

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 11639/2020

Date of Institution ... 01.10.2020
Date of Decision ... 20.11.2020

Raz Mohammad Constable No. 1362 of District Police Mardan S/O Nek Muhammad R/O Baghicha Dheri Tehsil and District Mardan. ... (Appellant).

VERSUS

District Police Officer Mardan and two others. ... (Respondents)

Present.

Mr. Fazal Shah Mohmand,
Advocate.

... For appellant

MR. HAMID FAROOQ DURRANI,

... CHAIRMAN

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. The facts as laid in the memorandum of appeal are, that the appellant was appointed as Constable in the respondent department on 01.01.2012. During the course of performance of duty a report was entered by SHO of Police Station Par Hoti Mardan in Daily Diary containing the allegation that the appellant was found involved in immoral activities by having illicit relations with some woman. He was proceeded against departmentally and was awarded penalty in terms of quarter guard for eleven days and thereafter dismissal from service. A departmental appeal was submitted by him which could not find favour and was rejected by respondent No. 2. Consequently, a Service Appeal was preferred before this Tribunal. While deciding the appeal, the Tribunal reinstated the appellant on 16.05.2016, with the directions to the respondent department for conducting denovo proceedings against him while the issue of back benefits was left to the outcome of denovo proceedings. The appellant was accordingly reinstated for the purpose on 31.05.2016 and thereafter a denovo enquiry was conducted. The respondent no. 1 agreed with the finding report of the enquiry officer filed the report but without extending back benefits in favour of appellant.

departmental appeal was submitted on 08.05.2018 which was decided on 22.06.2018 in negative.

2. Learned counsel for the appellant heard and available record gone through.

3. It was mainly contended by the learned counsel that once the appellant was exonerated in the enquiry proceedings it was mandatory for the respondents to have allowed him the back benefits also. In this regard, he referred to the judgment reported as 2014-SCMR-1843.

4. It is abundantly clear from the record that the departmental appeal of appellant was decided on 22.06.2018 while the Service Appeal in hand was submitted on 01.10.2020, with a delay of more than two years. The argument of learned counsel has force regarding the extension of back benefits in favour of the appellant, however, simultaneously, the appellant remained indolent for a long period and did not choose to prefer service appeal in time. Needless to note that every wrong order is not a void order requiring the relaxation of period of limitation. In the instant case the requisite procedure was duly observed by the respondents and the order against the appellant was passed by the competent authority.

The appellant also submitted an application for condonation of delay occurring in submission of instant appeal. It is, however, noted that the application did not contain any good ground for the purpose nor any explanation for the delay.

6. For the forgoing, instant appeal does not have merits calling for its admission to regular hearing. It is, therefore, dismissed in limine. File be consigned to the record room.



(HAMID FAROOQ DURRANI)
Chairman

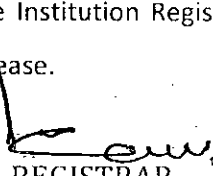

ANNOUNCED
20.11.2020

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 11639 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/10/2020	<p>The appeal of Mr. Roz Muhammad resubmitted today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/11/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Raz Muhammad Constable No. 1362 District Police Mardan received today i.e. on 01.10.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

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


No. 2832 /S.T,

Dt. 02/10 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Fazal Shah Mohmand Adv. Pesh.

Respectfully Submitted;
resubmitted after removal
of objections.


6-10-2020

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 11639 /2020

Raz Mohammad.....Appellant

V E R S U S

DPO & others.....Respondents

I N D E X

S. No	Description of Documents	Annexure	Pages
1.	Service Appeal		1-3
2.	Application for condonation of delay		4
3.	Copy of judgment dated 16-05-2016	A	5-7
4.	Copy of order dated 31-05-2016, charge sheet dated 07-06-2016 & Reply	B, C & D	8-12
5.	Copy of De-novo enquiry of Report dated 08-08-2016	E	13-14
6.	Copy of office Order dated 28-02-2018, Departmental appeal dated 08-05-2018	F & G	15-16
7.	Copy of Order dated 22-06-2018	H	17
8.	Wakalat Nama		18

Dated:-30-09-2020


Appellant
(Raz Mohammad)

Through


FAZAL SHAH MOHMAND
Advocate,
Supreme Court of Pakistan.

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 11639/2020

Raz Mohammad Constable No 1362, of District Police Mardan S/O
Nek Mohammad R/O Baghicha Dheri Tehsil & District
Mardan.....**Appellant.**

V E R S U S

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10859

Dated 01/10/2020

1. District Police Officer, Mardan.
2. Regional Police Officer, Mardan.
3. Provincial Police Officer, KPK Peshawar.....**Respondents.**

22/10/20

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE OFFICE ORDER DATED 22-06-2018 OF
RESPONDENT NO 2, WHERE BY DEPARTMENTAL APPEAL
OF THE APPELLANT FILED AGAINST THE ORDER DATED
28-02-2018 OF RESPONDENT NO 1, HAS BEEN
REJECTED/FILED.**

PRAYER:-

On acceptance of this appeal the impugned Orders 28-02-2018 of
respondent No 1, and order dated 22-06-2018 of respondent No
2, may kindly be set aside and the respondents may kindly be
ordered/directed to give all Service benefits to the appellant w.e.f
12-12-2012 to 30-5-2016.

