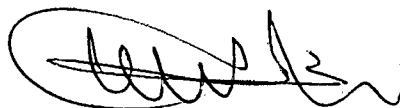


14. That I am condemned unheard through-out.

15. That I am jobless through-out.

It is hereby requested that on acceptance of this Representation / Appeal, the impugned order may be set-aside and I may kindly be re-instated into service with back service benefits.

Yours Obediently,



(ZUBAIR KHAN)

Ex-ASI

Incharge P.P. Garyala

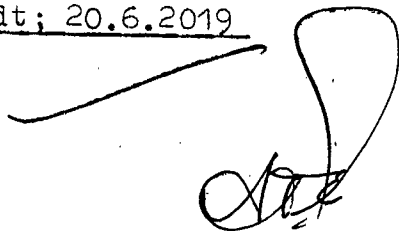
Mardan.

Address:

Mohallah Darmandoona Jamal

Garhi T_ehsil Katlang Mardan.

dt; 20.6.2019



ORDER.

ANNEX F 17- (1)

This order will dispose-off the appeal preferred by **Ex-ASI Zubair Khan No. 835/MR** 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. 1264 dated 13.06.2019.

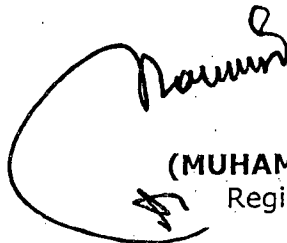
Brief facts of the case are that, the appellant while posted as In-charge Police Post Garyala was suspended and closed to Police Lines on account of arresting of ASI Wisal Ahmad Son of Iftikhar Ahmed Resident of Kot Daulatzai Pakistan Koroona (Garhi Kapura) involved in robbery case vide FIR No.90 dated 30.01.2019 U/S 395-342 PPC PS Shahbaz Garh and was shifted to Police Post Garyala for safe custody, where he fired over himself with a pistol of ASI Zubair Khan, resultantly the accused Official, ASI Wisal Ahmed sustained injuries and another case vide FIR No.91 dated 30.01.2019 U/S 325 PPC PS Shahbaz Garh, was registered.

To ascertain the real facts, ASI Zubair Khan was proceeded against departmentally through Captain @ Ali Bin Tariq ASP/SDPO/City Mardan. The Enquiry Officer after fulfilling necessary process, submitted his Finding Report, held him responsible of gross misconduct and was recommended for major punishment. Hence, ASI Zubair Khan was served with Final Show Cause Notice, to which, his reply was received & found un-satisfactory.

The District Police Officer, Mardan heard him in Orderly Room on 11-06-2019, but he could not give any satisfactory account for his guilt and was awarded major punishment of dismissal from service.

He was called in orderly room held in this office on **11.07.2019** and heard him in person. The punishment awarded being too harsh, hence taking lenient view by keeping set-aside the impugned order of the District Police Officer, Mardan, the appellant is re-instated into service and awarded the Punishment of Reduction in rank to Head Constable. The period he remained out of service is treated as leave without pay.

ORDER ANNOUNCED.



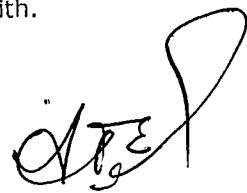
(MUHAMMAD ALI KHAN)PSP
Regional Police Officer,
Mardan.

No. 9755 /ES,

Dated Mardan the 15/07 /2019.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No.236/LB dated 04.07.2019. His Service Record is returned herewith.

(*****)



To

The Inspector General of Police/
The Provincial Police Officer,
(KHYBER PAKHTUNKHWA)

-18-

ANUS G

THROUGH : PROPER CHANNEL

Sub:- REVISION PETITION AGAINST THE APPELLATE
ORDER OF THE R.P.O. MARDAN RANGE, MARDAN
CONTAINED IN ENDORSEMENT No. 9755/ES DATED
15.07.2019, PARTIALLY ACCEPTING THE
REPRESENTATION AWARDED THE PUNISHMENT OF
REDUCTION IN RANK.

Sir,

With reference to the above captioned

Appellate order, issued by the R.P.O.

Mardan, awarding the punishment of reduction

in Rank from A.S.I. to Head Constable.

(COPY ATTACHED)

The impugned order is ^{un}justified, untenable

under the Law and against the principle of

natural justice. Hence, the same is liable

to be set aside on the following amongst many

other grounds:-

1. That the Appellate Authority has omitted to consider that no enquiry had been conducted in my presence and even, no witness had been examined.

-19-

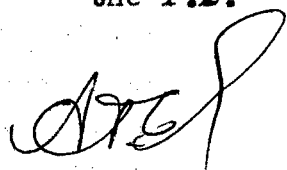
2. That in case, any witness had been examined in my absence, his evidence is of no avail. Because, the evidence of a witness who is not allowed to be cross-examined, is illegal and cannot be relied upon.

3. That the accused was hand cuffed and placed in Room under the supervision of the Constable Irfan No. 1634, who was appraised about the sensetivity of the Offence committed by the accused.

4. That there is no lock-up in P.P. Garyala.

Hence the accused was kept in a Barrak of

the P.P.



5. That since it was prayer time, I went to Wash Room for preparation to offer prayer and kept my Pistol under the Pillow on my Bed in my Room and instructed the Sentry to be alert.
6. That meanwhile I notice, firing and noise, I rushed-out from wash room and notice that the accused was lying on the ground injured condition.
7. That I reported the matter to the high ups and sent the said injured accused to the Hospital for treatment.
8. That the constable Irfan No. 1634 the Sentry/Constable disclosed that the accused desired to offer prayer. Hence his one hand was ~~de-~~hand cuffed and was taken to attend the Wash Room. Hence taking the benefits of carelessness of the sentry, the accused took the Pistol and tried to commit suicide.

Arif

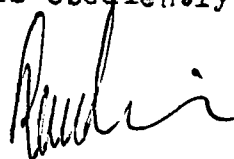
9. That no negligence or carelessness was displayed by me in the occurrence.
10. That I was not served with the final Show Cause Notice nor supplied the copy of the Enquiry Report Hence I was not provided the right of proper defence, before awarding the punishment.
11. That my suspension period was illegally prolonged beyond the period of three months, without any justification.
12. That the impugned punishment is too harsh in the circumstance of the case.
13. That my long standing service record prevailing over a period of (17) years is clean and unblemished through-out.
14. That I am condemned unheard through-out.
15. That material fact is not taken into consideration that I had been jobless through-out.

22-

It is requested that on acceptance of this Revision
Petition, the impugned order may be set-aside and I may be
acquitted from the charges as levelled against me,
re-instating me in service with all service benefits.

Dated: 20.07.2019.

Yours Obediently,



(ZUBAIR KHAN)

~~EX~~-Incharge

P.P. Garyala

Now Police Range Mardan.

Address:

Mohallah Darmandoona Jamal Garhi
Tehsil Katlang District Mardan.





CR No. 1817/ES
OFFICE OF THE
INSPECTOR GENERAL OF POLICE

KHYBER PAKHTUNKHWA

PESHAWAR.

No. S/ 2281- /20, dated Peshawar the 18/06/2020

ORDER

ANNEX H - 23-

This order will dispose of the Revision Petition preferred by Head Constable Zubair Khan No. 821 (the then ASI) under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) against the order of his reduction in rank to Head Constable and the period he remained out of service was treated as leave without pay passed by Regional Police Officer, Mardan vide order Endst: No. 9755/ES, dated 15.07.2019.

