BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL PESHAWAR

Appeal No. 1201/2014

Date of Institution ... 30.09.2014

Date of Decision ... 11.12.2017

Imran Ex Constable No. 2621, District Police, Mardan.

. (Appellant)

<u>VERSUS</u>

1. Deputy Inspector General of Police, Mardan Region-I, Mardan and two others. ... (Respondents)

(itespondents)

MR. FAZAL SHAH MOMAND, Advocate

MR. MUHAMMAD JAN, Deputy District Attorney,

...For respondents.

For appellant

MR. NIAZ MUHAMMAD KHAN, MR. MUHAMMAD AMIN KHAN KUNDI, CHAIRMAN MEMBER

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- Arguments of the learned

counsel for the parties heard and record perused.

FACTS

2. The appellant was dismissed on 04.07.2014 against which he filed departmental appeal on 10.07.2014 which was rejected on 15.09.2014. Thereafter he filed the present service appeal on 30.09.2014. The charge against the appellant was his involved in criminal case under Section 452-PPC.

ARGUMENTS.

3. The learned counsel for the appellant argued that the appellant was acquitted by the Court of law on 10.11.2014. That acquittal itself is sufficient for exoneration from disciplinary proceedings. That no proper enquiry was conducted That no right of cross examination was afforded to the appellant. That no right of defence was given to the appellant. That no final show cause notice was given to the appellant. That no final show cause notice was given to the appellant.

4. On the other hand, the learned Deputy District Attorney argued that the appellant was properly charge sheeted alongwith statement of allegations. That an enquiry was properly conducted. That he was given the right of cross examination and right of defence. That the appellant himself admitted his guilt in reply to the charge sheet. That though the appellant was acquitted but it was on the basis of compromise. That the complainant of the criminal case while giving the statement to the enquiry officer did not own the compromise and rather termed that comprise a league of the elders of his family and appellant. That the case is one of moral turpitude.

CONCLUSION.

5. It is settled position of law that acquittal in criminal case even on merits has got no linkage with the departmental proceedings. In this regard this Tribunal has delivered so many judgments including service appeal No. 742/2016 entitled "Aziz Ahmad Vs. Provincial Police Officer and others", decided on 06.11.2017. However, the elements of due processes in the departmental proceedings have not been fully complied with. Going through the reply of the appellant one cannot presume that the appellant confessed his guilt. The enquiry officer has not given opportunity of cross examination to the appellant nor it can be presumed that any right of defence

was afforded to the appellant. The objection of the learned Deputy District Attorney that grounds of attack mentioned above and argued by the learned counsel for the appellant were not taken in the departmental appeal and now he was estopped to agitate before this Tribunal. This Tribunal is not in agreement with the learned Deputy District Attorney for the reason that there is no estoppel in the statute. Legal right and legal issues can be raised at any time. Not only that the appellant was not given opportunity of cross examining the witnesses but no final show cause was given to the appellant alongwith copy of the enquiry report. This Tribunal in a service appeal No. 1014/2012, entitled "Saqib Gul Versus District Police Officer, Mansehra and others" decided on 23.11.2017 has already decided that even under the Khyber Pakhtunkhwa Police Rules, 1975 show cause notice alongwith copy of the enquiry report is sine qua non before imposing any penalty.

6. As a sequel to the above discussion, this appeal is accepted and the department is directed to hold denovo proceedings in accordance with law within a period of ninety days failing which the appellant shall be reinstated in service. Parties are left to bear their own costs. File be consigned to the record room.

JHAMMAD KHAN)

(NIĄZ MUHAMMAD KHAN) CHAIRMAN

(MUHAMMAD A MEMBER

<u>ANNOUNCED</u> 11.12.2017

11:12:2017

63

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Attaur Rahman, S.I (Legal) for respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.

Amn MEMBER

CHAIRMAN

ANNOUNCED 11.12.2017 23.01.2017

1201/14

Appellant in person and Assistant: AG for respondents present. Enquiry report submitted. Appellant requested for adjournment as his counsel was busy before the Peshawar High Court, Peshawar. To come up for final hearing on 06.06.2017 before D.B.

Charman

06.06.2017

Counsel for the appellant and Mr. Atta-Ur-Rahman, ASI alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Learned Additional AG requested for adjournment. Request accepted. To come up for arguments on 21/09/2017 before D.B.

(Muhammad Amin Khan Kundi) Member

(Gul Zet Khan) - Menjaer

21.09.2017

Agent to counsel for the appellant present. Learned Assistant Advocate General alongwith Att-Ur-Rehman, ASI for the respondents present. Agent to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 11.12.2017 before D.B.

(Executive)

Member (Judicial)

18.5.2016

Counsel for the appellant and Mr. Muhammad Ghani, SI alongwith Muhammad Jan, GP for respondents present. Counsel for the appellant requested for adjournment. Adjourned for arguments to

11.8.2016.

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(Muhammad Aamir Nazir) Member

Member

11.08.2016

Appellant: in person and Mr. Muhammad Ghani, SI alongwith Mr. Muhammad Jan. GP for respondents present. Due to general strike of the Bar learned counsel for the appellant is not in attendance today before the Court, therefore, case is adjourned for arguments to 9-11-16 before D.B.

()— **N**ember

09.11.2016

Counsel for the appellant and Mr. Muhammad Ghani, SI alongwith Mr. Muhammad Jan, GP for respondents present. Respondents-department is directed to provide inquiry report on the next date. To come up for record/arguments on 23 - 4 - 12.

(Pir Bakhsh Shah) Member

Apper No. 1201/2014 Mr. Joncon

07.04.2015

Appellant in person and Mr. Muhammad Ghani, SI(Legal) with Asstt: AG for the respondents present. written reply submitted. The appeal is assigned to DB for rejoinder and final hearing for 01.10.2015.

01.10.2015

Counsel for the appellant and Mr. Muhammad Ghani, SI alongwith Asst: AG for the respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on $\underline{8-2-16}$.

Member

*i*ber

MEMBER.

Member

08.02.2016

Counsel for the appellant and Mr. Muhammad Ghani, SI (Legal) alongwith Mr. Muhammad Jan, GP for, respondents present. Since we are busy in larger bench therefore, the instant appeal is adjourned to $\underline{18.5.16}$ for arguments.

MEMBER

Reader Note:

18.12.2014

Appellant in person present. Since the Tribunal is incomplete, therefore, case is adjourned to 25.02.2015 for the same.

Meal No. 1201/2014.

25.02.2015

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 04.07.2014, vide which the major penalty of Dismissal from service has been imposed upon the appellant. Against the above referred impugned order appellant filed departmental appeal on 10.07.2014, which was rejected vide order dated 15.09.2014, hence the instant appeal on 30.09.2014. Counsel for the appellant further contended that neither any show cause notice has been issued to the appellant nor any proper enquiry has been conducted. He also submitted copy of order of the Judicial Magistrate, Takhta Bhai, whereby the appellant has been acquitted from the charges which is placed on file.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 07.04.2015.

Member

Form- A

FORM OF ORDER SHEET

Court of

Case No.

1201 /2014

S.No.	Date of order	Order or other proceedings with signature of judge or Magistrate	
	Proceedings		
1	2	3	

1 30/09/2014

The appeal of Mr. Imran presented today by Mr. Fazal shah Mohmand Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.

3-10-20/4

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This case is entrusted to Primary Bench for preliminary hearing to be put up there on 18 - 12 - 2014

REGISTRAR

CHAIRMA

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1201 /2014

Imran Ex. Constable..... Appellant

VERSUS

DIG and Others.....

.....Respondents

INDEX

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2	Copy of FIR		5
3	Copy of Bail Order	B	6
4	Copy of Charge sheet & reply	 C&D	7-9
5	Copy of order dated 04-07-2014	E	10
6	Copy of Departmental appeal & Order dated 15- 09-2014	F&G	11-14
7.	Copy of application & affidavit	H&I	15-17
8.	Wakalat Nama		18

Dated-:29-09-2014

Individe

Appellant

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Through

Fazal Shah Mohmand Advocate Peshawar

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OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 120/ /2014

Imran Ex Constable No 2621, District Police Mardan.

....Appellant

VERSUS

- 1. Deputy Inspector General of Police, Mardan Region-1 Mardan
- 2. District Police Officer Mardan.
- 3. Provincial Police Officer KPK Peshawar......Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 15-09-2014 PASSED BY RESPONDENT NO 1 WHERE BY DEPARTMENTAL APPEAL OF THE APELLANT FILED AGAINST THE ORDER DATED 04-07-2014 OF RESPONDENT NO 2 HAS BEEN FILED.

PRAYER:-

On acceptance of this appeal the impugned order dated 15-09-2014 of respondent No 1 and Order dated 04-07-2014 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant joined the respondent Department in District Police Mardan on 015-01-2009 and since then he performed his duties with honesty and full devotion.



2. That the appellant while posted to Police Lines Mardan, was falsely implicated in a criminal case vide FIR No 360 dated 05-05-2014 U/S 452 PPC of Police Station Takht-Bhai District Mardan. (Copy of FIR is enclosed as Annexure A).

- **3.** That the mater was patched up with the complainant, when the appellant assured and convinced him about his innocence, resultantly, the appellant was released on bail by the Judicial Magistrate Takht-Bhai District Mardan vide Order dated 13-05-2014. (Copy of the Order is enclosed as annexure B).
- 4. That the appellant was issued charge sheet with statement of allegations which was accordingly replied in detail. (Copy of charge sheet and reply are enclosed as Annexure C & D).
- 5. That thereafter the appellant was awarded the punishment of dismissal from service under Police Rules 1975 by respondent No 2 vide order dated 04-07-2014. (Copy of the order is enclosed as Annexure E).
- 6. That the appellant filed Departmental appeal before respondent No 1 on 10-07-2014 which was filed vide order dated 15-09-2014, (Copy of departmental appeal and order dated 015-09-2014 are enclosed as Annexure F & G).
- 7. That the impugned order dated 15-09-2014 of respondent No 1 and order dated 04-07-2014 of respondent No 2 are against the law, facts and principles of justice on grounds inter alia as follows:-

<u>G R O U N D S:-</u>

- **A.** That the impugned orders are illegal and void abinitio.
- **B.** That mandatory provisions of law and rules have been violated by the respondents and the appellant has not been treated according to law and rules.
- **C.** That no show cause notice was communicated to the appellant and thus condemned unheard.
- **D.** That no proper inquiry was conducted to find out the true facts and circumstances, and no one was examined in

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presence of the appellant nor he was provided with opportunity to cross examine the witness if any.

