

ORDER  
25.07.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, 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)

Due to retirement of the  
Honorable Chairman for case is referred  
to come up for the bench of Justice  
31/5/2022

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.

  
(ATIQU-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

  
Reader

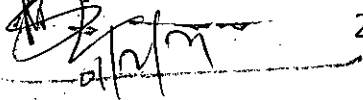
01.02.2021

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.

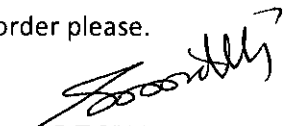

  
Reader

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 15907 /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. Tariq Ahmad 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. Tariq Ahmad 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. 4052 /S.T,


Dt. 15/12/2020

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Arif Jan Adv. Pesh.

R/Six,

Re-submitted, that one and the same inquiry is conducted against the all of officials (Appellants), hence Annexure '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

Tariq Ahmad.....Appellant

**VERSUS**

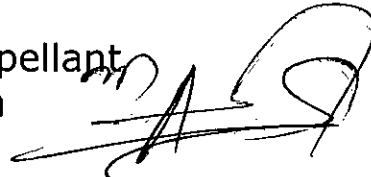
DPO and others .....Respondents

**I N D E X**

S.No.	Description of documents. ✓	Annexure	Dated
1.	Service Appeal with affidavit		1-8
2.	<del>Copy application with affidavit</del>		0
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	22-24
12.	Copy of mercy appeal	L	25
13.	Wakalatnama		26

Dated: 09-12-2020

Appellant  
Through



**Muhammad Arif Jan**  
Advocate High Court  
Cell: 0333-2212213

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 16440

Dated 14/12/2020

Service Appeal No. 15907 /2020

Tariq Ahmad Ex-Constable No-459 District Police  
Nowshera presently at Dauranpur Khan Bahadar  
Colony, 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.

filed to-day

.....Respondents

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.**



**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 about 30 years of 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 Police Station (brief mentioned therein) regarding the occurrence took place by way of concealing the real facts just to save his

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skin and held responsible the innocent lower scale 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 24-09-2020. (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 02-10-2020 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 the appellant also filed mercy appeal before respondent No-3 which is not responded till date. (Copy of Mercy appeal is attached as ANNEX-L).
- 12) That appellant now approaches this Hon'ble Tribunal on the following grounds:-

**GROUND**S

- 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

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impugned orders are liable to be set-aside and the appellant may kindly be re-instated in his service with all back benefits.

- 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 is a Police Driver who was deputed with the then SHO hence the same too did not applicable to prudent mind, the appellant being driver how he found guilty of misconduct and cowardice in the captioned story.
- 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/eyewitness of the occurrence, hence the whole proceedings initiated against the appellant based on mala-fide which is against the

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law rules and regulations governing the subject matter.

- E. Because the mala-fide of the respondents is even established from the so called inquiry wherein the then SHO was held responsible for his misconduct 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 of about 30 years 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.

- 7
- 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 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;

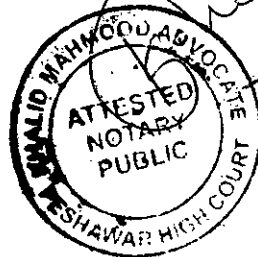
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- i. Declare the impugned order dated 02-10-2020 & 20-11-2020 passed by respondents No-1 & 2 respectively as illegal, unlawful, without lawful authority and void ab-initio and to be set-aside.
- ii. Direct the respondents to re-instate the appellant 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, Tariq Ahmad Ex-Constable No-459 District Police Nowshera presently at Dauranpur Khan Bahadar Colony, 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

Tariq Ahmad.....Appellant

**VERSUS**

DPO and others .....Respondents

**ADDRESSES OF PARTIES**

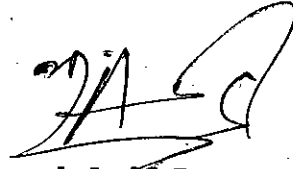
**APPELLANT**

Tariq Ahmad Ex-Constable No-459 District Police  
Nowshera presently at Dauranpur Khan Bahadar  
Colony, 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



(10)

Annex 'A'