The brief, yet relevant, facts, of the case are that penalty of dismissal from service was imposed on petitioner vide order bearing OB No. 1264, dated 13.06.2019 passed by District Police Officer Mardan on the allegations of that he while posted as Incharge Police Post Garyala was suspended and closed to Police Lines on account of arresting of ASI Wisal Ahmad son of Iftikhar Ahmed r/o Kot Daulatzai Pakistan Koroon, Garhi Kapura involved in robbery case vide FIR No. 90, dated 30.01.2019 u/s 395-342 PPC Police Station Shahbaz Garh and was shifted to Police Post Garyala for safe custody, where he fired over himself with a pistol of ASI Zubair Khan, resultantly, ASI Wisal Ahmed sustained injuries and another case vide FIR No. 91, dated 30.01.2019 u/s 325 PPC Police Station Shahbaz Garh was registered. He preferred appeal to Regional Police Officer, Mardan. The Appellate Authority i.e. Regional Police Officer, Mardan reinstated him into service and awarded him punishment of reduction in rank to Head Constable and the period he remained out of service was treated as leave without pay vide order Endst: No. 9755/ES, dated 15.07.2019.

On 30.10.2019, the meeting of Appellate Board was held at CPO Peshawar, wherein the petitioner was present and heard in person.

The Board examined the enquiry papers wherein the Enquiry Officer held him responsible of gross misconduct and recommended for major punishment.

Petitioner failed to advance any plausible explanation in rebuttal of the charges. Since the RPO Mardan has already taken a lenient view, therefore, the Board decided that his petition is hereby rejected.

This order is issued with the approval by the Competent Authority.

Sd/-

DR. ISHTIAQ AHMED, PSP/PPM
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 2282-90 /20,

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Establishment, Khyber Pakhtunkhwa, Peshawar.
7. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
8. Office Supdt: E-III, CPO, Peshawar.
9. Office Supdt: E-IV, CPO, Peshawar.

EC/PPM
Mardan

9
R/O/Mardan
19-06-2020

NO. 3824/ES
dt-22-6-20

(SALMAN CHOUDHRY)
Deputy Inspector General of Police, HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

20 جولائی 2019ء
30

فائل نمبر

والدی اصف خان صاحب 22:55 بجے 30 جولائی 2019ء کو 30 جولائی 2019ء کو
 سندھ حکومت چائیرمین کے ذریعہ والدہ سے 16 سالہ لکھنؤ (سبغا) کو منگوا لیا
 اس کی والدین اور منظم کو حضانہ خود پر واقع کر کے اس کا علاج
 در پورٹ ہیٹھی میں محدود باکٹر خورج نہایت حد تک
 کھینٹا رکھا۔ خاٹر گرفتاری جاری ہے۔ منظم کو موقع پر
 سری انڈیا گریٹ کالج لاہور میں اس کے لیے اسٹوریٹیشن منظم
 انڈیا منجے کی کہ بھروسہ میں ہے۔ 20 جولائی 2019ء کو لاہور
 حدود خورج خاٹر منظم (لاہور) B-5275 پتہ سبغا اسٹیشن
 نزدہ جنم ایس وقت منظم کو محدود کے خورج (سبغا) کو 16
 لکھنؤ منظم (سبغا) 1566040 پتہ خورج (سبغا) کو منظم (سبغا)
 منظم کی خورج خاٹر منظم (سبغا) کو منظم (سبغا) کو منظم (سبغا)
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صفحا
 نقل کیا گیا
 20 جولائی 2019ء
 2006



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⑥	مستحق	2722
⑤	مستحق / مستحق	1364
④	مستحق	2983 / 1171
③	مستحق	2905 / 1604 / 594 / 1171
②	مستحق (مستحق)	1634
①	مستحق	3016

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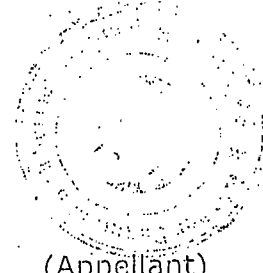
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 979/2019

Date of institution ... 26.07.2019.

Date of judgment ... 14.02.2020



Irfan Ex-Constable, Police Lines, Mardan ... (Appellant)

VERSUS

1. The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
 2. The Regional Police Officer, Mardan Region, Mardan.
 3. The District Police Officer, District Mardan.
- ... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974 AGAINST THE IMPUGNED ORIGINAL ORDER
DATED 17.06.2019 PASSED BY RESPONDENT NO. 3
WHEREBY APPELLANT WAS IMPOSED UPON THE
MAJOR PENALTY OF DISMISSAL FROM SERVICE
AGAINST WHICH APPELLANT FILED DEPARTMENTAL
APPEAL TO RESPONDENT NO. 2 WHICH WAS
UNLAWFULLY REJECTED BY HIM VIDE IMPUGNED
APPELLATE ORDER DATED 18.07.2019.

Mr. Khaled Rahman, Advocate.	..	For appellant.
Mr. Usman Ghani, District Attorney	..	For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI	..	MEMBER (JUDICIAL)
MR. HUSSAIN SHAH	..	MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER:

Appellant alongwith his counsel and Mr. Usman Ghani, District Attorney alongwith Mr. Atta-ur-Rehman, Inspector (Legal) for the respondents present. Arguments heard and record perused.

ATTESTED

Secretary
Khyber Pakhtunkhwa Service Tribunal
Peshawar

Muhammad Amin Khan Kundi
14.2.2020

2. Brief facts of the case as per present appeal are that the appellant was serving in Police Department. He was imposed major penalty of dismissal from service vide order dated 17.06.2019 on the allegation that ASI Wisal Ahmad son of Iftikhar Ahmad was arrested in a robbery case vide FIR No. 90 dated 30.01.2019 under sections 395-342 PPC PS Shahbaz Garh and was shifted to P.P Garyala for safe custody where he fired over himself with a pistol of ASI Zubair Khan the then in-charge PP Garyala lying there on a cot, resultantly, ASI Wisal Ahmad was injured vide case FIR No. 91 dated 30.01.2019 under section 325 PPC PS Shahbaz Garh. The appellant filed departmental appeal on 19.06.2019 but the same was rejected vide order dated 18.07.2019 hence, the present service appeal on 26.07.2019.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Police Department. It was further contended that ASI Wisal Ahmad was arrested in a robbery case vide FIR No. 90 dated 30.01.2019 under sections, 395-342 PPC PS Shahbaz Garh and was shifted to P.P Garyala for safe custody. It was further contended that the ASI Zubair Khan was in-charge of the said P.P and on his direction the said Wisal Ahmad was released from the handcuff by someone for prayer. It was further contended that the said ASI Wisal Ahmad fired over himself with a pistol of ASI Zubair Khan, therefore, departmental proceedings were initiated against the

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appellant, Shakeel LHC, Constable Roohullah, Sami, Arif and Zubair Khan. It was further contended that during inquiry proceeding Shakeel LHC, Constable Roohullah, Sami and Arif were exonerated while Zubair Khan and appellant were imposed major penalty of dismissal from service but departmental appeal of Zubair was partially accepted, the impugned order of his dismissal from service was set-aside and the said Zubair Khan ASI was reinstated in service and awarded the punishment of reduction in rank to Head Constable vide order dated 15.07.2019. It was further contended that the departmental appeal of the appellant was dismissed by the departmental authority without any plausible reasons. It was further contended that the appellant was discriminated. It was further contended that the handcuff of the said Wisal Ahmad was opened by someone other on the direction of in-charge Shakeel HC and ASI Zubair for offering prayer. It was further contended that the inquiry officer has submitted his inquiry report dated 11.04.2019 against the appellant in slipshod manner and has not recorded the statement of Zubair Ahmad in-charge or other available in the said P.P. It was further contended that the inquiry officer was required to record the statement of Shakeel Ahmad HC, Zubair Khan ASI and other but the inquiry officer has neither recorded the statement of said witnesses available on spot nor has provided opportunity of cross examination. It was further contended that the competent authority was also bound to handover copy of inquiry report with the show-cause notice to

M. Ahmad
14.2.2020

ATTENDED

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the appellant but the competent authority has also not handed over copy of inquiry report with the copy of show-cause notice, therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned District Attorney for the respondents opposed the contention of leaned counsel for the appellant and contended that ASI Wisal Ahmad was arrested in a robbery case in the aforesaid FIR and was shifted to P.P Garyala for safe custody where due to his negligence the said ASI Wisal Ahmad fired over himself with a pistol of ASI Zubair Khan the then in-charge PP Garyala, resultantly, ASI Wisal Ahmad was injured vide case FIR No. 91 dated 30.01.2019 under section 325 PPC PS Shahbaz Garh. It was further contended that the appellant was properly charge sheeted and he replied to the same. It was further contended that proper inquiry was also conducted and the inquiry officer has found him guilty of negligence and recommended him for major penalty, therefore, the competent authority has rightly imposed major penalty of dismissal from service.