- **E.** That the impugned order is not a speaking order and thus not tenable in the eyes of law.
- **F.** That there is misapplication of law as the law mentioned in the order I not applicable in case of the appellant.
- **G.** That even otherwise the appellant was dismissed from service on the ground of being involved in a criminal case, which has been patched up with the complainant, the appellant has been released on bail and even Mst Rokhana submitted applications affidavit to the respondents and regarding of the appellant. innocence (Copy of the application and affidavit are enclosed as Annexure H&I).
- **H.** That the appellant was not provided the opportunity of personal hearing.
- I. That the appellant has more than five years of service with unblemished service record and is jobless since his illegal dismissal from service.
- **J.** That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

Through

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Appellant

Fazal Shah Mohmand Advocate, Peshawar

Dated-: 29-09-2014

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No_____/2014

Imran Ex Constable.....Appellant

VERSUS

DIG & others......Respondents

AFFIDAVIT

I, Imran Ex Constable No 2621, District Police Mardan, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribuan

SSHAWAR HIG

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KHALIN

Identified by

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Fazal Shah Mohmand Advocate Peshawar

DEPONENT

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15102-8078286-2 ميكوجزل وليم مويد مرحد فاد ولمبرا ابتذابي اطلاعي ريوري قارم نسر۲۲_۵(1) ار از ایک ار است جرم قابل دست اندازی بولیس ر بورث شده زیر دفعه ۱۵ مجموعه ضابط فوجد ار می فن تعان مردان رو فرف دی اور ب 360 تاريزون - <u>وروز / ح دون - 5 / 11 خرمن</u> 512:20 نام دسكون اطلاع ديند استغيث محتد العالك ول الفرير الحدير فعد منقر كيفيت جرم (معدد نعه) حال اكر كجوليا كما مو-PPC 452 باع دقور فاصل مادر مت مدان و دان مسحان روخا مد دخس ور مخدر مخدر و فرض من نام دسكونت لمزم عران مان دل دل بوان م ما از مستقاد م کاردانی جوتنیش کے صلق کی اگراطلاع درج کرنے میں توقف مواہوتو دجہ بیان کرد کم مرکز کی سر معرف موجر در درج و مرتب ا اتهانه، سے روائلی کی تاریخ ود وقت <u>, N. 811</u> ابتدابي الطلاع شجيدوج كرديه اكر محمد سرمرا مرايد مني زمر المردرين وزكر سراجمالك ملد لزر خفس فقوم انغان لجسر وبمرجه سرا بېيېب تېمل مارش د . مېرېب مرايش مس دندمه دومل محرار هم نمین و مرحکام اس مین و مرحکام المرامی دانون مین مرتبع در داران می در مین و مرتبع الم مین و مرحکام المرامی دانون مین المرابع مرتبع در در داران می در در در داران می در در داران مین المرابع المرابع المرابع المرابع المرابع المرابع المرابع رق دن میلی می وال گھر میں د ملحا تھا تھا تھ در می در مرجع کر ماتھا تو المعدد مردن من من من من من معلم مرد من معلم مرد الما رسن مرد من معلم مرد الما رسام من معلم مرد من معلم مرد لما رسن مرد م تکپر ده بعال شما مسین نورس سر در از دعمنا زکر خاطر در ک م روسی من ده با دور الک در رحی میرا در وی مرا در معرف من میرود مجسوری الم می میرون رو ا التوان كفانا مسى عروان خلال دلد دلمبررف وتسليه م عوم محق م كما شكند معادم بهوا 10-2 Cristin Cru بمخلاف ظران مذكه برد دعد وار وسرل وم من جل من تقريق فران معنى مراليان بالاسر عرم الم 23 مر مرالي من الدوم مر 1 (1) مرز مرجع وسرون مرد مرور مرور مرور مرون مردن مرا العول Fir مدرس دن من ال للناول حاله في مريس المحار وعدن مدين ا -20-4-12 5. 100 - - 10 . This Alleled

Vecused/petitioner: Imran Khan s/o Dilbar Shah r/o Sangao, Katlang, involved in case F1R No.360/14 registered u/s 452 PPC at PS. Takht Bhai seeks his release on post arrest bail on the ground of compromise. Counsel for 'accused/petitioner, APP for the state

and complainant Abdul Malik produced in custody. Complainant submitted an affidavit Ex. PA. wherein it is averred that he is the complainant of the present the charged wherein cited - case. accused/petitioner for the commission of offence.

Now, through intervention of the elders of the locality the matter has been patched up has pardoned the accused/petitioner unconditionally and have got no abjection if the accused/petitioner is released on bail. The compromise is genuine and free from any coercion. In support of the affidavit, the statement of the complainant also got recorded before the court. CNIC copy of the complainant is Ex. PA/I (original produce seen and refurned).

Keeping in view, the affidavit Ex. PA compled the statement of the complainant, and nature of offence, the instance bail petition is accepted and accused/petitioner is directed to be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- with two surveiles each in the like amount to satisfaction of this court.

Copy of this order be placed on both files. Record be sent back. File be consigned to record room after its necessary completion and compilation.

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8076 males 9-6-44 9-6-44

(Ijaz ITHaq Awan) Judicial Magistrate, Takht Bhai.

Conthiou Seasions

Court

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13.05.2014.

Announced

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7.00-1414.

11.11-2 6 Date c

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Man Muser (2) (6) Had U. C. ASY Jos Joir Price Judicial Magistrate-I, Mardan at Takl FORM OF ORDER SHEET UIS (a) les 874. 19 CASE FIR NO 360 DATED 65:5-15 118 452 1375 M - UUCE P.S26 Th' un Serial No of Order of Date of Order of Order or other Proceeding (with signature of Judge of Proceedings Proceedines Magisfrate and that of parties or counsel where necessary ().] 8/5/14 Bail After arrest application submitted by accused through Mr. June Advocate.)to registered. State, \$110 and complainant be animposed or record and arguments on 9-5-15 I-I. F. D. Bhai. $\frac{2}{2} \frac{1}{2} \frac{1}$ المعنى عامن من من المد المرديس مار- شر) را من من 12.5 - هد من مح-<u>3-3</u> و فلد ع فرامن ما هذ. مرا عن من عيداً تعو. من ري عالم من تر، عن 2- 10 in 13-15 13-Cartified to be Irue Cop

CHARGE SHEET UNDER NWFP POLICE RULES 1975

I, Gul Afzal Khan District Police Officer, Mardan as competent authorit hereby charge you Constable Imran No. 2621, as follows.

That you, Constable, while posted at Police Lines (Guard DPO Office) is involved in case FIR No. 360 dated 05.05.2014 u/s 452 PPC PS Takht Bhai.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the NWFP Police Rules 1975.

- By reason of the above, you appear to be guilty of misconduct under section 02 (iii) of the NWFP Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
- You are therefore, directed to submit your written defense within seven days of the receipt of this charge sheet to the enquiry officer.
- Your written defence if any, should reach to 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, an ex-parte action shall follow against you.

Intimate whether you desired to be heard in persons.

(GUL AFZAL KHAN) **District Police Officer**, Mardan.

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3.

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 599 /R/D.A-P.R-1975. Dated 21 - 5 - 12014

DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975

I, Gul Afzal Khan District Police Officer, Mardan as competent authority am of the opinion that Constable Imran No. 2621, himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975.

STATEMENT OF ALLEGATIONS

That Constable Imran No. 2621, while posted at Police Lines (Guard DPO Office) is involved in case FIR No. 360 dated 05.05.2014 u/s 452 PPC PS Takht Bhai.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Mian Nasib Jan Khan DSP/HQrs: Mardan is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(GUL AFZAL KHAN) District Police Officer, Z Mardan.

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN.

No. <u>599</u> /R, dated Mardan the <u>21 - 5</u> /2014.

Copy of above is forwarded to the:

Alleslad Cerl 1

AC

1. DSP/HQrs: Mardan for initiating proceedings against the accused official / Officer namely Constable Imran No. 2621, Police Rules, 1975.

2. Constable Imran No. 2621, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

** *** ***

و جاب مالی ب جواله جارج شيط قبار از دمتر حناب ٥٩٥ صلحب مردان معروض خدمت يول - كر مندمه علت مر ٥ 8 ورصر 15 مرم 452 عرم 452 ما ت تحت بحائي مردان کے لیے کے لیے الزام میں کرکی صراقت سہ بے -فعن أيب داستان أيب امسا بنريع - المسطاف كي الزام ناحتى يع ایک سناخت بر اسلال درد کی نباء بر ویاں جائر واضعات روما ہوئے میں . سادی سره مرل- مکله بال بچرد ارتص موں - غرمبت مے دوجار موں -آسيده فستاط رسون تحا- تحفر بار زركيته معاش كا واحد كسفيل يتوب-حالف خرلی حقیقت حیان کر کوکی رنجسیس باقتی میں رمین مقدمات کی حنی م ظارع بيو حيصًا يول. در حصقيت حق في دامن يا تحد تحسام ليناسط - السر تعالى مي خل مرم اور آمنسان بالاصلحبيان كى ميريانى بير يتيس ركمينا يول - تايم ماقت بردرى عليرن سرى معامى حاجوت تعاريس تاعر دعاگور يول كا -11

POLICE DEPARTMENT

MARDAN DISTRICT

<u>ORDER</u>

Constable Imran No 2621 while posted at Police Lines(Guard DPO Office) Mardan committed the following acts, which leads to grass misconduct on his part as defined in Rules 02 (iii) of Police Rules 1975.

Brief facts are that **Constable Imran No. 2621**, while posted at Police Lines (Guard DPO Office) is involved in case FIR No. 360 dated 05.05.2014 u/s 452 PPC PS Takht Bhai.

In this connection, **Constable Imran No. 2621**, was charge sheeted vide this office No. 599/R, date 21.05.2014 and he was also proceeded against departmentally through inquiry officer, **Mian Naseeb Jan DSP/HQrs: Mardan** who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 463/HQ: dated 01.07.2014, in which the allegations has been established against the defaulter constable.

The undersigned agree with the findings of enquiry officer and the alleged Constable Imran No. 2621, is hereby dismissed from service, in exercise of the power vested in the under the Police rules 1975.

Order announced O.B.No. 15.56 Dated 4 1 7 . 12014

(Gul Afzq**î Af**ridi) District Police.Officer, Mardan.

No. 11 16 dated Mardan the 1-1/2014

Copy for information and necessary action to:-

- 1. The Deputy Inspector General of Police Mardan Region-1
- 2. The S.P Operations, Mardan.
- 3. The DSP/HQrs Mardan.
- 4. The Pay Officer (DPO) Mardan.
- 5. The E.C (DPO) Mardan.
 - The OASI (DPO) Mardan.

