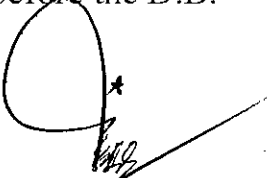



25.10.2022

Appellant alongwith his counsel present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 23.11.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

23.11.2022

Mr. Farooq Mohmand, Advocate for the appellant present. Mr. Atta-ur-Rehman, Inspector alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Learned District Attorney stated at the Bar that service appeal bearing No. 7375/2020, filed by co-accused namely Niaz Ali is fixed for arguments on 25.11.2022 therefore, the appeal in hand may also be fixed for arguments on the said date. Adjourned. To come up arguments alongwith connected service appeal No. 7375/2020 titled "Mr. Niaz Ali versus District Police Officer, Mardan and others" on 25.01.2023 before D.B.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

SCANNED
KPST
Peshawar

30th May, 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

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



(Kalim Arshad Khan)
Chairman

29.06.2022

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

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



(Fareeha Paul)
Member (E)

12.09.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Atta-Ur-Rehman, Inspector (legal) for the respondents present.

Mr. Mian Muhammad, learned Member (Executive) is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 25.10.2022



(Salah-Ud-Din)
Member (J)

03.02.2022

The Tribunal is non-functional, therefore, the case is adjourned to 08.04.2022 before S.B for the same.


Reader

11.04.2022 Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant was dismissed from service on 28.05.2021, against which the appellant filed department representation on 01.06.2021, which was rejected on 12.01.2021 and communicated to the appellant on 01.10.2021, hence the present service appeal on 07.10.2021 which is well within time.

The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for submission of reply/comments. To come up for reply/comments before the S.B on 30.05.2022.

Rs-500/-
Appellant Deposited
Security & Process Fee
A. Singh
13/4/22

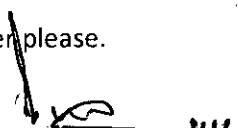

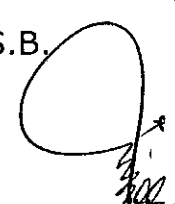

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7618 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/10/2021	<p>The appeal of Mr. Rasheed Khan resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>09/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
09.12.2021		<p>Junior of learned counsel for the appellant present and requested for adjournment on the ground that learned senior counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Request is acceded to. To come up for preliminary hearing on 03.02.2022 before the S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>

The appeal of Mr. Rasheed Khan Ex-IHC No. 1667 Police Line Mardan received today i.e. on 07.10.2021 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

Annexures-A, B and D of the appeal are illegible which may be replaced by legible/better one.

No. 1992 /S.T,

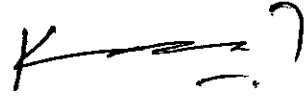
Dt. 07/10 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv.

R/S

Resubmitted after Completion.


20/10/21

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

SERVICE APPEAL NO. 7618 /2021

RASHEED KHAN

V/S

POLICE DEPTT:

I N D E X

S.N O	DOCUMENTS	ANNEXUR E	PAGE
1	Memo of appeal	1 - 3
2	Affidavit	4
3	Statement of allegatio	A	5
4	Charge	B	6
5	Fact finding inquiry	C	7 - 8
6	Impugned order dt: 28.05.2021	D	9
7	Departmental appeal	E	10 - 11
8	Appellate order dt: 02.08.2021	F	12 - 13
9	application	G	14
10	Wakalat Nama	15

Dated: ____ 10.2021

APPELLANT

Through:

**NOOR MOHAMMAD KHATTAK
ADVOCATE**

FLATE NO. 04, 2ND FLOOR,
JUMA KHAN PLAZA, NEAR FATA SECRETARIAT,
WARSAK ROAD, PESHAWAR

0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2019

Mr. Rasheed Khan, Ex: IHC No.1667,
Police line, District Mardan

..... **APPELLANT**

VERSUS

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

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 28.05.2021 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM SERVICE AND AGAINST THE APPELLATE ORDER DATED 02.08.2021 COMMUNICATED TO APPELLANT ON 01.10.2021 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGRETTEED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned order dated 28.05.2021 and subsequent appellate order dated 02.08.2021 may very kindly be set aside and the appellant may kindly be re-instated into service with all consequential back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHWETH:

ON FACTS:

1. That appellant was appointed as Constable (BPS-05) in the respondent Department after fulfilling all the codal formalities required for appointment to the post. That after appointment the appellant started performing his duty quite efficiently and to the entire satisfaction of his high ups and lastly posted as IHC Muharrir at Police Satation Toru Mardan.
2. That the appellant while performing his duty as Muharrir PS Toru Mardan disciplinary proceeding was initiated against the appellant and as such statement of Allegation dated 19.03.2021 along with charge sheet was issued to appellant

on the allegation of misconduct. Copy of statement of allegation and charge are attached as annexure **A & B.**

3. That, only a fact finding inquiry was conducted by the respondent against the appellant without fulfilling other codal formality. Copy of the Fact finding inquiry is attached as annexure..... **C.**

4. That, without fulfilling other codal formality the appellant was astonished that the respondents issued the impugned order dated 28.05.2021 whereby major penalty of Dismissal from Service has been awarded to appellant. Copy of the impugned order dated 28.05.2021 is attached as annexure..... **D.**

5. That, the appellant feeling aggrieved from the impugned order dated 28.05.2021 filed Departmental appeal before the appellate authority but the same has been regretted vide appellate order dated 02.08.2021 on no good grounds. Copy of the Departmental appeal & appellate order is attached as Annexure **E & F.**

6. That after filling departmental appeal the appellant did not received the appellate order dated 02.08.2021 moved an application dated 1.10.2021 whereby appellate order was communicated to appellant. Copy of the application is attached as annexure **G.**

7. That appellant feeling highly aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others.

GROUND:

A- That impugned dismissal order dated 28.05.2021 & appellate order dated 02.08.2021 issued by the respondents are void in nature against the law, facts and norms of natural justice hence not tenable and is liable to be set aside.

B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

C- That the codal formalities required for the major penalty has not been fulfilled by the respondents while issuing the impugned 28.05.2021 & appellate order dated 02.08.2021.

- 3
- D- That neither notice nor chance of personal hearing/defense has been provided to the appellant before issuing the impugned order.
- E- That the enquiry officer neither recorded any statement of witnesses in the presence of the appellant nor was afforded an opportunity to cross-examine them, the appellant was condemned unheard thus the impugned order is illegal.
- F- That, the respondent Department acted in arbitrary and malafide manner while issuing the impugned dismissal order dated 28.05.2021 & appellate order dated 02.08.2021.
- G- That, no regular inquiry has been conducted in the matter which is pre-requisite as per the judgments of the Apex Supreme Court of Pakistan in punitive matters.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that appeal of the appellant may be accepted as prayed for.

Dated: 5.10.2021

APPELLANT


RASHEED KHAN

THROUGH:


NOOR MOHAMMAD KHATTAK


UMAR FAROOQ MOHMAND


KAMRAN KHAN

&

SAID KHAN

ADVOCATES

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2021

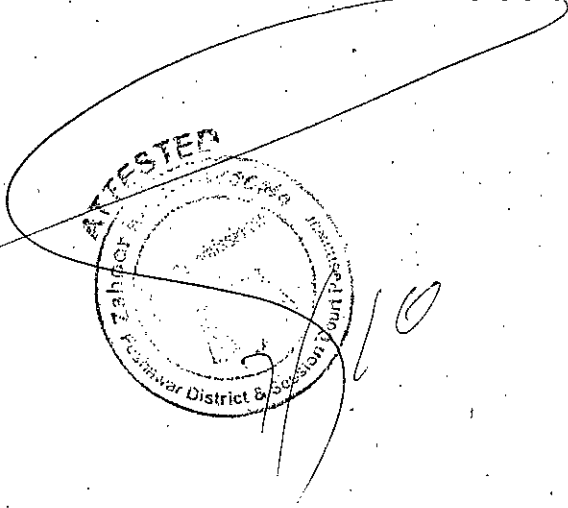
RASHEED KHAN

VS

POLICE DEPTT:

AFFIDAVIT

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



[Handwritten Signature]
DEPONENT

CERTIFICATE:

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

[Handwritten Signature]
CERTIFICATION

**OFFICE OF THE DISTRICT POLICE OFFICER
MARDAN**

NO. 73

DATED 19.03.2021

DISCIPLINARY ACTION

I, DR ZAHID ULLAH (PSP). District Police Officer Mardan, as competent authority am of the opinion that **IHC Rasheed Khan No, 1667** himself liable to proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas IHC Rasheed Khan No, 1667, while posted as Moharrar Police Station Toru, (now under suspension Police Lines Mardan) the Local Police of PS Toru arrested accused Shad Ali Son of Muhammad Umar r/o Chalo Chowk Mardan on account of having (2020) gram Charas & (50) gram Ice vide case FIR No, 148 dated 12.03.2021 U/S 9DKPCNSA , 11-AKPCNSA PS Toru, who was later on produced before the Court of Mr, Mazhar Ali Khan the Honorable JMIC-I Mardan with case property i.e parcel Nos, 02 & 05 where accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-scaling the parcel. His request was accepted by the Court and parcel Nos, 02 & 05 were de-sealed in open Court in the presence of I.O wherein it was observed that the alleged contraband in parcel No, 02 was covered in a yellow tape lightly which was uncovered After uncovering the same, another parcel No. 03 was present duty scaled in case vide FIR No, 75 dated 06.02. 2021 u/s 9DKPCNSA/11-AKPCNSA in PS Tour Mardan allegedly weighing 1820 grams. Meaning thre by that the instant alleged recovery from the possession of the present accused is actually the case property of another case, resultantly, the Court discharged the accused U/S 63 Cr.PC read with section 167 Cr.PC & directed this office to take legal action against the involed Police Officer.