6. Perusal of the record reveals that the appellant was serving in Police Department. He was imposed major penalty of dismissal from service on the allegation that ASI Wisal Ahmad was arrested in case vide FIR No. 90 dated 30.01.2019 under sections 395-342 PPC PS Shahbaz Garh and was shifted to P.P Garyala for safe custody where due to negligence of the appellant ASI Wisal Ahmad fired over himself with a pistol of

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 1/4/2019

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ASI Zubair. The record also reveals that the said ASI Wisal Ahmad was released by someone in the said P.P on the direction of high-up of said P.P for prayer. The ASI Zubair Khan was also imposed major penalty of dismissal from service but on departmental appeal his appeal was partially accepted and his dismissal from service order was converted into reduction in rank to Head Constable by the departmental authority vide order dated 15.07.2019 but the departmental appeal of the appellant was dismissed, therefore, the appellant was discriminated. Furthermore, the inquiry officer was required to record the statement of ASI Zubair Khan LHC Shakeel Ahmad and other witnesses of the said P.P but he has not bothered to record the statement of any witness of the said P.P. Moreover, as per inquiry report the said ASI Wisal Ahmad was released on the direction of LHC Shakeel but there is nothing in the inquiry report or available record to show that the said Shakeel Ahmad was departmentally proceeded or otherwise. The record also reveals that the competent authority has issued a show-cause notice to the appellant but the copy of inquiry was not handed over to the appellant with the show-cause notice meaning thereby that the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order, and reinstate the appellant into service with the direction to respondent-department to conduct de-novo inquiry in the mode and manners prescribed under the Police Rules 1975 with further direction to fully associate the

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31-

appellant in inquiry proceeding, also provide him opportunity of cross examination, defence and also handover copy of inquiry report with the show-cause notice within a period of 90 days from the date of receipt of copy of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. In case, the de-novo inquiry is not completed within stipulated period, the appellant will be deemed to have been reinstated while the intervening period will be treated as leave of kind due. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
 17.02.2020

Muhammad Amin
 (MUHAMMAD AMIN KHAN KUNDI)
 MEMBER

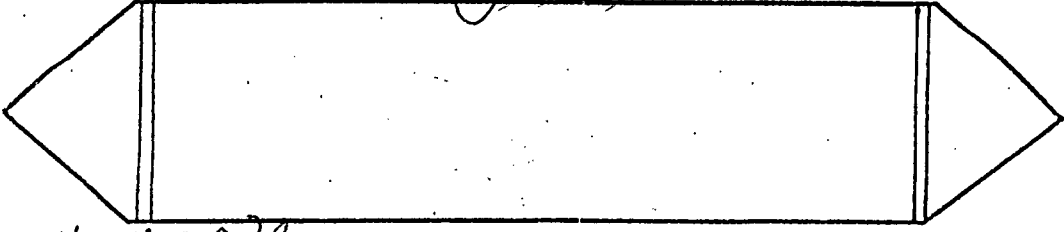
Hussain Shah
 (HUSSAIN SHAH)
 MEMBER

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Date of Order: 14-2-2020
 26-00
 26-00
 13-3-2020
 13-3-2020

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بعدالت سرحدی سندھ



2020ء پنجاب ایسٹریٹ
بنام بولس ڈیپارٹمنٹ

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب لہی و کل کارروائی متعلقہ
آن مقام کے لئے محمد رفیق احمد اور ایڈووکیٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صوبائی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی براندگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساختہ
پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم _____ ماہ _____ 20ء

_____ واہ العبد _____

کے لئے منظور ہے۔

بمقام

Alsteel
Speed

Khalid Khan
M. Anwar Syed

C
کوریٹ

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

Service Appeal No. 6874/2020

Ex- ASI Zubair KhanAppellant

VERSUS

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

.....Respondents

Para-wise comments on behalf of 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.

REPLY ON FACTS

1. Para to the extent of enlistment in Police Department of appellant pertains to record needs no comments while rest of the Para is not plausible because every Police Officer / Official is under obligation to render meritorious service because in this department no room lies for lethargy moreover clean and neat service record does not mean a clean chit for future wrong deeds. However, his service record is tainted with bad entries (Copy of list of bad entries is attached as Annexure "A").
2. Correct to the extent that the appellant while posted at Police Post Garyala PS Shahbaz Garhi was issued charge sheet and statement of allegation on account of his negligence as an accused person namely Wisal Ahmad s/o Iftikhar Ahmad r/o Kot Dulatzai Pakistan Koroona (Ghari Kapoora) was arrested in a case vide FIR No. 90 dated 30.01.2019 u/s 395/342 P.P.C PS Shahbaz Garhi who was shifted to PP Garyala where the above named accused in order to commit suicide, fired at himself with the pistol of appellant. As a result of which the accused named above sustained bullet injury and a case vide FIR No. 91 dated 30.01.2019 u/s 325 P.P.C PS Shahbaz Garhi was registered against him while rest of the para is incorrect hence, denied.
3. Para to the extent of conducting irregular enquiry at the back of appellant is totally ill-founded hence, denied because he was issued Charge sheet with



statement of allegations and Final Show Cause Notice which was received by the appellant himself and in this regard he duly signed and thumb impressed the photo copy as token of its receipt. However, during the course of enquiry the enquiry officer provided full-fledged opportunity to the appellant for defending himself but he bitterly failed to produce even a single iota of evidence therefore plea taken by the appellant has no legal footing to stand on (Copy of serving charge sheet and Final Show Cause Notice are annexed as annexure "B" & "C").

4. Incorrect plea taken by the appellant is totally false because after conclusion of enquiry, the enquiry officer recommended the appellant for punishment hence, the appellant was issued Final Show Cause Notice to which the appellant submitted his reply which was received but found un-satisfactory. Moreover, the appellant was also provided right of self defense in Orderly Room on 11.06.2020, but he again failed to justify his innocence therefore, he was awarded major punishment of dismissal from service which does commensurate with the gravity of misconduct of appellant. Besides the appellant preferred departmental appeal before the DIG Mardan which was partially accepted by the appellate authority and the appellant was reinstated into service and converted his penalty of dismissal from service into reduction in rank from ASI to Head Constable by taking lenient view.
5. Correct to the extent that the appellant preferred revision petition under Rule 11-A KP Police Rules 1975 as amended 2017 to the Inspector General of Police Khyber Pakhtunkhwa Peshawar. The revisionary authority decided the revision petition on merit, because the appellant was provided full-fledged opportunity of defending himself but this time too he failed to justify his innocence. Therefore, the same was rejected.
6. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

REPLY ON GROUNDS:


- A. Incorrect plea taken by the appellant is not plausible because respondents have no grudges against the appellant therefore, stance of the appellant is totally ill-founded.
- B. Plea of the appellant is not plausible because he being a responsible Police Officer as Incharge of Police Post was supposed to discharge his legal duties in a professional manner but he badly failed to do so.
- C. Incorrect as discussed earlier, the appellant was issued Final Show Cause Notice and Charge Sheet with statement of allegation and enquiry was entrusted to ASP City Mardan who during the course of enquiry provided full-fledged opportunity to the appellant for defending himself but he failed to produce any cogent evidence in his defense, he was also issued Final Show Cause Notice to which his reply was received but found un-satisfactory. Moreover, the appellant was also provided right of self defense in Orderly Room on 11.06.2020, but he again failed to justify his innocence, therefore guilt of

the accused has been proved to the hilt (copy of enquiry, charge sheet with statement of allegations are attached as annexure "D" & "E").