Respectfully Submitted:-

1. That the appellant was enlisted as Constable in respondent
department on 01-01-2012, where he performed his duties
efficiently and with full devotion. On 29-11-2012 the appellant
while posted to Police Lines Mardan, an incorrect/untrue report
was entered by SHO of Police Station Par Hoti Mardan in Daily
Diary vide D.D No.5 on the allegation that he was found involved
in immoral activities by having illicit relations with some woman.
For which he was awarded with two punishments i.e. confined in
Quarter Guard for 11 days and thereafter dismissal from service
by DPO, Mardan OB No.3286 on 11-12-2012.

2. That the appellant belongs to a destitute but from a respectful
family and is also sole income earner in the whole family. Later,
on 04-02-2013, the appellant filed departmental appeal which
was rejected by respondent No. 2. After having empty handed by
respondents, he knocked the door of the Honorable Service
Tribunal KPK for his reinstatement in service with all back
benefits. Where from, he was reinstated into service on 16-05-
2016 in service appeal No. 524/2013 but with directions to the

Filed to-day
Registrar
01/10/2020

Re-submitted to-day
and filed.
Registrar
01/10/2020

Police Department for conducting a De-novo proceedings against the appellant and the issue of back benefits was left to the outcome of the De-novo proceedings. **(Copy of judgment dated 16-05-2016 is enclosed as Annexure A).**

3. That the respondent No.1 in accordance/adherence with the judgment passed by this Honorable Tribunal, hereby reinstated the appellant in the Police Department for the purpose of de-novo enquiry on 31-05-2016. The appellant resumed duties in respondent's Department on dated 01-06-2016. Respondent No.1 issued Charge Sheet to the appellant upon which DSP Sheikh Maltoon Mardan was directed for inquiry which was accordingly conducted on dated 07-06-2016 and the same was also replied by the appellant accordingly. **(Copy of order, Charge Sheet & Reply is enclosed as Annexure B, C & D).**
4. That after, fulfilling the necessary de-novo enquiry process by the Enquiry Officer and after submitting his finding report to the respondent No.1 which revealed that the appellant was exonerated from charges leveled against him. **(Copy of De-novo enquiry Report dated 08-08-2016 is enclosed as Annexure E).**
5. That by respondent No. 1, being agreed with the finding report of the Enquiry Officer, the enquiry of the appellant was filed ~~with no~~ back benefits vide O.B No. 480 dated 28-02-2018. **(Copy of order dated 28-02-2018 is enclosed as Annexure F).**
6. That the appellant obtained copy of the same order and filed departmental appeal against the order of the District Police Officer, Mardan. Which was rejected by the respondent No. 3 on the ground for not producing proper substantial evidence about his absence, which order was not communicated to the appellant and copy of which was obtained by the appellant on 02-09-2020. **(Copy of departmental appeal dated 08-05-2018 & order dated 22-06-2018 is enclosed as Annexure G & H).**
7. That the impugned Orders dated 28-02-2018 of respondent No 1 and order dated 22-06-2018 of respondent No 2 are against the law, facts and principles of natural justice on grounds inter-alia as follows:

GROUND S:-


- A. That the impugned orders are illegal and void ab-initio.
- B. That mandatory provisions of law and rules have badly been violated by the respondents and the appellant has not been treated according to law and rules and the appellant did nothing that amounts to misconduct.

- C. That the impugned order is based on malafide as the appellant did nothing that would amount to misconduct.
- D. That De-novo inquiry was conducted in the matter wherein the allegations were not established and the appellant was exonerated of the charges accordingly, thus the appellant is entitled to the benefits of the intervening period.
- E. There is no omission or commission on the part of the appellant, thus he couldn't be punished for the fault of others if any.
- F. That the appellant has been punished for no fault he was subjected to departmental action twice but the charges were not established.
- G. The appellant was not employed gainfully anywhere during intervening period and as such too the appellant is entitled to the back benefits of the same period.
- H. That the appellant has more than 8 years' service with unblemished service record.
- I. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

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

Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Dated:-30-09-2020


Appellant
(Raz Mohammad)

Through


FAZAL SHAH MOHMAND
Advocate,
Supreme Court of Pakistan.

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2020

Raz Mohammad.....Appellant

V E R S U S

BPO & others.....Respondents

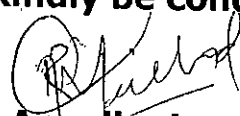
Application for condonation of delay if any

Respectfully Submitted:-

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application.
3. That the impugned appellate order was never communicated to the appellant and he obtained copy of the same on 02-09-2020 hence the appeal is within time.
4. That the question of back benefits being recurring cause of action hence the appeal is well within time.
5. That the law as well as the dictums of the superior Courts also favors decisions of cases on merit.