It may be mentioned here that in this regards, strict directions have since been issued to all concerned Police Officers in the meetings etc: to be careful in narcotics cases, but with no compliance by IHC Rasheed Khan Moharrar PS Tour.

For the purpose of securitizing the conduct of the said accused officer with reference to the above allegations Mr. Sadat Khan DSP/Security is nominated as Enquiry Officer.

The Enquiry Officer shall in accordance with the provision of Police Rules 1975. Make within (30) days of the receipt of this orer recommendations as to punishment or other appropriate action against the accused Officer.

IHC Rasheed Khan No, 1667 is directed to appear before the Enquiry Officer the date time and place fixed by the Enquiry Officer.

(Dr, Zahid Ullah) PSP
District Police Officer Mardan



ANNEXURE "A"
OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

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

2021

No. 73 /PA

Dated 18/13/2021

DISCIPLINARY ACTION

I, DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent authority am of the opinion that IHC Rasheed Khan No.1667 himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS


Whereas, IHC Rasheed Khan No.1667, while posted as Moharrar Police Station Toru, (now under suspension Police Lines Mardan), the Local Police of PS Toru arrested accused Shad Ali Son of Muhammad Umar r/o Chato Chowk, Mardan on account of having (2020) gram Charas & (50) gram Ice vide case FIR No. 148 dated 12-03-2021 u/s 9DKPCNSA, 11-AKPCNSA PS Toru, who was later-on produced before the Court of Mr. Mazhar Ali Khan, the Honorable JMIC-I Mardan with case property i.e. parcel Nos.02 & 05, where accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos.02 & 05 were de-sealed in open Court in the presence of IC, wherein it was observed that the alleged contraband in parcel No.02 was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.03 was present duly sealed in case vide FIR No.75 dated 06-02-2021 u/s 9DKPCNSA/11-AKPCNSA in PS Toru-Mardan allegedly weighing 1820 grams. Meaning there by that the instant alleged recovery from the possession of the present accused is actually the case property of another case, resultantly, the Court discharged the accused u/s 63 Cr.PC read with section 167 Cr.PC & directed this office to take legal action against the involved Police Officer.

It may be mentioned here that in this regards, strict directions have since been issued to all concerned Police Officers in the meetings etc. to be careful in narcotics cases, but with no compliance by IHC Rasheed Khan Moharrar PS Toru.

For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, Mr. Sadat Khan DSP/Security is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Official, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Officer.

IHC Rasheed Khan No.1667 is directed to appear before the Enquiry Officer on the date & time and place fixed by the Enquiry Officer.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER,
MARDAN

CHARGE SHEET

I, **DR ZAHID ULLAH (PSP)**. District Police Officer Mardan, as competent authority hereby charge **IHC Rasheed Khan No, 1667**. while posted as Moharrar Police Station Tour (now under suspension Police Lines Mardan, as per attached Statement of Allegation.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules 1975.
2. You are therefore required to submit your written defense within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
3. Your written defense, if any, should reach the Enquiry Officer within the specified period, filling which. It shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.

(Dr, Zahid Ullah) PSP
District Police Officer Mardan



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

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

CHARGE SHEET

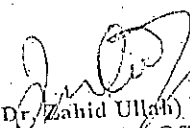
1. DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent authority, hereby charge IHC Rasheed Khan No.1667, while posted as Moharrar Police Station Toru, (now under suspension Police Lines Mardan), as per attached Statement of Allegations.

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

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

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

4. Intimate whether you desired to be heard in person.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

ATTESTED

انکوائری رپورٹ IHC ارشد خان سابقہ محرر تھانہ طور و متعینہ معطل پولیس لائن مردان۔

جناب عالی!

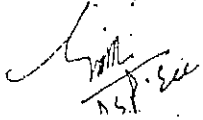
حوالہ خارج شیٹ نمبری 73/PA مورخہ 19.03.2021 جاریہ جناب DPO صاحب مردان انکوائری رپورٹ
سابقہ محرر تھانہ طور و متعینہ معطل پولیس لائن معروض خدمت ہوں کہ FIR نمبری 148 جرم 9DKPCNSA مورخہ 20.03.2021
تھانہ طور و میں ملزم شاد علی کو تفتیشی آفیسر نیاز محمد SI نے بمعدہ المقدمہ بعدالت جناب JMIC-1 مردان میں پیش کر کے
ملزم کی استدعا پر پارسل کھولا تو اس میں پرانا بند سمر بہر پارسل مقدمہ علت نمبری 75 جرم 9DKPCNSA مورخہ 2021 نے
طور و کا پارسل پایا گیا جس پر JMIC صاحب کا سابقہ دستخط اور مہر ثبت تھا جس پر JMIC صاحب نے پولیس کی طرف سے دستخط
مقدمہ کوڈ سچارج کر کے ملزم کو رہا کیا اور متعلقہ ایکاران کے خلاف نکلانہ انکوائری کی سفارش کی جس پر جناب DPO صاحب نے
چارج شیٹ بمعدہ سیشن آف ایلیگیشن جاری کیا اور من DSP کو انکوائری آفیسر مقرر کیا۔

مورخہ 20.03.2021 کو چارج شیٹ دفتر ہذا موصول ہو کر مذکورہ محرر کو بذریعہ تحریری پروانہ دفتر ہذا اطلب کر کے
حوالہ ہوئی جس پر مذکورہ محرر نے مورخہ 26.03.2021 کو اپنا تحریری بیان دفتر ہذا میں جمع کر کے جس میں مذکورہ محرر نے
مقدمہ علت 148 سال 2021 میں مجھے کسی نے کوئی المقدمہ حوالہ نہیں کیا تھا جب ملزم کو عدالت میں پیشی کیلئے لے جایا جا رہا تھا
عادل مدد محرر کو SHQ صاحب کے پیچھے بھیجا تو بجواباً معلوم ہوا کہ میرے پاس کوئی المقدمہ نہیں ہے مالٹانے سے پارسل حوالہ
بیان و سلسلہ سوالات و جوابات لفظ انکوائری ہے۔

نیاز علی سابقہ SHO تھانہ طور و سے اس ضمن میں بیان لیا گیا جس نے اپنے بیان میں تحریر کیا ہے کہ میں نے فرد و جوابات
میں ملزم بہرہ المقدمہ محرر تھانہ کے حوالہ کیا تھا۔ نیاز علی SHO کا بیان و سلسلہ سوالات و جوابات لفظ انکوائری ہیں۔
اس ضمن میں فرد گواہان کنسٹیبلان وصال نمبر 2667، فلک تاج نمبر 2244 کے بیانات بھی لئے گئے جنہوں نے
بیانات میں بیان کیا ہے کہ مورخہ 12.03.2021 کو ہم نے بہرہ SHO صاحب ملزم شاد علی کو چرس اور آئس سمیت گرفتار کیا
مذکورہ فرد و جوابان نے المقدمہ محرر تھانہ کے حوالہ کرنے کے بارے میں تحریر نہیں کیا جب کنسٹیبل وصال سے مذکورہ المقدمہ کے بارے
کیا تو بتایا گیا کہ میں اس وقت گاڑی میں رہ گیا تھا المقدمہ کا مجھے کوئی علم نہیں ہے۔ اس سلسلہ میں کنسٹیبل فلک تاج فرد گواہان
مذکورہ کنسٹیبل نے بتلایا کہ اسکا مجھے علم نہیں ہاں البتہ ملزم کو بندہ حوالات تھانہ کیا گیا تھا۔ (کنسٹیبلان وصال اور فلک تاج کے جوابات
سوالات و جوابات لفظ انکوائری ہیں)

