

Service Appeal No. 15905/2020

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)

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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 31/5/2022


Leader

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
01/2/21


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.

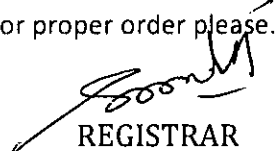


Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 15905 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/12/2020	<p>The appeal of Mr. Muhammad Kamran Khan resubmitted 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>01/02/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Muhammad Kamran Khan Ex-Constable no. 394 District Police Nowshera received today i.e. on 14.12.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of enquiry report against the appellant mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 4051 /S.T,

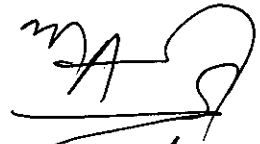
Dt. 15/12/2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Arif Jan Adv. Pesh.

R/Sir,

Re-submitted, that one and the same inquiry is conducted against the all of officials (Appellants), hence Annex-E attached may graciously be considered as inquiry report for the appellant.


17/12/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2020

Muhammad Kamran Khan Ex-Constable.....Appellant

VERSUS

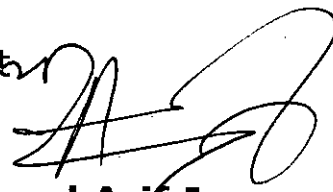
DPO and othersRespondents

I N D E X

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

Dated: 09-12-2020

Appellant
Through



Muhammad Arif Jan
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16436

Dated 14/12/2020

Service Appeal No. 5905/2020

Muhammad Kamran Khan Ex-Constable No-749 District
Police Nowshera presently at S/o Shah Zaiwar R/o
Dalazak road Peshawar.

.....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

14/12/2020

**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

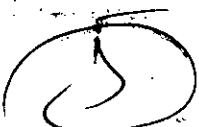
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cause notice and reply are attached as ANNEX-G & H respectively).

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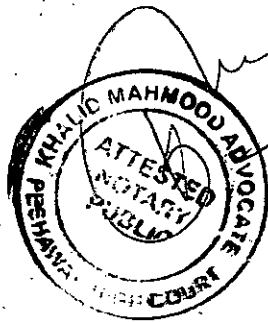
- ii. Direct the respondents to re-instate the appellant into his service with all back benefits.
- iii. Any other relief may also kindly be granted in the circumstances of the appellant's case.

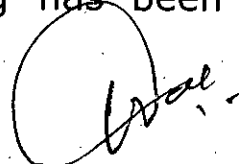
Appellant
Through


Muhammad Arif Jan
Advocate High Court

AFFIDAVIT

I, Muhammad Kamran Khan Ex-Constable No-749 District Police Nowshera presently at S/o Shah Zaiwar R/o Dalazak road Peshawar (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

Muhammad Kamran Khan Ex-Constable....Appellant

VERSUS

DPO and othersRespondents

ADDRESSES OF PARTIES

APPELLANT

Muhammad Kamran Khan Ex-Constable No-749 District Police Nowshera presently at S/o Shah Zaiwar R/o Dalazak road Peshawar.

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

فصل نو شرفہ

کتابت البریلورہ

تقریباً 17 روز ناچم 10⁰⁹ 2020

17 ویں ایسی عبد البصیر خان شاہ البریلورہ وقت 12:40 بجے مورخہ 10⁰⁹ 2020 میں
 پھر بیان دفتہ کو والد و بیال بعد اگشت علاقہ سے و ایسی آیا دفتہ
 میں موجود مسماہ نیلم فریدہ و جہا بیاقت علی مسماہ نصیبہ نازہ خیر
 فرید اللہ نسانا علی شاہ موجود تھے جنہوں نے عدالت عالیہ لیٹا اور
 صفائی کوڈ کی دہائی میں نمبر 3271-P عدالت عالیہ جناب جسٹس
 روح الامین خان بیٹس کے سامنے موصوفہ کے نام میں تحریر کیا ہے کہ
 مسماہ فریدہ کے برادر ابا کے مقدمہ عدالت 112 مورخہ 2020 11 جرم 302، 324، 34
 کتابت البریلورہ میں عرفان استخاری کے اور مسماہ نیلم ایسا سافان
 بہال سے دوسرے مقام پر منتقل کرنا چاہتی ہے اسلی سٹیورٹی کی جاوے
 تا کہ وہ ایسا سافان یا حفاظت بہال سے دوسرے مقام منتقل کریں
 پس یہ حکم عدالت صفائی کوڈ لیٹا اور رقمی مطابق 459 کامران 1784-512
 سعید اللہ 2002، عامر 394، وحید 24، عارف 1040 کامران 749 ڈرائیور شاہ حسین
 لسواری سرکاری ٹیکے کے پٹرول ڈرائیور، وان فطان اذان مسماہ نیلم فریدہ
 واقعہ میں علی شاہ بیٹوں

جناب عالی

نقل بطریق اصل سے

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

ATTESTED

(12)
Amend

فارم نمبر ۲۳-۵ (۱)

ابتدائی اطلاعی رپورٹ

پولیس خیر بھونخواہ فارم نمبر ۲۳

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ ضابطہ توجہ داری

پولیس

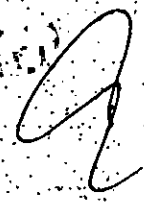
رنگ و وقت رپورٹ	۲۰	۲۲	۱۰/۱۰/۲۰۲۰	۱۳:۱۰
موسکوت اطلاع دہندہ	۵۳۰۱ ۳۹۲۵۳۱۱	۰۳۰۱ ۳۹۲۵۳۱۱	۱۵/۱۰/۲۰۲۰	۱۹:۵۵
مخبر کیفیت جرم (معلومہ) حال اگر کچھ لیا گیا ہو	۰۳۰۱ ۳۹۲۵۳۱۱	۰۳۰۱ ۳۹۲۵۳۱۱	۱۵/۱۰/۲۰۲۰	۱۹:۵۵
بے وقوعہ قاصد تھانہ سے اور دست	۱۱۸ B	۱۱۸ B	۱۵/۱۰/۲۰۲۰	۱۹:۵۵
موسکوت ملزم				