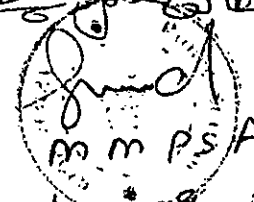
ضلع نوشہرہ

کھانہ البریلورہ

تخلیہ 17 روزنامہ 10-09-2020

قر 17 والیسی عبدالصغیر خان St10 البریلورہ وقت 12:40 مورخہ 10-09-2020  
 برائے شہزادہ محمد اسلم فرید و جہانیاقت علی مسماہ مصدقہ ناز خیر  
 فرید اللہ نسائی شاہ موجود ہے جنہوں نے عدالت عالیہ لیٹا اور  
 دعائی کوڈ کی ڈکٹیشن نمبر WP-3271-P عدالت جناب جسٹس  
 روح الامین خان پیش کرنے سے ماہمہ معروف ہے اس میں تحریر کیا ہے کہ  
 مسماہ فریدہ نے برادرانہ مقدمہ عدالت 12 مورخہ 2020 11 جرم 302-324 34  
 کھانہ البریلورہ میں عرفان استحقاری کے اور مسماہ نسیم ایسا سامان کے  
 بہان سے دوسرے مقام پر منتقل کرنا چاہتی ہے اسلی سٹیٹوڈیٹی کی جاوے  
 تا کہ وہ اور ایسا سامان یا حفاظت بہان سے دوسرے جگہ منتقل کریں  
 پس ہم عدالت دعائی فورڈ لیٹا اور زفری مطابق 459 کامران 1784 512  
 سعید اللہ 2002، عامر 394، وحید 24، عارف 1040 کامران 749 ڈرائیور شاہ جسٹس  
 لسواری سرکاری کے ہے یہ تو مل ڈرائیور وان وضائق اذان مسماہ نسیم فرید  
 واقعہ میں علی شاہ بیوتالیوں۔

جناب عالی

تخلیہ پٹال اصل سے  
  
 mm P.S.A.P  
 10-09-2020

ATTESTED

*[Handwritten signature]*

فلج کو شہرہ

نقلمند 28 روز نامہ 10 09 2020

28 واپسی النسیب عبدالعزیز خان SH5 وقت 17:00 بجے 9 10 2020 میں سے پھر بیان رفتہ  
رپورٹ جو والد عبدالعزیز خان علیستان سے واپسی آیا ابو الوداد روز نامہ 10 09 2020  
حسب الحکم لیشاور رجسٹرڈ آرڈر نمبر P-3271-WP بصورت جیسٹ

روح الامین خان عدالت کھائی لوڈٹ لیشاور بنا اسمہ بنیلم فرید خیر  
فرید اللہ ملکہ علیستان لہر میں جو ابلی خیر یلو سناوان جو ابلی پھران پتلو فری  
لولیس و مسماہ بنیلم و صفیہ ناز موقع پر لیسے تو اسی سناوان میں فلز خان اس  
نذر محمد نجیم، اسد، منصف سیالستان لیشاور جو ابلی سے مسلح ہوا اسلحہ

آئینی ہو جو پتہ جو ابلی قندلہ بلا فلز خان لیشاور لیسے پاری ڈی پلہ پھران  
مستورات انتشار پیدا کرنے کی غرض سے نما اولز خان نے اپنے ایک اسلحہ  
آئینی پر بلک عمارت میں جسی و جہ سے ڈیوٹی پر پھر بیان طابق 459

کامران 1789، سعید 2002، عامر 394، نجیم 276، کامران 749، عامر 1180  
نے اپنی بیٹی جلد چھوڑ کر لہر دی طاء ظاہر ہونے کے بعد SH5 کو موقع پر اڑا  
چھوڑ کر اہل فراد اختیار کی فلز خان جلائے اس موقع سے اٹھ کر اٹھانے پتوں

پر اٹھوئے فلائنگ فریڈم لیشاور 7603 لیشاور میں موجود مسماہ بنیلم فرید  
و مسماہ صفیہ ناز جو ابلی سے ایلٹ فریڈم میں بطور ڈیپٹی لیشنل لیشنل لیشنل لیشنل لیشنل  
اسلحہ آئینی سے فائرنگ کرتے ہوئے لہر دیوں موقع پر لہر دیوں مسماہ صفیہ ناز

موقع پر حال بحق لہر دیوں جس پر بنیلم فریدم و عدالت میں معذہ 276 مورخہ 10 09 2020  
پر 302-324 P.P.C کتابہ الدہلی پورہ 148-149 لیشاور لیشاور لیشاور لیشاور لیشاور  
فرادیوں میں SH5 نے فلز خان کی گرفتاری عمل میں لانے کیلئے فائرنگ کی جو تک

موقع پر دفاعی مستورات اور اپنے عروج کے میں فلز خان اٹھانے پتوں جملہ  
فلز خان فرادیوں میں کامیاب پتوں جملہ حالات و احصات افسران بلا لہر دیوں لولیس  
میں نذر محمد ایٹھ سبیل فریڈم لولیس میں لہر دیوں جالپر جس پر DSP سرقل طوبی سے

جان صاحب محمد حفیظ لولیس RRF لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس  
گرفتاری کیلئے چھاپنے کی تیاری اور ان جملہ لہر دیوں جملہ فلز خان بلا لہر دیوں لولیس لولیس  
میں عدم موجودگی کے جملہ دوران خانہ تلاشی فلز خان نذر محمد کے کوئی رپورٹ لولیس

سے ایضاً جملہ فلائنگ فریڈم نمبر 1954-5176 NF فیلڈ میں لہر دیوں لولیس لولیس لولیس لولیس لولیس  
کاٹوس 762 پور لہر دیوں لہر دیوں لہر دیوں لہر دیوں لہر دیوں لہر دیوں لہر دیوں لہر دیوں لہر دیوں  
مورخہ 10 09 2020 P.M. 15AA کتابہ الدہلی پورہ 148-149 لیشاور لیشاور لیشاور لیشاور لیشاور