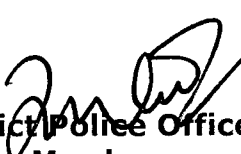
- D. Para already explained needs no comments.
- E. As discussed earlier the respondent department had no grudges / ill-will against the appellant therefore, stance taken by the appellant has no legal footings to stand on.
- F. Para already explained needs no comments.
- G. As discussed earlier the appellant was proceeded against departmentally by properly issuing a Show Cause Notice and statement of allegations and enquiry was entrusted to ASP City Circle, Mardan who after fulfillment of all legal and codal formalities submitted his report wherein allegations against the appellant were proved and he was recommended for major punishment.
- H. Explained earlier needs no comments.
- I. Incorrect. Order passed by the appellate authority is legal and lawful. Hence, liable to be maintained.
- J. Stance taken by the appellant is not plausible because every Police Officer / Official is under obligation to discharge his duty with zeal and zest. Besides neat and clear service record do not exonerate any Police Officer / Official from his future wrong deeds.
- K. That respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

PRAYER:-

It is therefore most humbly prayed that on acceptance of above submissions, appeal of the appellant may very kindly be dismissed with costs.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


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


**District Police Officer,
Mardan.**
(Respondent No. 03)

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

Service Appeal No. 6874/2020

Ex- ASI Zubair KhanAppellant

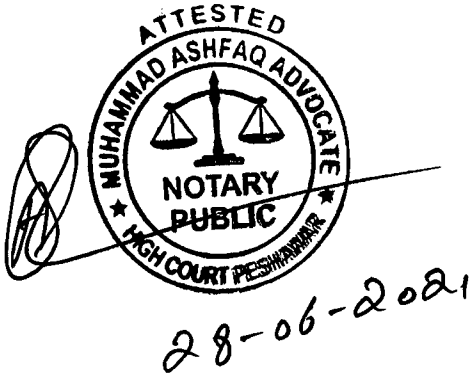
VERSUS

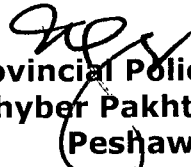
1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Mardan.
3. The District Police Officer, Mardan.

.....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.




**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


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



**District Police Officer,
Mardan.**
(Respondent No. 03)

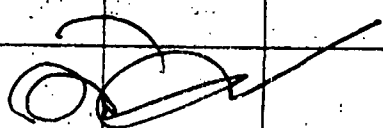
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10	11	12	13		14	15
			Leave			
			Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Period	Government to which debitable	Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
<u>ORDER</u>						
He is hereby placed under						
suspension and closed to P. Lines						
for his negligence and inefficiency						
in official duty with immediate						
effect.						
CB No. 2431			DPO Mardar			
27-10-16						
<u>ORDER</u>						
He is hereby Awarded Major						
punishment of Dismissal from Service						
with immediate effect under PR-1975.						
CB No. 3051			DPO MARDAR			
20-12-16						

~~2/1 attached~~

6
b/s:
var.

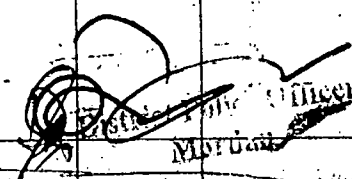
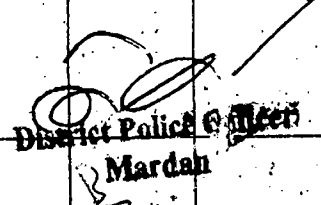
1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary.	3 If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional pay for officiating	6 Other emolument falling under the term "pay"	7 Date of Appointment	8 Signature of Government	9 Designation of the officiating officer	10 Date of termination appointment
<h1>ORDER</h1>									
He is heard in person. Since the									
Penalty of dismissal is so harsh therefore									
the Punishment of dismissal from service									
hereby set-aside. However keeping in									
view his reputation and previous misconduct he is reverted to his substantive									
rank of Head Constable the intervening									
Period is treated as leave on pay vide									
Dist. MR No. 350/Es, dt. 12-1-2017 and pay									
fixed at Rs 1-16870 HPM in BPS-7.									
DBIVO-135									
dt. 13-1-17.									
 District Police Officer Menden									

Destination of officer	10	11	12	13		14	15	
	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other setting officer	Leave		Signature of the head of the office or other setting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
				Period	Government to which debitable			
			<u>Appeal Order</u>					
			<p>The Board is of the opinion that the penalty imposed on appellant is harsh. therefore, his appeal is partially accepted and the penalty of Reversion is hereby modified into stoppage of two annual increments without accumulative effect from the date of reversion vide IGP APK Poshawar order Exdt's NO. 3518-24/17, dated, 14-8-2017.</p> <p>OB NO. 1416 Pay fixed 171801 PM DT. -15-6-17</p>					
			<p>MP 57 3/7/17</p> <p>Drawn B-20714/ As Annexure 13/01/17 to 31/01/17 Rel - 07/17</p>			<p> District Police Officer Mardan</p>		

Qrs:

vat:

QMS

1	2	3	4	5	6	7	8	10	11
Name of Jst	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of officer for Government	Date of termination or appointment.	Reason of termination (such as promotion transfer dismissal etc.)
<p>ORDER</p> <p><u>ORDER</u></p> <p>Awarded him a Minor Punishment of Censure with immediate effect.</p>		<p>OB No. 2105</p> <p>12/19/17</p>					 <p>District Police Officer Mardah</p>		<p>Granted good U/S</p>
		<p><u>ORDER</u></p> <p>He is hereby demoted to the Rank of Head Constable for his inobedience and negligence with immediate effect in exercise of the Power vested in me under the above quoted Rules 1975</p>		<p>Day fixed Rs 20750.1PM in B-7</p>					<p>RS-5</p> <p>OB</p>
<p>OB No. 37</p> <p>215-1-2018</p>							 <p>District Police Officer Mardah</p>		

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary.	3 If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional pay for officiating	6 Other emolument falling under the term "pay"	7 Date of Appointment	8 Designation of the office Signature of officer Government Station of	9 Date of termination or appointment
<u>ORDER</u>								
He is hereby placed under Suspension								
and closed to Police lines with								
immediate effect for their negligence								
and inefficiency in official duty.								
OBNO. 261								
01/02/19								
yk DPO/Marden								
<u>ORDER</u>								
He was heard in OR on 11-6-2019, but he could not satisfy the undersigned. Therefore, he is awarded major punishment of dismissal from service with immediate effect, in exercise of power vested in me under PR-1975.								
OBNO. 1264								
007.3-6-19								
DPO/Marden								

9	10	11	12	13		14	15
Name and Designation of the officer Government Station of 1978	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
<p>Order</p> <p>He is hereby placed under suspension and</p> <p>debarred from P. Lines for braw and scuffle with</p> <p>his lower subordinate</p> <p>CP/304-520</p> <p>DT/11-3-2018</p>						<p>DPOT Mondau</p>	

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1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature Government
ORDER							
<p>He was heard in OR on 11-7-19 the Punishment awarded being too harsh; hence taking lenient view by keeping set-aside the impugned order of dismissal from service awarded by DPO Mardan vide OBNO. 1264 dt 13.6.19 and the appellant is re-instated into service and awarded the punishment of Reduction in Rank to Head Constable BPS-9. The Period he remain out of service is treated as leave w/o pay. vide DIG Mardan order Endst. No. 9755/EC dated: 15-7-19 and pay fixed Rs. -19800/pm ✓</p>							
OBNO. 1539							
Dt. 15-7-19.		District Police Officer Mardan					
As HC @ Rs 730 / Rs 2030/pm with effect from 1-12-19				DPO/MARDAN			

دائرہ
مردان

تاریخ
15-7-19



" B "

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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2019

No. 58 /PA

Dated 14/12/2019

DISCIPLINARY ACTION

I, Sajjad Khan (PSP), District Police Officer Mardan, as competent authority am of the opinion that ASI Zubair Khan, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.


