

Service Appeal No. 15903/2020

ORDER
25.07.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, placed on file of Service Appeal bearing No. 15901/2020 titled "Naeem Khan Versus District Police Officer, Nowshera and three others", the appeal in hand is allowed by setting-aside the impugned orders and the appellant is reinstated in service with all back benefits. Parties are left to bear their own cost. File be consigned to the record room.

ANNOUNCED
25.07.2022



(KALIM ARSHAD KHAN)
CHAIRMAN



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

31.05.2022

Junior to counsel for the appellant present.

Asif Masood Ali Shah, learned Deputy District Attorney
alongwith Fayaz HC for respondents present.

File to come up alongwith connected Service Appeal
No.15901/2020 titled "Naeem Khan Vs. Police Department" on
25.07.2022 before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

Handwritten notes at the bottom of the page, including the date "25.07.2022" and the text "Due to retirement of the Honorable Chairman the case is adjourned to some date for the same as per the order of the court."

21.06.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Respondents have not submitted reply/comments. Learned AAG seeks further time to contact the respondents. Learned AAG is required to contact the respondents for submission of reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 08.11.2021 before the D.B.



Chairman

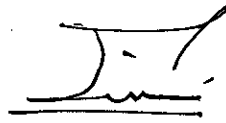
08.11.2021

Clerk of counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Written reply/comments on behalf of respondents have been submitted through office, which is placed on file.

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned To come up for arguments before the D.B. on 09.02.2022.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

9-2-2022

Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 31-05-2022


Reader

01.02.2021

Counsel for the appellant present.

Learned counsel referred to the impugned order dated 02.10.2020 and contended that the major penalty was awarded to the appellant on the basis of an enquiry/report dated 23.09.2020. He also referred in the context to the enquiry report wherein the contents were almost verbatim to the cases of other co-accused. In his view, the enquiry conducted as such was devoid of substance while no efforts for recording the statement of witnesses, who witnessed the occurrence, were made. The findings contained in the report did not mention the source of collection of information regarding the event. Learned counsel added that the other procedure mandatory for proceedings against the appellant was not adopted as per applicable rules.

In view of the available record and arguments of learned counsel, instant appeal is admitted to regular hearing subject to all just exceptions. Appellant is required to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 28.04.2021 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

28.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 21.06.2021 for the same as before.




Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 15903 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/12/2020	<p>The appeal of Mr. Kamran Khan presented today by Mr. Muhammad Arif Jan 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> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/02/20</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2020

Kamran Khan Ex-Constable.....Appellant

VERSUS

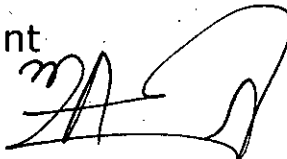
DPO and othersRespondents

I N D E X

S.No.	Description of documents.	Annexure	Dated
1.	Service Appeal <i>with affidavit</i>		<i>1-8</i>
2.	Stay application with affidavit		
3.	Addresses of parties		<i>9</i>
4.	Copy of Mad report No-17	A	<i>10</i>
5.	Copy of Mad Report No-28	B	<i>11</i>
6.	Copies of FIR's	C & D	<i>12-13</i>
7.	Copy of inquiry report dated 10-09-2020	E	<i>14-15</i>
8.	Copy of reply to show cause	F	<i>16-17</i>
9.	Copies of final show cause notice and its reply	G & H	<i>18-20</i>
10.	Copy of order dated 2-10-2020	I	<i>21</i>
11.	Copies of memo of appeal and order dated 20-11-2020	J & K	<i>22-26</i>
12.	Wakalatnama		<i>27</i>

Dated: 09-12-2020

Appellant
Through



Muhammad Arif Jan
Advocate High Court

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 15903/2020

Diary No. 16439

Date 01/12/2020

Kamran Khan Ex-Constable No-1789 District Police
Nowshera presently at S/o Jan Wali Khan R/o Amankot,
Pabbi District, Nowshera.

.....Appellant

VERSUS

- 1) District Police Officer, Nowshera.
- 2) Regional Police Officer, Mardan.
- 3) Provincial Police Officer Khyber Pakhtunkhwa,
Peshawar.
- 4) Assistant Superintendent of Police (Inquiry officer)
circle Cantt, Nowshera.

.....Respondents

Filed to-day
Registrar

**SERVICE APPEAL U/S 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
ORDER DATED 02-10-2020 PASSED BY
RESPONDENT NO-1, AGAINST WHICH
THE DEPARTMENTAL APPEAL
PREFERRED AND THE SAME WAS TOO
REJECTED BY THE RESPONDENT NO-2
MAINTAINING THE DISMISSAL ORDER
OF THE APPELLANT.**

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Respectfully Sheweth:-

- 1) That the appellant was appointed as Constable in the Police Department and had served the department with his full devotion & determination with unblemished record of throughout his service.
- 2) That initially vide daily dairy No-17 dated 10-09-2020, the Lady Constable Safia of District Police, Nowshera along with her sister namely Neelam reported the matter to SHO (brief mentioned therein) for implementation of the order/judgment of the Hon'ble Peshawar High Court, Peshawar in addition with her personal security.(Copy of Mad Report dated 10-09-2020 is attached as ANNEX-A).
- 3) That the appellant while posted in Police Station Akbar Pura, Nowshera was allegedly been involved for his negligence and misconduct on account of an scuffle/firing took place between one Nazar Muhammad (Police Constable of Peshawar) with Lady Constable Safia of District Police, Nowshera where resultantly the latter expired and her sister namely Neelam sustained injured.
- 4) That the then SHO falsely reported the matter in shape of Daily Dairy No-28 of the same date to Muhharar of the Police Station (brief mentioned therein) regarding the occurrence took place by way of concealing the real facts just to save his skin and held responsible the innocent lower scale

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Police constables including the appellant for all. (Copy of Mad Report No-28 dated 10-09-2020 is attached as ANNEX-B).

- 5) That resultantly FIR No-278 dated 10-09-2020 was registered against the appellant including some other officials by the then SHO and on the same date another FIR No-276 was also registered regarding the occurrence took place where after the appellant was allowed his post arrest bail on 14-09-2020 by the concerned learned Judicial Magistrate (MOD). (Copies of both FIR's are attached as ANNEX-C & D respectively).
- 6) That respondent No-1 started disciplinary proceedings against the appellant and appointed respondent No-4 as inquiry Officer who without going to the real facts and circumstance of the case submitted his one sided inquiry report in a hasty manner just to show his efficiency to high ups on 23-09-2020 .(Copy of inquiry report dated 10-09-2020 is attached as ANNEX-E).
- 7) That the appellant was issued with a show cause notice who submitted his reply on 17-09-2020 by negating the allegations leveled against him and also brought the real facts on the surface. (Copy of reply dated 17-09-2020 is attached as ANNEX-F).
- 8) That final show cause notice was also issued on 23-09-2020 which was too replied by negating the allegations on 28-09-2020. (Copies of final show

cause notice and reply are attached as ANNEX-G & H respectively).

- 9) That respondent No-1 issued the impugned order of dismissal from service vide letter/order dated 02-10-2020 against the appellant. (Copy of letter/order dated 02-10-2020 is attached as ANNEX-I).
- 10) That the appellant filed departmental appeal against the impugned letter/order dated 12-10-2020 before respondent No-2 which was rejected on 20-11-2020. (Copies of memo of appeal and order dated 20-11-2020 are attached as ANNEX-J & K respectively).
- 11) That appellant now approaches this Hon'ble Tribunal on the following grounds:-

GROUNDS

- A. Because the act, commission and omission of the respondents by way of depriving the appellant from his vested right of his service and further the orders dated 02-10-2020 and 20-11-2020 passed by respondents No-1 & 2 respectively (hereinafter impugned) are patently illegal, unlawful, without lawful authority, against the law, rules and regulation governing the subject matter, thus the impugned orders are liable to be set-aside and the appellant may kindly be re-instated in his service with all back benefits.

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- B. Because, it is worth mentioning here that, neither the then SHO assigned the duties to appellant along with others officials nor deployed properly despite the facts of early information's and held responsible the appellant being of his subordinate and lower scale employees consequently the impugned order passed which is against the norms of justice.
- C. Because the inquiry officer (Respondent No-4) badly failed to collect/gathered the real facts into the guilt of the appellant. Neither the appellant fled away from the scene of occurrence nor did made any misconduct/negligence but in fact the appellant was present along with the then SHO, it is worth mentioning here that, in fact the SHO fled away by securing himself.
- D. Because no suspension order has been issued against the appellant moreover the respondents also badly failed to considered the written reply of the appellant moreover the respondent No-4 could not bother to record the statements of inhabitants/eye witnesses of the occurrence, hence the whole proceedings initiated against the appellant based on mala-fide which is against the law rules and regulations governing the subject matter.
- E. Because the mala-fide of the respondents in even established from the so called inquiry wherein the then SHO was held responsible for his misconduct

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but he has been sphere without any reason and justification or the reason best known to the respondents.

- F. Because the appellant is innocent and had served the department with unblemished record throughout of his service and there is/was no any inquiry or complaint pending, hence the impugned order is nothing, but just to deprive the appellant from his service and service benefits etc.
- G. Because the appellant is jobless and the only bread winner of his whole family.
- H. Because the impugned order passed without adopting proper criteria and codal requirements by the respondents which is against the ruling of the Hon'ble Superior Courts of Pakistan and therefore, the same is illegal practice and such practice adversely effects efficiency of incumbents and also reduces their confidence and faith in public, hence the impugned order referred above is liable to be set aside.
- I. Because the impugned order has been passed without applying proper law and rules over the subject.
- J. Because the Respondents erroneously exercised their powers against judicial principle, and have passed the impugned order and opened a new Pandora box in clear violation of Service law, hence, the said impugned order is liable to be set aside, and the appellant may kindly be allowed to

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keep and continue his duties by re-instating him with all service benefits.


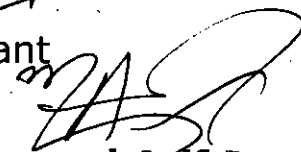
- K. Because it is highly condemnable that the respondents are adopting the policy of "MIGHT IS RIGHT", which is evident from the impugned order passed against the appellant, thus the act, commission and omission of the respondents is in violation of law and rules, hence invites consideration of this hon'ble Tribunal.
- L. Because only show cause notice has been issued to the appellant moreover no statement of allegation, no charge sheet and even no opportunity of personal hearing etc been provided to the appellant.
- M. That any other ground which has not been specifically mentioned will be agitated at the time of arguments with kind permission of this hon'ble Tribunal.