نے فلز خان پر 25 ڈاونڈ فائرنگ کے جملہ حالات و احصات میں بیان لولیس  
ایٹھ لہر دیوں غفلت لہر دیوں اور کارس کا میں لہر دیوں لولیس لولیس لولیس لولیس لولیس لولیس  
اور ایک قیمتی سیاحی جان فلاح پتوں لہر دیوں جملہ جلا لولیس لولیس لولیس لولیس لولیس

لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس  
بلا لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس لولیس

جناب عالی! نقل مطابق اصل سے  
M.M.P.S.A.P.10-09-2020

ATTESTED

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(14)

1 Annex - 'E'

**ENQUIRY REPORT FC MUHAMMAD NAEEM NO.276 PS AKBARPURA.**

**ALLEGATION:**

Tariq Aline 2020

Whereas, Constable M. Muhammad No. 276 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:**

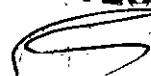
The delinquent police official was heard in person by the undersigned. He submitted his statement of defence which is just a pack of lies. (Statement attached).

**FINDINGS:**

The truth of the matter is: On the fateful day (10<sup>th</sup> 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.

**ATTESTED**



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.

**ATTESTED**  


حاج علی

حوالہ موصول حکیمانہ کاروائی احکا امری 133/PA مورخہ 20/09/2022  
جانب جاب۔ 544/PA نوٹسز معروض خدمت جون

یہ کہ مؤرخہ 9/10/2022 میں قضا اکبر پورہ میں ججٹ ڈرائیور چھراہ جاب۔ 544/PA  
کی طرف کوٹہٹی پر موجود تھا کہ جاب۔ 544/PA بمع دیگر نفی پولیس (بد  
تعمیل رٹ پٹیشن مجاہد عدالت عالیہ پشاور پائیکورٹ قضا اکبر پورہ سے  
دبہ علی شاہ اکبر پورہ روانہ ہو کر جب دبہ علی شاہ پانچوکر جو جاب۔ 544/PA  
میرے زیر تعین موٹر کار سے بمع نفی انٹر کمرنگ علی میں نے  
موٹر کار آئے نے طاہر درخواست کنندہ کے دروازہ کے باہر کھڑی  
کرے اُس دوران ٹائٹل کی آواز سن کر فوراً مٹھاری چھوڑ کر  
مڈسٹ کوچ میں درخواست کنندہ مقتول لڑکی کیشل صفیہ ناز اور  
آسکی پیشہ جبروح نیلم فرید موجود تھے اور طرفان نے اُسی مڈسٹ کوچ  
میں اس پر ٹائٹل کر کے بعد وقوع فرار ہوئے تھے۔ میں نے ججٹ  
پٹیشنر کیشل صبر اور برہاری کا مظاہرہ کرنے ہوئے مقتول اور آسکی فرار  
پیشہ کو بجائے ہوئے اُسی د حکم پیل میں جبروح نیلم فرید نے مجھے  
بھی دھکے دیئے ہوئے تھے جان بچانے کی ترغیب دیئے ہوئے مگر  
اُس دوران ASI عبداللطیف اور کیشل کامران نے بھی مڈسٹ کوچ  
کو حاضرہ کرتے ہوئے دیکھ کر جنوں فوراً معبرح صاحب جبروحین کی خاطر  
مڈسٹ کوچ کو ہسپتال روانہ کر کے مجھے موقع واردات پر چھوڑ کر میں نے  
میں قسم کی فرار پانچولی کا مظاہرہ میں اُن دن سے  
قضا اکبر پورہ سے روانہ ہونے وقت جاب۔ 544/PA نے میرے عدروہ دیگر نفی  
کو کسی قسم کی بیادیاہ میں لکھی تھی حالانکہ اُس علی فرار تھا اور ہم اسی  
گنہ کیشل کامران اور عبداللطیف ASI 544/PA کو میرے آگاہ کی کہ  
کہ صفات کنندہ اور طرفان فریقین کے مابین کیشل صفیہ کی جانب

ATTESTED

دہشتی ہے اور ایک ہی جگہ میں ایک دوسرے کے بالمقابل حکامات میں

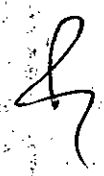
پیشنیں ہیں۔ اور اب عدہ عدہ 276 بم 2-324 کے نامزد  
148-149

مذہبان مسلم آئین الہم موجودگی اور حقون فراہم ہونے کا قوی امکان دینے  
کی پیشگی اطلاع دی گئی۔ مگر جا۔ SHHO کے لئے فقہی اعتباراً درخواست شدہ  
مقتول اور مجروح مسلم فریڈ کو ایچے ساتھ روانہ کئے گئے جو مخالف فریق کے  
فائزنگ کی ضد میں آکر جمل پولیس پاری کے موجودگی میں درخواستیں واقع ہوئے اور  
مذہبان نے کافی تعداد میں مسکوارے خانہ کا موجودگی سے فائدہ اٹھا کر فرار ہونے  
جوئے مقامی پولیس پاری کیسے باعث بدعا واقع کا سبب بنی۔ میرا پیش سال  
ضوکرے بے واقع ہے اس سلسلے میں بے تباہ ہوں۔ انصاف کا طلبگار ہوں  
تفصیلی بیان مرتب اور موجود حقیقت کی سفاسی کرتا ہے احکامات جاری  
داخل دفتر فریڈی جاو۔

~~Actual 459~~

17-9-20

ATTESTED





18

Ammed - 67

**FINAL SHOW CAUSE NOTICE**

Whereas, you **Constable Tariq Ahmad No. 459**, 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.