روائی جو تفتیش سے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو اور توجہ بیان کہ اگر کوئی چیز ملے یا نہ ملے اس کا ذکر بھی کرنا ہے۔
 نہ سے روائی کی تاریخ و وقت

ذاتی اطلاع شیخ درج کرو اور جرم سے کہہ رہے ہیں۔
 سعید اللہ صاحب، گاؤں ۱۷۵۹، پلاٹ نمبر ۳۹۹، اعلیٰ ۲۷۵، گاؤں ۷۴۹، عام ۱۱۸۵، تہ مسام، تحصیل جہلم
 حکم عدالت عدالت عالیہ کشمیر، جہلم ڈسٹرکٹ سیشن نمبر WP No. 3271 P/2020 عدلیہ علی شاہ، جہلم ڈسٹرکٹ سیشن
 تھا جس کا مقصد تھا کہ وہ جہلم ڈسٹرکٹ سیشن میں موجود قحبہ بنوائے، ہم پولیس پاران کو وہاں اس میں جہلم
 تھا کہ وہ جہلم ڈسٹرکٹ سیشن میں موجود قحبہ بنوائے، ہم پولیس پاران کو وہاں اس میں جہلم
 ولڈ زمان پولیس بالائیں ۱۵۵۱ کے موقع پر ایسا چھوڑ کر جہلم نکلا جہاں علی شاہ نے خالدہ ایف ایف کے
 منشاء نام فرید، مقتول، صفیرانہ جہلم، فرید اللہ صاحب، عدلیہ علی شاہ، جہلم ڈسٹرکٹ سیشن کے دو فون انک
 کو منشاء صفیرانہ جہلم، جہلم ڈسٹرکٹ سیشن کے جہلم ڈسٹرکٹ سیشن بالائیں ۱۵۵۱ کے صفحات اغرابی اور پولیس کے دوران
 نہ رہی کا مظاہر کر کے ۲۵ مارچ کے فریکٹ پائے جا کر ولڈ زمان پولیس بالائیں ۱۵۵۱ کے موقع پر ایسا چھوڑ کر جہلم نکلا
 عدلیہ علی شاہ کے دوران صفیرانہ جہلم، جہلم ڈسٹرکٹ سیشن کے جہلم ڈسٹرکٹ سیشن بالائیں ۱۵۵۱ کے صفحات اغرابی اور پولیس کے دوران

۱۵/۱۰/۲۰۲۰

ATTESTED



Annex - E - 14

ENQUIRY REPORT FC MUHAMMAD NAEEM NO.276 PS AKBARPURA.

ALLEGATION:

Whereas, Constable ~~FC Muhammad Naeem No. 276~~ Muhammad Kamran Khaw 749 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 along with 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.

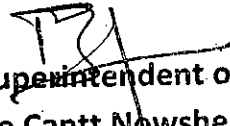
The following constables and PASI accompanied SHO on the spot: Tariq 459, Saeed Ullah 2002, Kamran 1789, Amir 384, Naeem 276, Kamran 749, Amir 1180, PASI Safi Ullah, ASI Latif. SHO Abdul Baseer along with this limited strength of personnel entered the narrow street, locating house of the accused party 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.

ATTESTED

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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. 32 / St
Dated 23/09/2020.

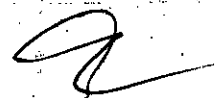


بیان ازان کامران 749 متینہ چوکی واڈاٹاؤن علاقہ تھانہ اکبر پورہ حال معطل شدہ پولیس لائن نوشہرہ

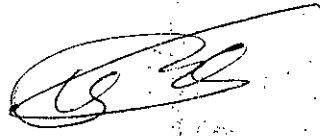
لی!