It is, therefore, humbly prayed that, on acceptance of the instant appeal, this Hon'ble Tribunal may be pleased to;

- i. Declare the impugned order dated 02-10-2020 & 20-11-2020 passed by respondents No-1 & 2 respectively as illegal, unlawful, without lawful authority and void ab-initio and to be set-aside.

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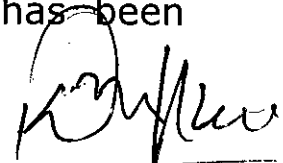
- ii. Direct the respondents to re-instate the appellant into his service with all back benefits.
- iii. Any other relief may also kindly be granted in the circumstances of the appellant's case.


Appellant
Through 
Muhammad Arif Jan
Advocate High Court

AFFIDAVIT

I, Kamran Khan Ex-Constable No-1789 District Police Nowshera presently at S/o Jan Wali Khan R/o Amankot, Pabbi District, Nowshera (Appellant), do hereby affirm and declare on oath that the contents of accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.




Deponent

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2020

Kamran Khan Ex-Constable....Appellant

VERSUS

DPO and othersRespondents

ADDRESSES OF PARTIES

APPELLANT

Kamran Khan Ex-Constable No-1789 District Police
Nowshera presently at S/o Jan Wali Khan R/o Amankot,
Pabbi District, Nowshera.

RESPONDENTS

1. District Police Officer, Nowshera.
2. Regional Police Officer, Mardan.
3. Provincial Police Officer Khyber Pakhtunkhwa,
Peshawar.
4. Assistant Superintendent of Police (Inquiry officer)
circle Cantt, Nowshera.

Appellant
Through 
Muhammad Arif Jan
Advocate High Court

(10)

Amir-A

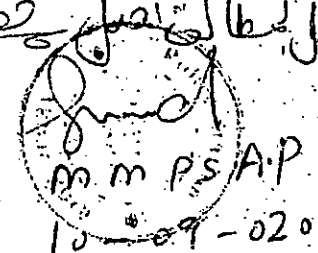
قلعہ لشکرہ

کھانا البریلورہ

تعداد 17 روزانہ 10⁰⁹/₂₀₂₀

17 ویں ایسی عبدالصیخان 10⁰⁹/₂₀₂₀ البریلورہ وقت 12:40 بجے مورخہ 10⁰⁹/₂₀₂₀ میں
 پھر ایشیاں رفتہ گوالم و دیالہ بعد آگشت علاقہ سے واپس آیا۔ مقرر
 میں موجود مسماہ نیلم فرید و جب ایاقہ علی مسماہ منیڈناز دختر
 فرید اللہ نسالان علی شاہ موجود تھے جنہوں نے عدالت عالیہ لیٹاور
 کھائی کوڈ ٹی ڈی بیٹیشن نمبر P-3271-3272 عدالت جناب جسٹس
 روح الامین خان بیٹیشن نمبر 112 مورخہ 10⁰⁹/₂₀₂₀ میں کئی لکیر لیا ہے کہ
 مسماہ فریدہ کے بہادر اہلے عقدہ عدالت 112 مورخہ 10⁰⁹/₂₀₂₀ 11 جرم 324 326 302
 کھانا البریلورہ میں عمران استواری کے اور مسماہ نیلم ایسا سافان
 بہان سے دوسرے مقام پر منتقل کرنا چاہتی ہے اسلی سٹیوڈیٹی جاوے
 تا کہ وہ ایسا سافان بنا حفاظت بہان سے دوسرے جگہ منتقل کریں
 پس یہ حکم عدالت کھائی ٹورڈ لیٹاور تقری طلاق 159 کامران 1784
 سعید اللہ 2002، عامر 394، وحید 24، عارف 1040 کامران 749 ڈی ایور شاہ حسین
 لیٹواری سرفاری کے ہے پھر مل ڈی ایور و ان مضامین اذان مسماہ نیلم فرید
 واقعہ میں علی شاہ بیوتالیوں

خاتون عالی

نقل بطور اصل

 M.M.P.S.A.P.
 10-09-2020

ATIL


فصل اولیٰ شجرہ

کتاب الدیورہ

نقلم 28 روز ناچ 10 09 2020
 ور 28 واپسی النسیل عبد البعیر خان SHO وقت 17:00 مورخہ 10 09 2020 میں مکہ بھر انبیان رفت
 رپورٹ کووالہ والا بعد از دین علیستان سے واپسی آیا جو وفد 18 روز ناچ 10 09 2020
 حسب العلم لیٹا اور چٹائی کوٹ اڈا تک پہنچا WP 3271- P 2020 بطور الت جیسٹ

روح الامین خان عدالت عالیہ فورٹ لیٹا اور بنا اسماء بنیلم فرید خیر
 فرید اللہ سکنہ علیستان بجز حق کوالی ٹھکانہ سافان جو ابھی بھران دیکر لوی
 لولیس وسماء بنیلم و عقیب ناز موقع پر پہنچے تو اسی اثناء میں ان کے والدین
 نذر محمد نجیم، اسد، منصف سائمان علیستان جو باہر سے مسلح ہوا
 آتشی ہو جو کہ فریڈ لہ بالہ فلزخان نے لولیس باری دیکھ کر بھران
 مستورات انتہاء بیدار نے کی عرض سے نما اولخان نے اپنے ایک مسلح
 آتشی لربلٹ عمار کے چینی و چھتہ لوی لربھر انبیان طابق 459
 کامران 1789 سعید 2002 عامر 394 نجیم 276 کامران 749 عامر 118
 نے اپنی بی بی علیہ جھوڑ کر لڑنے کا مظاہرہ کرنے شروع کیا SHO کو موقع پر انہوں
 جھوڑ کر راہ فراد اختیار کی فلزخان جلال اس موقع کا فائدہ اٹھاتے ہوئے
 ڈرائیو سے فرار ہوئے اور 7603 لیٹا اور میں ہو جو اسماء بنیلم فرید
 وسماء سعید ناز جو ابھی ایسٹ فورس میں تھے بطور کینیٹ لکھنات بھی لربھی
 اسلوا آتشی سے فائرنگ کرتے ہوئے لولیا موقع پر لڑھی لولیس اسماء سعید ناز
 موقع پر حال الحق لوی جس لربھیلم فرید کی وادیت میں مقدمہ 276 مورخہ 10 09 2020
 پر 302-324 P.P.C کتاب الدیورہ 148-149 جیسٹ لربھی فلزخان بعد وقوع دوران
 فرار میں SHO نے فلزخان کی گرفتاری عمل میں لانے کیلئے فائرنگ کی جو تک
 موقع پر کافی مستورات اور لڑکے ہو جو کہ جن کا فائدہ اٹھاتے ہوئے جھل
 فلزخان فرار ہوئے میں حاضریات ہوئے جملہ حالات و احوال اس پر بالائے لولیس
 میں نذر محمد نجیم ایسے سبیل فون لولیس میں لائی جا لربھی DSP سرکل طریب
 جان صاحب محمد لربھی لولیس RRF لولیس لائن کو شہر سے موقع لربھی فلزخان کی
 گرفتاری کیلئے چھاپے لربھی اور ان چھاپے لربھی جملہ فلزخان جلال ایسے فغانک
 میں عدم موجود پانے لربھی ورنہ خانہ تلاشی علیہ نذر محمد کے کو لربھی لربھی
 سے ایضاً مختلفہ قہری 1954-5176 NF فینس میلز میں ایضاً 15 عدد
 کارٹوس 762 بود لربھی نربھی نے فرد قبضہ لولیس میں لربھی جس پر مورخہ 277
 مورخہ 10 09 2020 P.P.A 15AA کتاب الدیورہ 148-149 جیسٹ لربھی لربھی دور الت حاجت SHO
 نے فلزخان لربھی 25 راونڈ فائرنگ لربھی جملہ حالات و احوال بھر انبیان لولیس
 ایٹکاران کی غفلت لربھی اور کار سرفا میں لربھی لربھی سے اوکھا لربھی
 اور ایک قیدی النسیل جان فنانج ہوئی لربھی جملہ جلالہ فلزخان
 لولیس لیخلاف جملہ لربھی اور قالوقی طاروان کیلئے نقلم علیہ مرتب کر کے افسران
 بالا کو ارسال لربھی لربھی عرض ہے

جناح عالی
 نقل مطابق اصل پر
 M.M.P.S.A.P.10-09-2020

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Annex - E

ENQUIRY REPORT FC KAMRAN NO.1789 PS AKBARPURA.

ALLEGATION:

Whereas, Constable Kamran No. 1789 while posted at PS Akbarpura, now under suspension at police Line, showed negligence as he left SHO PS Akbarpura alone and ran away from the spot during scuffle / firing that took place between Nazar Muhammad (police constable at District Peshawar) and lady Constable Safia No. 2802/EF residents of Ali Shah, District Nowshera. Resultantly, LFC Safia expired and her sister namely Neelam sustained bullet injuries, which amounts to grave misconduct on his part and rendered him liable for Minor/Major punishment under Khyber Pakhtunkhwa Police Rules 1975.

PROCEEDINGS:

The delinquent police official was heard in person by the undersigned. He submitted his statement of defence which is just a pack of lies.

(Statement attached).

FINDINGS:

The truth of the matter is: On the fateful day (10th Sep), SHO Abdul Baseer called PP Wapda Colony I/C ASI Abdul Latif to reach Ali Shah for the implementation of an order of High Court. ASI Latif reached the spot and to his surprise, accused party and its other family members including women were already present there. The accused party led by Nazar Muhammad accompanied with other relatives warned ASI Latif to stay out of this as it is their private matter and they have plans to take LFC Safia to task, else get ready for dire consequences. ASI Latif stepped back and told SHO on phone about nefarious designs of the accused party. At this point, SHO was at fault as he shouldn't have reached the spot alongwith Safia and Neelam at the first place, keeping in mind the state of aggression of the accused party. However, SHO reached the spot without any extra force. A Mazda (to transport luggage) and HIACE (seating Safia and Neelam) entered the spot along with SHO.

