


23.11.2022 Due to rush of work. This case has
been deleted. To come up for the same as
before on 24.01.2023.

C. J.
Reader

30th May, 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Atta Ur Rehman, SI for the respondents present.


Written reply/comments not submitted. Learned AAG seeks time to submit written reply/comments on the next date. Granted. To come up for written reply/comments on 29.06.2022 before the S.B.


(Kalim Arshad Khan)
Chairman

29.06.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Atta Ur Rehman, Inspector Legal for respondents present.

Written reply/comments on behalf of respondents submitted which is placed file. A copy of same is handed over to learned counsel of the appellant. To come up for rejoinder/arguments on 12.09.2022 before D.B.



(Fareeha Paul)
Member (E)


12.09.2022

Counsel for the appellant present.

Asif Masood Ali Shah, Deputy District Attorney for respondents present.

Former made a request for adjournment on the ground that she has not prepared the brief. Adjourned. To come up for arguments on 23.11.2022 before D.E.





(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

FORM OF ORDER SHEET

Court of _____

Case No. - 354/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/03/2022	<p>The appeal of Mr. Zazi Gul resubmitted today by Roeeda Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p>
2-	07.04.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>7-04-2022</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant present in person and heard.</p> <p>The appeal is admitted for full hearing subject to all just and legal objections by the other side. 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 30.05.2022 before S.B.</p> <p style="text-align: right;"> Chairman</p>

Rs 500/-
Appellant Deposited
Security & Process Fee


A. Mujib
11/4/22

The appeal of Mr. Zazi Gul ASI No. 826 MR son of Anar Gul r/o Kochiyano Kaley Takhtbai Mardan received today i.e. on 22.02.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Certificate/note given in the end of appeal is unsigned.
- 2- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Copies of charge sheet, statement of allegations, Show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- ④ Copy of departmental appeal is not attached with the appeal which may be placed on it.
- ⑤ Page nos. 9 & 10 are irrelevant.
- 6- Annexure-A of the appeal is illegible which may be replaced by legible/better one.

No. 528 /S.T,

Dt. 22/02 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Roeda Khan Adv. Pesh.

objection No 1 and 2
has been fulfilled, in
Response of objection No 3
No charge sheet, statement
of allegation, No show notice
No Enquiry has been used
OR commenced / conducted
against the appellant by the
Respondent, the Reply & objection
No 4 has been mentioned in para
5 of fact, objection made in
para 5 are relevant while objection
No 6 has been fulfilled



The appeal is returned back to learned counsel
for appellant to complete & resubmit same within
15 days as objections no. 4 & 5 still stand.

NO. _____/ST

Dated: _____


Assistant Registrar

Reply of objection no 4
has been mentioned in
pages of facts while
objection no 5 has been
fulfilled,



BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 354 /2022

Zazi Gul ASI No. 826 MR

VERSUS

District Police Officer Mardan & Others

INDEX

S#	Description of Documents	Annexure	Pages
1.	Grounds of Petition.		1-5
2.	Affidavit.		6
3.	Addresses of parties		7
4.	Application for Condonation of Delay		8-9
5.	Copy of impugned order.	"A"	
6.	Copy of rejection order	"B"	
7.	Copy of Roznamcha report	"C"	
8.	Copy of affidavit statement	"D"	
9.	Wakalatnama		

APPELLANT

Through



Roeeda Khan

Advocate, High Court
Peshawar.

Dated: 21/02/2022

①

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2022

Zazi Gul ASI No. 826 MR S/o Anar Gul R/o Kochiyano
Kaley Takhtbai District Mardan.

Appellant

VERSUS

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

Respondents

APPEAL U/S-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 25-08-2021, WHEREBY MAJOR PUNISHMENT OF REDUCTION FROM ASI TO HEAD CONSTABLE HAS BEEN AWARDED TO THE APPELLANT AGAINST WHICH THE APPELLANT FILED DEPARTMENTAL APPEAL WITHIN ONE MONTH FROM THE DATE OF COMMUNICATION OF THE IMPUGNED ORDER DATED 25.08.2021 WHICH HAS BEEN REJECTED ON 28/01/2022 ON NO GOOD GROUNDS.

PRAYER:-

ON ACCEPTANCE OF THIS APPEAL BOTH THE IMPUGNED ORDERS DATED 25/08/2021, REJECTION ORDERS DATED

(2)

25.01.2022 MAY KINDLY BE SET ASIDE
AND THE APPELLANT MAY KINDLY BE
RESTORED ON HIS ORIGINAL POST/
SERVICE ALONG WITH ALL BACK
BENEFITS. ANY OTHER REMEDY
WHICH THIS AUGUST TRIBUNAL
DEEMS FIT THAT MAY ALSO BE
ONWARD GRANTED IN FAVOUR OF
APPELLANT.

Respectfully Sheweth,

1. That the Appellant has been serving in Police Department since long time at District Mardan.
2. That the appellant performed his duty regularly and with full devotion and no complaint whatsoever has been made against the appellant.
3. That while performing his official duty as incharge of police post Motor Way a false and fabricated allegation of corruption by taking in illegal gratification of Rs. 50,000/- by one Muhammad Ali Raza has been level against the appellant.
4. That due to the reason mention in para-3 the appellant has been awarded major punishment of reduction from ASI to Head Constable on 25.08.2021 by the respondent department. (Copy of impugned order is attached as annexure "A").