بحوالہ چارج شیٹ نمبری 134/PA بتاریخ 10-09-2020 مشمولہ مقدمہ عدلت (1) FIR 6
 10-09-2021 جرم 149-148-324-302 نمبر (2) مقدمہ 278 بتاریخ 10-09-2020 جرم
 پولیس ایکٹ 2017 تھانہ اکبر پورہ بمعہ دیگر دستاویزات مشمولہ مغرور خدمت ہوں کہ مورخہ 10-09-2020
 کی میں موجود تھا کہ عبدالطیف خان ASI انچارج نے فون پر کال کیا کہ آپ وردی پہن کر اپنے ساتھ اسلحہ لے کر
 ناہ روڈ پر موجود آپ بھی وہاں پر آ جاؤ۔ میں حسب ہدایت انچارج صاحب مطلوبہ جگہ پر پہنچ کر ASI صاحب
 بمعہ دیگر نفری پولیس موجود پایا۔ انچارج ASI عبدالطیف خان نے وہاں سے SHO صاحب تھانہ اکبر پورہ کو جو
 ن پر بات چیت کر کے اپنی موجودگی علیشاہ پہنچنے کا بتلایا۔ اس دوران گلی میں پہلے سے موجود کچھ لڑکے کھڑے تھے
 ج ASI صاحب سے دریافت کی کہ کس سلسلے میں آئے ہو۔ انچارج ASI صاحب نے مذکورین کو بتلایا کہ SHO
 تھانہ اکبر پورہ خود آ رہے ہیں۔ آپ کو خود سمجھائے گا۔ جس کے بعد وہ جوان وہاں سے چلے گئے۔ کچھ دیر کے بعد
 صاحب بمعہ دیگر نفری پولیس و ایک فلائنگ کوچ جس میں دو مستورات بیٹھے تھے موقع پر پہنچ آئے اور ایک بڑا ندا
 آیا اس دوران اسی گلی میں سے کافی تعداد میں مستورات اور چند اشخاص بھی نکلے تمام اشخاص اسلحہ آتشین تھے۔
 جو مکان سے نکلے تھے فلائنگ کوچ جس میں دو مستورات بیٹھے تھے کے پاس آئے اور شور شرابا مچایا۔ SHO
 اننگ کوچ کے گیٹ کے سامنے کھڑا ہوا تھا۔ میں بھی دیگر پولیس پارٹی SHO صاحب کے اگلے حکم کے منتظر تھے
 ران مسلح افراد نے فلائنگ کوچ پر اسلحہ آتشین سے اندھا دھند فائرنگ شروع کی۔ اس دوران SHO صاحب اس
 کر عقل دھنگ رہ گئی اور ہمیں کچھ نہ کہا اور جیرانگی سے ادھر ادھر دیکھ رہا تھا۔ میں نے حق حفاظت خود اختیاری ملزمان
 کاری اسلحہ سے کافی فائرنگ کی۔ لیکن ملزمان راستے میں کھڑے، زنانہ، بچے اور تماش گیر لوگوں میں داخل ہو کر
 کامیاب ہو گئے۔ بعدہ ASI صاحب انچارج نے مجھے ہمراہ کیا میں فلائنگ کوچ کے گیٹ پر الرٹ کھڑا ہو کر
 اترنگ کرتا رہا اور فلائنگ کوچ کو موقع سے نکال کر زخمی مستورات کو بوقت علاج معالجہ ہی ہسپتال لے گئے۔ ہسپتال
 خاتون جان بحق ہوئی اور دوسری خاتون زخمی حالت میں ہسپتال میں داخل کروائی۔ ڈاکٹر صاحبان نے مجروح
 ریفر کی۔ LRH ہسپتال لے جا کر بعد علاج معالجہ اپنے گھر واقع خٹ کلی پہنچائی۔ جس کے بعد میں اپنے چوکی
 جارہا تھا کہ مجھے محرر تھانہ اکبر پورہ افسر علی نے کال پر اسلحہ جمع کرنے کو کہا اور یہ بھی کہا کہ سرکاری موبائل آپ کی

ATTESTED



آ رہا ہے اس میں بیٹھ جاؤ۔ افسر علی صاحب کے کہنے پر میں نے راتفل جمع کرنے کے وقت بتلایا کہ میں نے اس
 نا پر 16 راؤنڈ فائر کیے ہیں۔ اس کے بعد مجھے موبائل میں بٹھا کر نوشہرہ پولیس لائن میں کوارٹر گارڈ میں بند کیا گیا۔
 وزیر نیاز محمد خان انوسٹی گیشن آفیسر بمعہ نفری اور تھکڑیوں سمیت آ کر مجھے تھکڑی پہنا کر نوشہرہ کچھری میں ہمراہ وادہ
 پیش کئے۔ عدالت مجاز کے حکم کے مطابق میں اور ہماریاں کو مردان سب جیل بیچ دیئے۔ مجھے علم نہیں تھا کہ میں نے
 رم یا خلاف ورزی کی ہے۔ عدالت کی پیشی پر مجھے معلوم ہوا کہ SHO صاحب نے میرے اور ہماریاں پر جرم
 1 پولیس ایکٹ 2017 کے تحت مقدمہ درج کیا ہے۔ حالانکہ حالات اس کے بالکل برعکس ہیں۔ SHO صاحب
 اپنی بچاؤ کے خاطر مجھے قربانی کا دھنبہ بنایا ہے۔ علاوہ ازیں تفتیشی آفیسر صاحب نے جو میرا بیان زیر دفعہ 161 ض
 رکیا ہے۔ اللہ تعالیٰ گواہ ہے کہ نہ مجھ سے کسی نے پوچھا ہے اور نہ میرا بیان مذکورہ قلمبند کیا ہے۔ میرا بیان تفتیشی آفیسر
 مرضی اور اپنی طرف سے تحریر کیا ہے میں نے کسی غفلت، بے احتیاطی یا بزدلی کا مظاہرہ نہیں کیا ہے۔ تمام حالات و
 پیش آمدہ ہیں۔ SHO صاحب کیساتھ موجود رہا اور میں نے SHO صاحب کو اکیلا نہیں چھوڑا ہے جس کا منہ بولتا
 راکلا شنوف ہے۔ جس سے میں نے ملزمان کی گرفت کیلئے متعدد گولیاں چلائی ہے اور ملزمان کو پکڑنے کیلئے بھر پور
 ہے۔ یہی میرا بیان ہے جو درست اور حقیقت پر مبنی ہے۔ انصاف کا خواہش گار ہوں۔



TESTED

چوناون علاقہ قحان
شوالہ Show Cause نمبر 276 تاریخ 2020

(18)
Annex - G

FINAL SHOW CAUSE NOTICE

Whereas, you **Constable Muhammad Kamran No. 749**, 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!

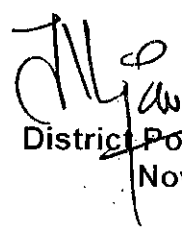
On account of which you were suspended, closed to Police Lines Nowshera, and proceeded against departmentally through Mr. Bilal Ahmad, ASP Cantt Nowshera who after fulfillment of legal formalities submitted his report to undersigned, wherein the allegations leveled against you have been proved and you 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. 189 /PA,
Dated 23/09 /2020.