The following constables and PASI accompanied SHO on the spot: Tariq 459, Saeed Ullah 2002, Kamran 1789, Amir 384, Naeem 276, Kamran 749, Amir 1180, PASI Safi Ullah, ASI Latif. SHO Abdul Baseer along with this limited strength of personnel entered the narrow street, locating house of the accused party as well as that of LFC Safia and Neelam. Ladies from the accused party started heated argumentation with LFC Safia and Neelam, sitting in the HIACE. Meanwhile, the accused party led by Nazar Muhammad and his brother and their other relatives including women started chanting slogans to kill Safia and even all police officer present there. They had weapon (Pistol and AK-47) in hands and women had daggers, knives and wooden sticks. On this call, all afore-mentioned constables and PASI fled the scene and took refuge in nearby house

ATTESTED



in the fields

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Whereas, SHO was left alone and he hid himself between HIACE and Mazda Truck. In the course of events, the accused party surrounded the HIACE in which Safia and Neelam were seated. LFC Safia tried to get hold of her weapon from her purse and seeing this, accused party opened a burst of Kalashnikov. Neelam got bullets on her feet. Both sisters got injured. Meanwhile, SHO asked Neelam (from behind the windows of HIACE) to take his pistol and fire at the accused party. In the blink of an eye, the accused party fled the scene leaving behind both sisters in injured condition. SHO didn't put in an iota of effort to apprehend the accused party, rather waited for 8-10 minutes behind the vehicle, then shifted the injured to another vehicle and then ran after the accused, did some aerial firing, on doors and houses in the path way (just to register his response).

The undersigned has gathered information from eye witnesses of the spot as well as from Neelam (Safia's sister). In the opinion of the undersigned, the delinquent police official is found guilty of misconduct and cowardice. He withdrew himself from the duty assigned to him without permission. He fled the scene as the situation was getting out of control and didn't fire on the accused party in return. He doesn't deserve to be part of police service any more. Hence, he may be dismissed from service.


Assistant Superintendent of Police,
Circle Cantt Nowshera.

No. 33 / St
Dated 23/09/2020.

ATTESTED


Amma F
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بیان ازان معطل کنسٹیبل کا مران خان 1789 پولیس لائن نوشہرہ


جناب عالی!

بحوالہ چارج شیٹ نمبری 135/PA مورخہ 10.09.2020 معروض ہوں کہ من سائل تھانہ اکبر پورہ میں تقریباً 4 ماہ سے تعینات تھا۔ جناب SHO صاحب کے تبادلے پر SHO صاحب نے من سائل نے بطور گنر جبکہ طارق 459 کو بطور ڈرائیور اپنے ساتھ کیا۔ بروز وقوعہ مورخہ 10.09.2020 صبح قومی گشت ہوئی تھی۔ جسمیں دیگر نفری کے علاوہ لیڈی کنسٹیبل صفیہ ناز (مرحومہ) بھی موجود تھی۔ قومی گشت ختم ہو کر بعد میں بوقت تقریباً 10/11 بجے معہ SHO صاحب تھانہ آئے۔ تھانہ میں وہی لیڈی کنسٹیبل سادہ کپڑوں میں موجود تھی۔ جس کے ساتھ ایک عورت اور بھی تھی۔ اور اپنے ساتھ ایک مزدور اور فلائنگ کوچ ہمراہ لائے تھے۔ تھانہ میں SHO صاحب کے ساتھ لیڈی کنسٹیبل اور اسکی بہن دفتر میں کافی دیر تک بیٹھے تھے۔ جن کے بعد SHO نے تھانہ موبائل طلب کر کے میں اور طارق SHO 459 صاحب کے ساتھ موٹر کار میں بیٹھ گئے۔ جبکہ دونوں مستورات فلائنگ کوچ میں بغیر سیکورٹی کے بیٹھ گئے۔ اور تھانہ موبائل معہ نفری بھی روانہ ہوئے۔ راستے میں SHO صاحب سے پوچھنے پر بتلایا کہ گاؤں علی شاہ کی طرف جا رہے ہیں۔ معاملہ سمجھ میں اگر SHO کو بتلایا کہ اسکی قتل مقتولہ کی دشمنی ہے اور دونوں فریقین ایک دوسرے کے نزدیک آباد ہیں۔ SHO صاحب نے بتلایا کہ افسران بالا صاحبان نے نفری دینے سے انکار کیا۔ اور عدالت عالیہ کا حکم ہے کہ تعمیل کرنا ضروری ہے۔ میں نے عبداللطیف PASI کو موقع پر بھجوایا ہے اس سے پوچھنے کے لئے SHO صاحب نے PASI کو بذریعہ فون کال کر کے موقع کی نسبت پوچھا جس پر PASI صاحب نے SHO کو صاف بتلایا کہ یہاں پر حالات خراب ہے لیکن پھر بھی SHO نے وہاں جانا مناسب سمجھا۔ اور کہا کہ دیکھا جائیگا۔ جب موقع پہنچے تو وہاں پر ہمارے علاوہ تھانہ اور واپڈا موبائل معہ نفری موجود تھی۔ جبکہ کافی تعداد میں بچے، مستورات اور مرد حضرات وغیرہ بھی موجود تھے۔ جن میں سے کسی کے پاس اسلحہ، لائٹیاں، چاقو اور چھریاں موجود تھی۔ جن میں سے بہ مسلح افراد مشتعل ہو کر فلائنگ کوچ کی طرف آئے۔ وہاں پر موجود ایک شخص کے ساتھ SHO نے معاملہ کی نسبت بات چیت کرنی چاہی اور پولیس پارٹی کو خاموش ہونے کا کہا اور مجھے بتلایا کہ جاؤ اور گاڑی سے عدالت عالیہ کا آرڈر لے آؤ۔ جب میں آرڈر لینے گاڑی کی طرف گیا تو اسی دوران فائرنگ شروع ہوئی۔ جب دوڑ کر واپس آیا تو SHO صاحب کو فلائنگ کوچ کے ساتھ حیران و پریشان کھڑا پایا اور پولیس پارٹی بھی فائرنگ کر رہی تھی۔ ملزمان نے فلائنگ کوچ پر فائرنگ کی تھی۔ جس سے دونوں مستورات زخمی ہو چکے تھے۔ ملزمان کو قابو کرنے کے لئے میرے علاوہ وہاں پر موجود پولیس پارٹی نے کافی کوشش کی تھی مگر بوجہ کافی تعداد میں تماشیاں و دیگر بچے عورتیں وغیرہ کے بھیڑ میں ملزمان بھاگنے میں کامیاب ہوئے۔ دونوں کو PASI لطیف معہ ہمراہی بغرض علاج معالجہ ہسپتال کے گئے۔ بعد میں ملزمان کے گھر پر چھاپے لگائے گئے ملزمان عدم موجود تھے۔ خانہ تلاشی میں ایک کلاشنکوف برآمد ہوئی۔ واپسی پر گاڑی میں SHO صاحب کو کہا کہ سر آپ تو فلائنگ کوچ گیٹ کے ساتھ بھی کھڑے تھے آپ تو ملزمان کو قابو بھی کر سکتے تھے اور

P.T.O
ATTESTED

(17)

ما رہی سکتے تھے۔ جواباً SHO صاحب نے بتلایا کہ میں کسی کی دشمنی اپنے گھر کیوں لاؤں؟ میرے بھی چھوٹے چھوٹے بچے ہیں۔ تھانہ آکر محرر کے ساتھ راتفل جمع کیا بعد میں محرر تھانہ نے بسواری پک اپ مع دیگر موقع میں موجود اہلکاران کو پولیس لائن لاکر کوارٹر گارڈ میں بند کر دیا۔ اگلے روز ہتھکڑیاں پہنا کر نوشہرہ کچہری عدالت میں پیش کیا گیا۔ جس سے ہمیں پتہ چلا کہ وقوعہ کی نسبت SHO نے اپنے آپ کو بچانے کی خاطر میرے اور میرے ساتھیوں کے خلاف مقدمہ علت 278 مورنہ 10.09.2020 بجرم B-118 پولیس ایکٹ 2017 درج کی ہے۔ عدالت حضور میں پیشی کے بعد مردان جیل میں داخل کرایا۔ عدالت سے برضانت رہا ہوں۔ تفتیشی افسر نے مقدمہ ہذا میں میرا بیان زیر دفعہ 161 Crpc قلمبند کیا ہے۔ اس سے بالکل لاعلم ہوں تفتیشی افسر نے اپنی مرضی سے میرا بیان قلمبند کیا ہے۔ SHO صاحب کو جاتے وقت اس بارے کافی سمجھایا تھا کہ وہاں پر جانا اور اپنے ساتھ ان مستورات کو ساتھ لے جانا خطرے سے خالی نہیں ہے۔ جہاں پر وقوعہ ہذا سرزد ہونے میں میرے خلاف جو غفلت اور لاپرواہی کا الزام لگایا گیا ہے۔ سراسر من گھڑت اور بے بنیاد ہے۔ کسی قسم کی غفلت لاپرواہی اور بزدلی نہیں کی ہے۔ بلکہ SHO صاحب سے موقع پر کوئی کارروائی نہ ہونے پر اپنے آپ کو بچانے کی خاطر ہمیں قربانی کا بکرا بنایا گیا ہے۔ بے قصور ہوں انصاف کا طلب گار ہوں۔ یہی میرا بیان ہے۔ قرآن پاک پر ہاتھ رکھ کر بھی یہی میرا بیان ہوگا۔ جو حقیقت پر مبنی ہے۔


کنشیل کامران خان 1789

حال معطل پولیس لائن نوشہرہ

22-09-2020

ARRESTED

(18)

Amr. 'G'

FINAL SHOW CAUSE NOTICE

Whereas, you **Constable Kamran Khan No. 1789**, while posted at PS, Akbarpura, charged in case FIR No. 278 dated 10.09.2020 u / s 118 (B) Police Act 2017 PS Akbarpura, as you displayed cowardice by leaving SHO PS Akbarpura alone and ran away from the spot during scuffle / firing that took place between Nazar Muhammad (police constable at District Peshawar) and lady Constable Safia No. 2802/EF residents of Ali Shah, District Nowshera. Resultantly, LFC Safia expired and her sister namely Neelam sustained bullet injuries.

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

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

Hence, I, Capt: (R) Najmul Husnain Liaquat, PSP District Police Officer, Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of 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 the receipt of this notice, failing which, it will be presumed that you have no defense to offer.

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

No. 190 /PA,
Dated 23/09/2020.

ATTESTED

[Handwritten signature]

[Handwritten signature]

District Police Officer,
Nowshera

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(۶)

Amex - H

2-12-15

بیان ازان معطل کنستبل کا مران خان 1789 پولیس لائن نوشہرہ

جناب عالی!