اس سلسلہ میں مدد محرر تھانہ طور و عادل نمبر 3342/LHC سے بیان لیا گیا جس نے اپنے بیان میں تحریر کیا
مورخہ 13.03.2021 کو نمرہ رشید نے مجھے SHO کے پیچھے بھیجا کہ انوشی گیشن آفیسر ملزم کو عدالت لے جا رہا ہے مالٹانے
جوابان گمر نے بتلایا کہ SHO صاحب سو رہا ہے اور کہا کہ میرے پاس کوئی المقدمہ نہیں ہے۔ مدد محرر عادل کا بیان و سلسلہ
جوابات لفظ انکوائری ہے۔

دریں انکوائری انوشی گیشن آفیسر SI نیاز محمد خان سے بیان لیا گیا جس نے اپنے بیان میں تحریر کیا ہے کہ مورخہ 20.03.2021
مجھے ASI اور میں خان کے سامنے محرر تھانہ نے ملزم شاد علی اور سیل شدہ پارسل کو میرے حوالہ کر کے پارسل اور المقدمہ انوشی گیشن
میں لے گیا۔





Dated: ___/___/2021

Mardan

Copy to RI Police Lines (Attention Reader) to deliver this notice upon the alleged official & the receipt thereof shall be returned to this office within (05) days positively for further n/action.

8

(2)

9

1- JMIC مردان کے سامنے پیش کئے جس پر JMIC صاحب نے ملزم کی استدعا پر پارسلوں کو کھولنے کا حکم دیا۔

پارسل پرانہ مقدمہ کے نکل آیا جس پر جناب JMIC صاحب نے مقدمہ کو ڈسچارج کیا اور ملزم کو رہا کر کے کچھ عرصے میں

متعلقہ اہلکاران کے خلاف انسران بالا کو شکایت کی۔ (بیان انوشی گیشن آفیسر SI نیاز محمد خان لف انکوائری سے)

اس سلسلہ میں طاہر اقبال نائب کورٹ JMIC صاحب کا بیان لیا گیا جس نے اپنے بیان میں تحریر کیا ہے۔

استدعا پر پارسلوں کو کھولنے کا حکم صادر کیا پارسلوں کو کھولنے پر متذکرہ پارسلوں میں پرانے سابقہ مقدمہ کے پارسلوں میں

سوالیات و جوابات طاہر اقبال نائب کورٹ لف انکوائری ہیں۔

دوران انکوائری متذکرہ پارسلوں کو حسب طلبی ریڈر جناب DPO صاحب نے پیش کئے چیک کرنے پر جرح نمبر

نمبر 64,63 درج ہے

اس سلسلہ میں رجسٹر نمبر 19 کو چیک کیا گیا جہاں پر سلسلہ نمبر 63 پر مقدمہ علت 146 مورخہ 12.03.2021 درج ہے۔

سلسلہ نمبر 64 پر مقدمہ علت 145 مورخہ 12.03.2021 جرم 15AA درج ہیں محرر تھانہ نے متذکرہ پارسلوں پر غلط سلسلہ درج کیا ہے۔

کئے ہیں اس سے مذکورہ کی اس فعل سے نااہلی اور بدعتی ظاہر ہوتی ہے مزید ریکارڈ چیک کر کے بغرض تجزیہ نمونہ جات پارسلوں سے

بھجوائے گئے ہیں اس سلسلہ میں رجسٹر نمبر 21 رسید رابداری بھی خاموش ہے۔ رجسٹر نمبر 21 اور رجسٹر نمبر 19 کی نوٹوں کا بیان حاصل ہے۔

انکوائری ہے۔

دوران انکوائری دفتر انوشی گیشن میں اصغر OHC سے بذریعہ سرکاری ٹیلی فون پر معلوم ہوا کہ تھانہ طور سے بغرض تجزیہ

متذکرہ مقدمہ کے لئے کوئی نمونہ نہیں بھجوا یا گیا ہے۔ اس سلسلہ میں ریکارڈ تھانہ میں رجسٹر نمبر 19 اور رڈ نامچ کو بھی چیک کر کے

کے بارے میں کوئی اندراج موجود نہیں ہے۔ رجسٹر نمبر 19 مالمقدمات کی نوٹوں کا پی حاصل کر کے لف انکوائری ہے۔

دوران انکوائری معلوم ہوا کہ SHO نیاز علی محرر تھانہ IHC ارشد، مدد محرر تھانہ عادل IHC اور گواہان فرد کے بیانات ہیں۔

ہے جہاں پر انکوائری آفیسر اس نتیجے پر پہنچا کہ SHO نیاز علی خان نے کوئی پارسل محرر تھانہ کے حوالہ نہیں کیا ہے لیکن محرر تھانہ نے ماظن ہے۔

برائے مقدمہ کے پارسلوں کو دوسرے پارسلوں میں بند کر کے برطاق ریکارڈ غلط سلسلہ جات کا اندراج کر کے انوشی گیشن سٹاف کی

مذکورہ محرر نے انتہائی غفلت کا مظاہرہ کیا ہے جس کی اس فعل سے مقدمہ ڈسچارج ہو کر ملزم رہا ہوا اور محکمہ پولیس کی بدنامی ہوئی پولیس پر

غلام کا اعتماد ہوا۔ لہذا سابقہ محرر رشید تھانہ طور و انکوائری میں گتہ نگار ثابت ہوا ہے مناسب سزا کی سفارش کی جاتی ہے۔

Signature

DSP سیکوریٹی مردان
1214-021

No- 291/Security

Date- 13-4-2021

Issue FCN

OR

Signature
19/4/2021

Signature
28.4.2021

District Police Officer
Mardan

Dated: ___/___/2021

Copy to RI Police Lines (Attention Reader) to deliver this notice upon the alleged official & the receipt thereof shall be returned to this office within (05) days positively for further n/action.

OFFICE OF THE DISTRICT POLICE OFFICER,
MARDANNo. 1970-74/PADated: 28.05.2021**ORDER ON ENQUIRY OF IHC RASHEED KHAN No, 1667.**

This order will dispose-off a Departmental Enquiry under Police Rules of 1975, initiated against the subject officer, under the allegations that while posted as Moharrar Police Station Tour. (now under suspension Police Lines Mardan) SI Niaz Ali Ex-SHO PS Tour has arrested accused Shad Ali S/O Muhammad Umar r/o Chalo Chowk Mardan on account of having (2020) gram Charas & (50) gram Ice vide case FIR No, 148 dated 12.03.2021 U/S 9DKPCNSA , 11-AKPCNSA PS Toru, who was later on produced before the Court of Mr, Mazhar Ali Khan the Honorable JMIC-I Mardan with case property i.e parcel Nos, 02 & 05 where accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-scaling the parcel. His request was accepted by the Court and parcel Nos, 02 & 05 were de-sealed in open Court in the presence of I.O wherein it was observed that the alleged contraband in parcel No, 02 was covered in a yellow tape lightly which was uncovered After uncovering the same, another parcel No. 03 was present duty scaled in case vide FIR No, 75 dated 06.02. 2021 u/s 9DKPCNSA/11-AKPCNSA in PS Tour Mardan allegedly weighing 1820 grams. Meaning there by that the instant alleged recovery from the possession of the present accused is actually the case property of another case, resultantly, the Court discharged the accused U/S 63 Cr.PC read with section 167 Cr.PC & directed this office to take legal action against the involved Police Officer.

It may be mentioned here that in this regards, strict directions have since been issued to all concerned Police Officers in the meetings etc: to be careful in narcotics cases, but with no compliance by IHC Rasheed Khan Ex-Moharrar PS Tour.

In compliance with court's directives and to ascertain real facts, IHC Rasheed Khan was immediately placed under suspension vide this office OB No, 523 dated 12.03.2021 issued vide order/endorsement No, 990-92/EC dated 13.03.2021 & proceeded against departmentally through Mr, Sadat Khan DSP/Security Mardan vide this office Statement of Disciplinary Action/Charge Sheet No, 73/PA dated 19.03.2021, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No, 221/Security dated 13.04.2021, holding responsible the alleged officer of gross misconduct and recommended for suitable punishment.

IHC Rasheed Khan was heard in OR on 28.04.2021 but failed to present any cogent resign in his defense therefore he was served with a Final Show Cause Notice, under K.P Police Rules 1975 issued vide this office No, 85/PA dated 03.05.2021 to which his reply was received and satisfactory.