Jacob (Jul

BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE, MARDAN REGION, MARDAN.

Subject: -

DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 04/07/2014 PASSED THE DISTRICT POLICE OFFICER MARDAN WHEREBY I HAVE BEEN DISMISSED FROM SERVICE UNDER POLICE RULES, 1975.

Respectfully Sheweth:-

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2.

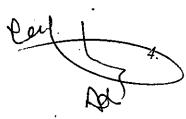
3.

That the appellant joined Police Department as Constable in District Police Mardan on 15/01/2009 and since then performed his duties with honesty and full devotion.

That the appellant while posted to Police Lines, Mardan was falsely implicated in a criminal case vide FIR No 360, Dated 05/05/2014, u/s 452 PPC, of Police Station Takht Bahi. (Copy of FIR is enclosed as annexure "A").

That the matter was patched up with the complainant, when the appellant assured and convinced him about his innocence, resultantly the appellant was released on bail by the Judicial Magistrate, Takht Bahi vide order dated 13/05/2014. (Copy of order is enclosed as annexure "B").

Allsleet.



That thereafter, the appellant was issued Charge Sheet with Statement of Allegations, which was replied in detail. (Copy of Charge Sheet and reply are enclosed as annexure "C" & "D"). That thereafter 'the appellant was awarded the punishment of dismissal from service under Police Rules, 1975 by the District Police Officer, Mardan vide order dated 04/07/2014. (Copy of the order is enclosed as annexure "E").

That the impugned order dated 04/07/2014 of the District Police Officer, Mardan is against the law, facts and principles of justice on grounds inter alia as follows:-

Grounds:-

A.

B.

[:] C.

5.

6.

That the impugned order is illegal and void abinitio being passed in utter violation of law, rules and policy on the subject.

That the appellant has not been treated in accordance with law & rules on the subject.

That ex-parte action has been taken against the appellant and he has been condemned unheard.

D. That no Show Cause Notice was communicated to the appellant nor proper inquiry in the matter was conducted.

tested E. Not-

That I was proceeded departmentally on the grounds of being involved in a criminal case, wherein the matter has been patched up after the appellant assured the complainant regard his

innocence, and from which the appellant has been released on bail by the competent court of law and now there is nothing against me, as such the punishment awarded to the appellant is not maintainable in the eyes of law.

That even there is mis-application of law, and the order is as such void ab-initio.

That the appellant has more than 5 years service with unblemished service record and is jobless since his illegal dismissal from service.

It is, therefore, most, humbly prayed that on acceptance of this appeal, the impugned order dated 04/07/2014 of the District Police Officer, Mardan may kindly be set-aside and the appellant may kindly be ordered to be re-instated in service with all back benefits.

Dated:- 10/07/2014

È.

G.

Appellant

Alleslad DOL

 $\mathfrak{C}_{\mathcal{C}}$

Imran Ex Constable No 2621 District Police Mardan. S/o Dilbar Shah R/o Sangao Tehsil Katlang, District Mardan Cell No:- 0331-6610925

<u>ORDER.</u>

This order will dispose-off the appeal preferred by **Ex-Constable Imran No. 2621** of Mardan District Police against the order of District Police Officer, Mardan, wherein he was dismissed from service vide District Police Officer, Mardan OB: No. 1556 dated 04.07.2014.

Brief facts of the case are that, he while posted at Police Lines (Guard DPO Office, Mardan) charged in case FIR No. 360 dated 05.05.2014 u/s 452PPC Police Station Takht Bhai . In this connection he was charge sheeted and also proceeded him against departmentally through Deputy Superintendent of Police Headquarter Mardan, who after fulfilling necessary process, submitted his findings to District Police Officer, Mardan, in which the allegations were established against him, therefore he was dismissed from service.

I have perused the record and heard the appellant in Orderly Room held in this office on 03.09.2014 & his case was also secretly verified through I/C DSB, Mardan, wherein in his report the defaulter official was found guilty of the misconduct and also reported that he is not fit for further service as he earned bad name for the Police department. Therefore, I MUHAMMAD SAEED Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal, not interfere in the order passed by the competent authority, thus the appeal is filed.

ORDER ANNOUNCED.

(MUHAMMAD SAEED)PSP Deputy Inspector General of Police, Mardan Region-I, Mardan (

No. 6202 /ES,

(*****)

Dated Mardan the 150 /2014.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 663/LB dated 15.07.2014.

His service record is returned herewith.

Allested Coulf

معمر مناب Big an Es لولس مردن. در فراست مرار دی مقید از موت مرمن تحفظ من ساملہ محق ممروں ولم دلم مت 6 حاب مام - در فردست زمل مرض م مرزار نس سے مرسائر معد قریزی مصر دینی میں ان مسل ما تسنده میں مردن ولم دلمیر مند ۵ سند مدعار کا منسب مسلح مدر ج من تعلق بی . مروم این مرم مرست ایم نے محاص مرد حسف دميض برود مردخ بخ ترجم فرمر والعين سامل وتمران م ومريز مرم مري مي م مد ترس ومون سائله ما معادم مر مران ن دن - که تم ال ستورج روم فاس برا ې مومېرىپ ز مردی من - صب می مران مر مرم رم ی سب میں رور مرد مردی مردی جى سواتى و عرون مذ ران فرمرم مرمز مری سے مر خروست میرا ہے . ر فمامن موموں نے غربی من مفترت میں متبغت/میں بر رہ ہے۔ ممرین موقعہ من کی خاص میں سر۔ مرین موقعہ من کی خاص میں میں میں میں میں و مرس مرسعت عب ض ملم و مرز می جن جن جن می فیرمت میں از م سامہ مے کو دالیون خبین میں درفروستی دن ہے . ما دیو ما بنا ^{ر در (فر (منر)} رم چ. یک مرحبی سانر نشی کی . رو می در مرجبی . مربع می مرجبی اسانر نشی کی . رو می می ان مح موجبی Allered

Certi

DAGE

سر مارند مردن مرمر برم بران نج نعبر ما م مرب . ال عرون مذموم مس مرس مر ومدر ومدر مشرع المسرال رجلات معل بری دیمن سے - میری و مربز ان ندمر محمد ف میں مسم ما مزد اور اسی مسم حلین میں میں میں میروں ما بین فر مغن در فی می میر میں جی جار مسک میں مرد ورا محصور محمد میں مصلم ساملہ مرد مرے میں مرتب محمد دل دی من

C749659 م و مسم روبيت فله Rupees **30** ببان حلفي me si le panes in son in bound of side تحت ما المنع مردن كا مع ن على الحدار فى مون م ان كان و مر دسرت و سفرول سف ورن عدان به من و بن موارد میں خبو بیکن روپی رو میں میچ وہ بیکن عمر اپنی سے اور مان سے مرانوی فعلی وواسط میں مے- اور میں مرادران میں عبر لمان رسماعیلی میان نواجه بی می عران کا وسرد سرای کے ساتھ جو راحتی ک مینی کی کروانی نیس زیاج معنی - مناسر میں نی مر مرد بر میں میں نی کی نی کی منابع میں میں میں میں انفرانس بر منع بوی در مورسی کی بی ن مرفع (ف) بی میں دی ہے۔ میں روم ون بی ترین بی دی میں کی بی ن مرفع (ف) کی ن میں دی ہے۔ میں روم ون م فرمتین ذیلی میں کر جوں کر میں نے کان کی کوران کو تک بیکی نیلی ایک ایک اور از کی معون کر میں نے کان کی کوران کو تک بیکی نیلی ام محقی کاروشین (نک) سے- در وغیری نی صورت میں من مؤہ میں ان کو در مرزد 03 <u>08</u> : 2019 - 126 0 - 126 0 - 126 0 - 126 0 - 126 - 126 - 50 نۇرى ئىشان مجروفانه (بون). معرا بمان وارد Storing of Guesdo and No 62.8) Allested 16/02 - 9079286-1 Deed Writer cento A - wild mb Takht Bhai 03/9/14

749658 م روب الم Rupees 30 او راد اراحی فرج اول: - مهاو وفانه دفته نور فمي سن ماي مس فرف فن عالى فلو فرن وفى دوم: - عران كا وسر دسين مسين جمه جوى سفا و تعيل حقي عردان-الورزع مي كر بوراف بداره عنى عبد المات ومرفوا خميرى فالكرند مي وفي وفي م عمران زمنى معومها تك رور برور في في رون ما موجور كامن وفر عام مرمو تاكفى مركم مورف 21 فرق اول يرمبرا دران من مسر المان ام ممل مران نور الممير وفر في دفع في عران عامين مذر موجد ان جرم مع موجه فكالور دونون فرغين غارمه دوم عق الحت جامى ترمواد متر مرمو جور مع - مرتم مرى بران فانونو دفا تا فران مان نه ۵ روائی نے روران میں روئ سے جو بیان رب رد تعوی جو وہ وُ تی اول می رون ^ر ی مان بین سے جو جماع سے دور میان رتعوار شری مسات فی اول کا کو کی تفاق واسع بن مع متران (فر مول مول 13 فق الارون عمر ارزان رور وفق ما بين جورامين / المحكى مع اور مداري در مد عين المدرولر ت منى مين المعام الم ي مج المس سي من في اول مي (وفا نه ف) مكل الفاق ع- فرضی رقع بران کان بر تناه مح معدا بران کا ساتو الفاف کا کا - (دنون فر عني ومن ومرافعات بالمن موت - كعرا الوانقال الصي كالم مرافق الم 1 (69) E 16/01-0166113-3 5 2 in 286 ير ان فان (و في رها) و فرواد ک Uling on Gine o C مسرحس فرق فعالى - frym بمتنافت عبر المكس (بم ادر) Eles 2 Frine مرونية ومرق بقى مرونية ومرق بقى منتخب في هالا 16102-8078286-1 Micken Jules 3 in the Allester 3- 2014 John in Canto Ad

POWER OF ATTORNE	
N THE COURT OF Servige Tribunel	KPK Pesta
Invon Exconstable No 26	
	Appellant
	Petitioner Complainant
VERSUS	
DIG and Olkes	Defendant Respondent
	Accused

Fixed for--

I/We the undersigned do hereby nominate and appoint

FAZAL SHAH MOHMAND, ADVOCATE HIGH COURT, PESHAWAR

AND to do all acts legally necessary to manage and conduct the said case in all respects whether herein specified or not, as may be proper and expedient.