بجوالہ شوکاژ نوٹس نمبری 190/PA مورخہ 23.09.2020 معروض ہوں کہ من سائل تھانہ اکبر پورہ

میں تقریباً 4 ماہ سے تعینات تھا۔ جناب SHO صاحب کے تبادلے پر SHO صاحب نے من سائل نے بطور گنر جبکہ طارق 459 کو بطور ڈرائیور اپنے ساتھ کیا۔ بروز وقوعہ مورخہ 10.09.2020 صبح تو منگ گشت ہوئی تھی۔ جس میں دیگر نفری کے علاوہ لیڈی کنستبل صفیہ ناز (مرحومہ) بھی موجود تھی۔ تو منگ گشت ختم ہو کر بعد میں بوقت تقریباً 10/11 بجے معہ SHO صاحب تھانہ آئے۔ تھانہ میں وہی لیڈی کنستبل سادہ کپڑوں میں موجود تھی۔ جس کے ساتھ ایک عورت اور بھی تھی۔ اور اپنے ساتھ ایک مزدور اور فلائنگ کوچ ہمراہ لائے تھے۔ تھانہ میں SHO صاحب کے ساتھ لیڈی کنستبل اور اسکی بہن دفتر میں کافی دیر تک بیٹھے تھے۔ جن کے بعد SHO نے تھانہ موبائل طلب کر کے میں اور طارق SHO صاحب کے ساتھ موٹر کار میں بیٹھ گئے۔ جبکہ دونوں مستورات فلائنگ کوچ میں بغیر سیکورٹی کے بیٹھ گئے۔ اور تھانہ موبائل معہ نفری بھی روانہ ہوئے۔ راستے میں SHO صاحب سے پوچھنے پر بتلایا کہ گاؤں علی شاہ کی طرف جا رہے ہیں۔ معاملہ سمجھ میں آکر SHO کو بتلایا کہ اسکی قتل مقاتلہ کی دشمنی ہے اور دونوں فریقین ایک دوسرے کے نزدیک آباد ہیں۔ SHO صاحب نے بتلایا کہ افران بالا صاحبان نے نفری دینے سے انکار کیا۔ اور عدالت عالیہ کا حکم ہے کہ قبیل کرنا ضروری ہے۔ میں نے عبداللطیف PASI کو موقع پر بھجوایا ہے اس سے پوچھنے کے لئے SHO صاحب نے PASI کو بذریعہ فون کال کر کے موقع کی نسبت پوچھا جس پر PASI صاحب نے SHO کو صاف بتلایا کہ یہاں پر حالات خراب ہے لیکن پھر بھی SHO نے وہاں جانا مناسب سمجھا۔ اور کہا کہ دیکھا جائیگا۔ جب موقع پہنچے تو وہاں پر ہمارے علاوہ تھانہ اور واپڈا موبائل معہ نفری موجود تھی۔ جبکہ کافی تعداد میں بچے، مستورات اور مرد حضرات وغیرہ بھی موجود تھے۔ جن میں سے کسی کے پاس اسلحہ، لٹھیاں، چاقو اور چھریاں موجود تھی۔ جن میں سے بہ مسلح افراد مشتعل ہو کر فلائنگ کوچ کی طرف آئے۔ وہاں پر موجود ایک شخص کے ساتھ SHO نے معاملہ کی نسبت بات چیت کرنی چاہی اور پولیس پارٹی کو خاموش ہونے کا کہا اور مجھے بتلایا کہ جاؤ اور گاڑی سے عدالت عالیہ کا ارڈر لے آؤ۔ جب میں ارڈر لینے گاڑی کی طرف گیا تو اسی دوران فائرنگ شروع ہوئی۔ جب دوڑ کر واپس آیا تو SHO صاحب کو فلائنگ کوچ کے ساتھ حیران و پریشان کھڑا پایا اور پولیس پارٹی بھی فائرنگ کر رہی تھی۔ ملزمان نے فلائنگ کوچ پر فائرنگ کی تھی۔ جس سے دونوں مستورات زخمی ہو چکے تھے۔ ملزمان کو قابو کرنے کے لئے میرے علاوہ وہاں پر موجود پولیس پارٹی نے کافی کوشش کی تھی مگر بوجہ کافی تعداد میں تماشاخیاں و دیگر بچے عورتیں وغیرہ کے بھینٹ میں ملزمان بھاگنے میں کامیاب ہوئے۔ دونوں کو PASI لطیف معہ ہمراہی بغرض علاج معالجہ ہسپتال کے گئے۔ بعد میں ملزمان کے گھر پر چھاپے لگائے گئے ملزمان عدم موجود تھے۔ خانہ تلاشی میں ایک کلاشنکوف برآمد ہوئی۔ واپسی پر گاڑی میں SHO صاحب کو کہا کہ سر آپ تو فلائنگ کوچ گیٹ کے ساتھ بھی کھڑے تھے آپ تو ملزمان کو قابو بھی کر سکتے تھے اور

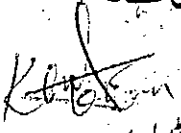
ATTESTED

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had daggers, knives and wooden sticks. On this call, all afore-mentioned constables and PASI fled the scene and took refuge in nearby houses

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تھے۔ جو اب SHO صاحب نے بتلایا کہ میں کسی کی دشمنی اپنے گھر کیوں لاؤں؟ میرے بھی چھوٹے چھوٹے بچے ہیں۔ تھانہ آکر محرر
انفل جمع کیا بعد میں محرر تھانہ نے بسواری پک اپ معہ دیگر موقع میں موجود اہلکاران کو پولیس لائن لاکر کوارٹر گارڈ میں بند کر دیا۔ اگلے
یاں پہنا کر نوشہرہ کچھری عدالت میں پیش کیا گیا۔ جس سے ہمیں پتہ چلا کہ وقوعہ کی نسبت SHO نے اپنے آپ کو بچانے کی خاطر
اور میرے ساتھیوں کے خلاف مقدمہ علت 278 مورخہ 10.09.2020 بجرم B-118 پولیس ایکٹ 2017 درج کی ہے۔
حضور میں پیشی کے بعد مردان جیل میں داخل کرایا۔ عدالت سے بر ضمانت رہا ہوں۔ تفتیشی افسر نے مقدمہ ہذا میں میرا بیان زیر دفعہ
161C قلمبند کیا ہے۔ اس سے بالکل لاعلم ہوں تفتیشی افسر نے اپنی مرضی سے میرا بیان قلمبند کیا ہے۔ SHO صاحب کو جاتے وقت
ن بارے کافی سمجھایا تھا کہ وہاں پر جانا اور اپنے ساتھ ان مستورات کو ساتھ لے جانا خطرے سے خالی نہیں ہے۔ جہاں پر وقوعہ ہذا سرزد ہونے
کا میرے خلاف جو غفلت اور لاپرواہی کا الزام لگایا گیا ہے۔ سر اہرمن گھڑت اور بے بنیاد ہے۔ کسی قسم کی غفلت لاپرواہی اور بزدلی نہیں کی
ہے۔ بلکہ SHO صاحب سے موقع پر کوئی کارروائی نہ ہونے پر اپنے آپ کو بچانے کی خاطر ہمیں قربانی کا بکرا بنایا گیا ہے۔ بے قصور ہوں
انصاف کا طلب گار ہوں۔ یہی میرا بیان ہے۔ قرآن پاک پر ہاتھ رکھ کر بھی یہی میرا بیان ہوگا۔ جو حقیقت پر مبنی ہے۔



کنشیل کامران خان 1789

حال معطل پولیس لائن نوشہرہ

27-09-2020


REGISTERED

POLICE DEPARTMENT

DISTRICT NOWSHERA

ORDER

This order will dispose of the departmental enquiry initiated under the Pakhtunkhwa Police Rules-1975, against Constable Kamran Khan No. 1789 that he while posted at Akbarpura, charged in case FIR No. 278 dated 10.09.2020 u/s 118 (B) Police Act 2017 P.S. Akbarpura as he displayed cowardice by leaving SHO PS, Akbarpura alone and ran away from the spot during a scuffle / firing took place between Nazar Muhammad (Police Constable at District Peshawar) and Constable Safia No. 2802/EF residents of Ali Shah, District Nowshera. Resultantly, LFC Safia expired and her sister namely Neelam sustained bullet injuries.

On account of which, he was placed under suspension, closed to Police Lines and proceeded against departmentally through Mr. Bilal Ahmad, ASP Cantt Nowshera, who after fulfillment of legal formalities submitted his report to undersigned, vide his office Endst. No. 33 /St. dated 23.09.2020, wherein the allegations leveled against him were proved and was recommended for final punishment of dismissal.

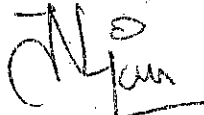
He was served with Final Show Cause Notice, to which, he submitted his reply perused by the undersigned and found unsatisfactory.

He was heard in orderly room on 29.09.2020, wherein he failed to satisfy the undersigned, therefore, he is hereby awarded major punishment of dismissal from service with immediate effect, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975.

OB No. 884
Dated 02/10/2020

No. 2667-72 /PA, dated Nowshera, the 2/10/2020.
Copy for information and necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. OHC.
4. FMC with its enclosures (14 pages).
5. I/C Clothing Godown.
6. Official concerned.