ATTESTED


بیان ازان کامران 749 متینہ چوکی واہڈاٹاؤن علاقہ تھانہ اکبر پورہ حال معطل شدہ پولیس لائن نوشہرہ

جناب عالی!

حوالہ Show Cause نمبری 189/PA بتاریخ 23-09-2020 مشمولہ مقدمہ علت (1) IR

276 بتاریخ 10-09-2020 جرم 148-149-302-324 نمبر (2) مقدمہ 278 بتاریخ 10-09-2020 جرم 118-B پولیس ایکٹ 2017 تھانہ اکبر پورہ بمعہ دیگر دستاویزات مشمولہ معروض خدمت ہوں کہ مورخہ 10-09-2020 کو میں چوکی میں موجود تھا کہ عبدالطیف خان ASI انچارج نے فون پر کال کیا کہ آپ وردی پہن کر اپنے ساتھ اسلحہ لے کر دینہ علی شاہ روڈ پر موجود آپ بھی وہاں پر آ جاؤ۔ میں حسب ہدایت انچارج صاحب مطلوبہ جگہ پر پہنچ کر ASI صاحب انچارج بمعہ دیگر نفری پولیس موجود پایا۔ انچارج ASI عبدالطیف خان نے وہاں سے SHO صاحب تھانہ اکبر پورہ کو جو موبائل فون پر بات چیت کر کے اپنی موجودگی علیشاہ پہنچنے کا بتلایا۔ اس دوران گلی میں پہلے سے موجود کچھ لڑکے کھڑے تھے اور انچارج ASI صاحب سے دریافت کی کہ کس سلسلے میں آئے ہو۔ انچارج ASI صاحب نے مذکورین کو بتلایا کہ SHO صاحب تھانہ اکبر پورہ خود آ رہے ہیں۔ آپ کو خود سمجھائے گا۔ جس کے بعد وہ جوان وہاں سے چلے گئے۔ کچھ دیر کے بعد SHO صاحب بمعہ دیگر نفری پولیس و ایک فلائنگ کوچ جس میں دو مستورات بیٹھے تھے موقع پر پہنچ آئے اور ایک بڑا مذا بھی ساتھ آیا اس دوران اسی گلی میں سے کافی تعداد میں مستورات اور چند اشخاص بھی نکلے تمام اشخاص اسلحہ آتشین تھے۔ مستورات جو مکان سے نکلے تھے فلائنگ کوچ جس میں دو مستورات بیٹھے تھے کے پاس آئے اور شور شرابا مچایا۔ SHO صاحب فلائنگ کوچ کے گیٹ کے سامنے کھڑا ہوا تھا۔ میں بھی دیگر پولیس پارٹی SHO صاحب کے اگلے حکم کے منتظر تھے کہ اس دوران مسلح افراد نے فلائنگ کوچ پر اسلحہ آتشین سے اندھا دھند فائرنگ شروع کی۔ اس دوران SHO صاحب اس منظر کو دیکھ کر عقل دھنگ رہ گئی اور ہمیں کچھ نہ کہا اور حیرانگی سے ادھر ادھر دیکھ رہا تھا۔ میں نے حق حفاظت خود اختیاری ملزمان پر اپنے سرکاری اسلحہ سے کافی فائرنگ کی۔ لیکن ملزمان راستے میں کھڑے، زنانہ، بچے اور تماش گیر لوگوں میں داخل ہو کر بھاگنے میں کامیاب ہو گئے۔ بعدہ ASI صاحب انچارج نے مجھے ہمراہ کیا میں فلائنگ کوچ کے گیٹ پر الٹ کھڑا ہو کر ملزمان پر فائرنگ کرتا رہا اور فلائنگ کوچ کو موقع سے نکال کر زخمی مستورات کو بوقت علاج معالجہ ہی ہسپتال لے گئے۔ ہسپتال پہنچنے پر ایک خاتون جان بحق ہوئی اور دوسری خاتون زخمی حالت میں ہسپتال میں داخل کروائی۔ ڈاکٹر صاحبان نے مجروح کو LRH ریفر کی۔ LRH ہسپتال لے جا کر بعد علاج معالجہ اپنے گھر واقع حٹ کلی پہنچائی۔ جس کے بعد میں اپنے چوکی واہڈاٹاؤن جا رہا تھا کہ مجھے محرر تھانہ اکبر پورہ افسر علی نے کال پر اسلحہ جمع کرنے کو کہا اور یہ بھی کہا کہ سرکاری موبائل آپ کی

ATTESTED

officers present there. They had weapons, etc. On this call, all afor-
mentioned constables and PASI fled the scene and took refuge in near