5. That the appellant submitted departmental appeal within one month from the date of communications of the impugned order dated 25.08.2021 which has been rejected on 25.01.2022 but unluckily the copy of the department appeal has not been kept by the appellant. (Copy of rejection order is attached as annexure "B").
6. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

GROUND:-

- A. That the impugned order dated 25/08/2021 and the rejection orders dated 25/01/2022 are void and ab-initio orders because it has been passed without fulfilling codal formalities in this respect the appellant relied upon a judgment reported on 2007 SCMR Page 834.
- B. That no charge sheet and statement of allegation has been issued or served to the appellant, which is a clear cut violation of Rule-6 (A) (B) of police Rules-1975.
- C. That it is a well settled principle of law no one can be condemned unheard because it is against the natural justice of law in this

(4)

respect the appellant relied upon a judgment reported on 2008 SCMR page:678.

D. That no opportunity of cross examination has been provided to the appellant. In this respect the appellant relied upon a judgment reported on 2016 SCMR Page 108.

E. That no show cause notice has been issued against the appellant by the respondent department.

F. That while performing his official duty with respondent department the vehicle in question is taken by the appellant under section 54 and properly lodged Roznamcha Report on 12.05.2021 regarding the said vehicle. (Copy of Roznamcha report is attached as annexure "C").

G. That there is no proof and evidence regarding the allegation of corruption & illegal gratification leveled against the appellant.

H. That the innocence of the appellant has also been clarified from the statement of the owner of the vehicle recorded in the shape of affidavit (Copy of affidavit statement is attached as annexure "D").

I. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

It is therefore, most humbly prayed that on acceptance of this Appeal both the impugned orders dated 25/08/2021, rejection orders dated 25.01.2022 may kindly be set aside and the appellant may kindly be restored on his Original Post/ Service along with all back benefits. Any other remedy which this august tribunal deems fit that may also be onward granted in favour of appellant.

APPELLANT

Through

Roeed Khan
&
Sheeba Khan
Advocates, High
Court
Peshawar.

Dated: 21/02/2022

NOTE:-

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

Advocate.

(6)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2022

Zazi Gul ASI No. 826 MR

VERSUS

District Police Officer Mardan & Others

AFFIDAVIT

I, Zazi Gul ASI No. 826 MR S/o Anar Gul R/o Kochiyano Kaley Takhtbai District Mardan, do hereby solemnly affirm and declare that all the contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

DEPONENT

IDENTIFIED BY:

Rqeeda Khan
Advocate High Court
Peshawar.

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2022

Zazi Gul ASI No. 826 MR

VERSUS

District Police Officer Mardan & Others

ADDRESSES OF PARTIES

PETITIONER.

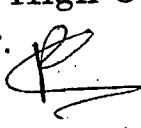
Zazi Gul ASI No. 826 MR S/o Anar Gul R/o
Kochiyano Kaley Takhtbai District Mardan.

ADDRESSES OF RESPONDENTS

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

APPELLANT 

Through

Roeeda Khan
Advocate, High Court
Peshawar. 

Dated: 21/02/2022

(2)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2022

Zazi Gul ASI No. 826 MR

VERSUS

District Police Officer Mardan & Others

APPLICATION FOR CONDONATION OF DELAY (IF ANY)

Respectfully Sheweth,

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
2. That while performing his official duty with respondent department, the impugned order dated 25.08.2021 has been passed against the appellant where by major punishment of reduction from ASI to Head constable has been awarded to the appellant.
3. That against the said impugned order the appellant submitted departmental appeal within one month from the date of communications of the impugned order dated 25.08.2021 which has been rejected on 25.01.2022 on no good grounds, but unluckily the appellant has not been kept the copies of departmental appeal.

9

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2022

Zazi Gul ASI No. 826 MR S/o Anar Gul R/o Kochiyano
Kaley Takhtbai District Mardan.

Appellant

VERSUS

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

Respondents

APPEAL U/S-4 OF THE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL ACT 1974 AGAINST THE
ORDER DATED 25-08-2021, WHEREBY MAJOR
PUNISHMENT OF REDUCTION FROM ASI TO
HEAD CONSTABLE HAS BEEN AWARDED TO
THE APPELLANT AGAINST WHICH THE
APPELLANT FILED DEPARTMENTAL APPEAL
WITHIN ONE MONTH FROM THE DATE OF
COMMUNICATION OF THE IMPUGNED ORDER
DATED 25.08.2021 WHICH HAS BEEN REJECTED
ON 28/01/2022 ON NO GOOD GROUNDS.

PRAYER:-

ON ACCEPTANCE OF THIS APPEAL
BOTH THE IMPUGNED ORDERS DATED
25/08/2021, REJECTION ORDERS DATED

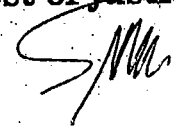
GROUNDS:

A. That the impugned order is void and illegal and no limitation run against the void orders because the impugned order has been passed without fulfilling the codal formalities.

B. That there are number of precedents of the Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities.


C. That there are many judgment of the superior court as well as specific provision of service law that limitation has been counted from the date of communication/knowledge.


It is, therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.



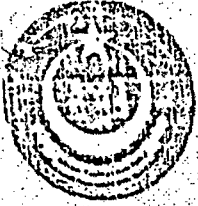
APPELLANT

Through

Roeeda Khan
& 

Sheeba Khan
Advocates, High Court
Peshawar. 