Final Order

IHC Rasheed Khan in the presence of his colleagues was again heard in OR on 19.05.2021 & 26.05.2021 respectively, who was given Opportunity to clarify his position to which he failed. The Findings of the Enquiry Officer are worth perusal who has noted that by checking Register No, 19 the entries for cases vide FIR 63 & FIR No, 64 have been made intentionally wrong. Both the aforementioned cases were registered under Narcotics Act, but entries were made under-15 Aems Act, Secondly there is no record in Register No, 21 with respect to sending samples to FSL, indicating gross negligence on the part of IHC Rasheed Khan Keeping in view the above facts, IHC Rasheed Khan is found oof gross misconduct and hid in-efficiency/misconduct has not only resulted in acquittal of Narcotics Peddlers, but also brought bad name to K.P Police hence awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me4 under Police Rules-1975

OB No, 929
Dated 28.05.2021

(Dr, Zahid Ullah)

OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

ANNEXURE "D"
7

9

Tel No. 0937-0230109 & Fax No. 0937-9230111
Email: dpo.mrdn@gmail.com

No. 19/12/21/PA

Dated 28/12/2021

ORDER ON ENQUIRY OF IHC RASHEED KHAN NO.1667

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject officer, under the allegations that while posted as Moharrar Police Station Toru, (now under suspension Police Lines Mardan), SI Niaz Ali Ex- SHO PS Toru has arrested accused Shad Ali Son of Muhammad Umar r/o Chato Chowk Mardan on account of having (2020) Gram Charas & (50) Gram fog vide case FIR No. 148 dated 12-03-2021 U/S 9DKPCNSA, 11-AKPCNSA PS Toru, who was later-on produced before the Court of Mr. Mazhar Ali Khan, the Honorable JMIC-I Mardan with case property i.e. parcel Nos.02 & 05, where accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos.02 & 05 were de-sealed in open Court in the presence of IO, wherein it was observed that the alleged contraband in parcel No.02 was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.03 was present duly sealed in case vide FIR No. 75 dated 06-02-2021 U/S 9DKPCNSA/11-AKPCNSA in Mardan allegedly weighing 1820 Grams. Meaning thereby that the instant alleged recovery from the possession of the present accused is actually the case property of another case, resultantly, the Court discharged the accused U/S 63 & 167 Cr.PC & directed this office to take legal action against the involved Police Officer.

It may be mentioned here that in this regards, strict directions have since been issued to all concerned Police Officers in the meetings etc: to be careful in Narcotics Cases, but with no compliance by IHC Rasheed Khan Ex-Moharrar PS Toru.

In compliance with court's directives and to ascertain real facts, IHC Rasheed Khan was immediately placed under suspension vide this office OB No. 523 dated 12-03-2021, issued vide order/endorsement No. 990-92/EC dated 13-03-2021 & proceeded against departmentally through Mr. Sadat Khan DSP/Security Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.73/PA dated 19-03-2021, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.221/Security dated 13-04-2021, holding responsible the alleged officer of gross misconduct and recommended for suitable punishment.

IHC Rasheed Khan was heard in OR on 28-04-2021, but failed to present any cogent reasons in his defense, therefore, he was served with a Final Show Cause Notice, under K.P. Police Rules 1975, issued vide this office No.85/PA dated 03-05-2021, to which, his reply was received and found unsatisfactory.

Final Order

IHC Rasheed Khan in the presence of his colleagues was again heard in OR on 19-05-2021 & 26-05-2021 respectively, who was given opportunity to clarify his position, to which, he failed. The Findings of the Enquiry Officer are worth perusal, who has noted that by checking Register No.19, the entries for cases vide FIR No.63 & FIR No.64 have been made intentionally wrong. Both the aforementioned cases were registered under Narcotics Act, but entries were made under-15 Arms Act. Secondly there is no record in Register No.21 with respect to sending samples to FSL, indicating gross negligence on the part of IHC Rasheed Khan. Keeping in view the above facts, IHC Rasheed Khan is found of gross misconduct and his in-efficiency/misconduct has not only resulted in acquittal of Narcotics Peddlers, but also brought bad name to KP.Police, hence awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 929
Dated 26/5/2021

(Dr. Zahid Ullah) DSP
District Police Officer
Mardan

Copy forwarded for information & n/action to-

The Regional Police Officer Mardan w/r to his good office letter No.311-12/PA dt: 05-04-2021

- (1) Mr. Mazhar Ali Khan, the Honorable JMIC-I, Mardan.
- (2) The DSP/Security Mardan.
- (3) The P.O & D.C (Police Office) Mardan.
- (4) The OSI (Police Office) Mardan with 1/15 Sheets.

Before Worthy Regional Police Officer,
Mardan.

SUBJECT- Appeal/presentation of IHC Rasheed Khan
(Ex - Moharrar) against impugned enquiry Order No. 1970- 74/ PA,
dated 28/05/2021 and final Order No.929, Dated 28/05/2021 vide
which the petitioner is removed from service.

Respected Sir,

Succinct particulars of the matter are as under.

That matter of allegation during enquiry conducted by the enquiry officer in matter of case FIR No. 148, dated 12/03/2021, U/S 9- D KPCNSA/ 11- A KPCNSA of police station Toru Mrdan, against accused named shad Ali by Niaz Ali khan SI the than Station house Officer Police Station Toru.

Accused was produced before the court of concern JM/ civil judge, by the I.O and the case property i. e Charas 2020 gm and ICE 150 gm were also produced the parcel was decaled where another parcel of case FIR No. 75 dated 06/02/2021 was noticed.

In this respect the so called one sided enquiry was conducted by the enquiry officer vide which the petitioner was removed from service which is liable to be set aside as the procedure of enquiry and manner is adopted against the law procedure and natural justice.

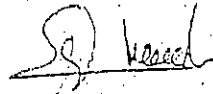
Grounds of Appeal

1. That the procedure adopted by the enquiry officer is against the law, facts, circumstances and natural justice and fundamental rights provided under the constitution of Islamic republic of Pakistan.
2. That the petitioner is not the complainant, recovery officer, recovery witness and investigation officer the case in question.
3. That station house officer is immediate boss and authority of police station and he has free access to each and every part of the police station record and case properties.

11

4. That the petitioner is not the sole custodian of KOUTH/ Malkhana station house officer and Madad Muharirrs are also having access to the malkhana of his police station.
5. There is no malafide of the petitioner in the alleged matter and so called enquiry is based on false pretext malafide.
6. That there is no role of petitioner in the acquittal of accused and the allegations therein are based on false pretext.
7. That no record of registered of entry 19 is collected placed file as part of enquiry in respect of the enquiry proceedings against me.
8. That previously in several other cases the case properties i.e Charas is still outstanding against the said SHO as evident from record of registered no.19 of police station Toru.

It is very meekly requested that keeping in view facts and circumstances of the matter the dents and doubts of the alleged enquiry by accepting the appeal/ representation the order No. 929 dated 28/05/2021 may kindly be recalled and the petitioner may kindly be restored to its position.



Rasheed Khan

IHC (Ex- Muharrir) Police station Toru.

01/06/2021

STAMPED

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-IHC Rasheed Khan No. 1667 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 929 dated 28.05.2021. The appellant was proceeded against departmentally on the allegations that he while posted as Moharrar Police Station, Toru has dispatched the case property of some other case. As the then SHO Police Station, Toru (now dismissed from service) had arrested accused Shad Ali Son of Muhammad Umar resident of Chato Chowk Mardan having 2020 Gram Charas and 50 Gram Ice vide case FIR No. 148 dated 12-03-2021 U/S 9DKPCNSA, 11-AKPCNSA Police Station Toru. The said accused was produced before the Court of Judicial Magistrate-1 Mardan with case property i.e. parcel No.02 & parcel No.05. The accused before the Court stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos.02 & 05 were de-sealed in open Court in the presence of Investigation Officer, wherein it was observed that the alleged contraband in parcel No.02 was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.03 was present duly sealed in case vide FIR No.75 dated 06-02-2021 u/s 9DKPCNSA/11-AKPCNSA in Police Station Toru Mardan allegedly weighing 1820 Grams. Meaning thereby that the said recovery from the possession of accused was actually the case property of another case, resultantly, the Court discharged the accused U/S 63 & 167 Cr.PC with directions to District Police Officer, Mardan to take legal action against the involved Police Officers. In light of court's directives and to ascertain real facts into the allegations, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police, Security, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Mardan, wherein he held responsible the delinquent Officer and recommended him for awarding suitable punishment.