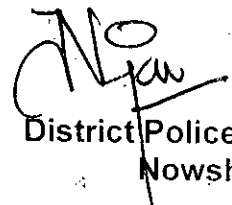
Hence, I, Capt: (R) Najmul Husnain Liaquat, PSP District Police Officer, Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause finally as to why the proposed punishment should not be awarded to you.

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. 192 /PA,  
Dated 23/09 /2020.

**ATTESTED**



District Police Officer,  
Nowshera

خدا عالی

حوالہ موصول فائل شوکار نوٹس احکام میں 192/PA مجاہدہ جا۔  
مدد 23/9/2020

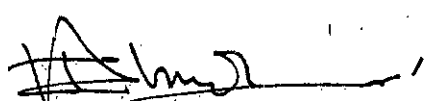
۱۹۲۰ء نوٹس میں حضور صدمت میں ایک مورخ  $\frac{9}{10}$  میں تھا اکبر پورہ  
 میں جینٹ ڈرائیور چھراہ جا۔ SH-540 گاڑی کو جو موٹی پر موجود تھا کہ جا۔  
 SH-540 گاڑی سے دیگر نفری پولیس بس میں بھیجی گئی تھی جہاں عبدالرشید صاحب  
 لگا دہائی کورٹ میں اور تھا اکبر پورہ سے دہیہ علی شاہ اکبر پورہ روانہ ہو کر  
 جب دہیہ علی شاہ پہنچے تو جا۔ SH-540 گاڑی میں سے زیر عنوان موٹر کار سے  
 نفری آفٹر کنٹریکٹ مٹی میں سے موٹر کار آئے کے جا کر درخواست کنندہ کے  
 دروازے کے باہر کھڑی کرتے اس دوران فائرنگ کی آواز سن کر فوراً  
 گاڑی چھوڑ کر فڈرنگ کوچ میں درخواست کنندہ موصول لیڈر کنٹریکٹ  
 صفحہ نماز اسکی ہمیشہ عبودہ سلیم فرید موجود تھے۔ اور ملزمان نے  
 اسی فڈرنگ کوچ میں اس پر فائرنگ کرتے بعد وقوع فرار اور فضا میں  
 میں نے جینٹ سٹیشن چھرا اور برادری کا مظاہرہ کرتے ہوئے موصول اور  
 اسکی عبودہ ہمیشہ کو بچاتے ہوئے اسی وقت میں عبودہ سلیم فرید  
 نے مجھے بھی دھکے دینے ہوئے مجھے جاں بچانے کا ترغیب دینے ہوئے  
 اس دوران اس کے والدین اور کنٹریکٹ کالوں نے بھی فڈرنگ کوچ کو  
 حاصرہ کرتے ہوئے دیکھ کر جنہوں نے فوری عبودہ معاملہ حضور صدمت کی خاطر  
 فڈرنگ کوچ کو چھال روانہ کرتے مجھے موقع واردات پر چھوڑ کر میں نے  
 کسی قسم کی فرار یا فریاد کا مظاہرہ نہیں کیا ہے

تھا اکبر پورہ سے روانہ ہوتے وقت جا۔ SH-540 گاڑی نے میرے عبودہ دیگر  
 نفری کو کسی قسم کی ہدایت نہیں کی تھی۔ حالانکہ آفٹر علی چھرا تھا اور میری  
 کنٹریکٹ کالوں اور عبدالرشید صاحب نے SH-540 گاڑی کو پیلے سے آگاہ کیا  
 کہ درخواست کنندہ اور ملزمان فریقین کے مابین نقل مقام کی دشمنی ہے اور  
 ایک ہی جگہ میں عبودہ سے اے بالفاعل صفحہ میں پرائس پڈر میں اور  
 اب منہ 276 رقم 202-324 کے ناصر ملزمان سلیم آنیشن اسلام  
 موجودگی اور حونا ضراب ہونے کا قوی امکان دینے کی پیشگی اطلاع  
 دی تھی۔ مگر جا۔ SH-540 نے قصداً ملزمان درخواست کنندہ موصول  
 اور عبودہ سلیم فرید کو اپنے ہاتھوں سے فرار فرمایا

ATTESTED

(Handwritten signature)

کے فائزنگ کی ضد میں آکر صلح ہو گئی پوری پوری کے مورچوں میں دلچسپی  
واقع رونما ہو کر ملزمان نے کافی تعداد میں مسٹورٹ خانہ کی مورچوں سے  
فائدہ اٹھا کر فرار ہوئے جو کہ شمالی پولیس پورٹی کے ہینڈ بکٹ بدلتا واقع  
کا سبب بنی۔ میرا ڈسٹریکٹ سالہ نومبر کے واقع ہے اس سلسلے میں  
بے گناہ ہوں۔ داخل دفتر فرمائی جاوے۔