صرف آرہا ہے اس میں بیٹھ جاؤ۔ افسر علی صاحب کے کہنے پر میں نے رائفل جمع کرنے کے وقت بتلایا کہ میں نے اس
 ملازم پر 16 زاؤنڈ فائر کیے ہیں۔ اس کے بعد مجھے موبائل میں بٹھا کر نوشہرہ پولیس لائن میں کوارٹر گارڈ میں بند کیا گیا
 گلے روز نیاز محمد خان انوسٹی گیشن آفیسر بمعہ نفری اور ہتھکڑیوں سمیت آکر مجھے ہتھکڑی پہنا کر نوشہرہ کچہری میں ہمراہ وڈ
 زمان پیش کئے۔ عدالت مجاز کے حکم کے مطابق میں اور ہماریاں کو مردان سب جیل بیچ دیئے۔ مجھے علم نہیں تھا کہ میں نے
 کسی جرم یا خلاف ورزی کی ہے۔ عدالت کی پیشی پر مجھے معلوم ہوا کہ SHO صاحب نے میرے اور ہماریاں پر جرم
 118- پولیس ایکٹ 2017 کے تحت مقدمہ درج کیا ہے۔ حالانکہ حالات اس کے بالکل برعکس ہیں۔ SHO صاحب
 نے محض اپنی بچاؤ کے خاطر مجھے قربانی کا دھنبہ بنایا ہے۔ علاوہ ازیں تفتیشی آفیسر صاحب نے جو میرا بیان زبردفعہ 161 ض
 قلمبند کیا ہے۔ اللہ تعالیٰ گواہ ہے کہ نہ مجھ سے کسی نے پوچھا ہے اور نہ میرا بیان مذکورہ قلمبند کیا ہے۔ میرا بیان تفتیشی آفیسر
 نے اپنی مرضی اور اپنی طرف سے تحریر کیا ہے میں نے کسی غفلت، بے احتیاطی یا بزدلی کا مظاہرہ نہیں کیا ہے۔ تمام حالات و
 تعات پیش آمدہ ہیں۔ SHO صاحب کیساتھ موجود رہا اور میں نے SHO صاحب کو اکیلا نہیں چھوڑا ہے جس کا منہ بولتا
 میرا کلاشنکوف ہے۔ جس سے میں نے ملازمان کی گرفت کیلئے متعدد گولیاں چلائی ہے اور ملازمان کو پکڑنے کیلئے بھرپور
 تش کی ہے۔ یہی میرا بیان ہے جو درست اور حقیقت پر مبنی ہے۔ انصاف کا خواہش گار ہوں۔

[Handwritten Signature]

ATTESTED
[Handwritten Signature]

28.9.2020

0313-6662301

previous record
 D/E 4-1-2012
 G/E NIL
 B/E 01
 M/y NIL
 M/o NIL

officers present there. they had weapons
 women had daggers, knives and wooden sticks. On this call,
 mentioned constables and PASI fled the scene and took refuge i

749

(21) Amal - 13

POLICE DEPARTMENT

DISTRICT NOWSHERA

ORDER

This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against Constable Muhammad Kamran No. 749 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. 34 /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 powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 881

Dated 02/10 /2020.


District Police Officer,
Nowshera

No. 2649-54 /PA, dated Nowshera, the 02/10 /2020.

Copy for information and necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. OHC.
4. FMC with its enclosures (17 pages).
5. I/C Cloth Godown.
6. Official concerned.



officers present there... women had daggers, knives and wooden sticks. On this call, a... constables and PASI fled the scene and took refuge in...

(22) ①

Amma

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

اپیل بر خلاف OB NO. 881 مورخہ 02-10-2020 جاری کردہ BPO صاحب نو شہرہ

جسکی وہ نیچے من مسائل کو سروس سے Dismiss کیا گیا

جناب عالی! سائل حسب ذیل عرض کرتا ہے:-

- ۱۔ یہ کہ سائل مورخہ 04-01-2012 کو پولیس فورس میں بحیثیت کنسٹیبل بھرتی ہوا اور اپنے فرائض منصبی نہایت خوش اسلوبی سے سرانجام دیتا رہا۔
- ۲۔ یہ کہ مورخہ 10-09-2020 کو میں چوکی متینہ، واپڈا ٹاؤن میں موجود تھا کہ عبداللطیف خان ASI انچارج نے حکم عدالت عالیہ پشاور ہائی کورٹ، سائل بمعہ دیگر پولیس ہمراہیان بحکم ایس۔ ایچ۔ اور صاحب زیر نگرانی عبداللطیف ASI انچارج چوکی واپڈا ٹاؤن حکم و فیصلہ بحوالہ رٹ پٹیشن نمبری WP. NO. 3271 P/2020 کو نافذ کرنے کی عرض سے مجھے فون کال کیا کہ آپ وردی پہن کر اپنے ساتھ اسلحہ لے کر دیرپاشی شاہ روڈ پہنچ جائیں یہاں ہر ASI عبداللطیف کے ساتھ ہے۔
- ۳۔ یہ کہ میں ASI عبداللطیف صاحب کی ہدایت پر پہنچا جہاں پر ASI صاحب کو بمعہ دیگر پولیس موجود پایا۔ انچارج ASI عبداللطیف خان نے وہاں سے SHO صاحب ٹھکانا کمر پورہ کو، ہائل فون پر اپنا دعوہ کی دہشت گردی کا پتہ لگا دیا۔
- ۴۔ یہ کہ اس دوران گلی میں پہلے سے موجود کچھ لوگوں نے ASI صاحب سے دریافت کیا کہ اس علاقے میں آئے ہو۔ اس پر انچارج صاحب نے ملوورین کو ہٹایا اور SHO صاحب نوڈ آرہے ہیں وہ ہدایت نوڈ آپ لوگوں کو آگیا دینگے۔
- ۵۔ یہ کہ اس دوران SHO صاحب بمعہ دیگر نفری پولیس و ایک فلائنگ کوچ جس میں دو مستورات بھی تھیں موقع پر آئے اور ایک بڑا مزدہ (گاڑی) بھی ساتھ ہی آیا۔ اسی دوران گلی میں سے کافی تعداد میں مستورات اور چند اشخاص بھی نکلے تمام اشخاص لیس اسلحہ آتشیں تھے۔ مستورات جو کہ مکان سے نکلی تھی فلائنگ کوچ میں موجود مستورات کے پاس گئی اور شور مچا دیا۔
- ۶۔ یہ کہ SHO صاحب فلائنگ کوچ کے گیٹ کا سامنے کھڑا تھا۔ میں اور دیگر پولیس پارٹی SHO صاحب کے اگلے حکم کے منتظر تھے کہ اس دوران مسلح افراد نے فلائنگ کوچ پر اسلحہ آتشیں سے اندھا دھند فائرنگ شروع کی۔ اس دوران SHO صاحب یہ منظر دیکھ کر دھتک رہ گئے اور ہمیں کچھ نہ کہا بلکہ حیرانگی کے ساتھ ادھر ادھر دیکھ رہا تھا۔ میں نے حق حفاظت خود اختیاری ملزمان پر اپنے سرکاری اسلحہ سے کافی فائرنگ کی۔ لیکن ملزمان راستے میں کھڑے، زمانہ بچوں اور تماش گیروں میں داخل ہو کر بھاگنے میں کامیاب ہو گئے۔
- ۷۔ یہ کہ بعدہ ASI صاحب نے مجھے ہمراہ کیا میں فلائنگ کوچ کے گیٹ پر الٹ کھڑا ہو کر ملزمان پر فائرنگ کرتا رہا اور فلائنگ کوچ کو موقع سے نکال کر زخمی مستورات کو بوقت علاج و معالجہ ہی ہسپتال پہنچایا۔ جو کہ ہسپتال پہنچے پر ایک