STATEMENT OF ALLEGATIONS

Whereas, ASI Zubair Khan, while posted as In-charge Police Post Garyala (Now under suspension Police Lines Mardan), ASI Wisal Ahmad Son of Iftikhar Ahmed Resident of Kot Daulatzai Pakistan Koroon (Garhi Kapura) was arrested in a Robbery Case vide FIR No.90 dated 30.01.2019 U/S 395 PPC P.S. Shahbaz Garh and was shifted to P.P Garyala for safe custody, where due to negligence of ASI Zubair Khan, he (ASI Wisal Ahmad) fired over himself with his (ASI Zubair) Pistol, resultantly, he was injured vide case FIR No.91 dated 30.01.2019 U/S 325 PPC PS Shahbaz Garh, indicting negligence + inefficiency on his part.

For the purpose of scrutinizing the conduct of the said accused Official with reference to the above allegations, ASP Ali Bin Tariq SDPO/City 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.

ASI Zubair Khan is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.


(SAJJAD KHAN) PSP
District Police Officer
Mardan



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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2019

'B'

CHARGE SHEET

I Sajjad Khan (PSP), District Police Officer Mardan, as competent authority, hereby charge ASI Zubair Khan, while posted as In-charge Police Post Garyala (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.


(Sajjad Khan) PSP
District Police Officer
Mardan

جناب عالی!

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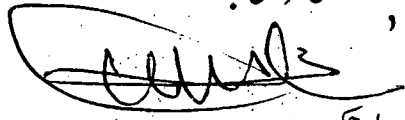
بحوالہ مشمولہ چارج شیٹ نمبری PA/58۔۔۔ مورخہ 27/1/2019۔۔۔ مجاریہ جناب ضلعی پولیس سربراہ صادق آباد۔
مردان معروض خدمت ہوں کہ سائل کے خلاف جاری شدہ چارج شیٹ میں سائل کے خلاف اختیار کردہ اعائد کردہ موقف کے اصل خلاف
کچھ یوں ہیں کہ سائل چونکہ نخثیت انچارج چوکی گڑیالہ تھانہ شہباز گڑھ تعینات تھا۔ مورخہ 30/01/2019 کو سائل ہمراہ کاب جناب
SHO صاحب تھانہ شہباز گڑھ و دیگر نفری پولیس کے ملزم وصال خان ASI ولد افتخار احمد ساکن کوٹ دلتزئی پاکستان کو رو نہ گڑھی کپور
مطلوبہ بمقعدہ نمبر 90 مورخہ 30/01/2019 جرم PPC 395/342 تھانہ شہباز گڑھ کو حسب ضابطہ گرفتار کر کے جو تھانہ لا کر
جناب SHO صاحب نے باقاعدہ بحوالہ نمبر 90۔۔۔ روزنامچہ 30/01/2019 تھانہ شہباز گڑھ ایک رپورٹ درج روزنامچہ کر کے
من سائل کو ہدایت کی کہ ملزم وصال خان ASI چونکہ محکمہ پولیس میں ایک اہم عہدہ پر فائز تھا اس لئے مذکورہ کو محفوظ خراست کے لئے چوکی
گڑیالہ منتقل کریں پس ہدایات کے پیش نظر ملزم وصال خان ASI کو ہمراہ چوکی گڑیالہ لے جا کر معاملہ کی ناز کی کو مد نظر رکھتے ہوئے
باقاعدہ ملزم وصال خان ASI۔۔۔ دونوں ہاتوں کو پیچھے کی جانب سے ہتھکڑی لگوا کر باقاعدہ بمطابق ڈیوٹی چارٹ ایک سنتری کانسٹیبل
عرفان نمبر 1634 کو بغرض نگرہت کر ملزم بمہ سنتری کو ایک بارک کنسٹیبلان میں بٹھائے جا کر نخثیت انچارج اپنی ذمہ داری اٹھانے
ہوئے باقاعدہ جملہ موجودہ ملازمان چوکی کو ملزم وصال خان ASI کی گرفتاری اور مقدمہ کی حساسیت سے آگاہ کئے گئے چونکہ نماز کا وقت بھی
اس لئے خود دوسرے کمرے ابارک میں جا کر اپنی پستول ایک چارپائی کے سرہانے کے نیچے رکھ کر بغرض وضو باتھ روم چلا گیا ابھی سائل خود
باتھ روم میں تھا کہ ایک فائر اور چوکی میں ملازمان کی شور سن کر فوری طور پر باتھ روم سے نکل کر دیکھا کہ ایک کمرہ ابارک جہاں من سائل نے
پستول رکھا تھا میں کنسٹیبلان ہیں میں نے بھی فوری جا کر دیکھا تو ملزم وصال خان ASI زخمی حالت میں پڑا تھا۔ جس کو فوری اٹھا کر بغرض
علاج معالجہ بہ امداد دیگر نفری کے ہسپتال روانہ ہو کر حالات واقعات فوری طور پر جناب SHO کے نوٹس میں بزرگ معائنہ کر کے
SHO صاحب نے ہسپتال DHQ مردان عقب پہنچ کر باقاعدہ جناب SHO صاحب نے وقتی معلومات کر کے جس کے پیش نظر
باقاعدہ برخلاف ملزم وصال خان ASI اقدام خودکشی کی پاداش میں جرم PPC 325 مراسلہ ارسال تھانہ کر کے جس کے نتیجے میں
مورخہ 30/01/2019 جرم PPC 325 تھانہ شہباز گڑھ درج رجسٹر ہو چکا ہے۔ جملہ معاملہ میں من سائل کا کسی قسم کا بھی غفلت
احتیاطی شامل نہیں ہے۔ کیونکہ من سائل نے ملزم مذکورہ کو باقاعدہ کانسٹیبل عرفان 1634 کی نگرانی میں ملزم کے دونوں ہاتوں کو پیچھے
جانب سے ہتھکڑی لگا کر ایک علیحدہ کمرہ ابارک میں بٹھایا تھا اور خود پستول ایک دوسرے بارک میں ایک چارپائی کے سرہانے کے نیچے رکھ کر
خود بغرض وضو کرنے باتھ روم چلا گیا تھا اور میرے عدم موجودگی کے دوران چند منٹس میں ہی معاملہ ہو چکا ہے۔ سائل نے
کانسٹیبل عرفان 1634 (سنتری) سے اس بابت معلومات کی کہ ملزم کو ایک کمرہ سے دوسرے کمرہ کیوں لائے تھے تو مذکورہ سنتری نے ظاہر کیا

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کہ ملزم نے بھی نماز کی ادائیگی کا خواہش ظاہر کی تھی اس لئے ملزم کو دوسرے کمرہ میں لایا تھا اور بغرض ادائیگی نماز دوسرے کمرہ میں کر دیں۔ وجہ یہ ظاہر کی کہ ملزم مذکورہ چونکہ محکمہ پولیس میں چند گھنٹے قبل ہی ایک ASI تھا۔ پس جملہ معاملہ مسائل کے چند منٹس کے عدم موجودگی کے دوران رونما ہو چکا ہے۔ چونکہ نائل کی ملزم مذکورہ کے ساتھ متذکرہ عدم موجودگی ایک جائز انسانی اور مذہبی عذر ہے۔ جس کو غفلت کا نام دینا درست نہیں ہے۔ کیونکہ ملزم وصال خان ASI نے اپنی ایک کردہ سنگین نوعیت کے جرم کے ارتکاب کے بعد اقرار خود کشتی کر کے اور جرم انجام دیا ہے جس میں مسائل کی کسی بھی قسم کی غفلت شامل نہیں ہے۔