Dated: 21/02/2022



(3) OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: Quandhr@gumrah.com

No = 826
2021

No. 2811-14 /PA

Dated 20/8/2021

ORDER ON ENQUIRY OF ASI ZAZI GUL NO. 826/DIR

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 Motorway (now under suspension Police Lines Mardan), was placed under suspension vide this office OB No. 899 dated 25-05-2021, issued vide order/endorsement No. 3287-91/EC dated 26-05-2021, on account of involvity in corruption by taking an illegal gratification of Rs. 50,000/- from one Muhammad Ali Raza Son of Muhammad Saleem resident of Wahari (Punjab) on the pretext that his vehicle (Motor Car) No. L.WO-84 is temperal/illegal one, while during checking/verification in Excise Department, the vehicle in-question was found correct/clear, as highlighted by Mr. Adnan Azam, Ins then SDCO/Rural Mardan in his preliminary enquiry, conducted into these allegations on the directions of the undersigned vide his office letter No. 898/St dated 25-05-2021.

It may be mentioned here that on taking into possession the vehicle in-question by ASI Zazi Gul, neither he parked it at Police Station Toru or any of the Police Post of PS Toru, nor brought it into the notice of SHO Toru, besides not lodging any report in the Roznamcha in-time, clarifying misconduct & mala-fide intention on his part.

To ascertain real facts, the delinquent official was proceeded against departmentally through ASP Muhammad Qais Khan SDCO, Takht-Ullah vide this office Statement of Disciplinary Action/Charge Sheet No. 130/PA dated 02-06-2021, who (1) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No. 675/ST dated 28-07-2021, holding responsible ASI Zazi Gul of negligence that he was bound to lodge a report in the Roznamcha on taking into possession the vehicle in-question, but he failed to do so and recommended for minor punishment.

Final Order

ASI Zazi Gul was heard in OR on 25-08-2021 with giving opportunity to clarify his possession, to which, he failed, therefore, keeping in view the Enquiry findings & materials on record, he is awarded major punishment of reversion to the rank of Head Constable & is reinstated in se vice from the date of suspension with counting his suspension period as duty with immediate effect, in exercise of the power vested in me under Police Rules-1975

OB No. 1385

Dated 25/8/2021

(Dr. Zahid Ullah) DSP
District Police Officer
Mardan

Copy forwarded for information & action to:

- 1) The Regional Police Officer Mardan, please.
- 2) The DSI/HQ's Mardan.
- 3) The P.O & E.C (Police Office) Mardan.
- 4) The ASI (Post no. 826) Mardan vide 28/8/21

(12) (1 B)
ORDER.

This order will dispose-off the departmental appeal preferred by Head Constable Zazi Gul No. 2637 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of reduction in rank from substantive rank of ASI to his substantive rank of Head Constable vide OB: No. 1385 dated 25.08.2021. The appellant was proceeded against departmentally on the allegations that he while posted as In-charge Police Post Motorway Police Station, Toru, being involved in corruption by taking an illegal gratification of Rs.50,000/- from one Muhammad Ali Raza Son of Muhammad Saleem resident of Wahari (Punjab) on the pretext that his vehicle (Motor Car) No.LWO-84 is tempered/theft one. However, during checking/verification from Excise Department, the vehicle in-question was found correct/clear, as highlighted by Mr. Adnan Azam, the then Sub Divisional Police Officer, (SDPO) Rural Mardan in his preliminary enquiry.

It is pertinent to mention here that on taking into possession the vehicle in-question by delinquent Officer (ASI Zazi Gul), neither he parked it at Police Station Toru nor any of the Police Post of Police Station Toru and failed to bring it into the notice of SHO concerned. Besides he did not bother to pen any report in the daily diary, which shows mala-fide intention on his part.

To ascertain the real facts, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Sub Divisional Police Officer (SDPO) Takht-Bhai, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Mardan, wherein he held responsible the delinquent Officer for negligence that he was bound to lodge a report in the daily diary on taking into possession the vehicle in-question, but he failed to do so and recommended for minor punishment.

He was heard in Orderly Room by the District Police Officer, Mardan on 28.07.2021 but he failed to advance any cogent reason in his defense. Therefore, he was awarded major punishment of reduction in rank from substantive rank of ASI to his substantive rank of Head Constable by the District Police Officer, Mardan vide his office OB: No. 1385 dated 25.08.2021.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 24.11.2021 during which the appellant denied his involvement.

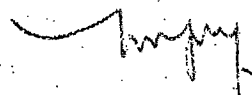
Herice, in order to make thorough probe into the issue, de-novo enquiry proceedings were entrusted to the Sub Divisional Police Officer, (SDPO) Takht Bhai District Mardan vide this office endorsement No. 7024/ES dated 09.12.2021. The enquiry Officer after conducting thorough probe submitted his findings wherein he has again held the appellant responsible for the said misconduct.

Hence, the appellant was again summoned and heard in person in orderly room held in this office on 20.01.2022 but this time too he failed to advance any cogent reason to justify his innocence.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. As during the course of enquiry it has been established that the appellant has willfully and deliberately concealed the possession of Car in question by neither penning any report in the daily diary nor parking the same in either the Police Station or any Police Post of the Police Station concerned. It has also been established that after getting money to the tune of Rs.50,000/- as illegal gratification, the Car in question was handed over to the person from whom it was taken into possession. The appellant has already been treated leniently as the involvement of appellant in such like activities is clearly a stigma on his conduct which do attract the punishment of dismissal from service. Moreover, he could not present any cogent justification regarding his innocence.

Keeping in view the above, I, Yaseen Farooq, P3P Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.


Regional Police Officer,
Mardan.

No. 690 /ES, Dated Mardan the 25-01 /2022.