AND I/we here by agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we under take at time of calling of the case by the Court my/our authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte, the said Counsel shall not be held responsible for the same. All costs awarded in favor shall be the right of the Counsel or his nominee, and if awarded against shall be payable by me/us.

IN WITNESS where of I/We	have signed at	feshan	<i></i>
Thisa.g. the day of	ptenter ir	the vear	
······································	1 1.2	,,	
Executant/Executants	Junger		

Accepted subject to the terms regarding fee.....

Attested and Accepted by:

Cont

Fazal Shah Mohmand Advocate High Court

OFFICE: - Cantonment Plaza, Flat, 3/B Khyber Bazar Peshawar. Cell # 0301 8804841

Or----03 10.11.2014.

APP for the state present. Accused on bail present. Perusal of record reveals that compromise has been arrived between the parties at bail stage, wherein complainant state that he has got no objection if the accused is released on bail.

In the circumstances, as the complainant-has affected compromise with the accused and do not want further proceedings against the him, therefore accused is discharged from the charges of the instant case. Bail bonds stands cancelled. His surefies absolved from the liabilities of bail bonds.

File be consigned to record room after its necessary completion and compilation.

Announced 10.11.2014.

Name of Applicant.

.

Date of Proc

05.8 Date d

No.s Courters urgen: 100 ----Signeu ... Date of

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(Hamid Kamal) Judicial Magistrate, Takht Bhai.

HAMID KAMAL Civil Judge-IV / Judicial Magistrate, 🚈 (Takht Bhai

Cartilled to be

RATE-IV TAKHT BHA TUNCTELMAGIE IN THE COURT OF IJAZ بلم ال فال State vated 5-5-19 U/S 260 FIR NO. TRU Aice Station Order Sheet Dated 18-6-14 Case file received from the prosecution Be entered into the relevant register. Summon the a Haq Awan) Ijaz-Ul 10 4 Judicial Magistrate Takht Bhai مؤر روز والمر المد من الرجاني حاصر - حم م ر موم کے ملک ا 4/00 المرعانة طور- نولات دى كين- شي ال عاد ار مرجع علم الله مالي من سي ال عاد ار ا 269.14 Tor 6

<u>SEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,</u> <u>PESHAWAR.</u>

Service Appeal No. 1201/2015q

Imran ex-constable No. 2621, District Mardan.....Appellant.

VERSUS.

- 1. Deputy Inspector General of Police, Mardan Region-I, Mardan
- 2. District Police Officer, Mardan.
- 3. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.....Respondents.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:-

- 1. That the appellant has not come to this Honourable Tribunal with clean hands.
- 2. That the appellant has got no cause of action.
- 3. That the appellant has concealed material facts from this Honourable Tribunal.
- 4. That the appellant is estopped by his own conduct, by law to bring the instant appeal.
- 5. That the present appeal is bad in its present form hence not maintainable and liable to be dismissed.
- 6. That the appeal is bad due to non-joineder of necessary parties and mis-joineder of unnecessary parties.
- 7. That the instant appeal is barred by law.

REPLY ON FACTS:-

- 1. Pertains to record, hence, no comments.
- 2. Incorrect. The appellant was charged in a case vide FIR, cited in the relevant Para, at the complaint of one namely: Abdul Malik allegingthe appellant for his presence and found him setting by-side of complainants' sister inside the later / complainants' house. As per statement of the complainant that he tried to grasp / trap the appellant but he attempted his escape, resultantly was shot and wounded at hand due to his firing. (Copy of FIR as annexure "A").
- 3. Correct to the extent that the matter was later on patched up and the appellant was acquitted on compromise deed by the Hon'able court. But it is pertinent to mention here that bail / acquittal / discharge of an accused during criminal proceedings do not effect the departmental proceedings. The two proceedings stand at different footings and therefore, do not affect each other.
- 4. Pertains to record. Hence, no comments.
- 5. Correct. The appellant was punished departmentally for the misconduct, he committed.
- 6. Correct. The appellant was heard in orderly room but he could't prove himself innocent or being falsely charged therein. (copy of rejection order by DIG as annexure "B")
- 7. Incorrect. The impugned orders are correct, based on facts and according to principles of
- justice.

KEPLY TO GROUNDS:-

- A. Incorrect. The impugned orders are legal and according to law.
- B. Incorrect. There is no violations of any rules/law but punished accordingly.
- C. Incorrect. Proper procedure was adopted and punished the appellant for the misconduct he committed.
- D. Incorrect. Proper inquiry was conducted and the appellant was found guilty in the matter and was therefore, dismissed from service.
- E. Incorrect. The impugned order is speaking one and tenable in the eyes of law.
- F. Incorrect. There is no misapplication of the law rather punished as he deserved.
- G. Correct to the extent of dismissal, resolving the issue and submission of application / affidavit etc, by the Mrs. Rukhsana. However, the criminal proceedings and the departmental proceedings, as mentioned in Para-3 above, do not effect each other. Therefore, the appellant was punished for.
- H. Incorrect. The appellant was personally heard in orderly room by the respondent No. 01.
- I. Pertains to record. Hence, no comments. However, the appellants' dismissal was in accordance with law/rules.
- J. The respondents also seek permission of this Hon'able Tribunal to submit further, if any, grounds etc at the time of arguments.

PRAYER:-

NAS-

It is, therefore, prayed that the appellant being involved in a criminal case, was found guilty and punished for the misconduct he committed. His appeal, therefore, may kindly be dismissed.

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar. (Respondent No. 3)

General of Police, rdan Region-I, Mardan. (Respondent No. 1)

District Police Officer, Mardan. (Respondent No. 2)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 1201/2015

Imran ex-constable No. 2621, District Mardan.....

<u>VERSUS.</u>

1. Deputy Inspector General of Police, Mardan Region-I, Mardan

2. District Police Officer, Mardan.

NA.

3. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.....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.

....Appellant.

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar. (Respondent No. 3)

eneral of Police, dan Region-I, Mardan. (Respondent No. 1)

District Patice Officer, Mardan. (Respondent No. 2)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, <u>PESHAWAR.</u>

Service Appeal No. 1201/20154

Imran ex-constable No. 2621, District Mardan.....Appellant.

VERSUS.

- 1. Deputy Inspector General of Police, Mardan Region-I, Mardan
- 2. District Police Officer, Mardan.
- 3. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.....Respondents.

AUTHORITY LETTER.

Mr. Muhammad Shafiq 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 Pakhunkhwa, Peshawar. (Respondent No. 3)

neral of Police, Region-I, Mardan. (Respondent No. 1)

strict Pol fficer. Mardan.

(Respondent No. 2)

ali kha ايدوكيث/د تخط: بن 76329 باركونس أبارا يسوى اليثن نمبر: - تونخواه **پ**شاور مارا کیتوس <u>733.298988889</u> دابطهنمبرن بعدالت جناب: منجانب: دعوك 120/2015 25 جرم: تھانہ: مقدمه مندرجه ينوان بالا مين ابني طرف سے داسطے پير و محاصر و بني كاروائى متعلقه و د جان المر لک کی توریل مقرر الن مقام مرا وتركي يكتي í la l کر کے اقرار کیاجا تائی کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راض نامه كرف وتقرر كالب و فيصله برعلف ديسي جواب دعوى اقبال دعوى اورد رواست إز مرقم فى تصديل زری پرد بخط کرانے کا اختیار ہوگا، نیز تصورت عدم پروی یاد گری میطرفہ یا ایک کی گرآمذگ اور منهونی، نیز دائر كرف ايل الرائي ونظرتاني و بيروى كرف كالخدار وكاادر بمورت ضردرت مقدم مذكوره ك لياجروى کاروائی کے داسطے اور وکیل کی عقار قانونی کو اسپ ہمراہ یا اسپ بجائے تقرر کا اختیار ہو کا اور صاحب مقرر شدہ کوبھی دی جملہ مذکورہ اختیارات حاصل ہول کے اور اس کا ساختہ پر داختہ منظور و قبول ہوگا دوران مقدمہ یں جوٹر چہ ہرجاندالتوائے مقدمہ کے مبب سے ہوگا وہ وکیل موصوف وصول رف کا حقدار ہو گا کوئی تاریخ پیشی مقام دوره یا مدسے باہر ہوتو دسیل صاحب یا بند نہ ہوں کے کہ پیر وی مذکر زہ کر میں، کہٰذا دکالت نامہ ککھ دیا تا کہ مندر ہے۔ المرقوم: کے لئے منظور. Allester الوب الاس ديجالت نامه کې نو نو کابل تا تا بل تبول بوک.

() 5/5 - 1. 45 ti متلول in the الملاع مر افرای ما وقت من ۱۱ بے وفر کم ۲۶ امونٹ رضم opo لإرك سے الحرب الرجمان مرجب بند بعنے عومان الملاع دعد کر م غرواهي opd ماب في ابن رض كو طلب كم ي لو يوا تما كر كنا عمل المحال في المحر المحر عمد تو البعل كو كارم ددم می اورد فانر لو لی وی میک تر عام و جود با را دا مذکورہ کی کے خلاف دبورٹ غمرط محک رہے دور ناجر ك جاري لى آس اللاع كار 2 أند الدر ما در 7 لوز ناحر کوئے کفتل علیموں سریس کر کے لوئ منامب کاروال ا فسمان بالا كو ارسال ك جانية Justes to نوا بمطالب إمل في Mm. P. Line. 5/5/14

07-05-2014

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تخت بمانی بولیس ابلکارز بردتی ینے کی کوشش میں دخی کمریں کمیے م تنه مال (ارتد، شرق) بنس الطبيل زيردي بالم مريم مسح كارمش مي كول كانشاندين مياج ذفى مالت مين سينال مين دافل كراديا مما جند بوليس فی بند بمانی کو بجانے کے لئے حرکت میں آئی اور (بىيە 8مىغمە 10) in the second second الق مر التحت ممال رض 18 8 کاسیس کی مجائے لڑکی کے ممال کے خلاف اقدام س مقدمہ دون کر کے کرلڈر کرلیا مردان پالس کا کالمیس مرالا مان دار داہر شاہ تحد سمان خان ملکا ڈسا 5 () سے طاقات کے سلے اس کے کمر یکی دعل ہونے کو کوش کرڈ مجالے کہ اس کے ممال کار داد فر حمر سر متد میسین کی لیکھ مجالے اس بر خانر تک کردی جم سے دور کی اور کمالیے

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Grind " eije

رلا 2621

OASI Suspended. Stop his Oalary.