  
24/9/20

ATTESTED



953

AND

(21)

Annex 1

POLICE DEPARTMENT

DISTRICT NOWSHERA

ORDER

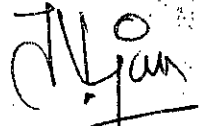
This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules -1975, against Constable Muhammad Tariq No. 459 that he while posted at Police Station, Akbarpura, charged in case FIR No. 278 dated 10.09.2020 u / s 118 (B) Police Act 2017 PS Akbarpura, as he displayed 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. 30 / 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. 882  
Dated 02/10/2020

  
District Police Officer  
Nowshera

No. 2655-60 /PA, dated Nowshera, the 21/10 /2020.

Copy for information and necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. OHC.
4. FMC with its enclosures (12 pages).
5. I/C Clothing Godown.
6. Official concerned.

**ATTESTED**  


دی مٹی ٹرگا - 5454 در قصبہ ٹرگا در ضلع نوشہرہ  
دی مٹی ٹرگا - 5454 در قصبہ ٹرگا در ضلع نوشہرہ

(2)

Annex - J

## خدمت جناب DIG صاحب مردان ریجن مردان

(اپیل برآمد بحالی نوکری)

مؤدبانہ گزارش ہے کہ سائل کو بحوالہ Dismissed Order نمبری 882 مورخہ 02.10.2020 مجاریہ DPO صاحب نوشہرہ مسروض خدمت ہوں کہ مورخہ 10.09.2020 کو تھانہ اکبر پورہ میں محثیت ڈرائیور پرائیویٹ موٹر کار ہمراہ ایس ایچ او (SHO) صاحب تھانہ اکبر پورہ کے ساتھ ڈیوٹی پر موجود تھا۔ کہ SHO صاحب بمعہ دیگر نفری پولیس بسلسلہ تعیل رٹ ہائی کورٹ پشاور تھانہ اکبر پورہ سے دیہہ علی شاہ اکبر پورہ روانہ ہو کر جب دیہہ علی شاہ پہنچ کر تو درخواست کنندہ کے گھر کے نزدیک گاڑی کھڑی کر کے چونکہ فریقین کے بالمقابل مکانات تھے۔ اس دوران فائرنگ کی آواز سن کر جائے وقوعہ کے طرف بڑھے تو دیکھا کہ فلائنگ کوچ جس میں مقتولہ لیڈی کنسٹیبل صفیہ ناز اور اس کی ہمیشہ مجروحہ نیلم فرید جن پر ملزمان نے فائرنگ کر کے بعد وقوعہ فرار ہو گئے۔ اگر SHO اکبر پورہ پولیس پارٹی کو پہلے سے ہدایت یا Brief کرتے تو یہ ناخوشگوار واقعہ رونما نہ ہوتا۔ وہ پولیس پارٹی کو بار بار کہتے رہے کہ مسئلہ بات چیت کے ذریعے حل کرنے کی کوشش کرتا ہوں۔ اسی غلط فہمی کی وجہ سے یہ سب کچھ ہو گیا۔ یہ غلط اور مت گھڑت کہانی SHO اکبر پورہ نے اپنی غلطیاں چھپانے کیلئے بنائی ہے۔ ہم سب آخری وقت تک جائے وقوعہ پر موجود تھے۔ کنسٹیبل کامران اور PASI عبداللطیف خان علاج معالجہ کیلئے پوری طور پر مجروحین کو ہی ہسپتال لے گئے۔ اگر SHO اکبر پورہ بوقت پولیس پارٹی کو حکم دیتے تو شاید یہ واقعہ رونما نہ ہوتا۔ الٹا SHO نے صرف کنسٹیبلان پر پُرچہ کاٹ دیا کیونکہ وہ کمزور ہیں اور انسر نہیں ہیں۔ ہماری نوکری چلی گئی، جیل چلے گئے آخر کیو، ہمارا قصور کیا تھا۔ میرے تیس (30) سالہ سروس کلیئر ہے۔ میں نے کبھی بزدلی کی نوکری نہیں کی ہے۔ میں نے ہمیشہ فرض شناسی اور ایمانداری سے نوکری کی ہے۔ PASI صاحب نے تو وقوعہ پر پہنچے ہی SHO کو فون کر کے پہلے سے آگاہ کیا کہ گاؤں کے تمام افراد بشمول خواتین نکل آئی ہیں اور اس میں کچھ اسلحہ سے لیس ہیں کہ آپ مت آئے، ایسا نہ ہو کہ کوئی بھی ناخوشگوار واقعہ رونما ہو جائے لیکن SHO صاحب پھر بھی نہ مانے اور قصداً عداوتی پہنچ گیا۔ یہ کوئی چھوٹا واقعہ نہیں ہے یہ بڑا کیس ہے۔ اس کی مکمل چھان بین ضروری ہے۔ ہمارے ساتھ انصاف کی جائے۔ ہماری نوکری ہمیں واپس دی جائے۔ ہمارے چھوٹے چھوٹے بچے ہیں اور سائل کی اس نوکری کے سوا کوئی دوسرا متبادل روزگار نہیں ہے۔ سائل اور اس کے بچے تاحیات دُعا گور ہیں گے۔

شکریہ!