Copy forwarded to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 217/LB dated 27.09.2021. His Service Record is returned herewith.

(*****)

دیورٹ نیشنل انڈین اورینٹل

22:00 12 05 2021

کارڈ وقت وقوع

22:20 12 05 2021

کارڈ وقت دیورٹ

حالت وقوع

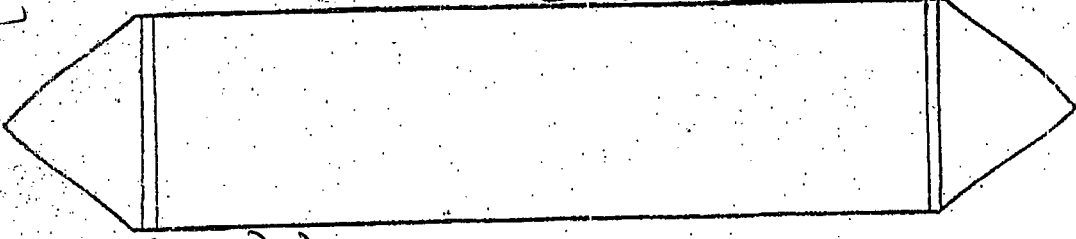
سرورس این ایم ڈی مو آؤ سٹریٹ اسلام آباد بحیرہ مظاہر اور

ظفر صاحب فیہ اخبار حاکم مظاہر اور

استدلال دلائل گھنٹہ کو سیدوہ 14:00 3068 عدو میں وقوع - مختصر اطلاع
 22:00 12 05 2021
 کہ تمام سرورس این ایم ڈی مو آؤ سٹریٹ اسلام آباد بحیرہ مظاہر اور
 جس میں ڈیوٹی کو دیکھ کر یہ معلوم ہوا کہ سرورس این ایم ڈی مو آؤ سٹریٹ
 اسلام آباد بحیرہ مظاہر اور 22:20 12 05 2021
 کو ایما ڈی ڈیوٹی کو دیکھ کر یہ معلوم ہوا کہ سرورس این ایم ڈی مو آؤ سٹریٹ
 اسلام آباد بحیرہ مظاہر اور 22:20 12 05 2021
 محمد شفیع علیہ السلام سرورس این ایم ڈی مو آؤ سٹریٹ اسلام آباد بحیرہ مظاہر اور
 مظاہرہ کا گھنٹہ کو سیدوہ 14:00 3068 عدو میں وقوع - مختصر اطلاع
 22:00 12 05 2021
 کہ تمام سرورس این ایم ڈی مو آؤ سٹریٹ اسلام آباد بحیرہ مظاہر اور
 جس میں ڈیوٹی کو دیکھ کر یہ معلوم ہوا کہ سرورس این ایم ڈی مو آؤ سٹریٹ
 اسلام آباد بحیرہ مظاہر اور 22:20 12 05 2021
 کو ایما ڈی ڈیوٹی کو دیکھ کر یہ معلوم ہوا کہ سرورس این ایم ڈی مو آؤ سٹریٹ
 اسلام آباد بحیرہ مظاہر اور 22:20 12 05 2021

12.05.2021

بعد الت خدایا کدریت لوس لکھنؤ



2022ء منجانب اصلاحات
لا حاصل بنام لکھنؤ

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

آن مقام کے لئے لکھنؤ کے لئے لا حاصل کے لئے
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 بر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی 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
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا وکالت نامہ لکھدیا کہ مندر ہے۔

المرقوم 17
ماہ فروری 2022

العبد گواہ العبد

بمقام لکھنؤ کے لئے منظور ہے۔

Accepted
B

Pleed

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. SB
Recd Appeal No..... 354 of 20 22
 Zari Gul Appellant/Petitioner
 Versus
 DPO Mardan Respondent
 Respondent No..... (1)

Notice to: — District Police Officer Mardan

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... 30/05/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner, you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal ~~is~~ attached. Copy of appeal has already been sent to you vide this office Notice No..... dated.....

Given under my hand and the seal of this Court, at Peshawar this..... 13th
 Day of..... April 20 22

For Reply

Registrar
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Resd

SB

Appeal No. *354* of 20*22*

Zari Gul Appellant/Petitioner

DPO Versus *Mardan* Respondent

Respondent No. *(2)*

Notice to: *Regional Police Officer Mardan*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *30/05/2022* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this *13th* Day of *April* 20*22*

For Reply

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

Appeal No. of 20^{SB}

..... 334 Appellant/Petitioner

Zari Gorus

..... Respondent

DPO Mardan

Respondent No.

(3)

Notice to: —

Inspector General of Police KPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20^{13th}

April

24.08.07
For Reply

22
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

C

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

Service Appeal No. 354/2022

Zazi Gul ASI No.826/MR s/o Anar Gul r/o Kochiyano Kaley Takht Bhai District
Mardan.....Appellant

VERSUS

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

INDEX

S. No.	Description of Documents	Annexure	Pages.
1.	Copy of Written Reply.	--	1-3
2.	Reply to the application for condonation of delay	--	4-5
3.	Copy of Affidavit.	--	6
4.	Copy of bad entries	A	7-12
5.	Copy of Charge Sheet with statement of allegations	B	13-14
6.	Copy of Enquiry report & order	C	15-20
7.	Copy of Authority Letter.	--	21

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

Service Appeal No. 354/2022

Zazi Gul ASI No.826/MR s/o Anar Gul r/o Kochiyano Kaley Takht Bhai District
Mardan.....Appellant