استدعا ہے کہ جملہ حقائق بالا کو مد نظر رکھتے ہوئے مسائل کے خلاف جاری شدہ چارج شیٹ ہذا بلا کسی اندید کارروائی کرنا اور اس کے خلاف

صدوری فرمائی جائے۔



مسائل تابع حکم و احکام زیر خان ASI



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com



No. 115 /PA

Date: 17/1/2019

FINAL SHOW CAUSE NOTICE

Whereas, you: ASI Zubair Khan, while posted as In-charge Police Post Garyala (Now under suspension Police Lines Mardan), ASI Wisal Ahmad Son of Iftikhar Ahmed Resident of Kot Daulatzai Pakistan Koroon (Garhi Kapura) was arrested in a Robbery Case vide FIR No.90 dated 30.01.2019 U/S 395-342 PPC P.S Shahbaz Garh and was shifted to P.P Garyala for safe custody, where due to your negligence, he (ASI Wisal Ahmad) fired over himself with your pistol, resultantly, he was injured vide case FIR No.91 dated 30.01.2019 U/S 325 PPC PS Shahbaz Garh.

In this connection, during the course of Departmental Enquiry conducted by ASP Ali Bin Tariq SDPO/City Mardan vide his Office letter No.635/S dated 02-04-2019, in pursuance of this Office Statement of Disciplinary Action/Charge Sheet No.58/PA dated 14-02-2019, holding responsible you of gross misconduct with recommending for Major Punishment.

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

Hence, I Sajjad Khan (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]

Dated: 22/1/2019

(SAJJAD KHAN) PSP
District Police Officer
Mardan

Copy to RI Police Lines (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.

W.S. / (2)

0333-9865801

صالحی

فائل شو کا ڈوٹس کمپنیاں 115-PA جی ایچ ڈی - DP6
17-4-18
اس سے جو کچھ ہو اسے اپنا بیلنگ کر کے رکھ لیں
اور سال خدمت میں ان کو پیش کرنا ہے

صالحی

Ri-PL.MRN
22-04-18

TRY AGAIN
they resigned was
ber Mardan the
HBTAC
15/05/2018

جناب عالی

بجوالہ شہزاد شوکا ز نوٹس نمبری 115/PA مورخہ 17.4.2019 مجاریہ جناب ضلعی پولیس سربراہ صاحب مردان
معروض خدمت ہوں کہ سائل کے خلاف جاری شدہ شوکا ز نوٹس میں من سائل کے خلاف اختیار کردہ/عائد کردہ موقف کے اصل حقائق
کچھ یوں ہیں کہ سائل چونکہ بحیثیت انچارج چوکی گڑیالہ تھانہ شہباز گڑھ تعینات تھا۔ مورخہ 30/01/2019 کو سائل
ہماریکاب جناب SHO صاحب تھانہ شہباز گڑھ و دیگر نفری پولیس کے ملزم وصال حان ASI ولد افتخار احمد ساکن کوٹ دولت زئی
پاکستان کو رو نہ گڑھی کپورہ مطلوبہ بمقدمہ نمبر 90 مورخہ 30/01/2019 جرم 395/342PPC تھانہ شہباز گڑھ کو
ذرا با گرفتار کر کے جو تھانہ لا کے جناب SHO صاحب نے باقاعدہ بجوالہ مد نمبر 20 روزنامہ 30/01/2019

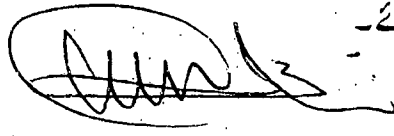
شہباز گڑھ ایک رپورٹ درج روزنامہ سر کے من سائل کو ہدایت کی کہ ملزم وصال حان ASI چونکہ محکمہ پولیس میں ایک اہم
نہدہ پر فائز تھا۔ اسلئے مقررہ کو محفوظ حالت کے لیے چوکی گڑیالہ منتقل کریں۔ پس ہدایات کے پیش نظر ملزم وصال حان ASI کو امر
چوکی گڑیالہ لے جا کر معاملہ کی نازکی کو مد نظر رکھتے ہوئے باقاعدہ ملزم وصال حان ASI کے دونوں ہاتھوں کو پیچھے کی جانب سے سسٹری
لگوا کر باقاعدہ بمطابق ڈیوٹی چارٹ ایک سنتری کانسٹیبل عرفان نمبر 1634 کو بعرض نگرانی سنا کر ملزم بمبرہ سنتری کو ایک بارک کانسٹیبل
میں بٹھائے جا کر بحیثیت انچارج اپنی ذمہ داری نبھاتے ہوئے باقاعدہ جملہ موجودہ ملازمان چوکی کو ملزم وصال حان ASI کے گرفتاری
مقدمہ کی حساسیت سے آگاہ کئے گئے چونکہ نماز کا وقت تھا اسلئے خود دوسرے کمرے بارک میں جا کر اپنی پستول ایک چارپائی کے سرہانے
کیچے رکھ کر بعرض وضو ہاتھ روم چلا گیا ابھی سائل خود ہاتھ روم میں تھا کہ ایک فائر کی آواز اور چوکی میں ملازمان کے شور سن کر فوری طور
پر توجہ دینے پر سائل نے پستول رکھا تھا۔ جس میں کانسٹیبلان ہیں نے بھی فوری جا کر دیکھا تو ملزم
وصال حان ASI زخمی حالت میں پڑا تھا۔ جس کو فوری اٹھا کر بعرض علاج معالجہ امداد دیگر نفری کے ہسپتال روانہ ہو کر کے حالت
واقعات فوری طور پر جناب SHO کے نوٹس میں بذریعہ فون لائے جا کر جناب SHO صاحب نے ہسپتال DHQ مردان سبب
کر باقاعدہ جناب SHO صاحب نے وقتی معلومات کر کے جس کے پیش نظر باقاعدہ برخلاف ملزم وصال حان ASI کے ملزم
پاداش میں جرم 325PPC مرا لہ ارسال تھانہ کر کے جس پر مقدمہ نمبر 91 مورخہ 30/01/2019 جرم 325PPC

شہباز گڑھ درج رجسٹر ہو چکا ہے۔

ملاحظہ فرمائیں کہ سائل کی کسی قسم کی غفلت بے احتیاطی شامل نہیں ہے۔ کیونکہ من سائل نے ملزم مقررہ کو باقاعدہ کانسٹیبل
عرفان نمبر 1634 کی نگرانی میں ملزم کے دونوں ہاتھوں کو پیچھے کی جانب سے ہتھکڑی لگا کر ایک علیحدہ کمرہ بارک میں بٹھائیں تھے اور ملزم
پستول ایک دوسرے کمرہ بارک میں ایک چارپائی کے سرہانے کیچے رکھ کر خود بعرض وضو کرنے ہاتھ روم چلا گیا تھا۔


اور یہ عدم موجودگی کے دور میں چند منٹ میں ہی یہ معاملہ ہو چکا ہے سائل نے بعد میں جب کنسٹیبل عرفان 1634 کی معلومات کی کہ ملزم کو ایک کمرہ سے دوسرے کمرہ کیوں لائے تھے۔ تو مذکورہ سنٹری نے ظاہر کیا۔
 ملزم نے بھی نماز کی ادائیگی کی خواہش ظاہر کی تو اس لیے ملزم کو دوسرے کمرے میں لایا تھا اور بعض ادائیگی نماز کمرہ میں لانے کی وجہ سے ملزم کی کہ ملزم مذکورہ چونکہ محکمہ پولیس میں چند گنٹھے قبل ہی ایک ASI تھا۔ پس جملہ معاملہ سائل کی چند منٹس کی عدم موجودگی کے دوران رونما ہو چکا ہے۔ چونکہ سائل کی ملزم کی مذکورہ کیساتھ متذکرہ عدم موجودگی ایک جائز انسانی اور مذہبی عذر ہے۔ جس کو غفلت کا نام دینا درست نہیں ہے۔ کیونکہ ملزم وصال حان ASI نے اپنی ایک کردہ سنگین نوعیت کے جرم کے ارتکاب کے بعد اقدام خودکشی کر کے ایک اور جرم انجام دیا ہے۔ جس میں سائل کی کسی بھی قسم کی غفلت شامل نہیں ہے۔