District Police Officer,
Nowshera

ATTESTED


Ames - 22

بخدمت جناب ڈپٹی انسپکٹر جنرل صاحب آف پولیس مردان
ریجن ضلع مردان

اپیل بر خلاف OB No. 884 مورخہ 02-10-2020 جاری کردہ DPO صاحب نوشہرہ

جسکی رو سے من سائل کو سروس سے Dismiss کیا گیا۔

جناب عالی! سائل حسب ذیل عرض کرتا ہے۔

۱۔ یہ کہ سائل مورخہ 17-12-2015 کو پولیس فورس میں بحیثیت کنسٹیبل بھرتی ہوا اور اپنے فرائض منصبی نہایت خوش اسلوبی سے سرانجام دیتا رہا۔
۲۔ یہ کہ بروز وقوعہ مورخہ 10-09-2020 صبح تو منگ گشت ہوئی تھی جس میں دیگر نفری کے علاوہ لیڈی کنسٹیبل صفیہ ناز (مرحومہ) بھی موجود تھی۔ تو منگ گشت ختم ہو کر بعد میں بوقت تقریباً 10/11 بجے معہ SHO صاحب تھانہ آئے۔ تھانہ میں وہی لیڈی کنسٹیبل سادہ کپڑوں میں موجود تھی۔ جس کے ساتھ ایک اور عورت بھی تھی۔ اور اپنے ساتھ ایک مزدور اور فلائنگ کوچ ہمارا لائے تھے۔ تھانہ میں SHO صاحب کے ساتھ لیڈی کنسٹیبل اور اسکی بہن کافی دیر تک بیٹھے تھے۔

۳۔ یہ کہ اس کے بعد بروئے حکم عدالت عالیہ پشاور ہائی کورٹ، سائل بمعہ دیگر پولیس ہمایان محکم ایس۔ ایچ۔ اور صاحب زیر نگرانی عبدالطیف ASI انچارج چوکی واڈا ناؤن حکم و فیصلہ بحوالہ رٹ پیشکش نمبری WP. NO. 3271 P/2020 کو نافذ کرنے کی عرض سے SHO صاحب نے تھانہ موبائل طلب کر کے میں اور طارق 459 ایس۔ ایچ۔ اور صاحب کے ساتھ موٹر کار میں بیٹھ گئے۔ جبکہ دونوں مستورات فلائنگ کوچ میں بغیر سیکورٹی کے بیٹھ گئے۔ اور تھانہ موبائل بمعہ نفری بھی روانہ ہوئے۔

۴۔ یہ کہ راستے میں SHO صاحب سے پوچھنے پر بتلایا کہ گاؤں علی شاہ کی طرف جا رہے ہیں۔ معاملہ سمجھ میں آ کر SHO صاحب کو بتلایا کہ اسکی قتل مقاملہ کی دشمنی ہے اور دونوں فریقین ایک دوسرے کے نزدیک آباد ہیں۔ جس پر SHO صاحب نے بتلایا کہ افسران بالا صاحبان نے نفری دینے سے انکار کیا ہے۔ اور عدالت عالیہ کا حکم ہے کہ تعمیل کرنا ضروری ہے۔ SHO صاحب نے مزید کہا کہ میں نے ASI عبدالطیف کو موقع پر بھجوایا ہے اور عبدالطیف PASI سے پوچھنے کے لیے SHO صاحب نے بذریعہ فون کال PASI سے موقع کی نسبت پوچھا جس پر PASI عبدالطیف نے SHO صاحب کو صاف بتلایا کہ یہاں پر حالات خراب ہے لیکن پھر بھی SHO نے وہاں جانا مناسب سمجھا۔ اور مزید کہا کہ دیکھا جائے گا۔

۵۔ یہ کہ جب موقع پر پہنچے تو وہاں پر ہمارے علاوہ تھانہ اور واڈا موبائل معہ نفری موجود تھی۔ جبکہ کافی تعداد میں بچے، مستورات اور مرد حضرات وغیرہ بھی موجود تھے۔ جس میں سے کسی کے پاس اسلحہ، لاشیاں، چاقو اور چھریاں موجود تھی۔ جن میں سے بہ مسلح افراد مشتعل ہو کر فلائنگ کوچ کی طرف آئے۔

۶۔ یہ کہ وہاں پر موجود ایک شخص کے ساتھ SHO صاحب نے بات چیت کرنا چاہی اور پولیس پارٹی کو خاموش ہونے کو کہا اور مجھے بتلایا کہ جاؤ اور گاؤں سے عدالت عالیہ کا آرڈر لے آؤ۔ جب میں آرڈر لینے گاڑی کی طرف گیا تو اس دوران فائرنگ شروع ہوئی اور جبکہ اس دوران SHO صاحب کو فلائنگ کوچ کے ساتھ حیران و

ATTESTED

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پریشان کھڑا پایا اور پولیس پارٹی بھی فائرنگ کر رہی تھی۔ ملزمان نے فلائنگ کوچ پر فائرنگ کی تھی جس سے دونوں مستورات زخمی ہو چکی تھیں۔ ملزمان کو قابو کرنے کے لیے میرے علاوہ وہاں پر موجود پولیس پارٹی نے کافی کوشش کی تھی مگر بوجہ کافی تعداد میں تماشائیاں و دیگر بچے و عورتیں وغیرہ کے بھیڑ میں ملزمان بھاگنے میں کامیاب ہوئے۔ یہ کہ دونوں زخمی مستورات کو PASI عبد الطیف نے معہ ہمراہی بغرض علاج معالجہ ہسپتال پہنچایا۔ بعد میں ملزمان کے گھر پر چھاپے لگائے گئے ملزمان عدم موجود تھے۔ خانہ تلاشی میں ایک کلاشکوف برآمد ہوئی۔

یہ کہ واپسی پر گاڑی میں SHO صاحب کو کہا کہ سر آپ فلائنگ کوچ کے گیٹ کے ساتھ بھی کھڑے تھے آپ ملزمان کو قابو بھی کر سکتے تھے اور مار بھی سکتے تھے۔ جس پر SHO صاحب نے بتلایا کہ میں کسی کی دشمنی اپنے گھر کیوں لاؤں؟ میرے بھی چھوٹے بچے ہیں۔

یہ کہ تھانہ آکر محرر کے ساتھ رائلز جمع کیا بعد میں محرر تھانہ نے بسواری پیک اپ معہ دیگر موقع موجود اہکاران کو پولیس لائن لاکر کو اٹر گاڑی میں بند کر دیا۔ اور اگلے روز ہتھیاریاں پہنا کر نوشہرہ پکھری عدالت میں پیش کیا گیا۔ جس سے ہمیں پتہ چلا کہ وقوعہ کی نسبت SHO صاحب نے اپنے آپ کو بچانے کی بنیاد پر میرے اور میرے ساتھیوں کے خلاف مقدمہ علت نمبر 278، مورخہ 10-09-2020، مجرم B-118 پولیس ایکٹ 2017 درج کی ہے۔

یہ کہ عدالت حضور میں پیشی کے بعد مردان جیل میں داخل کر آیا۔ عدالت سے بر ضمانت ہوں۔ تفتیشی آفیسر نے مقدمہ ہذا میں میرا بیان زیر دفعہ 161 CrPC قلمبند کیا ہے اس سے بالکل لاعلم ہوں۔ تفتیشی آفیسر نے اپنی مرضی سے میرا بیان قلمبند کیا ہے۔

یہ کہ SHO صاحب کو جاتے وقت اس بارے کافی سمجھایا تھا کہ وہاں پر جانا اور اپنے ساتھ ان مستورات کو لے جانا خطرے سے خالی نہیں ہے۔ جہاں پر وقوعہ ہذا سرزد ہونے میں میرے خلاف جو غفلت اور لاپرواہی کا الزام لگایا گیا ہے۔ وہ سراسر من گھڑت اور بے بنیاد ہے۔ کسی قسم کی غفلت لاپرواہی اور بزدلی نہیں کی ہے۔ بلکہ SHO صاحب سے موقع پر کوئی کارروائی نہ ہونے پر اپنے آپ کو بچانے کی خاطر مجھے اور دیگر اہلکاروں کو قربانی کا کبرا بنایا گیا۔

یہ کہ وقوعہ بالا بہت مشتہر ہوئی جس پر مورخہ 10-09-2020 کو چارج شیٹ سے نوازا گیا جس میں سائل کے خلاف Negligence کا الزام عائد کیا۔ مورخہ 15-09-2020 کو چارج شیٹ کا جواب دے کر الزامات سے انکار کیا۔

یہ کہ محکمہ نے قانون کے مطابق کارروائی نہیں کی اور فوری طور پر قانونی کارروائی کو مختصر کرتے ہوئے مورخہ 23-09-2020 کو فائل شوکا ز نوٹس دیا گیا جس کا جواب دے کر الزامات سے صریحاً انکار کیا۔

یہ کہ قانونی تقاضوں کو بالائے خاق رکھتے ہوئے DPO نوشہرہ نے سائل کو مورخہ 02-10-2020 کو سر دس سے Dismiss کیا جو کہ ذیل وجوہات کی بناء پر قابل استرداد ہے۔

وجوہات:-

یہ کہ پولیس پارٹی کا سرخندہ ایس۔ ایچ۔ اور عبد النصیر خان تھا اور اسے چاہئے تھا کہ حالات واقعات کو مد نظر رکھتے ہوئے کارروائی کرتے، لیکن موصوف نے کوئی حفاظتی تدابیر اختیار نہ کی ہے، جو وقوعہ بالا کی صورت میں رونما ہوا۔

کے FIR No. 276 میں مستعدہ مسماۃ نیلم فرید نے پولیس پارٹی مورل الزام نہیں ٹھہرایا کہ وہ غفلت کا مظاہرہ

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- کرتے ہوئے جائے وقوعہ سے بھاگ گئے تھے۔
- iii- یہ کہ مستعیت عبدالعصیر خان ایس۔ ایچ۔ اے نے خود کو بچائے ہوئے کا نشیلاں پر ذمہ داری سہرائی جو قرین انصاف نہیں۔
- iv- یہ کہ ایس۔ ایچ۔ اے صاحب نے میرے اور دوسرے ملزمان کے خلاف FIR نمبر 276 درج کیا جس میں متعلقہ میں سے کسی کا بھی بیان زیر دفعہ 161 ضابطہ فوجداری کے تحت قلمبند نہ ہوا ہے۔ اور اپنی مرضی سے بیانات سائل اور دیگر ملزمان کے قلمبند کروائے ہیں۔ جو کہ غیر قانونی اور انصاف کے بالکل منافی ہے۔ اور دوسری طرف سائل کو بند آنکھوں سے سروں سے Dismiss کیا جو کہ Double Jeoprdy کے ذمے میں آتا ہے۔
- v- یہ کہ مقدمہ علت نمبر 276 مورخہ 10-09-2020 زید دفعہ 118-B پولیس ایکٹ 2017 KPK تھانہ اکبر پورہ میں ملزمان ضمانت پر رہا ہو چکے ہیں جسکی سماعت تا حال شروع نہ ہوئی ہے۔ مقدمہ کی سماعت پورا ہونے کے بعد اگر جرم ملزمان پر ثابت ہو جاتا ہے تو محکمہ کا سائل کو سروں سے Dismiss کرنا بمطابق قانون ہوتا۔ تا فیصلہ مجاز عدالت سائل کو Suspend رکھتے اور مجاز عدالت سماعت میں اگر جرم ثابت ہو جاتا تو سائل کی Dismissal قانوناً درست ہوتا لیکن موجودہ حکم بالکل غلط اور خلاف قانون و انصاف ہے۔
- vi- یہ کہ نقشہ موقع در مقدمہ علت نمبر 276 میں صاف طور پر پولیس پارٹی اور سائل کو موجود دکھایا گیا ہے کہ موقع وقوعہ پر سائل ہمراہ دیگر متعلقہ پولیس موجود ہے لیکن نقشہ موقع پر کہیں بھی کوئی سمت نہیں دکھائی گئی ہے کہ سائل ملزمان کس طرف بھاگ گئے ہیں۔ جو کہ مستعیت کے بیان کو بالکل یکسر خارج کرتی ہے۔
- vii- یہ کہ سب سے زیادہ ذمہ داری وقوعہ مذکورہ کی ایس۔ ایچ۔ اے اور عبدالعصیر خان، اے۔ ایس۔ آئی عبداللطیف، اے۔ ایس۔ آئی صفی اللہ وغیرہ کی ہے لیکن انکو آری افسران نے مذکورین کو وقوعہ سے بری الذمہ قرار دیا ہے جو کہ خلاف قانون و انصاف ہے۔
- viii- یہ کہ DPO صاحب نے ایس۔ ایچ۔ اے اور ASI صاحبان کو بغیر کسی وجہ اور عذر کے بری الذمہ قرار دیا اور ہم غریب کا نشیلاں کو قربانی کا بکرا بنا دیا۔
- ix- یہ کہ کیس مذکورہ میں انصاف سے کام نہیں لیا گیا جو کہ معنی بردہ نتیجی و امتیاز ہے۔
- لہذا استدعا ہے کہ حکم مورخہ 02-10-2020 جاری کردہ DPO نوشہرہ کو کالعدم قرار دیا جائے اور سائل کو تمام سابقہ مراجعات کے ساتھ سروں پر بحال کرنے کا حکم صادر فرمایا جائے۔
- عین نوازش ہوگی۔
المرقوم: 12-10-2020