VERSUS

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

Para-wise comments by respondents:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

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

REPLY ON FACTS

1. Correct to the extent that the appellant is the employee of Police Department.
2. Incorrect. Plea taken by the appellant is not plausible because every Police Officer is under obligation to perform has been performing his duty upto the entire satisfaction of his superiors. Moreover, non receipt of complaint against the appellant does not mean a clean chit for the future wrong deeds, but service record of the appellant is tainted with bad entries **(Copy of list of bad entries and punishment enclosed as Annexure "A")**.
3. Incorrect. Stance taken by the appellant is totally ill based, because he while posted as In-charge Police Post Motorway was placed under suspension on account of involvement in corruption by taking an illegal

gratification of Rs.50,000/- from one Muhammad Ali Raza s/o Muhammad Saleem r/o Wahari (Punjab) on the pretext that his vehicle (Motor Car) No. LWO-84 is tempered/theft one, while during checking/verification at Excise Department, the vehicle in-question was found correct/clear, as highlighted by Mr. Adnan Azam the then SDPO Rural in his preliminary enquiry, already conducted into these allegations. It may be mentioned here that on taking into possession the vehicle in-question by appellant, neither he parked it at Police Station Toru or any of the Police Post of PS Toru nor brought it into the notice of SHO Toru, besides non lodging any report in the Roznamcha in-time, clarifying misconduct & mala-fide intention on his part. Hence, on account of aforementioned allegations, the appellant was issued charge sheet with statement of allegations and enquiry was entrusted to ASP Muhammad Qais Khan the then SDPO Takht Bhai. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense, but he failed. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for awarding minor punishment. Therefore, in light of above, the appellant was summoned & heard in Orderly Room on 25.08.2021, but he failed to justify his innocence hence, he was awarded major punishment of reversion to the rank of Head Constable, which does commensurate with the gravity of misconduct of the appellant **(Copies of Charge Sheet with statement of allegations, and enquiry report are annexed as annexure "B & C")**.

4. Correct to the extent that the appellant was proceeded against departmentally on the allegations of taking Rs.50,000/- illegal gratification. The appellant was awarded major punishment of reduction in rank after fulfillment of all legal and codal formalities as the allegations mentioned above stood proved against beyond any shadow of doubt.
5. Correct to the extent that the appellant preferred departmental appeal which was also decided on merit because he was called in orderly room on 24.11.2021 but this time too he bitterly failed to produce any cogent justification in his defense. Therefore, his departmental appeal was also rejected and filed being devoid of merit.
6. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

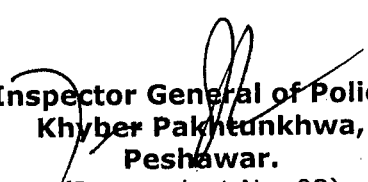
REPLY ON GROUNDS:

- A. Incorrect. Orders passed by the competent as well as appellate authorities are legal, lawful and passed it after fulfilling all legal and codal formalities, hence, liable to be maintained.

- B. Incorrect. Plea taken by the appellant is not plausible, because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations and enquiry was entrusted to the then SDPO Takht Bhai. During the course of enquiry the appellant submitted his reply but found unsatisfactory.
- C. Correct to the extent that no one can be condemned unheard but the appellant cannot take this plea as he has duly been provided fulfilled opportunity of defending himself, during the course of enquiry as well as other proceeding carried out subsequently.
- D. Incorrect. Stance taken by the appellant is totally devoid of merit because during the course of enquiry the appellant was extended fulfilled opportunity of defending himself but he bitterly failed to justify his innocence.
- E. Para already explained needs no comments.
- F. Incorrect. Plea taken by the appellant is totally a tailored one because in this regard he could not produced any evidence.
- G. Incorrect as the appellant has tailored the instant concocted story just of save his skin.
- H. Plea taken by the appellant is bereft of any substance because compromise affidavit and departmental proceedings are two different entities which can run parallel and the fate of case will have no effects on the departmental proceedings.
- I. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

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


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


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


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

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

In Re S.A No. 354/2022

Zazi Gul ASI No. 826/MR

VERSUS

District Police Officer, Mardan & others

Reply to the application for condonation of delay:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That applicant has no cause of action to file the instant application.
2. That the application is barred by law.

REPLY ON FACTS

1. That the appeal filed by the applicant before this Honorable Tribunal may kindly be dismissed being a badly time-barred.
2. The applicant was placed under suspension on account of involvement in corruption by taking an illegal gratification of Rs.50,000/- from one Muhammad Ali Raza s/o Muhammad Saleem r/o Wahari (Punjab) on the pretext that his vehicle (Motor Car) No. LWO-84 is tempered/theft one, while during checking/verification at Excise Department, the vehicle in-question was found correct/clear, as highlighted by Mr. Adnan Azam the then SDPO Rural in his preliminary enquiry, already conducted into these allegations. It may be mentioned here that on taking into possession the vehicle in-question by appellant neither he parked it at Police Station Toru or any of the Police Post of PS Toru nor brought it into the notice of SHO Toru, besides non lodging any report in the Roznamcha in-time, clarifying misconduct & mala-fide intention on his part. Hence, on account of aforementioned allegations, the applicant was issued charge sheet with statement of allegations and enquiry was entrusted to ASP Muhammad Qais Khan the then SDPO Takht Bhal. The enquiry officer during the course of enquiry provided full-fledged opportunity to the applicant to produce evidence/grounds in his defense, but he failed. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the applicant for awarding minor punishment. Therefore, in light of above, the applicant was summoned & heard in Orderly Room on 25.08.2021, but he failed to justify his innocence hence, he was awarded major punishment of reversion to the rank of Head Constable, which does commensurate with the gravity of misconduct of the applicant. It is pertinent to mention here that, stance of the applicant is baseless and he has preferred this appeal before the

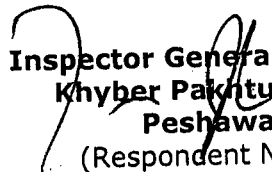
Service Tribunal with a delay of 180 days after rejection his department appeal.