استدعا ہے کہ جملہ حالات واقعات اور حقائق بالا کو مد نظر رکھتے ہوئے سائل کے خلاف جاری کردہ اشدہ انگوائری شوکاژ نوٹس ہڈا بلا کسی مزید کارروائی کے فائل کرنے کی حکم صدوری فرمائی جائے۔



سائل تابع حکم و احکام زیر خان ASI

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- Handwritten: "Subject to Q's" (with a checkmark)
- Handwritten: "Q's" (with a checkmark)
- Handwritten: "Consent" (with a checkmark)
- Handwritten: "Discretion of Service" (with a checkmark)
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ک: کیا آیتہ وصال کو شہلری کی آیت ہے
ج: جی ہاں شہلری کی آیت ہے اور کائنات میں اس کا

ک: کیا آپ نے کائنات میں کائنات کہا ہے
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ج: ہاں

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ENQUIRY AGAINST ASI ZUBAIR KHAN I/C PP GARYALA (NOW UNDER SUSPENSION).

The Undersigned was deputed to enquiry proceedings against ASI Zubair Khan, by the Worthy District Police Officer Mardan through his office Letter No.58 / PA Dated 14.02.2019.

BRIEF FACTS.

Whereas ASI Zubair Khan, while posted as In-charge Police Post Garyala (Now Suspension Police Lines Mardar), ASI Wisal Ahmed Son of Iftikhar Ahmed Resident of KotDaulatza Pakistan Koroona (GarhiKapura) was arrested in a Robbery Case vide FIR No. 90 dated 30-01-2019 U/S 395-342 PPC P.S ShahbazGarh and was shifted to P.P Garyala for safe custody, where due to his (Constable Asi No. 1604) negligence, he (ASI Wisal Ahmed) fired over himself with his (ASI Zubair) pistol, resultantly, he was injured vide Case FIR No. 90 dated 30-01-2019 u/s 325 PPC PS Shahbaz Garh, indicting negligence + inefficiency on his part.

PROCEEDINGS.

The proceedings of subject enquiry have been conducted strictly in accordance with the NWFP Police Rules 9/5.

STATEMENT OF ALLEGATION.

The officer under enquiry was summoned to the office of undersigned and his statement was recorded in person. He stated that on 30.01.2019, he accompanied by SHO concerned brought accused ASI Wisal Ahmed to PP Garyarra, being charged in case vide FIR No. 90 dated 30.01.2019, u/s 395 PS Shehbaz Garhi and was handed over to on duty constable Irfan No.1634 with tied hands, wherein, he himself went to adjacent room and kept his pistol under a pillow. After a while, he used to go to bathroom, where he heard fire shot and as he rushed to the spot, he found accused ASI in injured condition, who committed suicide through pistol belonging to him, as a result, he was charged in case vide FIR No. 91 dated 30.01.2019, u/s 325 PP PS Shahbaz Garhi. He further stated that, it was responsibility of Constable Irfan 1634 to keep vigilant eye on the accused officer, who was entrusted for his security, indicating therein that he has neither any mala-fide intention nor any inefficiency in disposal of his official duty as charge sheet and requested senior officers to file the subject enquiry without any adverse action.

CONCLUSION.

According to Service Roll, the alleged official is enlisted in the department on 07.02.2002 with 03 good, while no bad entries throughout his service. During enquiry proceedings, it was noticed that, he as a responsible police officer was supposed to keep vigilant eye over the accused ASI being charged in heinous case, but he failed to do so. On the other hand he (ASI Wisal Ahmed) has committed suicide through his pistol, which he has also admitted in his statement, which reveals that he has committed gross misconduct & inefficiency in official duty.

FINAL RECOMMENDATION.

For the reasons discussed above, the undersigned has reached to the conclusion that he may be awarded Major punishment, if agreed, please.

35/5

Issued F. SCR

02/04/2019

17

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Sub-Divisional Police Officer.

11
14

تاریخ و وقت رپورٹ		تاریخ وقوعہ	
30-1-19	10:30	30-1-19	14:18
نام و سکونت اطلاع دہندہ مستفیث	AS1	نام و سکونت اطلاع دہندہ مستفیث	AS1
شخصی کارڈ نمبر اموبائل نمبر	0345-5160297	شخصی کارڈ نمبر اموبائل نمبر	5710
بہتر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	AS1	بہتر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	AS1
جائے وقوعہ فاصلہ تھانہ سے اور سمت	AS1	جائے وقوعہ فاصلہ تھانہ سے اور سمت	AS1
نام و سکونت ملزم	AS1	نام و سکونت ملزم	AS1
شخصی کارڈ نمبر اموبائل نمبر	AS1	شخصی کارڈ نمبر اموبائل نمبر	AS1
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع ذراں کرنے میں توقف ہوا ہو وہ بیان کرنا	AS1	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع ذراں کرنے میں توقف ہوا ہو وہ بیان کرنا	AS1
تھانہ سے روانگی کی تاریخ و وقت	AS1	تھانہ سے روانگی کی تاریخ و وقت	AS1

ابتدائی اطلاع نیچے درج کرو۔

مقامی طور پر 30-1-19 کو 15:30 بجے

کسٹینٹ سٹیشن روم 6006 پر فوجی پولیس نے اطلاع دی کہ ایک شخص نے ایک شخص کو گولی مار دی ہے۔

مردان ایس۔ ایس۔ 1 اور 2 نے اطلاع دی کہ ایک شخص نے ایک شخص کو گولی مار دی ہے۔

اسمعیل زئی گٹر جی کے گھر پر 30-1-19 کو 15:30 بجے اطلاع دی کہ ایک شخص نے ایک شخص کو گولی مار دی ہے۔

جو بحالہ فوجی ہسپتال لائے ہوئے ہیں۔ معلوم ہوا کہ ملزم نالا محفوظ حراست میں رات کے دوران AS1 کے پاس سے بھگتا اور اسے احتیاجی سے گھر میں رکھا گیا۔

کو اچانک آگیا کہ اسے آگ لگ کر خودکشی کی خاطر فائرنگ خود کو زخمی کیا ہے۔ جب کہ

مردان اور دیگر ملزم جو گٹر جی کے گھر پر اطلاع دی کہ ایک شخص نے ایک شخص کو گولی مار دی ہے۔

کے فوجی نالا ملزم جو حال ہو گیا اور اس میں AS1 تھا۔ اور گٹر جی کی دیکھو دیکھی اس پر

بھی گولا مارا گیا۔ جب معاملہ گٹر جی کے پاس پہنچا۔ اور گٹر جی کو گولی مار دی اور نام تھا۔ اور اس پر

کو برداشت نہیں کیا گیا تھا۔ اس سے دلہندہ گٹر جی کو گولی مار دی اور گٹر جی کی اسی کا اقدام

کیا ہے۔ گٹر جی نے گولا مارا کہ گٹر جی کے پاس تھا۔ اور گٹر جی کو گولی مار دی اور نام تھا۔ اور اس پر

حوالہ دیا گیا ہے۔ ملزم نالا کو فوجی ہسپتال میں لے جایا گیا۔

گٹر جی کے پاس سے اس وقت گٹر جی کے پاس تھا۔ اور گٹر جی کو گولی مار دی اور نام تھا۔ اور اس پر