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. <u>599</u> /R/D.A-P.R-1975. Dated <u>21 - 5 -</u> /2014

DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975

I, Gul Afzal Khan District Police Officer, Mardan as competent authority am of the opinion that Constable Imran No. 2621, himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975.

STATEMENT OF ALLEGATIONS

That Constable Imran No. 2621, while posted at Police Lines (Guard DPO Office) is involved in case FIR No. 360 dated 05.05.2014 u/s 452 PPC PS Takht Bhai.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Mian Nasib Jan Khan DSP/HQrs: Mardan is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(GUL AFZAL KHAN) District Police Officer, Z Mardan.

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN.

No. <u>599</u> /R, dated Mardan the <u>21 - 5</u> /2014.

Copy of above is forwarded to the:

1. DSP/HQrs: Mardan for initiating proceedings against the accused official / Officer namely Constable Imran No. 2621, Police Rules, 1975.

2. Constable Imran No. 2621, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

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CHARGE SHEET UNDER NWFP POLICE RULES 1975

I, Gul Afzal Khan District Police Officer, Mardan as competent authority hereby charge you Constable Imran No. 2621, as follows.

That you, Constable, while posted at Police Lines (Guard DPO Office) is involved in case FIR No. 360 dated 05.05.2014 u/s 452 PPC PS Takht Bhai.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6(1)(a) of the NWFP Police Rules 1975.

- By reason of the above, you appear to be guilty of misconduct under section 02 (iii) of the NWFP Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
- 2. You are therefore, directed to submit your written defense within seven days of the receipt of this charge sheet to the enquiry officer.
- 3. Your written defence if any, should reach to 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, an ex-parte action shall follow against you.

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

(GUL AFZAL KHAN) District Police Officer, Iardan.

جواله جارج شيط قرار از دمتر حناب DPo صاحب مردان مغروب) خدمت بير · كر مقدم علت غر 360 ورضي 352 خرم 452 PPe 452 م تحت بھائی مردان کے لیے کے الزام میں کوئی جدافت نے بے۔ محص أيف داستان أيك اعتسامن ي - المصالح للزام ناحق ي . ابك شنافت بر السلال دردك نباء بر ويان جار وجنات روما بو يس . شادی شرہ ہوں۔ تله بال جرد رضی ہوں ۔ غربت سے دوجار ہوں -آبنيده فستاط رسون تحا- كعربار زرميم معاش كا واحد كغيل يبول-مخالف فرلتي حقيقت حبان كركوكي رنجستين باقحي منين رميني مقدمات كاحنبحط سم ظارع بير حيط بيول-در حققيت حق كى دامن يا تحد تحمام لياسي - السريماني كى قفل سرم اور آ حسران بالاصلصاب کی میربانی بیر تین کمتا بیوں - تاہم ماتحت بیروری علیوں سمی معافی کا حوست کا میر بالی دیا گوریوں کا -۱۱

فأتنل انكوائري ريور فبحاذ الكنشيبل عمران نمبر 2621 متعينه حال يوليس لائن

جناب عالى!

بحوالیہ چارج شیٹ نمبری 599/R مورخہ 21/5/14 موصول ہو کرجسمیں کنٹ پیل عمر ان نمبر 2621 کے خلاف الزام لگایا کیا ہے کہ جب وہ پولیس لائن (گارد DPO صاحب) کی ڈیوٹی پرتعینات تھا تو علت نمبر 360 مورخہ 5/5/14 جرم 452 میں ملزم نامز دہواہے۔ریورٹ میں درج کیا ہے کہ سٹیل مذکورہ مسمی عبدالما لک ولد نور ضمیر ساکن حبیب گل کلے کے گھر میں داخل ہو کرمدی مقدمہ کے ہمشیرہ مسما ۃ روخانہ کے ساتھ تعلقات بیان ہوا ہے۔ د دران انکوائر کی تفتیش افسرشفیح خان S۱، جرگہ مشران ،مسما ۃ روخانہ ولد نور ضمیر اورکنسٹیپل عمران نمبر 2621 کے بیانات لئے گئے قانیشی افسر کے بیان کے مطابق کہ مجروح ^{کنسٹ}یبل عمران کا مسما ۃ روخانہ کے ساتھ ایک ماہ قبل سے تعلق تھااور مجروح نے کمسا ۃ روخانہ سے مبلغ ایک ہزاررو یے لئے تھے۔جس کی ادائیگی کے لئے کنسٹیل عمران مسا ۃ روخانه کے گھر پر جا کرائیک ہزاررویے کی واپس کرنا چاہتا تھا جہاں مسما ۃ روخانہ کا بھائی عبدالما لک دلدنور ضمیر ساکن حبیب کلے نے بہارادہ فائر نگ کر کے جس سے عمران لگ کر ذخمی ہوا۔ جس پر مسمی عبدالما لک پر مقد مہ علت 359 مورخہ 5/5/14 جرم 324 درج رجسٹر ہو چکاہے۔جرگہ شران کے بیان کے مطابق کہ دونوں فریقین کے مابین جو تنازعہ ہیداہوا تھااس کا فیصلہ ایک لاکھ 10 ہزاررویے پرراضی نامہ کیا ہے۔مسما ۃ روخانہ کے بیان کے مطابق اس کا عمران کیساتھ کوئی تعلق نہ تھااور نہ ہی وہ عمران کنسٹیبل کو جانبا تھا۔ مذکورہ کنسٹیبل مسما ۃ روخانہ کے موبائل پر روز انہ کال کر تاادر تنگ کرتی۔ تنگ آگراس نے عمران کے ساتھ موبائل پر باتیں شروع کی ۔مسما ۃ روخانہ شرم کے مارے گھر دالوں کو سچ*ونہی*ں بتاسمتی تھی ۔ روز وقوعہ پر مذکورہ کنسٹیبل ایک غلط خیال سے مسما ۃ روخانہ کے گھر میں داخل ہوابیان کیا ہے۔ ہیڈ کنسٹیل انور کے بیان کے مطابق مورخہ 5/5/14 کوکنسٹیل عمران نمبر 2621 کی ڈیوٹی رات 04،00 بج تادن 08:00 تک لگائی گئی تھی بوقت 08:00احتام ڈیوٹی پرور دی اتار نے اورارام کے لئے چلا گیا تھااس کے بعد بوقت 11:00 بجحسب الحكم DPO صاحب بارك ميں جا كرعدم موجود پايا گيا جب معلوم ہوا تو مذكور ه^{كنسط}يل كےخلاف تقانة تحت بھائی میں دعویداری ہو چکا تھا۔اسلئے مٰدکورہ کنٹیبل کے خلاف بحوالہ مد 45روز نامچہ 5/5/14 رپورٹ درج کیاہے۔جوکنسٹیبلان ڈیوٹی سے فارغ ہوکر بازار جانا چاہتا ہےتوان سے اجازت لینا بیان کیا ہے۔ اِس بات میں اُوئی شک نہیں کہ علاقہ معززین نے ددنوں فریقین کے درمیان راضی نامہ کر کے جو کہ تناز عکمل

طور پرختم ہوا ہے مگر مذکورہ کنسٹیبل کا بیغل یقیناً پولیس نورس کے لئے بدنا می کاباعث بناہے یہاں تک کہ یہی واقعہ

اخباروں کے صفحات کا بھی زینت بن گیالہٰ دامٰدکورہ مسلیل کو اِس پنعل پر عبر تناک سزا (Major Punishment ﴾ دینے کی سفارش کی جاتل ہے تا کہ کوئی آئیند ہ کوئی بھی اہلکاراسی طرح کے کا موں سے اجتناب کریں۔ On hight of the engine he is dismissed form Cervice on his modument in immoral activities and also, alwing his police authing (ميان نفيب جان) No: 463-HQ Ohn 1-7-14 3.7 دْ بِڻ سِرنٽندْ نٺ آف يوليس مِيدُ كوارڻرمردان

ابتدائی اطلاع نسبت جرم قابل دست اندازی بولیس ر بورث شده زیردند به ۱۵ مجموعه ضابطه نوجداری pu ?? tos os fin Est 359 1100 24 1200 2 1103 a ... as/25 (10 0 3/ 10 0 20 0 0 0 0 0 0 0 0 0 C بام دسکونت اطلاع د ہند ومستغیث 324 منفر كيفيت جرم (معدد فعه) حال أكم كمحم ليا كما و-201011360 0111015 جائے دتو عد فاصلہ تھانہ ہے اور سمت 2 1 and Star Sulla نام وسكونت ملزم 2-640 كاردائى جومنيش ب متعلق كى اكراطلاع درج كرنے ميں تو تف ہوا ہوتو دجہ بيان كرد السب السرائي مراجل مريح ملي ا تھانہ ہےردائلی کی تاریخ دونت ابتدائي اطلاع شيج درج كرد - مراسط تستصرف نها من · CH Jul 3/2 4 10 0 00 刻品 11.200) 24 DHA 6 101111 Stop Att for fit by PODEC 如应的 - 7B1 1-15- 144 1310. 8 -5-14

Rupees 30 Carl and the second s El Sid 224 Cr. S. S. An - 218 - 218 ف من مرافق در در شاه و شاه مشر مشر مشر من من A de a medicina in marcina de la apple for the depart and in the server Fire is a annal to a serie of the 101-0166112-3 A DI CO MERCIA CONTRACTO CONTRA مردو*ت الجرار* من an brokens 2-20 10 - 1 da w the second de la pue de Stors mystic and hard is

Rupees 30 مال د مرسوس i no me sui sind from si in prover sui sui sui sui sui من رفیرز می در در مرد من مشب ای مدر مال م عرف ال مل L'énéros d'ant d'airie à d'anne This is the chard of the intering ون عام مارونا في الله مشك الذي مشك المان من را المراجم ال Z 2 Jolos for States Int March 1 Serie - Stan ting joing to همه رمت دم مرکز and i have a w ار میں میں ایک کی میں میں میں میں ایک کی میں میں

Accused/petitioner; Imran Khan s/o Dilbar Shah r/o Sangao, Katlang, involved in case FIR No.360/14 registered u/s 452 PPC at PS Takht Bhai seeks his release on post arrest bail on the ground of compromise,

Counsel for accused/petitioner, APP for the state and complainant Abdul Malik produced in custody. Complainant submitted an affidavit Ex. PA,

Complainant summittee and emplainant of the wherein it is averred that he is the complainant of the cited cases wherein charged the present accused/petitioner for the commission of offence.