کامران خان ولد جان بولی خان ساکن امانکوٹ، ڈاکخانہ بھی، تحصیل بھی ضلع نوشہرہ۔

سابقہ پولیس کا نشیلاں نمبر 1789

تھانہ کی کاغذ نمبر: 3-17201-4581604

رابطہ نمبر: 0311-0196661

ATTESTED

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(25)
Annex- (12/10/20)

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Kamran Khan No. 1789** of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB: No. 884 dated 02.10.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Akbarpura, District Nowshera was charged in case FIR No. 278 dated 10.09.2020 u/s 118(B) Police Act, 2017 Police Station Akbarpura, displaying cowardice by leaving SHO Police Station Akbarpura, alone and running away from the spot during firing, resulting in the murder of Lady Constable Safia No. 2802/EF and bullet injury to her sister namely Neelam residents of Ali Shah, District Nowshera.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Assistant Superintendent of Police Cantt, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings stating therein that the allegations leveled against him had been proved. He recommended the delinquent Officer for major punishment of dismissal from service.

He was issued Final Show Cause Notice to which his reply was received and found unsatisfactory. He was also provided opportunity of self defense by summoning him in the Orderly Room by the District Police Officer, Nowshera on 29.09.2020, but he failed to advance any cogent reason in his defense. Hence, he was awarded major punishment of dismissal from Service vide OB: No. 884 dated 02.10.2020.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 17.11.2020.

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. Owing to the cowardice and negligent attitude of the appellant, accused succeeded in murdering the Lady Constable Safia No. 2802/EF and causing bullet injury to her sister namely Neelam as they had been left at the mercy of the accused who faced no resistance, whatsoever, to deter them from the commission of their intended


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designs. The retention of the appellant in the Police Force with such an attitude will lead to the repetition of such like incidents to the general public as well. Moreover, this type of conduct is also bound to affect the discipline and conduct of other members of the force. Besides, during the course of personal hearing, he could not present any cogent justification to warrant interference in the order passed by the competent authority.

Keeping in view the above, I, **Sher Akbar, PSP S.St 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. 7209 /ES, Dated Mardan the 20-11- /2020.

Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo: No. 2841/PA dated 26.10.2020. His service record is returned herewith.

(*****)



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WAKALATNAMA

IN The KP Service Tribunal, Pesh

Kawran Khan (Petitioner)
(Plaintiff)
(Applicant)
(Complainant)
(Decree Holder)

VERSUS

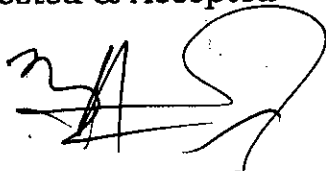
DPO Golak (Respondent)
(Defendant)
(Accused)
(Judgment Debtor)

Case _____

I/We, Kawran Khan do hereby appoint and constitute **Muhammad Arif Jan Advocate** High Court, Peshawar, to appear. Plead, act, compromise, withdraw or refer to arbitration to me/ us as my/ our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted

CLIENT/S



Muhammad Arif Jan
Advocate, High Court, Peshawar.
Office No. 6, 1st Floor
Pabbi Medical Centre, G.T. Road
Peshawar.
Mobile: 0333-2212213

Khan 3/12/20

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

Service Appeal No. 15902/2020

Kamran Khan Ex-Constable No. 1789 s/o Jan Wali Khan. District Police Nowshera
presently at Amankot, Pabbi, District Nowshera.

.....Appellant

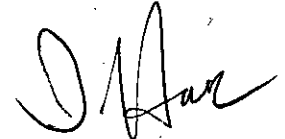
V E R S U S

The District Police Officer, Nowshera and others.

.....Respondents

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Reply of Respondents	-	1-3
2.	Affidavit	-	04
4.	Copy of court order in W.P 3271/2020	A	05-06
5.	Copy of FIR	B	07
6.	Copy of enquiry report	C	08-09
7.	Copy of charge sheet and statement of allegation.	D	10-11
8.	Copy of Final Show Cause Notice	E	12
9.	Copy of punishment order	F	13
10.	Copy of order of appellate authority	G	14-15
11.	Copy of enquiry report and order against the SHO Akbarpura	H&I	16-18



**Inspector Legal,
Nowshera**

1

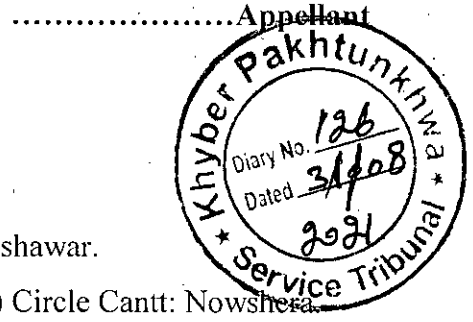
**BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 15902/2020

Kamran Khan Ex-Constable No. 1789 s/o Jan Wali Khan District Police Nowshera presently at Amankot, Pabbi, District Nowshera.

V E R S U S

1. The District Police Officer, Nowshera.
2. The Regional Police Officer, Mardan.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
4. Assistant Superintendent of Police (Inquiry Officer) Circle Cantt: Nowshera.



REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action and locus standi to file the appeal.
2. That the appeal is badly barred by law and limitation.
3. That the appellant has been estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to the Honourable Tribunal with clean hands.
6. That the appeal is bad for mis-joinder and non-joinder of necessary parties.

On Facts

1. Para to the extent of appointment of appellant as Constable is correct while regarding rest of the para it is stated that each and every Police Officers/Officials under obligation to perform duty with full devotion.
2. Correct to the extent that vide daily diary No. 17 dated 10-09-2020, lady Constable Safia Naz (Late) alongwith her sister Nelam approached SHO Police Station Akbarpura, for provision of security/protection in light of order of the Honourable Peshawar High Court, Peshawar in writ petition No. 3271-P/2020, so that she could shift her house hold items from her house to another place. (Copy of court order is annexed as annexure "A").
3. Incorrect. Appellant while posted at Police Station, Akbarpura, showed negligence as he left SHO Police Station, Akbarpura alone and ran away from the scene of scuffle/firing that took place between Nazar Muhammad and lady Constable Safia Naz. Resultantly, lady Constable Safia Naz expired while her sister Nelam sustained injuries.
4. Incorrect. As on the fateful day the SHO Police Station, Akbarpura was not able to provide security to lady Constable Safia Naz and her sister during shift of their house hold items, accompanied them alongwith other Police party including

However, as the accused party opened fire on the aforementioned lady constable and her sister, Police Officials including appellant by displaying cowardice fled away from the spot and left the SHO all alone. To this effect a report was entered vide daily diary No. 28 dated 10-09-2020 Police Station, Akbarpura by the then SHO Inspector Abdul Baseer.


5. Correct to the extent that an FIR vide No. 278 dated 10-09-2020 u/s 118-B Police Act, 2017 was registered against those officials, including appellant who displayed cowardice by running away from the spot at a very critical movement, which resulted in the death of lady constable Safia Naz. (Copy of FIR is annexure "B").
6. Incorrect. In order to probe into the matter enquiry was entrusted to ASP Nowshera Cantt: who after going through all evidence and collecting information as well as fulfilling all and codal formalities held the appellant responsible of cowardice and recommended him for dismissal from service. (Enquiry report is annexed as annexure "C").
7. Correct to the extent that appellant was issued charge sheet with statement of allegation on 10-09-2020 to which he submitted his reply but was found unsatisfactory. (Copy of charge sheet and statement of allegation is annexed as annexure "D").
8. Correct to the extent that on 23-09-2020, appellant was issued final show cause notice to which he submitted his reply but the same was found unsatisfactory. (Copy of Final Show Cause Notice is annexed as annexure "E").
9. Correct to the extent that respondent No. 01 vide order dated 02-10-2020, dismissed appellant from service on cogent grounds after observing all codal formalities under the rules. (Copy of order is annexed as annexure "F").
10. Correct to the extent that appellant filed departmental appeal before the appellate authority but the same was also rejected vide No. 7209/ES, dated 20-11-2020, being devoid of merit. (Copy of order is annexed as annexure "G").
11. That the appeal of the appellant is liable to be dismissed on the following grounds:


GROUND


- A. Incorrect. Appellant has not be deprived any of his rights. Moreover, orders passed by the respondents No. 01 & 02 on 02-10-2020 respectively and 20-11-2020 are in accordance with law and rules, hence, liable to be maintained.
- B. Incorrect. Appellant was well aware of this fact that security had been sought by lady constable Safia Naz and he alongwith other Police Officials had been deployed for the said purpose, but as the accused party opened fire on her and her sister, appellant fled away from the spot leaving the then SHO alone.
- C. Incorrect. As explained in the preceding paras enquiry was entrusted to the then ASP Nowshera Cantt: who after going through all evidence and collecting information as well as fulfilling all codal formalities held the appellant responsible of cowardice and recommended him for dismissal from service.