دیکھو دیکھی حال ہی میں گٹر جی کے پاس تھا۔ اور گٹر جی کو گولی مار دی اور نام تھا۔ اور اس پر

رہسٹری کے قیدیوں کے پاس تھا۔ اور گٹر جی کو گولی مار دی اور نام تھا۔ اور اس پر

کا رہسٹری کے قیدیوں کے پاس تھا۔ اور گٹر جی کو گولی مار دی اور نام تھا۔ اور اس پر

MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111

Email: dpo_mardan@yahoo.com

No. 3718-22 /PA

Dated 17/6 /2019

ORDER ON ENQUIRY OF ASI ZUBAIR KHAN

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject Official, under the allegations that while posted as In-charge Police Post Garyala (Now under suspension Police Lines Mardan) was suspended and closed to Police Lines vide this office OB No.261 dated 01-02-2019 on account of arresting of ASI Wisal Ahmad Son of Iftikhar Ahmed Resident of Kot Daulatzai Pakistan Koroon (Garhi Kapura) in a robbery case vide FIR No.90 dated 30.01.2019 U/S 395-342 PPC PS Shahbaz Garh and was shifted to P.P Garyala for safe custody, where he fired over himself with a pistol of ASI Zubair Khan, resultantly, ASI Wisal Ahmed was injured vide case FIR No.91 dated 30.01.2019 U/S 325 FPC PS Shahbaz Garh.

To ascertain real facts, ASI Zubair Khan was proceeded against departmentally through Captain ® Ali Bin Tariq ASP/SDPO/City Mardan vide this Office Statement of Disciplinary Action/Charge Sheet No.58/PA dated 14-02-2019, who (E.O) after fulfilling necessary process, submitted his Finding Report to this Office vide his Office letter No 535/S dated 07-04-2019, holding responsible the alleged official of gross misconduct and recommended for major punishment.

In this connection, ASI Zubair Khan was served with a Final Show Cause Notice, under K.P.K Police Rules-1975, issued vide this office No.115/PA dated 17-04-2019, to which, his reply was received & found un-satisfactory.

Final Order

ASI Zubair Khan was heard in O.R on 11-06-2019, but he could not satisfy the undersigned. Therefore, he is awarded **major punishment of dismissal from service** with immediate effect, in exercise of the power vested in me under Police Rules 1975.

OB No. 1264

Dated 13/6 2019.

(SAJAD KHAN) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan, please.
- 2) The DSP/HQrs Mardan.
- 3) The P.O + E.C (Police Office) Mardan.
- 4) The OSI (Police Office) Mardan with () Sheets.

①

ORDER.

This order will dispose-off the appeal preferred by **Ex-ASI Zubair Khan No. 835/MR** 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. 1264 dated 13.06.2019.

Brief facts of the case are that, the appellant while posted as In-charge Police Post Garyala was suspended and closed to Police Lines on account of arresting of ASI Wisal Ahmad Son of Iftikhar Ahmed Resident of Kot Daulatzai Pakistan Koroonah (Garhi Kapura) involved in robbery case vide FIR No.90 dated 30.01.2019 U/S 395-342 PPC PS Shahbaz Garh and was shifted to Police Post Garyala for safe custody, where he fired over himself with a pistol of ASI Zubair Khan, resultantly the accused Official, ASI Wisal Ahmed sustained injuries and another case vide FIR No.91 dated 30.01.2019 U/S 325 PPC PS Shahbaz Garh, was registered.

To ascertain the real facts, ASI Zubair Khan was proceeded against departmentally through Captain ® Ali Bin Tariq ASP/SDPO/City Mardan. The Enquiry Officer after fulfilling necessary process, submitted his Finding Report, held him responsible of gross misconduct and was recommended for major punishment. Hence, ASI Zubair Khan was served with Final Show Cause Notice, to which, his reply was received & found un-satisfactory.

The District Police Officer, Mardan heard him in Orderly Room on 11-07-2019 but he could not give any satisfactory account for his guilt and was awarded major punishment of dismissal from service.

He was called in orderly room held in this office on 11.07.2019 and heard him in person. The punishment awarded being too harsh, hence taking lenient view by keeping set-aside the impugned order of the District Police Officer, Mardan, the appellant is re-instated into service and awarded the Punishment of Reduction in rank to Head Constable. The period he remained out of service is treated as leave without pay.

ORDER ANNOUNCED.


(MUHAMMAD ALI KHAN)PSP
Regional Police Officer,
Mardan.

No. 9755 /ES,


Dated Mardan the 15/07 /2019.

✓ Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No.236/LB dated 04.07.2019. His Service Record is returned herewith.

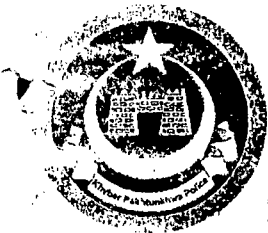
(*****)

5941
16-7-19
OB/ DSPIL + CSI + EC + PA + Pay officer

For n/ action.


District Police Officer
Mardan

OB 1539
15-7-19



CR No. 1817/ES

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 2281- /20, dated Peshawar the 18/06/2020

ORDER

This order will dispose of the Revision Petition preferred by Head Constable Zubair Khan No. 821 (the then ASI) under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) against the order of his reduction in rank to Head Constable and the period he remained out of service was treated as leave without pay passed by Regional Police Officer, Mardan vide order Endst: No. 9755/ES, dated 15.07.2019.

The relevant facts, of the case are that penalty of dismissal from service was imposed on petitioner vide order bearing OB No. 1264, dated 13.06.2019 passed by District Police Officer Mardan on the allegations that he while posted as Incharge Police Post Garyala was suspended and closed to Police Lines on account of resting of ASI Wisal Ahmad son of Iftikhar Ahmed r/o Kot Daulatzai Pakistan Koroon, Garhi Kapura involved in robbery case vide FIR No. 90, dated 30.01.2019 u/s 395-342 PPC Police Station Shahbaz Garh and was shifted to Police Post Garyala for safe custody, where he fired over himself with a pistol of ASI Zubair Khan, resultantly, ASI Wisal Ahmad sustained injuries and another case vide FIR No. 91, dated 30.01.2019 u/s 325 PPC Police Station Shahbaz Garh was registered. He preferred appeal to Regional Police Officer, Mardan. The Appellate Authority i.e. Regional Police Officer, Mardan reinstated him into service and awarded him punishment of reduction in rank to Head Constable and the period he remained out of service was treated as leave without pay vide order Endst: No. 9755/ES, dated 15.07.2019.

On 30.10.2019, the meeting of Appellate Board was held at CPO Peshawar, wherein the petitioner was present and heard in person.

The Board examined the enquiry papers wherein the Enquiry Officer held him responsible of gross misconduct and recommended for major punishment.

Petitioner failed to advance any plausible explanation in rebuttal of the charges. Since the RPO Mardan already taken a lenient view, therefore, the Board decided that his petition is hereby rejected.

This order is issued with the approval by the Competent Authority.

Sd/-

DR. ISHTIAQ AHMED, PSP/PPM
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

3347
25-6-20

No. S/ 2282-90 /EO,

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Establishment, Khyber Pakhtunkhwa, Peshawar.
7. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
8. Office Supdt: E-III, CPO, Peshawar.
9. Office Supdt: E-IV, CPO, Peshawar.

DSP/leg/EC
In information
DPO Mardan
28-6-20

(SALMAN CHOUDHRY)
Deputy Inspector General of Police, HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

NO. 3824/ES
dt 22-6-20

14-06-2020

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

Service Appeal No. 6874/2020

Ex- ASI Zubair KhanAppellant


VERSUS

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

.....Respondents

AUTHORITY LETTER.

Mr. Khyal Roz Inspector Legal, (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.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


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


**District Police Officer,
Mardan**
(Respondent No. 03)