العارض

مورخہ: 09.10.2020

آپکا تابعدار کنسٹیبل طارق احمد نمبر 459 ضلع نوشہرہ

ARRESTED

Annex - 23

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Muhammad Tariq No. 459** 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. 882 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.

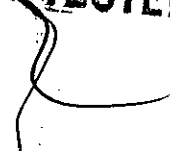
Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Assistant Superintendent of Police Cantt, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings stating 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. 882 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

**ATTESTED**

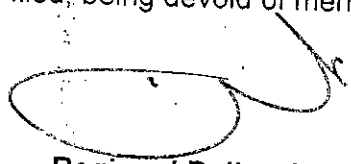


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designs. The retention of the appellant in the Police Force with such an attitude will lead to the repetition of such like incidents to the general public as well. Moreover, this type of conduct is also bound to affect the discipline and conduct of 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. 7208 /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. 2842/PA dated 26.10.2020. His service record is returned herewith.

(\*\*\*\*\*)

**ATTESTED**

بخدمت جناب IGP صاحب خیر بختونخواہ

رحم اپیل برائے بحالی نوکری

مودبانہ گزارش ہے کہ بحوالہ DISMISSAL ORDER نمبری 882 مورخہ 02-10-2020 بحاریہ

DPO صاحب نوشہرہ معروض خدمت ہوں کہ 10-09-2020 کو تھانہ اکبر پورہ میں SHO صاحب کے ساتھ بحیثیت ڈرائیور اور دیگر نفری پولیس بہ سلسلہ تعینل ہائی کورٹ پشاور دیہہ علی شاہ گئے تھے۔

مقتولہ لیڈی کنسٹیبل صفیہ ناز کی بہن نیلم فرید اپنے گھر کی سامان بحکم ہائی کورٹ پولیس کی نگرانی میں اٹھانا چاہتی تھی۔

جب کہ یہاں پر صفیہ ناز لیڈی کنسٹیبل کی کوئی ڈیوٹی وغیرہ نہیں تھی اس وقت وہ اپنی بہن کے ساتھ بطور امداد گئی تھی لیکن

مخالفین کے ساتھ ان کی خونی دشمنی تھی SHO صاحب کو پہلے سے چاہئے تھا کہ ان کو ساتھ لے جانے سے منع کرتی اس

دوران مخالفین نے دونوں بہنوں پر اندھا دھند فائرنگ شروع کی جس سے صفیہ ناز اور ان کی بہن دونوں لگ کر صفیہ ناز

موقع پر فوت ہو گئی اور نیلم فرید شدید زخمی ہو گئی۔ اس وقت تک SHO صاحب اکبر پورہ نے کسی بھی جوابی کارروائی سے

منع فرمایا نفری تمام موقع واردات پر موجود تھی کوئی بندہ نہیں بھاگا تھا SHO نے جوئی کہانی بنائی کہ نفری بھاگ گئی تھی

PASI عبدالطیف اور کنسٹیبل کامران طبعی امداد کے لئے لے گئے یہ تمام غفلت اور لاپرواہی SHO اکبر پورہ انسپکٹر

عبدالصیر کی ہے انہوں نے ظلم کی حد پار کر کے کنسٹیبلان پر پرچہ کاٹ دیا جس کی وجہ سے ہم 07 کنسٹیبلان اور ایک

(PASI) عبدالطیف مردان جیل چلے گئے 05 دن بعد جیل سے رہا ہوں کراہ تک در بدر کی ٹھوکریں کھا رہے ہیں

(PASI) عبدالطیف تو SUSPEND ہے لیکن ہم 07 سپاہی اب تک DISS MISSAL میری 30 سالہ سروس

کیرئیر ہے SHO کے خلاف انکواری 118B کے تحت لیکن اسے صرف 02 عارضی انکریمنٹ STOP کی گئی یہ تو کوئی

سزا نہ ہوئی اور وہ اب بھی نوکری کر رہا ہے جناب عالی ہمارے ساتھ انصاف کیا جائے ہمارے بال بچوں پر رحم کیا جائے

ہمیں ہماری نوکری واپس دی جائے DIG صاحب مردان کو اپیل بحالی نوکری کی گئی لیکن بحوالہ OB نمبری 7208

مورخہ 20-11-2020 کو REJECT کی گئی۔ نقولات آرڈر DPO صاحب نوشہرہ جناب DIG صاحب مردان

ریٹج لٹ درخواست ہذا اس رحم اپیل کو منظور کی جائے تاکہ ہمارے بچوں کا مستقبل بچ جائے اور ہم اس مشکل سے نکل کر اپنی