Now, through intervention of the elders of the locality the matter has been patched up has pardoned the accused/petitioner unconditionally and have got no objection if the accused/petitioner is released on bail. The compromise is genuine and free from any coercion. In support of the affidavit, the statement of the complainant also got recorded before the court. CNIC eopy of the complainant is Ex. PA/I (original produce seen and refurned).

seen and realized in view, the affidavit Ex. PA coupled the Keeping in view, the affidavit Ex. PA coupled the statement of the complainant, and nature of offence, the instance bail petition is accepted and accused/petitioner is directed to be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- with two surefies bail bonds in the sum of Rs. 50,000/- with two surefies copy of this order be placed on both files. Copy of this order be placed on both files, Record be sent back. File be consigned to record room.

Announced 13.05.2014.

Qr-----04 13.05.2014

> (Ijaz UTHaq Awan) Judicial Magistrate, Takht Bhak

Certified to $C \sim 5$

Or----03 10.11.2014.

APP for the state present. Accused on bail present.

Perusal of record reveals that compromise has been arrived between the parties at bail stage, wherein complainant state that he has got no objection if the accused is released on bail.

In the circumstances, as the complainant has affected compromise with the accused and do not want further proceedings against the him, therefore accused is discharged from the charges of the instant case. Bail bonds stands cancelled. His surveites absolved from the liabilities of bail bonds.

File be consigned to record room after its necessary completion and compilation.

Announced 10.11.2014.

(Hamid Kamal) Judicial Magistrate, Takht Bhai.

HAMID KAMAL Civil Judge-IV / Judicial Magistrate, Takht Bhai

125 parce Name of App! Date of Prom.

Certified to b

Cont_or-2

Dote d

No,5 U Court E urgeat Signed Date of

1.4.8.223 and of or bel Main romita min con 929 mor ad 51.6.12 ×11/2 2-(newA peH-IU-zsci) VI-stratersem Intorbuc. HT.C.TB nortusseard and month bovrassa still ages aol boguese and nommud gradergar drevalor and othi baratha Эg N*S Dated toods appao uorapas. 5 O L mal 92 20N 51-5-5 ກວາເດ "s∕n 755 04S inoil IN THE COURT OF LIAZ OVH-'IN" TARA THRAT VI-HTARTERNATE WANA TARATE BHAT

ملول 5/5 - 15 45 tis Lew Vin إلالاع الخلی عاقت من ۱۱ بے وفر 345 الوقت دفتر opo 6.6 ے الور x مار كا الر في بدر يع عوبان الالع دعد كر م لر والمحري odd ماب فا بن رضم کو طاب کم کے لو ہوا گیا کہ کنل عمل = 126 کمان ہے بیش کرے مذکورہ کنچل کر گار دوم می اورد فانتر او ای می میک تر یے عام موجود با را دا مذکورہ کیل کے خلاف د ہورت میں طبقی رہ دور کا جر مح طو لے آمدہ اللاع مرر 2 اندر الور Mer لوز الحر كي لقل عليوه مريب كر لوف وتامر كالوال ا قسمان بالا كو ارسال ك جا نيا Julis - Co نعل 2 ما الت إمل في mm. p. Line 5/5/14

لوزمام " مسمر في ١ 07-05-2014 تخت بمانى پوليس اېلكارز بردى کم میں کینے کی کوشش میں دخی تحت منانی (ممانند، شرق) پالیس کا نظیل زیردی ایک کمر می کمینے کا بوش میں کول کا نشانہ بن کی ایک زنگا جالب میں سیتان میں داخل کرادیا کی جبک پولیس زنگا بند بھالی کو میآنے کے لیے ترک میں آگاں اور ایک بند بھالی کو میآنے کے لیے ترک میں آگی اور ایک بند میں کا کا کہ ایک میں میں میں میں میں میں کا reak القر غير المجلي تحت معالى دمى 20 8 8 ی کر فار کر لیا بیر دان و کی 2621 15 12 مَنْ قَا**مُنْ أَوْ يَحْدَ الْجَسْنِ بَر** OASI uspended. Stop his Oalay

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. <u>599</u> /R/D.A-P.R-1975. Dated <u>21 - 5 - /2014</u>

DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975

I, Gul Afzal Khan District Police Officer, Mardan as competent authority am of the opinion that Constable Imran No. 2621, himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975.

STATEMENT OF ALLEGATIONS

That Constable Imran No. 2621, while posted at Police Lines (Guard DPO Office) is involved in case FIR No. 360 dated 05.05.2014 u/s 452 PPC PS Takht Bhai.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Mian Nasib Jan Khan DSP/HQrs: Mardan is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(GUL AFZAL KHAN) District Police Officer, Z Mardan.

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN.

No. 599 /R, dated Mardan the 21 - 5 - 72014.

Copy of above is forwarded to the:

1. DSP/HQrs: Mardan for initiating proceedings against the accus official / Officer namely Constable Imran No. 2621, Police Rul 1975.

2. Constable Imran No. 2621, with the directions to appear before t Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

**** 111 *****

CHARGE SHEET UNDER NWFP POLICE RULES 1975

I, Gul Afzal Khan District Police Officer, Mardan as competent authority hereby charge you Constable Imran No. 2621, as follows.

That you, Constable, while posted at Police Lines (Guard DPO Office) is involved in case FIR No. 360 dated 05.05.2014 u/s 452 PPC PS Takht Bhai.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6(1)(a) of the NWFP Police Rules 1975.

By reason of the above, you appear to be guilty of misconduct under section -02 (iii) of the NWFP Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section -04 (i) a & b of the said Rules.

- You are therefore, directed to submit your written defense within seven days of the receipt of this charge sheet to the enquiry officer.
- Your written defence if any, should reach to 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, an ex-parte action shall follow against you.

Intimate whether you desired to be heard in persons.

2.

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(GUL AFZAL KHAN) District Police Officer, ZMardan.

جواله جاج شيط قرار از دنترجناب DPo مناحب مردان معروبن) خدمت بيون- كر مقدمه على فر 360 دور مراحد م 452 APE 452 مرم 452 ما تكان تحت بجمائی مردان کے لیے کے الزام میں کوئی جدافت سر بے -محص أيف داستان أيف احسام ب - في في لذ الزام ما حق ب انك شدافت بر السلال درد كانها، بر وبان جائر واجتات روايو كيس . متنادی مذہرہ ہوں۔ تبلہ بال بچہ دار کھی ہوں ۔ غربت سے دوجار ہوں -تمنيده فتناط رسون كا- كعربار زرميم معاش كا داخد كغيل بيون-مخالف فرلق حقيقت حمان كركوكي رنجست ماققى منين رميي مقدمات كي حنيحة م ظارع بيو حيصًا يول. در حصيت حق كى دامن يا تحر تحمام لياسي - النيز تعالى كى فصل سرم ادر آ منسران بالاصلصان ی میربانی بیر نیمین رکعتا بیون - تایم ما تحت بهروی علیون سمی معافی کا حوست کا بیر ناعر د عاگور بیون کا -۱۱ 30 2621 × 10000 × 1000

فأننل انكوائري ريورب اذ ال كنسليل عمران نمبر 2621 متعينه حال يوليس لائن

جناب عالى!

بحوالہ جارج شیٹ نمبری 599/R مورخہ 21/5/14 موصول ہو کرجسمیں کنسٹیبل عمران نمبر 2621 کے خلاف الزام لگایا کیاہے کہ جب وہ پولیس لائن (گارد DPO صاحب) کی ڈیوٹی پر تعینات تھا تو علت نمبر 360 مورخہ 5/5/14 جرم 452 میں ملزم نامز دہواہے۔رپورٹ میں درج کیاہے کہ سٹیبل مذکورہ مسمی عبدالما لک ولد نور صمیر ساکن حبیب گل کلے کے گھر میں داخل ہو کر مدعی مقد مہ کے ہمشیرہ مسما ۃ ردخانہ کے ساتھ تعلقات بیان ہوا ہے۔ د دران انکوائزی تفتیش افسرشفیع خان ۶۱، جرگه شران ،مسما ة روخانه دلدنو رضمیر اورکنسٹیل عمران نمبر 2621 ے بیانات لئے گئے تغذیب افسرے بیان کے مطابق کہ بحروج کنسٹیل عمران کا مسما ۃ روخانہ کے ساتھ ایک ماہ قبل سے تعلق تھاادر بحروح نے مسما ۃ روخانہ ہے مبلغ ایک ہزاررد یے لئے تھے۔جس کی ادا ٹیگی کے لئے کنسٹیل عمران مسا ۃ ردخانه کے گھر پر جا کرایک ہزارروپے کی واپس کرنا چاہتا تھا جہاں مسما ۃ روخانہ کا بھائی عبدالما الک ولد نور ضمیر ساکچن حبیب کلے نے بہارادہ فائرنگ کر کے جس سے عمران لگ کر ذخمی ہوا۔جس پر سمی عبدالما لک پر مقد مہ علت 359 مورخہ 5/5/14جرم 324 درج رجسٹر ہو چکاہے۔جرگہ شران کے بیان کے مطابق کہ دونوں فریقین کے مابین جو تنازعہ ہیداہوا تھااس کا فیصلہ ایک لاکھ 10 ہزارر ویے پر رامنی نامہ کیا ہے۔مسما ۃ روخانہ کے بیان کے مطابق اس کا عمران کیساتھ کوئی تعلق نیدتھااور نہ ہی وہ عمران کنسٹیبل کو جانتا تھا۔ مذکورہ کنسٹیبل مسما ۃ ردخانہ کے موبائل پر دوزانہ کال کر تاادر ننگ کرتی۔ تنگ آگراس نے عمران کے ساتھ موبائل پر بانٹیں شروع کی ۔مسما ۃ روخانہ شرم کے مارے گھر والوں کو سیجر ہیں بتا سکتی تھی۔ روز وقوعہ پر مذکورہ کنسٹیل ایک غلط خیال سے مسما ۃ روخانہ کے گھر میں داخل ہوا بیان کیا ہے۔ ہیڈ کنسٹیل انور کے بیان کے مطابق مور خہ 5/5/14 کو کنسٹیبل عمران نمبر 2621 کی ڈیوٹی رات 04;00 بج تادن 08:00 تک لگائی گئی تھی بودت 08:00احتتا مڈیوٹی پرور دیا تاریخ اورارام کے لئے چلا گیا تھااس کے بعد بوقت 11.00 بج حسب الحكم DPO صاحب بارك مين جاكر بيدم موجود بإيا كيا جب معلوم ہوا تو مذكوره كنسيبل كے خلاف تقانه تحت بھائی میں دعویداری ہو چکا تھا۔اسلئے مذکور ہنسٹیبل کے خلاف بحوالہ مد 45روز نامچہ 5/5/14 رپورٹ درخ کیاہے۔جوکنسٹیبلان ڈیوٹی سے فارغ ہوکر بازار جانا چاہتا۔ ہےتوان سے اجازت لینا بیان کیا ہے۔ اِس بات میں اُوٹی شک نہیں کہ علاقہ معززین نے ددنوں فریقین کے درمیان راضی نامہ کرکے جو کہ تناز عہ کمل

طور پرختم ہوا ہے مگر مذکورہ کنسٹیبل کا یفعل یقایناً پولیس فورس کے لئے بدنا می کاباعث بنا ہے یہاں تک کہ یہی واقعہ

اخباروں کے صفحات کا بھی زینت بن گیالہٰ داندکورہ سلیل کو اِس نعل پر عبر تناک سزا (Major Punishment دینے کی سفارش کی جاتی ہے تا کہ کوئی آئیند ہ کوئی بھی اہلکاراس طرح کے کاموں سے اجتناب کریں۔ On hight of The engining he is dismissed form bervice on his involvement in insonal activitie and also alwing his police authing (ميان نفيب جان) No:- 463-HQ 1-7-14 ڈیٹی سپر نٹنڈ نٹ آف پولیس ہیڈ کوارٹر مردان

<u>MÀRDAN DISTRICT</u>

DEPARTMENT

<u>order</u>

and a star

Constable Imran No. 2621, while posted at Police Lines(Guard DPO Office) Mardan committed the following acts, which leads to grass misconduct on his part as defined in Rules 02 (iii) of Police Rules 1975.