REGISTERED

مناوان ہوا تھا، کوئی دیکھ دوسری رٹھی حالت میں داخل کروائی۔ ڈاکٹر صاحبان نے شروع کو LRIH لیا گیا۔
LRIH لے جا کر بعد نکلان معالجہ اپنے گھر واقع کسٹ کئے جانے لگے۔

۸۔ یہ کہ حالات ہذا کے بعد میں چونکہ واپڈا ٹاؤن جا رہا تھا کہ مجھے محرز تھانا کبر پورہ افسر علی نے کال پر اسلینج لڑنے کو کہا۔ اور یہ بھی کہا کہ سرکاری موبائل آپ کی طرف آرہا ہے اس میں بیٹھ جاؤ۔

۹۔ یہ کہ سرکاری رائفل جمع کرتے وقت میں نے محرز تھانا کبر پورہ افسر علی کو بتلایا کہ میں نے اس رائفل سے ملزمان پر 16 رائٹ زفائر کیے ہیں۔ جس کے بعد مجھے پولیس موبائل میں بٹھا کر نوشہرہ پولیس لائن میں کواٹر گارڈ میں بند کیا گیا۔ اور اگلے روز نیاز محمد خان انوسٹی گیشن آفیسر بمعدہ نفری آئے اور مجھے ہتھکڑی پہنا کر نوشہرہ پکھری میں ہمراہ دیگر ملزمان پیش کیا۔ جہاں سے ہمیں مردان جیل بھجوا دیا گیا۔

۱۰۔ یہ کہ سائل کو پتا نہیں تھا کہ میں نے کونسا جرم یا خلاف ورزی کی ہے۔ عدالت پیشی پر معلوم ہوا کہ SHO صاحب نے میرے اور ہمایان پر جرم B-118 پولیس ایکٹ 2017 کے تحت مقدمہ درج کیا ہے۔

۱۱۔ یہ کہ مجھ سے تفشیشی آفیسر نے کوئی بیان زبردفعہ 161 CrPC ریکارڈ نہیں کیا۔ تفشیشی آفیسر نے اپنی مرضی کا بیان قلمبند کیا ہے۔

۱۲۔ یہ کہ میں نے کوئی غفلت، لاپرواہی یا بزدلی نہ کی ہے۔ میں آخری حد تک SHO صاحب کے ساتھ موجود رہا جس کا ثبوت سائل کا استعمال کردہ سرکاری گلاشکلوف ہے۔ SHO صاحب نے ہمیں قربانی کا کبرا بنایا ہے۔ جو کہ خلاف قانون و انصاف ہے۔

۱۳۔ 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۔ ورنہ 15-09-2020 کو چارج شیٹ کا جواب دے کر الزامات سے انکار کیا۔

۱۴۔ یہ کہ حکم نے قانون سے مطابق کارروائی نہیں کی اور فوری طور پر قانونی کارروائی کو منتہر کرتے ہوئے مورخہ 23-09-2020 کو فائل شو کارٹس دیا گیا جس کا جواب دے کر الزامات سے صراحتاً انکار کیا۔

۱۵۔ یہ کہ قانونی تفتیشوں کو ہالا سے لاقی رکھنے، ورنہ DPO نوشہرہ نے سائل کو مورخہ 02-10-2020 کو سائل سے Dismiss کیا جو کہ ذیل وجوہات کی بناء پر قابل استرداد ہے۔

وجوہات:-

i۔ یہ کہ پولیس پارٹی کا سرغنہ ایس۔ ایچ۔ اور عبدالنصیر 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۔

ii۔ یہ کہ FIR 276 میں مستعدہ مسماة نیلم فرید نے پولیس پارٹی مورل الزام نہیں ٹھہرایا کہ وہ غفلت کا مظاہرہ کرتے ہوئے جائے وقوعہ سے بھاگ نکلے تھے۔

iii۔ یہ کہ مستعدہ عبدالنصیر خان ایس۔ ایچ۔ اور خود کو بچائے ہوئے کا شبہ لمان پر ذمہ داری جو قرین انصاف نہیں۔

iv۔ یہ کہ ایس۔ ایچ۔ اور صاحب نے میرے اور دوسرے ملزمان کے خلاف FIR نمبر 276 درج کیا جس میں متعلقہ میں سے کسی کا بھی بیان زبردفعہ 161 ضابطہ فوجداری کے تحت قلمبند نہ ہوا ہے۔ اور اپنی مرضی سے بیانات سائل

ALICHAH
J

(3)