ملک قوم کی خدمت کر سکے اور بندہ سارہ عمر دعاگوں رہیگا۔

المقوم:۔ 25-11-2020

ATTESTED

العارض

آپکا تابع فرمانا سابقہ کنسٹیبل طارق احمد نمبر 459 ضلع نوشہرہ





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**WAKALATNAMA**

IN The HP Service Tribunal Pesh

Tariq Ahmad

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

**VERSUS**

Dlo Golhi

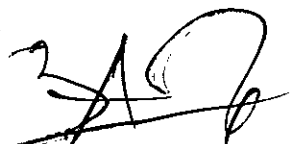
(Respondent)  
(Defendant)  
(Accused)  
(Judgment Debtor)

Case \_\_\_\_\_

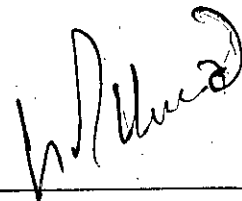
I/We, Tariq Ahmad do hereby appoint and constitute **Muhammad Arif Jan Advocate** High Court, Peshawar, to appear. Plead, act, compromise, withdraw or refer to arbitration to me/ us as my/ our Counsel in the above noted matter, without any liability for their default and with the authority to engage/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

Attested & Accepted

CLIENT/S



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

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

Service Appeal No. 15907/2020

Tariq Ahmad Ex-Constable No. 459 District Police Nowshera presently at Dauranpur Khan Bahadar colony, Peshawar.

.....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
3.	List bad entries	A	05
4.	Copy of court order in W.P 3271/2020	B	06-07
5.	Copy of FIR	C	08
6.	Copy of enquiry report	D	09-10
7.	Copy of charge sheet and statement of allegation.	E	11-12
8.	Copy of Final Show Cause Notice	F	13
9.	Copy of punishment order	G	14
10.	Copy of order of appellate authority	H	15-16
11.	Copy of enquiry report and order against the SHO Akbarpura	I&J	17-19

  
**Inspector Legal,  
Nowshera**

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

Service Appeal No. 15907/2020

Tariq Ahmad Ex-Constable No. 459 District Police Nowshera presently at Dauranpur Khan Bahadar colony, 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 rest of the para is incorrect as service record of the appellant is tainted with bad entries. (Copy of bad entries is annexed as annexure "A").
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 "B").
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.

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 "C").
6. Incorrect. In order to probe into the matter 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. (Enquiry report is annexed as annexure "D").
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 "E").
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 "F").
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 "G").
10. Correct to the extent that appellant filed departmental appeal before the appellate authority but the same was also rejected vide No. 7208/ES, dated 20-11-2020, being devoid of merit. (Copy of order is annexed as annexure "H").
11. That the appeal of the appellant is liable to be dismissed on the following grounds:


#### GROUNDS


- A. Incorrect. Appellant has not be deprived any of his rights. Moreover, orders passed by the respondents No. 01 & 02 respectively on 02-10-2020 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 that in order to probe into the matter enquiry was entrusted to a PSP officer i.e the then 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.

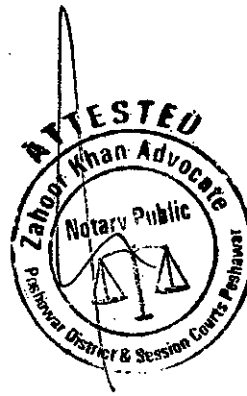
- D. Para already explained hence; needs no comments.
- E. Incorrect. Proper enquiry against the then SHO Police Station, Akbarpura was conducted through Noor Jamal Khan the then Superintendent of Police, Investigation, Nowshera. On the recommendation of the enquiry officer, the then SHO was awarded major punishment of reduction in pay by 02 stage for a period of 02 years. (Copy of enquiry is annexure "I" and copy of order is annexure "J").
- 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.

  
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

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

Service Appeal No. 15907/2020

Tariq Ahmad Ex-Constable No. 459 District Police Nowshera presently at Dauranpur Khan Bahadar colony, 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

DETAIL OF BAD ENTRIES OF EX-CONSTABLE TARIQ AHMAD NO. 459

1. Punishment of compulsory retirement converted into stoppage of 02 years annual increments vide OB No. 692 dated 16-08-2004.
2. 05 days leave without pay vide OB No. 416 dated 18-04-2010.
3. Awarded punishment of fine Rs. 150/- for his absence vide OB No. 814 dated 03-08-2000.
4. Awarded punishment of fine Rs. 300/- for his absence vide OB No. 1409 dated 20-11-2007.
5. Awarded punishment of fine Rs. 500/- for his absence vide OB No. 333 dated 09-03-2011.