ويتحدث والمتحد المتح

Brief facts are that Constable Imran No. 2621, while posted at Police Lines (Guard DPO Office) is involved in case FIR No. 360 dated 05.05.2014 u/s 452 PPC PS Takht Bhai.

In this connection, Constable Imran No. 2621, was charge sheeted vide this office No. 599/R, date 21.05.2014 and he was also proceeded against departmentally through inquiry officer, Mian Naseeb Jan DSP/HQrs: Mardan who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 463/HQ: dated $0_{1.07,2014}$, in which the allegations has been established against the defaulter constable.

The undersigned agree with the findings of enquiry officer and the alleged Constable Imran No. 2621, is hereby dismissed from service, in exercise of the power vested in me under the Police rules 1975.

Order announced 0.B No. 1. Dated /2014

. (Gul Afzal Afridi) District Police.Officer, GM a r d a n.

No. 7572-76 Cated Mardan the 7-7 /2014

Copy for information and necessary action to:-

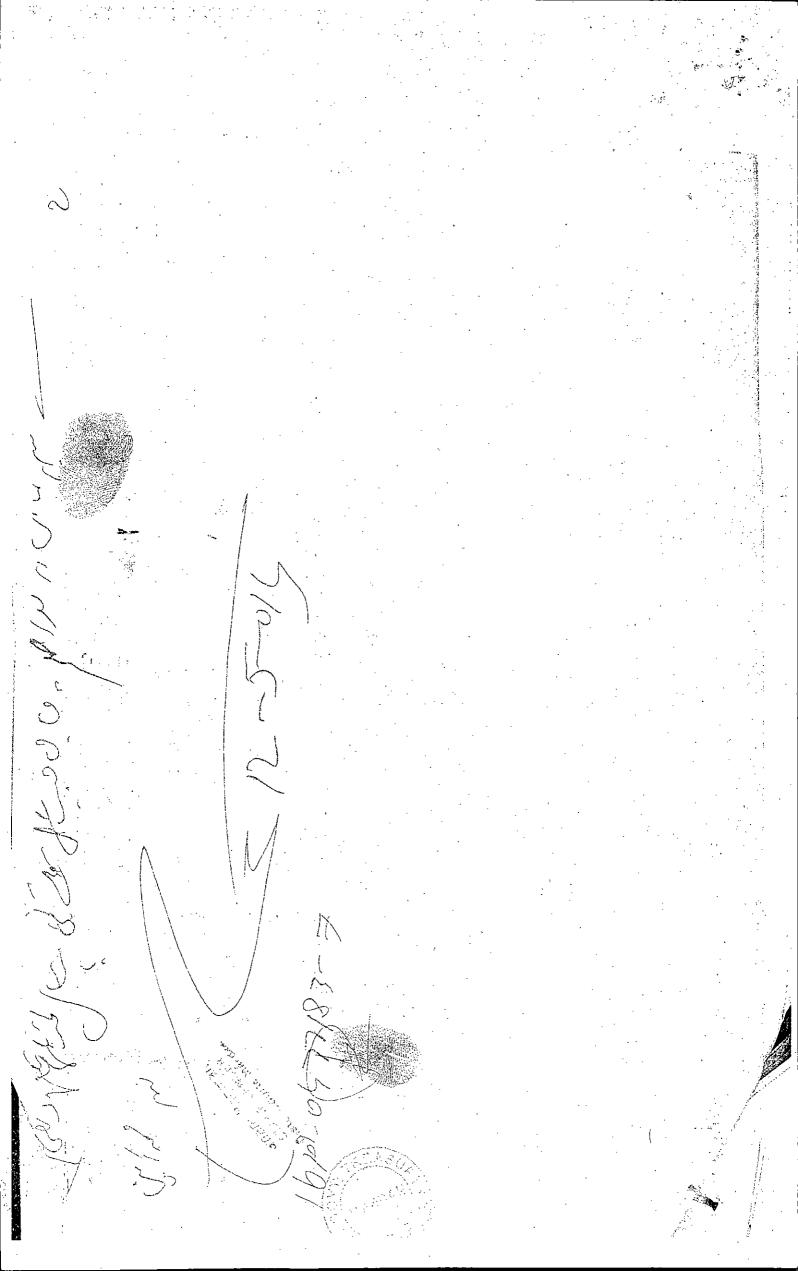
- 1. The Deputy Inspector General of Police Mardan Region-1
- 2. The S.P Operations, Mardan.
- 3. The DSP/HQrs Mardan.
- 4. The Pay Officer (DPO) Mardan.
- 5. The E.C (DPO) Mardan.
- 6. The OASI (DPO) Mardan.

اجمران اطلاق ورورف ابتدائ اطلاع نسبت جرم قابل دست انداز کی بولیس ر پورٹ شدہ زیر دفہ ۲۵۳ مجموعه ضابط فوجداری ipu -ضلع <u>سم دال</u> 31100 - The ost The Est 359 1. 24 1005/2 - 05/25 (1030 - 05/25 - 05/25) \$ 1200 نام دسکون اطلاع د بنده مستغیف تشریران مریسه در ^{رو} به بر⁰ ۵ فتر اسراد به (۱۳۵۰ می از ۲۸ می می از ۲۸ می از ۲۸ م مخفر كيفيت جرم (معددنعه) حال أكم كجهرليا كما ادبه 52.9 Contraction Ster Chipitons حابيئه وتوعد فاصله تحانه سي ادرست نام وسكونت لزم 1 ar stal and and a , K كاردانى جومنيش بمعلق كافكا كراطلاح درج كرفي ش توقف مواموتو دجبان كرد براس الرش مرابي للمرح ما يجر كمن مؤارا سع تحاند _ روانلی کی تاریخ دونت ابتداني اطلاع فيحدرج كروك جرائهم فيوعسا ب مرون د این U 101-1/2 200 1 Ù. عراد (تر في امر 13 20 100 -10 0 (E. (E. JOY S! 6 3 × 103 20 535 (12) 126 DHQ - الرار -The Kei a A Start Brand 13113 M 0 2520 STORIES 18 si-Ps-JB 1310 8 -5-14

. باذبخول إلى موجر ما فادم فبراي 16102-2078286-1 ابتدائی اطلاعی بر لبور مط ۱. تدانی اطلاع نیست جرم قابل دست اندازی پولیس ر بود ف شده زیر دند ۱۵۴ بجموعه ضابط فرجداری نائل فارم تمر ٢٢ - ٥ (١) من معان 360 25 7 1100 2015/14 2005/15 20 5 11 50 0 111 50 ار التدريون <u>كر / كرون</u> 512:20 تا دسکونت اطلال دبنده ستغیث سخس المحالک ول لنور جمعدی دنوال الموس الم المسرالی سرال مخصر كيفيت جرم (معدد فعه) حال اكم كحوايا كما بو_ PPC 452 فالخاق ما مل مان ادرمت معان ادران مسحان روحا من رجمين ازر محد والق بام دسکونت لزم ٥_ مجان حلن ول دل في في الم من الم كاردانى جرميت كم معلق كى اكر اطلار ادرن كرف من توقف مدامدتو دجه بيان كرد الرسيس مرار من حديد براي الم ۷- القاند، ردائل کی تاریخ دونت JPS CM ابتدائي اطلاع فيتحدد ج كرو_ اركب يخرب موجول مردر الم الم ال الترش ورك المركم الم رمد من مرابع مدم من مع مرد مرد مرد مرد مرد ان تسر عن در سراحياكم فقوم انتعان لام المراب المراب - لون رلورده بى فا بر جرد محرو ئى ملاق ب توجرو کمالہ دس وندر درم *تكن حروا*ن وتعه يوتو Det & 3/2, B & S واح سمانة) من قرم شک وش 0 40 vo 12 24 یں درکھا تھا کھ المحمر محاكر ومكف ال ل تکردہ کھا الفرساني المروشين المع ر لُبِسما مر ب زوس م درابا ويعمال لما واطرب يرتسني سے دہ با ر رهی سرا دسر ده گر مس ذوار م خبن زر بهرانی و تکسر مستگاد علم تم قل الم سر ام سے مرد بافر براحدي 1 ر جلان عردن مد بالما من المراق والمرابي مردى مر رل دمو ن تر مر ال ال حد در در Children JUNICAL PRESLA COLUMN bie we of PPC324 13-مبعد مرابع المبتري مس مس مس مربع و مربع السرار من مربع المربع ا مربع المربع المرب اسا معرف ورجرف درج مالا مرد مرح الحرم فون مرد من من النول Fir مدرس مع مس الم · · · · · · ·

. بر روست میک سبب جریست میک میک میک میک میک م المرابع المراجع المراجع المراجع المن المنا المنتي المنا المراجع المراجع المراجع المراجع المراجع المراجع المراجع عديما بد در من من مساعل به عن متم يك بي متم الك الله الله المرام الله الله The set and the set of the and the In a contraction of the second of the one I de contra de prise de la marcina ande a price in a stand of a stand of a stand of the stand يرين شنت من الم كو مرق مل س من شرايا من المر ما الم White The Start of the is in it is it En is a light and in a signed and and a de 12 File Real Contraction in the Contraction 21/2017 in sel in the second مر المشري السود - مر كمراسي ويرجز كأزكان it & p - 50 w find Ass ight a cure to de

Rupees 30 Contraction of the second میں میں جود بنی میں میں میں اور ان میں دوران از مراحد کا میں دوران میں سے دور از میں جب میں جب میں میں میں میں دوران م عرين رو مناه را من سنار عني الله منه من - من مال د مرمسی م Un is the 452 0 5-65 reg 36. في من مدين مدين من مر المالي في شق تسريم المستول مالي الم The side of the Mine man ون میں میں زنانے کرنی میں کرنی میں دورانی نے Right Reinin 1 10/00 / عيرانات أتتن مر رمن رم م , jo , jo , jo in sure i win من من من من من من من من



Or-----04 13.05,2014.