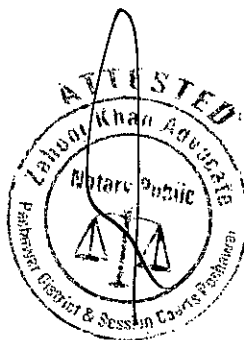
- D. Para already explained hence; needs no comments.
- E. Incorrect. Proper enquiry against the then SHO Police Station, Akbarpura was conducted through Noor Jamal Khan the then Superintendent of Police, Investigation, Nowshera. On the recommendation of the enquiry officer, the then SHO was awarded major punishment of reduction in pay by 02 stage for a period of 02 years. (Copy of enquiry is annexure "G" and copy of order annexure "H").
- F. Incorrect. Service record of the appellatant is tainted with bad entries.
- G. Para not related hence; needs no comments.
- H. Incorrect. The orders of respondents are based on facts, justice and in accordance with law/rules.
- I. Para already explained, hence, needs no comments.
- J. Incorrect. Appellant has been dealt in accordance with facts findings of charges and rules.
- K. Para already explained, hence, needs no comments.
- L. Incorrect. Charge sheet and statement of allegation had been issued to the appellatant which is evident from annexure "F" of the appeal wherein reply to the charge sheet has been annexed by the appellatant. Similarly, before issuing of major punishment, Final Show Cause Notice was also issued to the appellatant.
- M. The respondents also seek permission of this Honourable Tribunal to advance additional grounds at the time of arguments.


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


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
Respondent No. 03


Regional Police Officer,
Mardan Region-I, Mardan.
Respondent No. 02


District Police Officer,
Nowshera.
Respondent No.01




Assistant Superintendent of Police,
Nowshera Cantt:
Respondent No. 04

4

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

Service Appeal No. 15902/2020

Kamran Khan Ex-Constable No. 1789 s/o Jan Wali Khan District Police Nowshera
presently at Amankot, Pabbi, District Nowshera.

.....Appellant


V E R S U S


1. The District Police Officer, Nowshera.
2. The Regional Police Officer, Mardan.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
4. Assistant Superintendent of Police (Inquiry Officer) Circle Cantt: Nowshera.

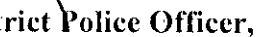
.....Respondents


AFFIDAVIT

We the respondents No. 1, 2,3&4 do hereby solemnly affirm and declare on Oath
that the contents of reply to the appeal are true and correct to the best of our knowledge
and belief and nothing has been concealed from the Honourable tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
Respondent No. 03


Regional Police Officer,
Mardan Region-I, Mardan.
Respondent No. 02


District Police Officer,
Nowshera.
Respondent No.01


Assistant Superintendent of Police,
Nowshera Cantt:
Respondent No. 04

(5)

Annex - A

IN THE PESHAWAR HIGH COURT,
PESHAWAR,
[Judicial Department],

WP No.3271-P/2020

Mst. Neelam Fareed wife of Liaqat Ali,
r/o Ali-Shah District Nowshera.

Petitioner (s)

VERSUS

The State etc

Respondent (s)

For Petitioner :-

Mr. Noman ul Haq Kakakhel, Advocate

For State :-

Mr. Muhammad Riaz Khan, AAG.

Date of hearing:

09.09.2020

JUDGMENT

ROOH-UL-AMIN KHAN, J:-By invoking the constitutional jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973. Mst. Neelam Fareed, the petitioner, seeks issuance of a writ to the effect the District Police Officer, Nowshera and SHO Police Station Akbarpura (respondents No.2 and 3 respective), may be directed to provide her security for the purpose of shifting her house hold articles from her house situated in village Ali Shah Tehsil and District Nowshera.

2. In essence grievance of the petitioner is that her brothers are charged in case FIR No.112 dated 11.04.2020, registered under sections 302/324/34 PPC, at Police Station Akbar Pura, Nowshera, therefore, she apprehends her humiliation and risk to her life at the hands of the opposite party. She has abandoned residence from her village and

Sumi

Justice
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has shifted to some other place. In support of her version she has annexed copy of the cited FIR along with petition.

2. The worthy AAG when confronted with the grievance of the petitioner, he sought time to consult the SHO Police Station Akbarpura. After a while, he came to the rostrum and stated that if the petitioner visited Police Station Akbarpur, her grievance shall be redressed by the SHO of the said Police Station.

3. In view of the above, the petitioner is directed to visit Police Station Akbarpura tomorrow at 1.00 a.m. where the SHO shall provide her fully security for the purpose of shifting her house hold articles from the house situated in Mohallah Afghan village Ali Shah District Nowshera. This petition is disposed of accordingly.

Announced:

09.09.2020

M. Saad Afidi PS

Rooh ul Amin
JUDGE

M. Saad Afidi
JUDGE

By of Hon'ble Mr. Justice Rooh ul Amin Khan and
Hon'ble Mr. Justice Muhammad Nasir Mehfooz.

(7)

تاریخ: 10/9/2017

ابتدائی اطلاعی رپورٹ

پاکی

ابتدائی اطلاع سب سے پہلے اس وقت تک کہ رپورٹ شدہ ہجر ہوائی 103 اور رپورٹ شدہ ہوائی

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ابتدائی اطلاع سب سے پہلے اس وقت تک کہ رپورٹ شدہ ہجر ہوائی 103 اور رپورٹ شدہ ہوائی

ابتدائی اطلاع نیچے درج کروں گا۔

سید محمد علی، صاحب کار، 17899، 399، 276، کلکٹریٹ، 7449، عامہ، 11850، سندھ پولیس، لاہور، 459

حکومت سندھ، ضلع کراچی، ڈیپو، 276، WPN 3271 P/2017، سندھ پولیس، لاہور، 459

سید محمد علی، صاحب کار، 17899، 399، 276، کلکٹریٹ، 7449، عامہ، 11850، سندھ پولیس، لاہور، 459

حکومت سندھ، ضلع کراچی، ڈیپو، 276، WPN 3271 P/2017، سندھ پولیس، لاہور، 459

10/9/2017

ENQUIRY REPORT FC KAMRAN NO.1789 PS AKBARPURA.**ALLEGATION:**

Whereas, Constable Kamran No. 1789 while posted at PS Akbarpura, now under suspension at police Line, showed negligence as he left SHO PS Akbarpura alone and ran away from the spot during scuffle / firing that took place between Nazar Muhammad (police constable at District Peshawar) and lady Constable Safia No. 2802/EF residents of Ali Shah, District Nowshera. Resultantly, LFC Safia expired and her sister namely Neelam sustained bullet injuries, which amounts to grave misconduct on his part and rendered him liable for Minor/Major punishment under Khyber Pakhtunkhwa Police Rules 1975.

PROCEEDINGS:

The delinquent police official was heard in person by the undersigned. He submitted his statement of defence which is just a pack of lies. **(Statement attached).**

FINDINGS:

The truth of the matter is: On the fateful day (10th Sep), SHO Abdul Baseer called PP Wapda Colony I/C ASI Abdul Latif to reach Ali Shah for the implementation of an order of High Court. ASI Latif reached the spot and to his surprise, accused party and its other family members including women were already present there. The accused party led by Nazar Muhammad accompanied with other relatives warned ASI Latif to stay out of this as it is their private matter and they have plans to take LFC Safia to task, else get ready for dire consequences. ASI Latif stepped back and told SHO on phone about nefarious designs of the accused party. At this point, SHO was at fault as he shouldn't have reached the spot alongwith Safia and Neelam at the first place, keeping in mind the state of aggression of the accused party. However, SHO reached the spot without any extra force. A Mazda (to transport luggage) and HIACE (seating Safia and Neelam) entered the spot along with SHO.

The following constables and PASI accompanied SHO on the spot: Tariq 459, Saeed Ullah 2002, Kamran 1789, Amir 384, Naeem 276, Kamran 749, Amir 1180, PASI Safi Ullah, ASI Latif. SHO Abdul Baseer along with this limited strength of personnel entered the narrow street, locating house of the accused party as well as that of LFC Safia and Neelam. Ladies from the accused party started heated argumentation with LFC Safia and Neelam, sitting in the HIACE. Meanwhile, the accused party led by Nazar Muhammad and his brother and their other relatives including women started chanting slogans to kill Safia and even all police officers present there. They had weapon (Pistol and AK-47) in hands and women had daggers, knives and wooden sticks. On this call, all afore-mentioned constables and PASI fled the scene and took refuge in nearby houses and in the fields.

Whereas, SHO was left alone and he hid himself between HIACE and Mazda Truck. In the course of events, the accused party surrounded the HIACE in which Safia and Neelam were seated. LFC Safia tried to get hold of her weapon from her purse and seeing this, accused party opened a burst of Kalashnikov. Neelam got bullets on her feet. Both sisters got injured. Meanwhile, SHO asked Neelam (from behind the windows of HIACE) to take his pistol and fire at the accused party. In the blink of an eye, the accused party fled the scene leaving behind both sisters in injured condition. SHO didn't put in an iota of effort to apprehend the accused party, rather waited for 8-10 minutes behind the vehicle, then shifted the injured to another vehicle and then ran after the accused, did some aerial firing, on doors and houses in the path way (just to register his response).

The undersigned has gathered information from eye witnesses of the spot as well as from Neelam (Safia's sister). In the opinion of the undersigned, the delinquent police official is found guilty of misconduct and cowardice. He withdrew himself from the duty assigned to him without permission. He fled the scene as the situation was getting out of control and didn't fire on the accused party in return. He doesn't deserve to be part of police service any more. Hence, he may be dismissed from service.


Assistant Superintendent of Police,
Circle Cantt Nowshera.

No. 33 / St
Dated 23/09/2020.

CHARGE SHEET

Annex - 2

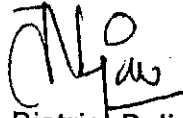
1. I, Capt: (R) Najmul Hasnain Liaquat, PSP District Police Officer, Nowshera, as competent authority, hereby charge Constable Kamran Khan No.1789 as per Statement of Allegations enclosed.

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

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

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

5. Intimate whether you desire to be heard in person.


District Police Officer,
Nowshera

11

DISCIPLINARY ACTION

I, Capt: (R) Najmul Hasnain Liaquat, PSP, District Police Officer, Nowshera as competent authority am of the opinion that Constable Kamran Khan No.1789 has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Rules, 1975.


STATEMENT OF ALLEGATIONS

Whereas, Constable Kamran Khan No.1789 while posted at PS, Akbarpura, now under suspension at Police Lines, showed negligence as he left SHO PS Akbarpura alone and ran away from the spot during scuffle / firing taht took place between Nazar Muhammad (police constable at District Peshawar) and lady Constable Safia No. 2802/EF residents of Ali Shah, District Nowshera. Resultantly, LFC Safia expired and her sister namely Neelam sustained bullet injuries which amounts to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa Police Rules, 1975.