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اور دیگر ملزمان کے نام بند کروائے ہیں۔ جو غیر قانونی اور انصاف کے باطل منافی ہے۔ اور دوسری طرف مسائل کو بند آنکھوں سے سرواٹل سے Dismiss کہا جاتا ہے کہ Double Jeoprdy کے امر نے میں اس کا ہے۔

v- یہ کہ مقدمہ عدالت نمبر 276 مورخہ 10-09-2020 زیر دفعہ 118-B پولیس ایکٹ تھانہ البر 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 مسائل کو سروس سے Dismiss کرنا برطابق قانون ہوتا۔ تا فیصلہ مجاز عدالت مسائل کو Suspend رکھتے اور مجاز عدالت کی سماعت میں اگر جرم ثابت ہو جاتا تو مسائل کی Dismissal قانوناً درست ہوتا لیکن موجودہ حکم بالکل غلط اور خلاف قانون و انصاف ہے۔

vi- یہ کہ نقشہ موقع در مقدمہ عدالت نمبر 276 میں صاف طور پر پولیس پارٹی اور مسائل کو موجود دکھایا گیا ہے کہ موقع وقوعہ پر مسائل ہمراہ دیگر متعلقہ پولیس موجود ہے لیکن نقشہ موقع پر کہیں بھی کوئی سمت نہیں دکھائی گئی ہے کہ مسائل ملزمان کس طرف بھاگ گئے ہیں۔ جو کہ مستعینت کے بیان کو بالکل یکسر خارج کرتی ہے۔

vii- یہ کہ سب سے زیادہ ذمہ داری وقوعہ مذکورہ کی ایس۔ ایچ۔ او عبدالصیر خان، اے۔ ایس۔ آئی عبدالطیف، پی۔ 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۔ او اور ASI صاحبان کو بغیر کسی وجہ اور عذر کے بری الذمہ قرار دیا اور ہم غریب کانسٹیبلان کو قربانی کا بکرا بنا دیا۔

ix- یہ کہ کیس مذکورہ میں انصاف سے کام نہیں لیا گیا جو کہ نئی بر بدینی و امتیاز ہے۔

لہذا اس شدہ ما ہے کہ حکم مورخہ 02-10-2020 جاری کردہ DPO نو شہرہ کو کالعدم قرار دیا جائے اور مسائل کو تمام سابقہ مراعات کے ساتھ سروس پر بحال کرنے کا حکم صادر فرمایا جائے۔
بین نوازش ہوگی۔
المرقوم: 12-10-2020

کامران خان ولد شاہ زبور سالن فارم اور نہ، نوبلی پاپیان، نوشہرہ۔

سابقہ پولیس کانسٹیبل 749

شناختی کارڈ نمبر: 3-142-7744-17201

رابطہ نمبر: 0313-6662301

AM 12/10/20

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Annex

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Muhammad Kamran No. 749** 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. 881 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. 881 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

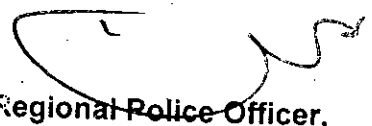
HIGHER
[Signature]

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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. 7204 /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. 2844/PA dated 26.10.2020. His service record is returned herewith.

(*****)


ATTESTED

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WAKALATNAMA

IN The KP Service Tribunal Peshawar

M. Kauran Khan (Petitioner)
(Plaintiff)
(Applicant)
(Complainant)
(Decree Holder)

VERSUS

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

Case _____

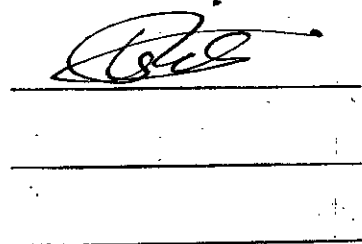
I/We, M. Kauran Khan do hereby appoint and constitute **Muhammad Arif Jan Advocate** High Court, Peshawar, to appear. Plead, act, compromise, withdraw or refer to arbitration to me/ us as my/ our Counsel in the above noted matter, without any liability for their default and with the authority to engage/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



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

Service Appeal No. 15905/2020

Muhammad Kamran Khan Ex-Constable No. 749 s/o. Shah Zaiwar r/o Dalazak road,
Peshawar.

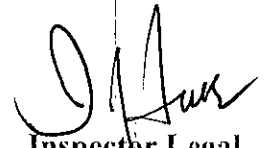
.....Appellant

V E R S U S

District Police Officer, Nowshera and others.

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**

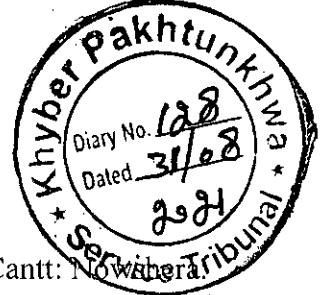
Service Appeal No. 15905/2020

Muhammad Kamran Khan Ex-Constable No. 749 s/o Shah Zaiwar i/o Dalazak road,
Peshawar.

.....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

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 is 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 may 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 spot during 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 then SHO Police Station, Akbarpura, in order to provide security to lady Constable Safia Naz and her sister during shifting of house hold items, accompanied them alongwith other Police party including appellant.

②

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 moment, 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. 7204/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:

GROUNDS

- A. Incorrect. Appellant has not been 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 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 appellant 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 appellant which is evident from annexure "F" of the appeal wherein reply to the charge sheet has been annexed by the appellant. Similarly, before issuing of major punishment, Final Show Cause Notice was also issued to the appellant.
- 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 appellant may very kindly be dismissed with cost, please.



[Signature]
Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
Respondent No. 03

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

[Signature]
District Police Officer,
Nowshera.
Respondent No.01

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

(4)

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

Service Appeal No. 15905/2020

Muhammad Kamran Khan Ex-Constable No. 749 s/o Shah Zaiwar r/o Dalazak road,
Peshawar.