Accused/petitioner; Imran Khan s/o Dilbar Shah r/o Sangao, Katlang, involved in case FIR No.360/14 registered u/s 452 PPC at PS Takht Bhai seeks his release on post arrest bail on the ground of compromise.

Counsel for accused/petitioner, APP for the state and complainant Abdul Malik produced in custody.

Complainant submitted an affidavit Ex. PA, wherein it is averred that he is the complainant of the cited cases wherein charged the present accused/petitioner for the commission of offence.

Now, through intervention of the elders of the locality the matter has been patched up has pardoned the accused/petitioner inconditionally and have got no objection if the accused/petitioner is released on bail. The compromise is genuine and free from any coercion. In support of the affidavit, the statement of the complainant also got recorded before the court. CNIC copy of the complainant is Ex. PA/1 (original produce seen and relurned).

Keeping in view, the affidavit Ex. PA coupled the statement of the complainant, and nature of offence, the instance bail petition is accepted and accused/petitioner is directed to be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- with two surefies each in the like amount to satisfaction of this court. Copy of this order be placed on both files, Record be sent back. File be consigned to record room after its necessary completion and compilation.

Announced 13.05.2014.

Certified to b

(Ijaz I THaq Awam) Judicial Magistrate, Takht Bhik

<u>ORDER.</u>

This order will dispose-off the appeal preferred by **Ex-Constable Imran No. 2621** of Mardan District Police against the order of District Police Officer, Mardan, wherein he was dismissed from service vide District Police Officer, Mardan OB: No. 1556 dated 04.07.2014.

Brief facts of the case are that, he while posted at Police Lines (Guard DPO Office, Mardan) charged in case FIR No. 360 dated 05.05.2014 u/s 452PPC Police Station Takht Bhai . In this connection he was charge sheeted and also proceeded him against departmentally through Deputy Superintendent of Police Headquarter Mardan, who after fulfilling necessary process, submitted his findings to District Police Officer, Mardan, in which the allegations were established against him, therefore he was dismissed from service.

I have perused the record and heard the appellant in Orderly Room held in this office on 03.09.2014 & his case was also secretly verified through I/C DSB, Mardan, wherein in his report the defaulter official was found guilty of the misconduct and also reported that he is not fit for further service as he earned bad name for the Police department. Therefore, I MUHAMMAD SAEED Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal, not interfere in the order passed by the competent authority, thus the appeal is

filed. ORDER ANNOUNCED

S.R. Rund

Deputy Inspector General of Police, Mardan Region-I, Mardan.

/2014.

No. 6202

ÆS.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 663/LB dated 15.07.2014.

His service record is returned herewith.

UB/EC/UASI For Mo, (*****)

Dated Mardan the

The DPo, Mordon

مان اذان معادة اردار ولي المعر من هين مع من من م مر المع مان من المرابع مراجع المرابع ال ى مرموس مول برارزار خال ترارز ار خال ار الحقيق ار اس على عرال ى رس فركتون سى كى تى كى كى كى مارى مى رس كالى كار م الو مو تکر طالوں ہو کچو تہا سکے تعنی ۔ اس جرکیوں سے متب ار مس باغ ال , , , م دور شرط س ول رمان ن م ، بات رم و مول م ما رس و مول م ما رس و م من عران مرار مر مس علو حال / نار ما ق در حل موا عار 32 اس موجد معر من ل ل در مصر اور مرج مار مار معن كر من معل ار اى Ŋ 'Ľ مسون مرير رسي سون اس ما مور مري ما ت جران مساعر ورج مانع من من محم رس داج ما فرس موں ورج ما فرس موں مر این ا ب كريد من كلورتا ان وشريسات فزا الري على س عرب با با با با با با با با المرس زیران کو شاہ ارس کا فلاف من عرالة رجاولا رميري برين رور زيري ترباري في حق 20 4 1 M 2 4 1 W 1 3 Eden and rande 1000

جالية الومان س میں اس سی عمر کا سے مربات کمنا جاستا میوں کر المحلمة أي مماري كو أيار فرى معزل في ال في من رو این و ت ما اور زمر ار ار از این از این محد الم محمد کو راستر رمان تار من اس كر على سطاو ي اس سی میں حرب رائی نظر س) یے اور راج ماج می مح سے اس ال کو ¹ از از اور کے میں اور ان میں کو س ا E Cur 62 & 1 m 10 ? invisition (والالا مرابية مرجا الألاطار من ولالالا

B wing the welling (1) 10 h تردران من رمبرا تشي عمر ن مسابق حرواقع در شي مواجه اس من عراق ، متراب اجرار متراز الم مع رب مامين داخ الله ما - مرا عران باسانة ال كالس مح ما د میں یہ اور مرتب عراف کو ک ماردان کر کا جاستا ہو ل۔ اور اس کو ک معلامة مين بن ن زيرن ما سوال م يو امران مارا جوراس برس د مرا $\frac{-1}{-62} \left(\frac{1}{2} \right) \right) \right) \right) \right) \right) \right) \right) \right)$ الما مسوح من - اور ما الما الما الما الما الم · 6. 94. 160 ر لع ا Abdu Mafild! 100 m in plante <u>زما</u> -الل را obré. 0366-5720 : 01. أدهرهم · ج النسك 16/02 - 8079286-1. لے ما حجر ' س س مو دمر it was Joll "

بان أزان حرد أنورانم <u>1388</u> مصنح وخط طاور موس دمن و^ر ال من المال الم على عن عن ظار مما نظر ومن دفتر من دلول ماذا ك وروها مول، ورج باره وخر بار المراب المرادي و 262 في طول ات ده 64. في فرول ص-80 مج مَنَ قُوْالَ تُحَاقَ وَقِتْ صَ-80. بَحَرُونَ مَنْ وَلَنْ مَا مُوْلُ مَا مُوْلُ دمترمى موجود بارل وردى د كار فروزار كالمك صد كارجد من موسى دفير ك ومن تسل دما جانبال لا توجين ر مرج د دما و مراجوت مر الله ج جا فو مع مدى مرما ، ي زنى مرد من خراف كالمر المر المر الم المر الم المر الم المر الم المر الم الم مع في في في في فرو ما في فرو كا وف يسمى كاط . من نه مارى ما و «ملفا، تو ما نیل مذهر و مدم موج دلفا، جنب فرق وما نیل ما موطرا تقل لفظر دلعا. فرديك د فاقر من فعما فترور تو مدين كي تعين ليس في فير مس في فرين أو خلاب مجر مح فون سی مرا ب فی منا - مراح - مرح ما - روما ما ، مرفر ما فران رس ىت مالى مى دىموران بولى 2-مى زمارى فرى مى مرا ، ى مى كور دفتر] فرن لا لم وجود رصا بول. المل سے مدر اوج] در هر اد هر اس جاماً. نيوند م تسط مت حاك 2. جم فراور ما نيل مزرمة ورار من محل سي ل ونس - ورزمانی محاوی دفترس نوم اس - مزنور میں چرک ماجر ماج محما الحراب بان د بول مارى بع . الم من المرس بر الم والم الم اعلى عدى مور فار فار كر عندف والمر مركة روزنا في حر ورور لم ملف ف جارت موجود مانتين از ماردر جاناط هير من روي ما ماريس ماريس ماريس ١١ ممانتر له مين از مارد سرجا ما ارواز ش لاي وي عن ماريان عرف ماريس ماريس

بان ازان مراق والدو تور در افر من کند کن محال 134-60 تے تعرب مربق کے عرب مس ال فقا - تی تح کورات کے مراب کے کو مرى المر المرجون الملاع وى كم مل والعر الك المحر الك المح نا جران ب المري دورت مالو تعر آنا قدا ، جر مي قعان ف بقل ہر فائریں کرتے رحمی مالی میں ہے لیس کے حوالہ کن الما وفى موى مرى المن كا ج سان به وه فسفت ب néhida Noor el ما توادره افر دو شراف می اند کن محالی Mob !_ 0341-8623625 Str. 1- 1-

مان از ان جر عبع مان الا تحقا محمل لها في الله عالم السحل مردرن مرم بن 35 في تعدم عرب 359 مرزم في 25 مرم لعا PR:432 per 55 ans 360 vier files of a la Cis لقائن لعلى دوام مور دورن لعتي الخر وج عند عران كان وار ديس in the grade of the set of the se ے ساتھ تعلقات سمر مرد حس دس مس رس رس رس ور در اور الم في ح - جوامن رضم و والمس ال مسلمة و. 9 م من سوا لا تح بردر روام عمر لدي عار أيس مرسال و مرار الم الم الل في جن وه من کر رفی موار حد حق محق من حکو می حروف دختر از من سے ممال مر حر ای مان من من مر مر مراکدر غران جر دی کا س لقلق لفا عمران قروب الفي - إحمد روب والس في سال عار كوريا العر امن دوران رادرام عمرالی می اورن و رو تر مراراده قتل فارش ر ز حم) تع 2. دومون عاد مقرم من مربع را العرب را مع ام دونون مرمان أقبار مركز ما من عرالد في هي ما مع مرمي دون مقرم من 36 مراله من ولم من زر من ش من جرب مل المراضي) ور من مرك مرجع بلا حص ما بين و من راح با مر رون م عرالت س مرحلا من 2 الورك و جل م 51 PS-1619 28-6-16 Silien 4 M-Shafu 15/15/14

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 2668 /ST

Dated 13 /12/2017

Τo

The District Police Officer, Government of Khyber Pakhtunkhwa, Mardan.

Subject: <u>IUDGEMENT/ ORDER IN APPEAL NO. 1201/14, MR. IMRAN</u>.

I am directed to forward herewith a certified copy of Judgment/order dated 11/12/2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

ole ĊISŦ KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.