3. The applicant preferred departmental appeal which was also decided on merit because he was called in orderly room on 24.11.2021 but this time too he bitterly failed to produced any cogent justification in his defense. Therefore, his departmental appeal was also rejected and filed being devoid of merit.

Reply on Grounds

- A. Incorrect. Order passed by the competent authority is legal, lawful and passed it after fulfilling all legal and codal formalities, hence, liable to be maintained.
- B. Incorrect, plea taken by the applicant is whimsical / concocted rather fanciful hence, liable to be set at naught. As the apex court of Pakistan has held that the question of limitation cannot be considered a "technicality" simpliciter as it has got its own significance and would have substantial bearing on merits of the case.
- C. Para already explained needs no comments.

Keeping in view the above submission, it is humbly prayed that application of the applicant regarding condonation of delay may very kindly be dismissed please.


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


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


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

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

Service Appeal No. 354/2022

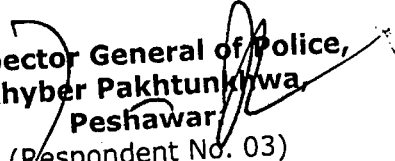
Zazi Gul ASI No.826/MR.s/o Anar Gul r/o Kochiyano Kaley Takht Bhai District
Mardan.....Appellant


VERSUS

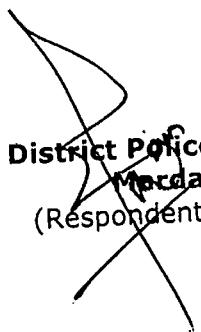
The Inspector General of Police Khyber Pakhtunkhwa, Peshawar and others
.....Respondents

COUNTER AFFIDAVIT.

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


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


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


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

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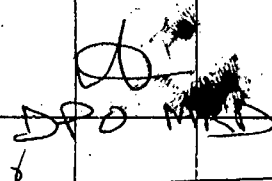
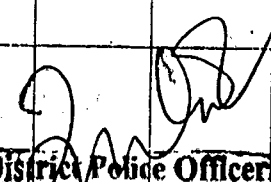
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Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
<u>ORDER:</u>							
He is hereby placed under							
suspension with immediate effect based on							
the findings of preliminary enquiry							
conducted on allegations of uploading & sharing							
secret information on social media.							

OB No. 1471

02/09/2020

[Signature]
DPO/Alondan



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 of Government servant
	<u>ORDER</u>						
	He is hereby placed under						
	Suspension & closed to Police						
	line with immediate effect.						
	OB NO = 899						
	Dated 25-05-2021						
	<u>ORDER</u>						
	He was heard in OR on 25-8-2021						
	with giving opportunity to clarify his possession, to						
	which he failed, therefore, keeping in view the enquiry						
	findings and materials on record, he is awarded major						
	punishment of reversion to the name of Head constable						
	and reinstated in service from the date of suspension						
	with counting his suspension period as duty with						
	immediate effect, and pay fixed Rs. 2345/- p.m.						
	OB NO. 1385						
	DT-25-8-2021						
							
	District Police Officer Mardan						



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9	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		
<p><u>ORDER</u></p> <p>appeal is Rejected vide RPO Mardan</p> <p>order Endst NO: 690/ES, dt: 25-01-2022.</p> <p style="text-align: right;">A/R DPO/Mardan</p>							
<p><u>ORDER</u></p> <p>He is hereby placed under Suspension</p> <p>Advised to Police Line with immediate effect.</p> <p style="text-align: right;">A/R DPO/Mardan</p> <p>OB NO: 2248 dt: 01-12-2021</p>							
<p><u>ORDER</u></p> <p>He is hereby Re-instating in service from the date of Suspension & counted his suspension period as duty & minor punishment of Censure -</p> <p style="text-align: right;">A/R DPO/Mardan</p> <p>OB NO: 672 dt: 14-3-2022</p>							

CHARACTER ROLL OF

6. APPOINTMENTS, PROMOTION, REDUCTION, DISCHARGES, ETC.

1	2	3	4	5
Appointed, promoted, suspended, reduced, discharged, dismissed, resigned or died	To what grade and pay Appointed, promoted or reduced	Date	No. of District Order	Full Signature of Superintendent of Police
<p>Appointed as Constable Time scale on three years Probation w.e from 7.2.2002 in BPS. No. 5 (2100-100-5100) and Pay fixed as Rs. 2100/- PM</p> <p>OB No. 144 Dated 9.2.2002</p> <p>P. I. as PC @ Rs. 100/- Rs. 2200/- PM with effect from 1.12.2002</p> <p>P. I. as PC @ Rs. 100/- Rs. 2300/- PM with effect from 1.12.2003</p> <p>P. I. as PC @ Rs. 100/- Rs. 2400/- PM with effect from 1.12.2004</p>	<p>S. F. Mirdan</p> <p>S. F. Mirdan</p> <p>S. F. Mirdan</p>	<p>He is hereby dismissed from service for his involvement in case No. 278 dt. 5-8-13 u/s 302/148/149/PPC PS S. Shah from the date of his absence w.e. 13-8-2013</p> <p>OB No. 2888 on 27/12/13</p>	<p>15.1.04</p> <p>ORDER</p> <p>D. P. Mirdan</p>	<p>Superintendent of Police MARDAN.</p>

7. TRANSFERS BEYOND THE DISTRICT

1	2	3	4
Date	From	To	Authority for transfer

(6)

ORDER

Due to his Pathetic family condition as well as his Long Services, he is re-instated in service with immediate effect, absence period w. of 13-8-2013 to 31-10-2014 to be treated as leave without pay. vide Dig/Mordan order Endat. no. 7098/Es, dated:- 31-10-2014 and pay fixed Rs:- 9320/PM.