.....Appellant

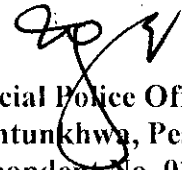
V E R S U S


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.

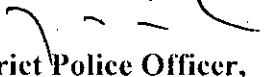
.....Respondents


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

Handwritten signature/initials

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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

CC, Secy Afdal PS

Rooh ul Amin
JUDGE

M. Nasir
JUDGE

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

تاریخ نمبر (1) 5-12

ابتدائی اطلاعاتی رپورٹ

ابتدائی اطلاعیت جرم آفیسر - سٹیشن ہاؤس رپورٹ نمبر 103 مورخہ 15/9/2017

پتہ

20	278	9	13:40
			19:00
			2017
			15/9/2017

ذاتی جویش سے متعلق کیئی اطلاع درج کرنے میں وقفہ ہوا، ذرا بعد بیان کیا کہ 15/9/2017 کو 278 نمبر کے گھر پر 103 نمبر کے گھر سے متعلق اطلاع ملی۔

ابتدائی اطلاع نیچے درج کر دی ہے کہ 278 نمبر کے گھر پر 103 نمبر کے گھر سے متعلق اطلاع ملی۔

15/9/2017 کو 278 نمبر کے گھر پر 103 نمبر کے گھر سے متعلق اطلاع ملی۔

278 نمبر کے گھر پر 103 نمبر کے گھر سے متعلق اطلاع ملی۔

103 نمبر کے گھر پر 278 نمبر کے گھر سے متعلق اطلاع ملی۔

278 نمبر کے گھر پر 103 نمبر کے گھر سے متعلق اطلاع ملی۔

103 نمبر کے گھر پر 278 نمبر کے گھر سے متعلق اطلاع ملی۔

278 نمبر کے گھر پر 103 نمبر کے گھر سے متعلق اطلاع ملی۔

103 نمبر کے گھر پر 278 نمبر کے گھر سے متعلق اطلاع ملی۔

278 نمبر کے گھر پر 103 نمبر کے گھر سے متعلق اطلاع ملی۔

103 نمبر کے گھر پر 278 نمبر کے گھر سے متعلق اطلاع ملی۔

510-111
15/9/2017

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1.

Annex - C

ENQUIRY REPORT FC MUHAMMAD KAMRAN NO.749 PS AKBARPURA.

ALLEGATION:

Whereas, **Constable Muhammad Kamran No. 749** 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 Abdul 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 Abdul 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 aforementioned constables and PASI fled the scene and took refuge in nearby

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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. 34 / St

Dated 23/09/2020.

10

Annex D

CHARGE SHEET

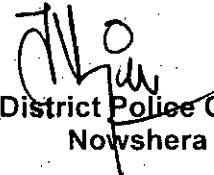
I, Capt: (R) Najmul Hasnain Liaquat, PSP District Police Officer, Nowshera, as competent authority, hereby charge Muhammad Kamran No.749 as per Statement of Allegations enclosed.

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.

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.

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 appropriate action shall follow against you.

Intimate whether you desire to be heard in person.


District Police Officer,
Nowshera

DISCIPLINARY ACTION

(11)

Annex - E

I, Capt: (R) Najmul Hasnain Liaquat, PSP, District Police Officer, Nowshera as competent authority am of the opinion that Muhammad Kamran No.749 has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Rules, 1975.

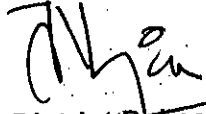
STATEMENT OF ALLEGATIONS

Whereas, Muhammad Kamran No.749 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 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 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.

Muhammad Kamran No.749 is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.


District Police Officer,
Nowshera

No. 134 IPA,
Dated 10/09/2020.



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FINAL SHOW CAUSE NOTICE

Whereas, you Constable Muhammad Kamran No. 749, 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 Liauqat, 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 189 /PA,
Dated 23/09 /2020.


24/09/2020.

officers present there. They had weapon (Pistol and AK-47) in hands and women had daggers, knives and wooden sticks. On this call, all aforementioned constables and PASI fled the scene and took refuge in near

749

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Annex-F

POLICE DEPARTMENT

DISTRICT NOWSHERA

ORDER

This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against Constable Muhammad Kamran No. 749 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.

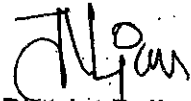
On account of which, he was placed under suspension, closed to Police Lines and proceeded against departmentally through Mr. Bilal Ahmad, ASP Cantt Nowshera, who after fulfillment of legal formalities submitted his report to undersigned vide his office Endst. No. 34 /St. dated 23.09.2020, wherein the 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 powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 881

Dated 02/10 /2020


District Police Officer,
Nowshera

No. 2649-54 /PA, dated Nowshera, the 02/10 /2020.

Copy for information and necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. OHC.
4. FMC with its enclosures (17 pages).
5. I/C Cloth Godown.
6. Official concerned.

Annex - H
No. 9412 /PA

Dt. 29/10/2020

(14)

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

Brief of Allegations: -

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

(15)

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.

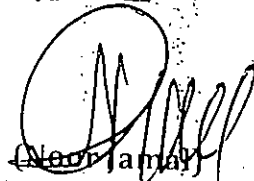
Similarly drivers constable Adnan No. 1317 and constable Shah Hussain No. 512 of P.S Akbarpura submitted their written statements wherein they supported the version of SHO.

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 murder of her sister Neelam Farid but also reflects his poor professional skills.

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



Neeraj Kumar
Superintendent of Police,
Investigation, Nowshera.

W/DPO 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


District Police Officer,
Nowshera

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.