\* \* \* \* \*

6

Annex - B

**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

*Rooh-ul-Amin*



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. Siraj Afzal PS

*Rooh Sam*  
JUDGE

*M. Siraj*  
JUDGE

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

تاریخ نمبر ۲۳-۱۵

### ابتدائی اطلاع رپورٹ

تاریخ

ابتدائی اطلاع نسبت جرم آرم دست اندازن پولیس رپورٹ نمبر ۱۵۲ بھروسہ ضابطہ بندی

تاریخ نمبر ۲۳-۱۵

تاریخ نمبر ۲۳-۱۵

تاریخ نمبر ۲۳-۱۵

تاریخ نمبر ۲۳-۱۵

تاریخ نمبر ۲۳-۱۵

تاریخ نمبر ۲۳-۱۵

روانی جو تفتیش سے متعلق فی فی انرا اطلاع درج کرنے میں توقف ہو اور ذوق پھیلانا کہ ان کے ذوق پھیلنے اور سانس پڑنے سے متعلق حکم اور فی انرا اطلاع

ابتدائی اطلاع نیچے درج کرو یہ کہ

سعدہ اللہ ۲۰۲، کاٹون ۱۷۸۹، علاقہ ۳۹۹، ایم ۲۷۶، گاہن ۷۱۹، عامہ ۱۱۸۵، تہہ مسماہ لغتیں بیس مہلک حکم پکارتی معاملہ لکھنؤ میں سہ ماہی کی قتل کیس نمبر ۲۷۰/۲۰۲۰ P/۳۲۷۱ WP NO ۳۲۷۱، ۱۹۸/۳۵۲/۳۷۴، ۱۵/۹/۲۰۲۰، ۳۵۲/۳۷۴، ۱۹۸/۱۱۹

تھانہ لکھنؤ پر تہہ مسماہ انسداد کے تحت موجود تھے جنہوں نے ہم پولیس باہری کو درکارا جس پر جملہ ولد زیمان پولیس بالاسوئی تو موقع پر اسلحہ چھوڑ کر بھاگ لکھا صرف ولد زیمان سے جائزہ لیا گیا کہ مسماہ تہہ مسماہ فریڈ، مقبولہ مسماہ بزرگ فقیران فریڈ اللہ مسماہان علیہ یہ بتوانیگی اور کے دونوں لگ کر مسماہ مسماہ بزرگ موقع پر کا حقا سول ہوئے ملازمان بالاکئی مختلف اور اس کے پولیس کے دوران ندرانی کا وقت گزرتا کرتے کرتے مازا کے مرتبہ پائے جا کر ولد زیمان پولیس بالاکئی صرف ہوا مگر مالان سے دیکھیں کا بالاسوئی میں صراط ۲۰۲، ۱۹۸/۱۱۹، ۳۵۲/۳۷۴، ۱۹۸/۱۱۹

۱۹۸/۱۱۹  
۳۵۲/۳۷۴  
۱۵/۹/۲۰۲۰

**ENQUIRY REPORT FC TARIQ AHMAD NO. 459 PS AKBARPURA.**

**ALLEGATION:**

Whereas, Constable Tariq Ahmad No. 459 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 (10<sup>th</sup> 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.

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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. 30 / St  
Dated 23/09/2020.

11 Annex-E

CHARGE SHEET

1. I, Capt: (R) Najmul Hasnain Liaquat, PSP District Police Officer, Nowshera, as competent authority, hereby charge Constable Tariq Ahmad No.459 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

Ver

**DISCIPLINARY ACTION**

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I, Capt: (R) Najmul Hasnain Liaquat, PSP, District Police Officer, Nowshera as competent authority am of the opinion that Constable Tariq Ahmad No.459 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 Tariq Ahmad No.459 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 of 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 Tariq Ahmad No.459 is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.

  
District Police Officer,  
Nowshera

No. 133 IPA,  
Dated 10/07/2020.



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(13) Annex - F

FINAL SHOW CAUSE NOTICE

Whereas, you Constable Tariq Ahmad No. 459, 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. 192 /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.

interference  
course of personal  
affect the discipline and  
to the general public  
Police Force will

14 Annex - G

DISTRICT NOWSHERA

POLICE DEPARTMENT

ORDER

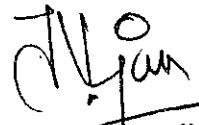
This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules -1975, against Constable Muhammad Tariq No. 459 that he while posted at Police Station, Akbarpura, charged in case FIR No. 278 dated 10.09.2020 u / s 118 (B) Police Act 2017 PS Akbarpura, as he displayed 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. 30 / 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. 882  
Dated 02/10 /2020

  
District Police Officer  
Nowshera

No. 2655-60 /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 (12 pages).
5. I/C Clothing Godown.
6. Official concerned.

اور سون سزا بہ ہوئے کہ قوی افسان دینے کی ہوتی ہے  
دی گئی مگر جا - SHO کا یہ قصہ بند دروازہ



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ORDER.

15 Annex - A

This order will dispose-off the departmental appeal preferred by Ex-Constable Muhammad Tariq No. 459 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. 882 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 code 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. 882 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. 7208 /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. 2842/PA dated 26.10.2020. His service record is returned herewith.

(\*\*\*\*\*)

EC/FMC  
For record

DPO, NAR  
23/11/2020

No. 1609/PA  
dt 23/11/2020

Annex-13 (17)

No. 4412 /PA

Dt: 29/10/2020

**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 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. 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.

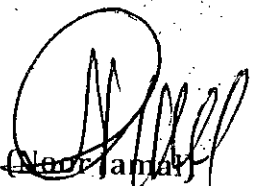
Other police officials also submitted their written statements wherein they showed themselves as innocents and held the SHO responsible for the incident.

**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

  
(Naeem Jamil)  
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

  
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.