@BNo. 2201.

31.10.14.

[Signature]
District Police Officer
Murdan

MF 84
5/12 Drawn Rs 28058/2 as Pay as allow
for 11/2014 on A/c of re-inst in
in Services. @ 9320/PM + allow
Adjst in 12/2014

[Handwritten calculations]
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8365/11
12055/15

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ND
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Office of the Accountant General
Khyber Pakhtun Khwa Peshawar
Fixed in the Revised Pay Scale
5800 820/54
Fixed @ Rs 8360
12055/15
199/22
01-07-2013
01-12-2013
27/316



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2021
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**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

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

No. 130 /PA

Dated 2/16/2021

DISCIPLINARY ACTION

I, **DR. ZAHID ULLAH (PSP)**, District Police Officer Mardan, as competent authority am of the opinion that **ASI Zazi Gul**, 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 Zazi Gul No.826/MR.** while posted as In-charge Police Post Motorway (now under suspension Police Lines) was found involved in corruption by taking an illegal gratification of Rs.50,000/- from one Muhammad Ali Raza Son of Muhammad Saleem resident of Wahari (Punjab) on the pretext that his vehicle (Motor Car) No.LWO-84 is tempered/theft one, while during checking/verification at Excise Department, the vehicle in-question was found correct/clear, as highlighted by Mr. Adnan Azam SDPO/Rural Mardan in his preliminary enquiry, already conducted into these allegations on the directions of the undersigned vide his office letter No.898/St dated 25-05-2021 (Worth perusal by Enquiry Officer).

It may be mentioned here that on taking into possession the vehicle in-question by ASI Zazi Gul, neither he parked at Police Station Toru or any of the Police Post of PS Toru, nor brought it into the notice of SHO concerned, besides non lodging any report in the Roznamcha in-time, clarifying misconduct & mala-fide intention on his part.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations **ASP Muhammad Oais Khan SDPO Takht-Bhai 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 Official, 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 Zazi Gul is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan



② **OFFICE OF THE**
DISTRICT POLICE OFFICER,
MARDAN

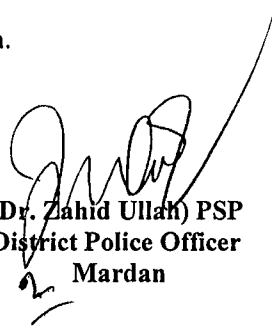
Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com



CHARGE SHEET

I, **DR. ZAHID ULLAH (PSP)**, District Police Officer Mardan, as competent authority, hereby charge **ASI Zazi Gul No.826/MR**, while posted as In-charge Police Post Motorway (now under suspension Police Lines), 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 Officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan



OFFICE OF THE
SUB-DIVISIONAL POLICE OFFICER,
TAKHT BHAJI CIRCLE

Tel. & Fax: 0937552211, E-Mail: dsp.thi@gmail.com

No. 675 /ST, Dated: 28/07/2021.

To,

THE DISTRICT POLICE OFFICER,
MARDAN

Subject:

DISCIPLINARY ACTION AGAINST ASI ZAZI GUL NO. 826MR.

Memo:

Kindly refer to your office Diary No. 130/PA, dated 02.06.2021.

ALLEGATIONS:

This enquiry report is the outcome of an elaborate enquiry into a statement of allegation against ASI Zazi Gul No. 826/MR, while posted as In-charge Police Post Motorway (now under suspension Police Lines) was found involved in corruption by taking an illegal gratification of Rs. 50,000/- from one Muhammad Ali Raza son of Muhammad Saleem resident of Wahari (Punjab) on the pretext that his vehicle (Motor Car) No. LWO-84 is 'tempered/theft one, while during checking/verification at Excise Department, the vehicle in-question was found correct/clear, as highlighted by Mr. Adnan Azam SDPO/Rural Mardan in his preliminary enquiry, already conducted into these allegation on the direction of the worthy DPO Mardan vide his office letter No. 898/St dated 25.05.2021.

It may be mentioned here that on taking into possession the vehicle in-question by ASI Zazi Gul, neither he parked at Police Station Toru or any of the Police Post of Police Station Toru, nor brought it into notice of SHO concerned, besides non lodging any report in the Roznamcha in-time, clarifying misconduct & mala-fide intention on his part.

FINDING OF THE ENQUIRY:

Enquiry proceedings were initiated and the alleged ASI Zazi Gul was summoned and copy of charge sheet was handed over to him accordingly. He produced his written statement and he was heard in person. He negated the allegation and stated that he has not taken any bribe money from complainant, in this connection he also produced an affidavit duly signed by complainant Ali Raza. The complainant Ali Raza does not want further action and clarified that he has not given money to ASI Zazi Gul.