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

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

Constable Kamran Khan No.1789 is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.


District Police Officer,
Nowshera

No. 35 /PA.
Dated 16/8/2020.



FINAL SHOW CAUSE NOTICE

12
Annex - E

Whereas, you Constable Kamran Khan No. 1789, while posted at PS. Akbarpura, charged in case FIR No. 278 dated 10.09.2020 u / s 118 (B) Police Act 2017 PS Akbarpura, as you displayed cowardice by leaving SHO PS Akbarpura alone and ran away from the spot during scuffle / firing that took place between Nazar Muhammad (police constable at District Peshawar) and lady Constable Safia No. 2802/EF residents of Ali Shah, District Nowshera. Resultantly, LFC Safia expired and her sister namely Neelam sustained bullet injuries.

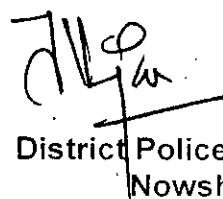
On account of which you were suspended, closed to Police Lines Nowshera. and proceeded against departmentally through Mr. Bilal Ahmad, ASP Cantt Nowshera who after fulfillment of legal formalities submitted his report to undersigned, wherein the allegations leveled against you have been proved and you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

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

Hence, I, Capt: (R) Najmul Husnain Liaquat, PSP District Police Officer, Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of 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 the receipt of this notice, failing which, it will be presumed that you have no defense to offer.

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


District Police Officer,
Nowshera

No. 190 /PA,
Dated 23/09/2020.

had daggers, knives and wooden sticks. On this call, all afore-mentioned constables and PASI fled the scene and took refuge in nearby houses and in the fields.

1707
POLICE DEPARTMENT

(13) Annex - F
DISTRICT NOWSHERA

ORDER

This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against Constable Kamran Khan No. 1789 that he while posted at PS Akbarpura, charged in case FIR No. 278 dated 10.09.2020 u / s 118 (B) Police Act 2017 PS Akbarpura, as he displayed cowardice by leaving SHO PS, Akbarpura alone and ran away from the spot during scuffle / firing took place between Nazar Muhammad (Police Constable at District Peshawar) and lady Constable Safia No. 2802/EF residents of Ali Shah, District Nowshera. Resultantly, LFC Safia expired and her sister namely Neelam sustained bullet injuries.

On account of which, he was placed under suspension, closed to Police Lines and proceeded against departmentally through Mr. Bilal Ahmad, ASP Cantt Nowshera, who after fulfillment of legal formalities submitted his report to undersigned vide his office Endst: No. 33 /St: dated 23.09.2020, wherein the allegations leveled against him were proved and was recommended for major punishment of dismissal.

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

He was heard in orderly room on 29.09.2020, wherein he failed to satisfy the undersigned, therefore, he is hereby awarded major punishment of dismissal from service with immediate effect, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975.

OB No. 284
Dated 02/10 /2020

[Signature]
District Police Officer,
Nowshera

No. 2667-72 /PA, dated Nowshera, the 2/10 /2020.
Copy for information and necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. OHC.
4. FMC with its enclosures (14 pages).
5. I/C Clothing Godwn.
6. Official concerned.

---55015, KNIVES and wooden sticks. On this call, all afore-mentioned constables and PASI fled the scene and took refuge in nearby houses and in the fields.

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Annex- G

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Kamran Khan No. 1789** of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB: No. 884 dated 02.10.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Akbarpura, District Nowshera was charged in case FIR No. 278 dated 10.09.2020 u/s 118(B) Police Act, 2017 Police Station Akbarpura, displaying cowardice by leaving SHO Police Station Akbarpura, alone and running away from the spot during firing, resulting in the murder of Lady Constable Safia No. 2802/EF and bullet injury to her sister namely Neelam residents of Ali Shah, District Nowshera.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Assistant Superintendent of Police Cantt, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings stating therein that the allegations leveled against him had been proved. He recommended the delinquent Officer for major punishment of dismissal from service.

He was issued Final Show Cause Notice to which his reply was received and found unsatisfactory. He was also provided opportunity of self defense by summoning him in the Orderly Room by the District Police Officer, Nowshera on 29.09.2020, but he failed to advance any cogent reason in his defense. Hence, he was awarded major punishment of dismissal from Service vide OB: No. 884 dated 02.10.2020.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 17.11.2020.

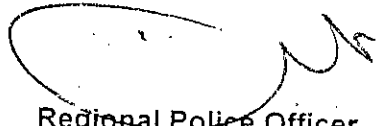
From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Owing to the cowardice and negligent attitude of the appellant, accused succeeded in murdering the Lady Constable Safia No. 2802/EF and causing bullet injury to her sister namely Neelam as they had been left at the mercy of the accused who faced no resistance, whatsoever, to deter them from the commission of their intended

15 July

designs. The retention of the appellant in the Police Force with such an attitude will lead to the repetition of such like incidents to the general public as well. Moreover, this type of conduct is also bound to affect the discipline and conduct of other members of the force. Besides, during the course of personal hearing, he could not present any cogent justification to warrant interference in the order passed by the competent authority.

Keeping in view the above, I, **Sher Akbar, PSP S.St 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. 7209 /ES, Dated Mardan the 20-11- /2020.

Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo: No. 2841/PA dated 26.10.2020. His service record is returned herewith.

(****)

EC/PMC
For record

DPO-NSR
23/11/2020

NO. 1607/PA
dt 23/11/2020

(16)

No. 4412 /PA

Dt: 29/10/2020

DEPARTMENTAL ENQUIRY AGAINST INSPECTOR ABDUL BASEER
THE THEN SHO POLICE STATION AKBARPURA.

Brief of Allegations: -

Annex - A

Inspector Abdul Baseer while posted as SHO P.S Akbarura, now under suspension at Police Lines, failed to handle the situation by not taking the requisite measures during scuffle/firing that took place between Nazar Muhamamd (police constable at District Peshawar) and lady Constable Safia No. 2802/EF residents of Ali Shah, District Nowshera. Resultantly, LFC Safia expired and her sister namely Neelam sustained bullet injuries. Besides, he was also directed by SDPO Pabbi to include the name of PASI Abdul Latif as accused in case FIR No. 278 dated 10.09.2020 u/s 118-B Police Act 2017 lodged against police officials, as he was also found negligent towards his duties but he turned a deaf ear to the same, which amounts to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa Police Rules, 1975.

Proceedings: -

Charge Sheet and Summary of allegations were issued to and served upon the delinquent officer and the undersigned was tasked to act as fact finder.

Inspector Abdul Baseer was summoned, heard in person and his statement was recorded. He stated that he has executed the court order as well as timely informed his highups from the situation. He did not admit the allegations and claimed himself to be innocent.

Similarly statement of injured Neelam Farid (complainant in case FIR No. 276 dated 10.09.2020 u/s 302/324/148/149 PPC Police Station Akbarpura) was also recorded. In her written statement she held responsible police party for the incident. According to her statement, she was shouting and asking help from SHO and police party but no one turned up except two police officers who helped her while taking to the hospital.

Statement of Mustamir Khan, Mazda driver was also recorded wherein he stated that as he alongwith other labours escaped from the spot similarly police party also made their escape good.

Head Constable Afsar Ali No. 1065, Muharrir Police Station Akbarpura was also summoned who stated that on the directions of the Honourable Court, SHO/Inspector Abdul Baseer, alongwith police strength of P.S Akbarpura departed in order to shift house hold articles of Neelam Farid from her house to some other place. Later on, PASI Abdul Latif telephonically informed that a scuffle/firing took place and resultantly Lady Constable Safia and her sister Neelam Farid have received bullet injuries who were taken to Pabbi Hospital for treatment. In this connection a case vide FIR No. 276 dated 10.09.2020 u/s 302/324/148/149 PPC P.S Akbarpura was registered on the

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report of Neelam Farid. Also a Murassila written by SHO Abdul Baseer was received from Pabbi Hospital and a case vide FIR No. 228 dated 10/09/2020 u/s 118-B was registered against the delinquent police officials.

Similarly drivers constable Adnan No. 1317 and constable Shah Hussain No. 512 of P.S Akbarpura submitted their written statements wherein they supported the version of SHO.

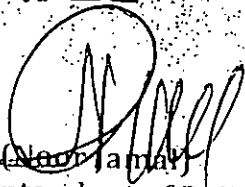
Other police officials also submitted their written statements wherein they showed themselves as innocents and held the SHO responsible for the incident.

Finding/Recommendations:

After illuminating all aspects of the matter, perusal of FIRs, Daily Diaries, statements of all concerned, the enquiry officer has arrived at the conclusion that the SHO failed to make a proper planning while handling the situation. Such failure of the SHO not only resulted in the death of Lady Constable Safia No. 2802 of Elite Force and injuries of her sister Neelam Farid but also reflects his poor professional skills.

Therefore, SHO/Inspector Abdul Baseer is recommended for major punishment.

W/DPO Nowshera


Superintendent of Police,
Investigation, Nowshera.

ORDER

This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against Inspector Abdul Baseer, under the allegations that he while posted as SHO PS Akbarpura, failed to handle the situation by not taking the requisite measures during scuffle / firing that took place between Nazar Muhammad and lady Constable Safia No. 2802 / EF residents of Ali Shah, District Nowshera. Resultantly, LFC Safia expired and her sister namely Neelam sustained bullet injuries. Besides, he was also directed by SDPO Pabbi to charge PASI Abdul Latif in case FIR No.278 dated 10.09.2020 u / s 118 (B) Police Act 2017 lodged against police official, as he was also found negligent towards his duties but he turned a deaf ear to the same.

On account of which, he was suspended, closed to Police Lines and proceeded against departmentally through Mr. Noor Jamal Khan, SP Investigation Nowshera, who after fulfillment of legal formalities submitted his report to undersigned vide his office Memo. No. 4412/PA dated 29.10.2020, wherein the allegations leveled against him have been proved and was recommended for awarding major punishment.

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


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

OB No. 1081

Dated 12/11 /2020

No. 3054-58 /PA, dated Nowshera, the 12/11 /2020.
Copy for information and necessary action to the:

1. Regional Police Officer, Mardan.
2. Pay Officer.
3. Establishment Clerk.
4. FMC with enquiry papers (46 pages).
5. Official concerned.


District Police Officer,
Nowshera