The delinquent Officer was heard in Orderly Room on 28.04.2021 by the District Police Officer, Mardan, but he failed to present any cogent reasons in his defense, therefore, he was issued Final Show Cause Notice, to which, his reply was received and found un-satisfactory.

The delinquent Officer was again heard in Orderly Room on 19.05.2021 and 26.05.2021 respectively by the District Police Officer, Mardan, who was given ample opportunities to clarify his position but he failed to do so. The Findings of the Enquiry Officer are worth perusal, who has noted that by checking Register No. 19, the entries for cases vide FIR No.63 and FIR No.64 have been made intentionally wrong. Both the aforementioned cases were registered under Narcotics Act, but entries were made under-15 Arms Act. Secondly there is no record in Register No.21 with respect to sending samples to FSL, indicating gross negligence on the part of delinquent Officer.

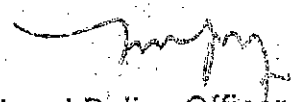
Keeping in view the above facts, delinquent Officer was found held responsible of gross misconduct and his in-efficiency/misconduct has not only resulted in acquittal of Narcotics Peddlers, but also brought bad name to Khyber Pakhtunkhwa Police. Therefore, he was awarded major punishment of dismissal from service by the District Police Officer, Mardan vide OB: No. 929 dated 28.05.2021.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 26.07.2021.

From the perusal of record, it has been found that the allegations leveled against the appellant have been proved beyond any shadow of doubt. As during the course of enquiry the appellant bitterly failed to justify his innocence as the entire record clearly depicted the ill will of appellant against the accused by sending the case property of some other case at the time of production of accused. Moreover, the relevant register i.e register No. 19 also shows the negligent and dishonest attitude of the appellant by making wrong entries. Likewise the receipt of FSL report as negative is also a question mark as the appellant has intentionally extended favour to the accused. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer and retention of the appellant will stigmatize the prestige of entire Police Force in the eye of general public. Therefore, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Yaseen Farooq, PSP, 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.

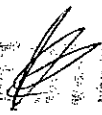


Regional Police Officer,
Mardan.

No. 4028 /ES, Dated Mardan the 02-08-2021.

Copy forwarded to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 153/LB dated 30.06.2021. His Service Record is returned herewith.

(*****)

ATTACHED 

حکومت جناب ریجنل پولیس آفیسر مردان ریجن مردان
جنوب : درخواست سر اے عطا علی حکم بر حکمانہ 11/10/21
اسیل اگر ضروری ہو

حساب عالی : مسائل حسب ذیل تحریریں ارسال ہے

پیر 28/5/21 نوٹری سے درخواست
کرنے لخصر حکمانہ انکو نوٹری کی کپی حسب
طراف آپ مہاراجان کے اوپر و حکمانہ اسیل مردان
1/6/21 کو گزاردی جس کا تا حال کوئی حکم نہیں مل
ہوا لہذا آپ مہاراجان سے التماس کی جاتی ہے کہ
درخواست پیر اے عطا علی اسیل پیر اگر حکم ضروری ہو
عطا کیا جائے

11/10
مردان 1/21

مسائل گزار
Shahid
شہید خان

THE (EX-MOHARIR)
POLICE STATION TORU

ATTACHED

15

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO: _____ OF 2021

Rasheed Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

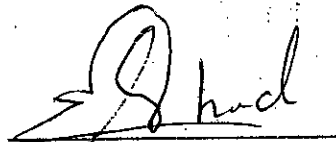
Police Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Rasheed Khan

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2021.



CLIENTS



ACCEPTED

NOOR MUHAMMAD KHATTAK


KAMRAN KHAN


UMER FAROOQ MOHMAND


SAID KHAN

& 
HAIDER ALI
ADVOCATES

"B"

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

SB

No.

Appeal No. 7618 of 2019.

Rasheed Khan

Appellant/Petitioner

(IGP KPK Peshawar)

Versus

Respondent

Respondent No. (2)

Notice to:

The Inspector General of Police, KPK Peshawar

Received
10/05

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

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

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

Given under my hand and the seal of this Court, at Peshawar this 15th

Day of April 2022.

For Reply

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Resd

7618

SB

Appeal No.....

Rasheed Khan

of 20 *19*

Appellant/Petitioner

IGP KPK Versus Peshawar

Respondent

(3)

Respondent No.....

Notice to: —

DPO, District Mardan

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

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

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated..... *15/4*

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

For Reply

[Signature]

[Signature]
Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Recd

Appeal No. 7618 ^{SB} of 20 19

Rasheed Khan Appellant/Petitioner

Versus

I.G.P. K.P.K. Peshawar Respondent

Respondent No. 629

Notice to: — The Regional Police Officer, Mardan Region at Mardan

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

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

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

Given under my hand and the seal of this Court, at Peshawar this 15th

Day of April 20 22

For Reply

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

C

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

Service Appeal No. 7618/2021

Rasheed Khan, Ex-IHC No.1667, District Mardan.....Appellant

VERSUS

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

.....Respondents

INDEX

S. No.	Description of Documents	Annexure	Pages.
1.	Copy of Written Reply.	--	1-4
2.	Copy of Affidavit.	--	5
3.	Copy of bad entries	A	6-9
4.	Copies of Charge Sheet, statement of allegations with Enquiry papers & Final Show Cause Notice	B & C	10-15
5.	Copy of dismissal & rejection orders	D & E	16-18
6.	Copy of Authority Letter.	--	19

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

Service Appeal No. 7618/2021

Rasheed Khan, Ex-IHC No.1667, District Mardan.....Appellant

VERSUS

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

.....Respondents

Para-wise comments on behalf of respondents:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

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

REPLY ON FACTS

1. Para pertains to enlistment of the appellant in Police Department pertains to record needs no comments. While rest of the para is not plausible because every Police Officer is duty bound to perform his duties to the best of his ability. As in this department no room lies for lethargy. But appellant's performance was not satisfactory. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries (**Copy of list of bad entry is attached as Annexure "A"**).
2. Correct to the extent that the appellant was issued charge sheet with statement of allegations as he had committed misconduct, to which his reply was received but found unsatisfactory.
3. Incorrect. The appellant was properly proceeded against departmentally by issuing him charge sheet with statement of allegation and enquiry was entrusted to DSP Security Mardan for probing into the matter. During the course of enquiry the appellant was provided fulfilled

opportunity of defending himself, but failed to produce any cogent justification in his defense.

- 4) Incorrect. Stance taken by the appellant is not plausible because he has been properly proceeded against departmentally on the allegations that the local Police of PS Toru had arrested accused Shad Ali Son of Muhammad Umar r/o Chato Chowk Mardan on account of having 2020 Gram Charas & 50 Gram Ice vide case FIR No. 148 dated 12-03-2021 U/S 9DKPCNSA, 11-AKPCNSA PS Toru, who was later-on produced before the Court of Mr. Mazhar Ali Khan, JMIC-I Mardan with case property i.e. parcel Nos.02 & 05, where accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos.02 & 05 were de-sealed in open Court in the presence of IO, wherein it was observed that the alleged contraband in parcel No.02 was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.03 was present which was duly sealed vide FIR No.75 dated 06-02-2021 U/S 9DKPCNSA/11-AKPCNSA in PS Toru Mardan allegedly weighing 1820 Grams. Meaning thereby that the said alleged recovery from the possession of the present accused is actually the case property of another case, resultantly, the Court discharged the accused U/S 63 Cr.P.C read with section 167 Cr.P.C & directed to take legal action against the involved Police Officer. On account of aforementioned allegations, the appellant was issued charge sheet and statement of allegations and enquiry was entrusted to Mr. Sadat Khan DSP/Security Mardan. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense, but he failed. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for suitable punishment. In light of above the appellant was summoned and heard in Orderly Room on 28.04.2021 but he failed to produce any cogent reasons in his defence, therefore, he was issued Final Show Cause Notice to which his reply was received but found un-satisfactory, besides, he was heard in orderly room with his colleagues on 19.05.2021 & 26.05.2021 respectively, but this time too, the appellant failed to justify his innocence therefore, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant **(Copies of charge sheet, statement of allegations with enquiries papers and Final Show Cause Notice are annexed as annexure "B & C")**.

5. Correct to the extent that the appellant preferred departmental appeal which was also decided on merit because he was provided full-fledged opportunity of defending himself by the appellate authority but he bitterly failed to produce any cogent reasons in his defense. The same was rejected and filed being devoid of merit.
6. Incorrect rather Para is for the appellant to prove.
7. That the appeal of appellant is liable to be dismissed on the following grounds.