ASI Zazi Gul further stated that on receiving information he checked the engine and chassis number of the motorcar and were found cut/welded. So he took the motorcar in possession, parked it in PP Motorway and informed SHO/SI Iftikhar Khan.

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During the process of enquiry complainant Ali Raza was contacted on his mobile number 0305-6570324 from office phone number 0937-552211. He expressed his inavailability to come in person to the office of undersigned stating that he had already submitted an affidavit and wanted no action. (11)

On perusal of record it was found that while taking the motorcar into possession ASI Zazi Gul was bound to lodge a report in the Roznamcha accordingly but he did not do so which indicates negligence on part of alleged ASI Zazi Gul. (3)

RECOMMENDATION:

Keeping in view the above facts and preliminary enquiry, the allegations regarding abuse of authority hold substantial ground, however keeping in view the retracting statement of the complainant, the ASI Zazi Gul No. 826/MR might be awarded minor punishment if agreed.

Muhammad Qais Khan (PSP)
Sub-Divisional Police Officer,
Takht Bhai

OR
~~Signature~~
8/12/11

The officer was heard in O.R.
He was given opportunity to
clarify his position but failed.
Keeping in view the enquiry findings
and material on record ASI is
awarded major punishment of
reversion in rank to the rank
of HC with immediate effect.
D. 20/11/11

(13)

After production of original documents on 17.05.2021 the same was examined through the Excise Deptt. Mardan and the S.H.O/Inspector Police Station Mardan Region vide export dated 19.05.2021, has claimed that the chassis No. of vehicle is cut and welded. This report of Excise Deptt also negates that the vehicle was clear. (Copy is attached).

Respected sir, the culprit ~~has been released along with the tampered vehicle without legal proceedings.~~ I have been under enormous mental stress being suspended and placed under enquiry by taking cognizance of an illegal action to which I was duty bound.

It is requested that I may be exonerated from the charges as leveled against me.

Dated: 12/06/2021

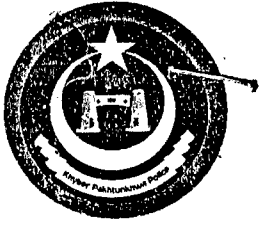
Yours Expediently
ASI Zazi Gul
No. 826MR

12.06.2021

The sign of cutting and welding of the chassis No. of the vehicle was found on the right hand side of the engine of the vehicle. The photograph of the right hand side of the engine is attached herewith for your reference.

Since it was last time of Ramzan and Eid in the year just passed hence retained the vehicle in police custody. The alleged culprit was released on personal bond (copies attached).

I also referred Mr. Iftikhar Ali S.H.O Police Station Tarn Mardan and parked the vehicle in the BP station. There is no delay in the relevant BP and recovery matters of customs was prepared duly witnessed by Shaukat Constantin and Shaukat H.C. (copy is attached).



5
**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

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

2021

No. 2811-14 /PA

Dated 28/8 /2021

ORDER ON ENQUIRY OF ASI ZAZI GUL NO.826/MR

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 Motorway (now under suspension Police Lines Mardan), was placed under suspension vide this office OB No.899 dated 25-05-2021, issued vide order/endorsement No.3287-91/EC dated 26-05-2021, on account of involving in corruption by taking an illegal gratification of Rs.50,000/- from one Muhammad Ali Raza Son of Muhammad Saleem resident of Wahari (Punjab) on the pretext that his vehicle (Motor Car) No.LWO-84 is tempered/theft one, while during checking/verification at Excise Department, the vehicle in-question was found correct/clear, as highlighted by Mr. Adnan Azam, the then SDPO/Rural Mardan in his preliminary enquiry, conducted into these allegations on the directions of the undersigned vide his office letter No.898/St dated 25-05-2021.

It may be mentioned here that on taking into possession the vehicle in-question by ASI Zazi Gul, neither he parked it at Police Station Toru or any of the Police Post of PS Toru, nor brought it into the notice of SHO Toru, besides non lodging any report in the Roznamcha in-time, clarifying misconduct & mala-fide intention on his part.

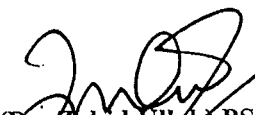
To ascertain real facts, the delinquent official was proceeded against departmentally through ASP Muhammad Qais Khan SDPO Takht-Bhai vide this office Statement of Disciplinary Action/Charge Sheet No.130/PA dated 02-06-2021, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.675/ST dated 28-07-2021, holding responsible ASI Zazi Gul of negligence that he was bound to lodge a report in the Roznamcha on taking into possession the vehicle in-question, but he failed to do so and recommended for minor punishment.

Final Order

ASI Zazi Gul was heard in OR on 25-08-2021 with giving opportunity to clarify his possession, to which, he failed, therefore, keeping in view the enquiry findings & materials on record, he is awarded major punishment of reversion to the rank of Head Constable & is reinstated in service from the date of suspension with counting his suspension period as duty with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 1385

Dated 25/8 2021.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan, please.
- 2) The DSP/HQs/Mardan.

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

Service Appeal No. 354/2022

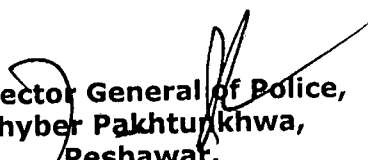
Zazi Gul ASI No.826/MR s/o Anar Gul r/o Kochiyano Kaley Takht Bhai District
Mardan.....Appellant

VERSUS

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

AUTHORITY LETTER.

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


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


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


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