REPLY ON GROUNDS:

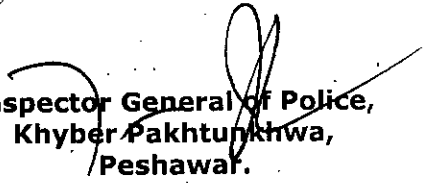
- A. Incorrect. Orders passed by the competent as well as appellate authorities are according to law, facts and norms of natural justice, hence, liable to be maintained.
- B. Incorrect. That the appellant has been treated in accordance with law/rules and the respondents have not violated any Article of the Constitution of Islamic Republic of Pakistan.
- C. Incorrect. Plea taken by the appellant is ill based because after fulfillment of all legal and codal formalities, he was awarded major punishment of dismissal from service and also rejected his departmental appeal, which does commensurate with the gravity of misconduct of the appellant **(Copy of dismissal order and rejection order are attached as annexure "D & E")**.
- D. Incorrect. Stance taken by the appellant is plausible, the enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense, but he failed. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for suitable punishment. In light of above the appellant was summoned and heard in Orderly Room on 28.04.2021 but he failed to produce any cogent reasons in his defence, therefore, he was issued Final Show Cause Notice to which his reply was received but found un-satisfactory, besides, he was heard in orderly room with his colleagues on 19.05.2021 & 26.05.2021 respectively, but this time too, the appellant failed to justify his innocence therefore, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant.
- E. Incorrect.
- F. Incorrect.
- G. Incorrect. Stance taken by the appellant is totally devoid of merit because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations and enquiry was

entrusted to DSP Security Mardan. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense, but he failed. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for suitable punishment. In light of above the appellant was summoned and heard in Orderly Room on 28.04.2021 but he failed to produce any cogent reasons in his defence, therefore, he was issued Final Show Cause Notice to which his reply was received but found unsatisfactory, besides, he was heard in orderly room with his colleagues on 19.05.2021 & 26.05.2021 respectively, but this time too, the appellant failed to justify his innocence therefore, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant.

H. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

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


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


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


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

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

Service Appeal No. 7618/2021

Rasheed Khan, Ex-IHC No.1667, District Mardan.....Appellant

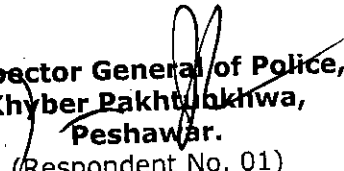
VERSUS

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

.....Respondents

COUNTER AFFIDAVIT

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


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


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


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

Granted G-II by DIG MRD,
his good performance vide

OB No. 2929
01-12-16

[Signature]
DPO/MRD

Qualified Intermediate College Course during
The term ending: 20-08-2020 vide Commandant
Ptc Hangu notification NO 817/5 dt: 02-09-2020

OB NO 1509
07/09/2020

[Signature]
DPO MARDAN

Name brought on promotion list "D" w.o-F
From: 20-08-2020 vide DIG Mardan Notification
NO, 5821/ES dt, 21/09/2020.

OB NO 1633
23-09-2020

[Signature]
DPO MARDAN

ORDER

He is hereby Placed under Suspension and
Closed to police line Mardan.

OB No: 523
dt: 12-3-2021

[Signature]
DPO/MRD

GED
RPO

(Continued)

ORDERS, COERCIONS AND PUNISHMENTS.—Contd.

ORDER

His appeal is Rejected vide

RPO Mardan NO: 4028/ES, dt 2.8.21

[Signature]
DPO (MARDAN)

Place, date of absence, service.

Superintendent

[Signature]
DPO MARDAN

[Signature]
DPO MARDAN

[Signature]
DPO MARDAN

Office of the Assistant General
Khyber Pakhtunkhwa Government
Pay Fixed in The R.O. 2015

Of Rs. 2890 415 1996 (B)

At Rs. 9980 P.N.W.E.F. 1.12.2018

With Next Increment On

1.12.2018

[Signature]
Accounts Officer
Pay Fixation Party K Pakhtunkhwa
Peshawar

FORM - CENSURES AND PUNISHMENTS - Coecla.

From

ORDERS -

Awarded a minor punishment by fining
Rs 2000/- within immediate effect.

OB No: 2772

27-12-019

DPD/Mardan

ORDER

He is found of gross misconduct
and his inefficiency / misconduct has not only
resulted in acquittal of narcotics peddlers,
but also brought bad name of UP Police,
hence awarded him major punishment of dismissal
from service with immediate effect, in exercise
of the power vested in under PR-1975.

OB No: 928

26.12.2019


District Police Officer
Mardan

DPD M

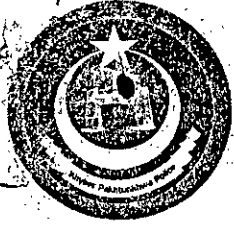
Suspens
Mardan

4

16. LEAVE, ABSENCE AND BREAKS IN SERVICE.

All periods not counting as "approved service" to be entered in red ink.

1 DATE	2 EXTENT			3 No. of District Order	4 Description of leave i. e. privilege, hospital, sick leave, or furlough or of absence, or forfeiture of approved service. All entries to be initialled, by Superintendent of Police.
	Years	Months	Days		
				(3) 2015 23-5-11	Leave w/o pay - DPO/MR
				(30) 3003 5-11-12	Leave - DPO/MR
				(1) 1747 18/1/13	L.E.L.P. DPO/MR
				(01) 1233 24/7/20	- do - DPO/MR



2

OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

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



No. 73 /PA

Dated 19/3/2021

DISCIPLINARY ACTION

I, DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent authority am of the opinion that IHC Rasheed Khan No.1667 himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

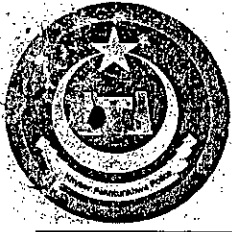
STATEMENT OF ALLEGATIONS

Whereas, IHC Rasheed Khan No.1667, while posted as Moharrar Police Station Toru, (now under suspension Police Lines Mardan), the Local Police of PS Toru arrested accused Shad Ali Son of Muhammad Umar r/o Chato Chowk Mardan on account of having (200) gram Charas & (50) gram Ice vide case FIR No. 148 dated 12-03-2021, U/S 9DKPCNSA, 11-AKPCNSA PS Toru, who was later-on produced before the Court of Mr. Mazhar Ali Khan, the Honorable JMIC-I Mardan with case property i.e. parcel Nos.02 & 05, where accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos.02 & 05 were de-sealed in open Court in the presence of IO, wherein it was observed that the alleged contraband in parcel No.02 was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.03 was present duly sealed in case vide FIR No.75 dated 06-02-2021 u/s 9DKPCNSA/11-AKPCNSA in PS Toru Mardan allegedly weighing 1820 grams. Meaning there by that the instant alleged recovery from the possession of the present accused is actually the case property of another case, resultantly, the Court discharged the accused U/S 63 Cr.PC read with section 167 Cr.PC & directed this office to take legal action against the involved Police Officer.

It may be mentioned here that in this regards, strict directions have since been issued to all concerned Police Officers in the meetings etc: to be careful in narcotics cases, but with no compliance by IHC Rasheed Khan Moharrar PS Toru.

For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, Mr. Sadat Khan DSP/Security is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Official, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Officer.



(4)

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

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



CHARGE SHEET

I, **DR. ZAHID ULLAH (PSP)**, District Police Officer Mardan, as competent authority, hereby charge **IHC Rasheed Khan No.1667**, while posted as Moharrar Police Station Toru, (now under suspension Police Lines Mardan), as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
2. You are, therefore, required to submit your written defense within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
3. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

انکوائری رپورٹ IHC رشید خان سابقہ محرر تھانہ طور و متعینہ معطل پولیس لائن مردان۔

جناب عالی!

حوالہ چارج شیٹ نمبری PA/73 مورخہ 19.03.2021 بجاریہ جناب DPO صاحب مردان انکوائری ازان IHC رشید خان سابقہ محرر تھانہ طور و متعینہ معطل پولیس لائن معروف خدمت ہوں کہ FIR نمبری 148 جرم 9DKPCNSA مورخہ 12.03.2021 تھانہ طور و میں ملزم شاد علی کو تفتیشی آفیسر نیاز محمد SI نے بمعہ المقدمہ بعدالت جناب JMIC-1 مردان میں پیش کر کے جوڈیشل مجسٹریٹ نے ملزم کی استدعا پر پارسل کھولا تو اس میں پرانا بندسہ بمہر پارسل مقدمہ علت نمبری 75 جرم 9DKPCNSA مورخہ 06.02.2021 تھانہ طور و کا پارسل پایا گیا جس پر JMIC صاحب کا سابقہ دستخط اور مہر ثبت تھا جس پر JMIC صاحب نے پولیس کی طرف سے دھوکہ دہی کی بنا پر مقدمہ کو دستاویز کر کے ملزم کو رہا کیا اور متعلقہ اہلکاران کے خلاف محکمانہ انکوائری کی سفارش کی جس پر جناب DPO صاحب نے مذکورہ اہلکار کو چارج شیٹ بمعہ سٹیٹمنٹ آف ایلیگیشن جاری کیا اور من DSP کو انکوائری آفیسر مقرر کیا۔

مورخہ 20.03.2021 کو چارج شیٹ دفتر لہذا موصول ہو کر مذکورہ محرر کو بذریعہ تحریری پروانہ دفتر لہذا طلب کر کے چارج شیٹ حوالہ ہوئی جس پر مذکورہ محرر نے مورخہ 26.03.2021 کو اپنا تحریری بیان دفتر لہذا میں جمع کر کے جس میں مذکورہ محرر نے بیان کیا ہے کہ مقدمہ علت 148 سال 2021 میں مجھے کسی نے کوئی المقدمہ حوالہ نہیں کیا تھا جب ملزم کو عدالت میں پیشی کیلئے لے جایا جا رہا تھا تو میں نے عادل مدد محرر کو SHO صاحب کے پیچھے بھیجا تو بجواباً معلوم ہوا کہ میرے پاس کوئی المقدمہ نہیں ہے مالخانے سے پارسل حوالہ کریں۔ محرر تھانہ کا بیان و سلسلہ سوالات و جوابات لف انکوائری ہے۔

نیاز علی سابقہ SHO تھانہ طور و سے اس ضمن میں بیان لیا گیا جس نے اپنے بیان میں تحریر کیا ہے کہ میں نے فرد گواہان کی موجودگی میں ملزم بمعہ المقدمہ محرر تھانہ کے حوالہ کیا تھا۔ نیاز علی SHO کا بیان و سلسلہ سوالات و جوابات لف انکوائری ہیں۔

اس ضمن میں فرد گواہان کنسٹیبلان وصال نمبر 2667، فلک تاج نمبر 2244 کے بیانات بھی لئے گئے جنہوں نے بھی اپنے اپنے بیانات میں بیان کیا ہے کہ مورخہ 12.03.2021 کو ہم نے بہراہ SHO صاحب ملزم شاد علی کو چرس اور آئس سمیت گرفتار کیا تھا۔ لیکن مذکورہ فرد گواہان نے المقدمہ محرر تھانہ کے حوالہ کرنے کے بارے میں تحریر نہیں کیا جب کنسٹیبل وصال سے مذکورہ المقدمہ کے بارے میں پوچھا گیا تو بتایا گیا کہ میں اس وقت گاڑی میں رہ گیا تھا المقدمے کا مجھے کوئی علم نہیں ہے۔ اس سلسلہ میں کنسٹیبل فلک تاج فرد گواہ سے پوچھا گیا تو مذکورہ کنسٹیبل نے بتلایا کہ اسکا مجھے علم نہیں ہاں البتہ ملزم کو بندہ حوالا تھانہ کیا گیا تھا۔ (کنسٹیبلان وصال اور فلک تاج کے بیانات و سلسلہ سوالات و جوابات لف انکوائری ہیں)

اس سلسلہ میں مدد محرر تھانہ طور و عادل نمبر 3342/LHC سے بیان لیا گیا جس نے اپنے بیان میں تحریر کیا ہے کہ مورخہ 13.03.2021 کو محرر رشید نے مجھے SHO کے پیچھے بھیجا کہ انوسٹی گیشن آفیسر ملزم کو عدالت لے جا رہا ہے المقدمہ کہاں ہے تو جواباً لائق گنر نے بتلایا کہ SHO صاحب سو رہا ہے اور کہا کہ میرے پاس کوئی المقدمہ نہیں ہے۔ مدد محرر عادل کا بیان و سلسلہ سوالات و جوابات لف انکوائری ہے۔

دوران انکوائری انوسٹی گیشن آفیسر نیاز محمد خان سے بیان لیا گیا جس نے اپنے بیان میں تحریر کیا ہے کہ مورخہ 13.03.2021 کو مجھے ASI اور پولیس خان کے سامنے محرر تھانہ نے ملزم شاد علی اور سیل شدہ پارسل کو میرے حوالہ کر کے پارسل اور المقدمہ دونوں کو جناب مظہر علی

دستخط
DSP

(DPA)

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JMIC-I مردان کے سامنے پیش کئے جس پر JMIC صاحب نے ملزم کی استدعا پر پارسلوں کو کھولنے کا حکم دیا پارسل کے کھولنے پر سابقہ پارسل پرانہ مقدمہ کے نکل آیا جس پر جناب JMIC صاحب نے مقدمہ کو ڈسچارج کیا اور ملزم کو رہا کرنے کا تحریری اور ذہنی حکم جاری کیا اور متعلقہ اہلکاران کے خلاف انفران بالا کو شکایت کی۔ (بیان انوسٹی گیشن آفیسر SI نیاز محمد خان لف انکوآری ہے)

اس سلسلہ میں ظاہر اقبال نائب کورٹ JMIC صاحب کا بیان لیا گیا جس نے اپنے بیان میں تحریر کیا ہے کہ جج صاحب نے ملزمان کی استدعا پر پارسلوں کو کھولنے کا حکم صادر کیا پارسلوں کو کھولنے پر متذکرہ پارسلوں میں پرانے سابقہ مقدمہ کے پارسل نکل آئے۔ بیان سلسلہء سوالات و جوابات ظاہر اقبال نائب کورٹ لف انکوآری ہیں۔

دوران انکوآری متذکرہ پارسلوں کو حسب طلبی ریڈر جناب DPO صاحب نے پیش کئے چیک کرنے پر جسٹس نمبر 19 کا سلسلہ وار نمبر 64,63 درج ہے

اس سلسلہ میں رجسٹر نمبر 19 کو چیک کیا گیا جہاں پر سلسلہ نمبر 63 پر مقدمہ علت 146 مورخہ 12.03.2021 جرم 15AA اور سلسلہ نمبر 64 پر مقدمہ علت 145 مورخہ 12.03.2021 جرم 15AA درج ہیں محرر تھانہ نے متذکرہ پارسلوں پر غلط سلسلہ جات نمبر درج کئے ہیں اس سے مذکورہ کی اس فعل سے نااہلی اور بد نیتی ظاہر ہوتی ہے مزید ریکارڈ چیک کر کے بعرض تجزیہ نمونہ جات پارسل FSL نہیں بھجوائے گئے ہیں اس سلسلہ میں رجسٹر نمبر 21 رسید رابداری بھی خاموش ہے۔ رجسٹر نمبر 21 اور رجسٹر نمبر 19 کی فوٹو کاپیاں حاصل کر کے لف انکوآری ہے۔

دوران انکوآری دفتر انوسٹی گیشن میں اصغر OHC سے بذریعہ سرکاری ٹیلی فون پر معلوم ہوا کہ تھانہ طور سے بعرض تجزیہ FSL کو متذکرہ مقدمہ کے لئے کوئی نمونہ نہیں بھجوا یا گیا ہے۔ اس سلسلہ میں ریکارڈ تھانہ میں رجسٹر نمبر 19 اور روز نامچہ کو بھی چیک کر کے متذکرہ پارسل کے بارے میں کوئی اندراج موجود نہیں ہے۔ رجسٹر نمبر 19 مالمقدمات کی فوٹو کاپی حاصل کر کے لف انکوآری ہے۔

دوران انکوآری معلوم ہوا کہ SHO نیاز علی محرر تھانہ IHC رشید، مدد محرر تھانہ عادل HC اور گواہان فرد کے بیانات میں تضاد ہے یہاں پر انکوآری آفیسر اس نتیجے پر پہنچا کہ SHO نیاز علی خان نے کوئی پارسل محرر تھانہ کے حوالہ نہیں کیا ہے لیکن محرر تھانہ نے مالخانہ سے پرانے مقدمہ کے پارسلوں کو دوسرے پارسلوں میں بند کر کے بمطابق ریکارڈ غلط سلسلہ جات کا اندراج کر کے انوسٹی گیشن سٹاف کو حوالہ کیا تھا مذکورہ محرر نے انتہائی غفلت کا مظاہرہ کیا ہے جس کی اس فعل سے مقدمہ ڈسچارج ہو کر ملزم رہا ہوا اور محکمہ پولیس کی بدنامی ہوئی پولیس پر عدلیہ اور عوام کا اعتماد ختم ہوا۔ لہذا سابقہ محرر رشید تھانہ طور و انکوآری میں گنہگار ثابت ہوا ہے مناسب سزا کی سفارش کی جاتی ہے۔

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 DSP سکیورٹی مردان -
 1214-021

No- 271 / security
 Date 13-4-2021

OR
 PCN
 DSP mon
 191412021

استدعا سے منسبت اور دیا گیا ہے چارج سٹیٹ بل اس
کا دفاعی ڈیفنس ڈیپارٹمنٹ کا حکم صادر فرمائیں

[Handwritten signature]

الو

سید خان ۱۸۲
۱۶۶۷
لوئیس لائن حیدرآباد

Sir
DSP Security
Mardan



6
**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

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

Amr
a D 3



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No. 1970-74/PA

Dated 28/5/2021

ORDER ON ENQUIRY OF IHC RASHEED KHAN NO.1667

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject officer, under the allegations that while posted as Moharrar Police Station Toru, (now under suspension Police Lines Mardan), SI Niaz Ali Ex- SHO PS Toru has arrested accused Shad Ali Son of Muhammad Umar r/o Chato Chowk Mardan on account of having (2020) Gram Charas & (50) Gram Ice vide case FIR No. 148 dated 12-03-2021 U/S 9DKPCNSA, 11-AKPCNSA PS Toru, who was later-on produced before the Court of Mr. Mazhar Ali Khan, the Honorable JMIC-I Mardan with case property i.e. parcel Nos.02 & 05, where accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos.02 & 05 were de-sealed in open Court in the presence of IO, wherein it was observed that the alleged contraband in parcel No.02 was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.03 was present duly sealed in case vide FIR No.75 dated 06-02-2021 U/S 9DKPCNSA/11-AKPCNSA in PS Toru Mardan allegedly weighing 1820 Grams. Meaning thereby that the instant alleged recovery from the possession of the present accused is actually the case property of another case, resultantly, the Court discharged the accused U/S 63 & 167 Cr.PC & directed this office to take legal action against the involved Police Officer.

It may be mentioned here that in this regards, strict directions have since been issued to all concerned Police Officers in the meetings etc: to be careful in Narcotics Cases, but with no compliance by IHC Rasheed Khan Ex-Moharrar PS Toru.

In compliance with court's directives and to ascertain real facts, IHC Rasheed Khan was immediately placed under suspension vide this office OB No. 523 dated 12-03-2021, issued vide order/endorsement No. 990-92/EC dated 13-03-2021 & proceeded against departmentally through Mr. Sadat Khan DSP/Security Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.73/PA dated 19-03-2021, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.221/Security dated 13-04-2021, holding responsible the alleged officer of gross misconduct and recommended for suitable punishment.

IHC Rasheed Khan was heard in OR on 28-04-2021, but failed to present any cogent reasons in his defense, therefore, he was served with a Final Show Cause Notice, under K.P. Police Rules-1975, issued vide this office No.85/PA dated 03-05-2021, to which, his reply was received and found un-satisfactory.

Final Order

IHC Rasheed Khan in the presence of his colleagues was again heard in OR on 19-05-2021 & 26-05-2021 respectively, who was given opportunity to clarify his position, to which, he failed. The Findings of the Enquiry Officer are worth perusal, who has noted that by checking Register No.19, the entries for cases vide FIR No.63 & FIR No.64 have been made intentionally wrong. Both the aforementioned cases were registered under Narcotics Act, but entries were made under-15 Arms Act. Secondly there is no record in Register No.21 with respect to sending samples to FSL, indicating gross negligence on the part of IHC Rasheed Khan. Keeping in view the above facts, IHC Rasheed Khan is found of gross misconduct and his in-efficiency/misconduct has not only resulted in acquittal of Narcotics Peddlers, but also brought bad name to KP. Police, hence awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 929
Dated 26/05/2021.

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan w/r to his good office letter No.311-12/PA dt: 05-04-2021.
- 2) Mr. Mazhar Ali Khan, the Honorable JMIC-I, Mardan.
- 3) The DSP/HQs Mardan.
- 4) The P.O & E.C (Police Office) Mardan.
- 5) The OSI (Police Office) Mardan with () Sheets.

ORDER.

Annex 12
14

This order will dispose-off the departmental appeal preferred by Ex-IHC Rasheed Khan No. 1667 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 929 dated 28.05.2021. The appellant was proceeded against departmentally on the allegations that he while posted as Moharrar Police Station, Toru has dispatched the case property of some other case. As the then SHO Police Station, Toru (now dismissed from service) had arrested accused Shad Ali Son of Muhammad Umar resident of Chato Chowk Mardan having 2020 Gram Charas and 50 Gram Ice vide case FIR No. 148 dated 12-03-2021 U/S 9DKPCNSA, 11-AKPCNSA Police Station Toru. The said accused was produced before the Court of Judicial Magistrate-1, Mardan with case property i.e. parcel No.02 & parcel No.05. The accused before the Court stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos.02 & 05 were de-sealed in open Court in the presence of Investigation Officer, wherein it was observed that the alleged contraband in parcel No.02 was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.03 was present duly sealed in case vide FIR No.75 dated 06-02-2021 u/s 9DKPCNSA/11-AKPCNSA in Police Station Toru Mardan allegedly weighing 1820 Grams. Meaning thereby that the said recovery from the possession of accused was actually the case property of another case, resultantly, the Court discharged the accused U/S-63 & 167 Cr.PC with directions to District Police Officer, Mardan to take legal action against the involved Police Officers. In light of court's directives and to ascertain real facts into the allegations, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police, Security, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Mardan, wherein he held responsible the delinquent Officer and recommended him for awarding suitable punishment.

The delinquent Officer was heard in Orderly Room on 28.04.2021 by the District Police Officer, Mardan, but he failed to present any cogent reasons in his defense, therefore, he was issued Final Show Cause Notice, to which, his reply was received and found un-satisfactory.

The delinquent Officer was again heard in Orderly Room on 19.05.2021 and 26.05.2021 respectively by the District Police Officer, Mardan, who was given ample opportunities to clarify his position but he failed to do so. The Findings of the Enquiry Officer are worth perusal, who has noted that by checking Register No.19, the entries for cases vide FIR No.63 and FIR No.64 have been made intentionally wrong. Both the aforementioned cases were registered under Narcotics Act, but entries were made under-15 Arms Act. Secondly there is no record in Register No.21 with respect to sending samples to FSL, indicating gross negligence on the part of delinquent Officer.

Keeping in view the above facts, delinquent Officer was found held responsible of gross misconduct and his in-efficiency/misconduct has not only resulted in acquittal of Narcotics Peddlers, but also brought bad name to Khyber Pakhtunkhwa Police. Therefore, he was awarded major punishment of dismissal from service by the District Police Officer, Mardan vide OB: No. 929 dated 28.05.2021.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 26.07.2021.

From the perusal of record, it has been found that the allegations leveled against the appellant have been proved beyond any shadow of doubt. As during the course of enquiry the appellant bitterly failed to justify his innocence as the entire record clearly depicted the ill will of appellant against the accused by sending the case property of some other case at the time of production of accused. Moreover, the relevant register i.e. register No. 19 also shows the negligent and dishonest attitude of the appellant by making wrong entries. Likewise the receipt of FSL report as negative is also a question mark as the appellant has intentionally extended favour to the accused. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer and retention of the appellant will stigmatize the prestige of entire Police Force in the eye of general public. Therefore, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Yaseen Farooq, PSP 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.

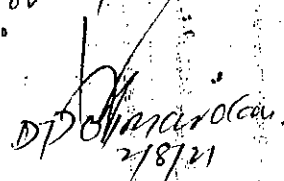
Order Announced.


Regional Police Officer,
Mardan.

No. 4028 /ES, Dated Mardan the 02-08-2021.

Copy forwarded to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 153/LB dated 30.06.2021. His Service Record is returned herewith.

(*****)

EC
for n/a action.

DP Mardan
2/8/21



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

Service Appeal No. 7618/2021

Rasheed Khan, Ex-IHC No.1667, District Mardan.....Appellant

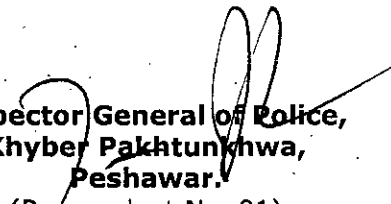
VERSUS

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

.....Respondents

AUTHORITY LETTER.

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


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


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


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