It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.

Dated:-30-09-2020


Appellant
(Raz Mohammad)

Through

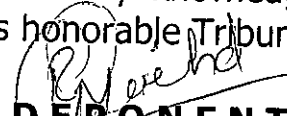

FAZAL SHAH MOHMAND
 Advocate,
 Supreme Court of Pakistan.

ATTESTED

AFFIDAVIT

I, Raz Mohammad, Constable No 1362, of District Police, Mardan, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.




DEPONENT



BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 524/2013

Raz Mohamrad Ex. Recruit Constable No 1362 of District Police Mardan S/O
Nek Mohammad R/O Baghicha Dheri Tehsil and District Mardan.....Appellant

VERSUS

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

53/
05/3/2013

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 11-12-2012 PASSED BY
RESPONDENT NO 1 WHERE BY THE APPELLANT HAS BEEN
DISMISSED FROM SERVICE UNDER POLICE RULES 12-21 OF
POLICE RULES 1975 WITH IMMEDIATE EFFECT AND AGAINST
THE ORDER DATED 04-02-2013 PASSED BY RESPONDENT NO 2
WHEREBY APPEAL OF THE APPELLANT HAS BEEN FILED.

PRAYER:-

On acceptance of this appeal the impugned orders dated 11-12-2012 of respondent No 1 and order dated 04-03-2013 of respondent No 3 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 as Constable on 01-01-2012 and since then performed his duties honestly and with full devotion.
2. That on 29-11-2011 the appellant while posted to police lines Mardan, an incorrect report was entered by the SHO of Police Station Par Hoti Mardan in daily Diary vide DD No 05 alleging that the appellant is involved in Immoral activities and that he had illicit relations with some woman. (Copy of the DD is enclosed as Annexure A).
3. That the appellant was kept in quarter guard for eleven days and was there after on duty when he was informed on 27-12-2012 that he has been

5/3/13

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED



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

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO.524/2013

(Raz Muhammad -vs-District Police officer, Mardan and others).

16.05.2016

JUDGMENT

PIR BAKHSI SHAH, MEMBER:

Appellant with counsel (Fazal Shah Mohmand, Advocate) and Mr. Muhammad Ghani, SI alongwith Mr. Ziullah, GP for respondents present.

2. On the charges of his alleged involvement in immoral activities, the appellant was dismissed from service vide order dated 11.12.2012 and his departmental appeal was also rejected vide order dated 04.02.2013, hence this service appeal under Section -4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

3. Arguments heard and record perused available on file.

4. Learned counsel for the appellant submitted that charge against the appellant is false and there is no evidence on record in its proof but appellant has been unlawfully dismissed from service. He further submitted that no charge sheet, show cause notice or enquiry was conducted in the case and no opportunity of personal hearing was provided to the appellant, therefore, the impugned orders are against the concept of natural justice. He placed reliance on 1997 PLC (C.S) 693 and submitted that this appeal may be allowed, the impugned orders may be set aside and the appellant may be reinstated into service with all back benefits.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED

5. This appeal was resisted by learned Government Pleader on the ground that the appellant was in probation, therefore, no formal disciplinary proceedings were required under the law. He further submitted that daily report vide daily dairy dated 29.11.2012 PS, Parhoti shows illicit relations of the appellant with one Mst. Farceda, therefore, he was rightly dismissed from the Police Service.

6. We have carefully perused the record and have heard pro & contra arguments. It was found that no charge sheet, show cause notice or enquiry proceedings have been conducted against the appellant and opportunity of defense has not been provided to the appellant. SHO is the author of the report of the daily dairy who, in the interest of justice, was required to have been examined in support of the contents of daily diary and the appellant should have been given an opportunity of cross examination on him. The Tribunal is of the considered view that since requirement of the natural justice of defense and hearing to the appellant are lacking in this case, therefore, the Tribunal is constrained to set aside the impugned orders and to remit the case to the respondent-department for *de-novo* proceedings strictly in accordance with law and rules and to give him ample opportunity of defense and hearing. Hence the appeal is decided in the above terms. Needless to mention that for the purpose of *de-novo* proceedings, the appellant is reinstated into service. The issue of back benefits will be subject to outcome of the *de-novo* proceedings. Parties are left to bear their own cost. File be consigned to the record room.


Sd/- Pir Bakht Shah,
Member

Sd/- M. Jamir Nazki,
Member


(MUHA)

Certified to be true copy
EX-107/1987
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ANNOUNCED
16.05.2016


ANNOUNCED

ORDER.

In compliance with the judgment dated 16.05.2016 passed by the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar titled Ex Constable Raz Muhamamd No. 1362 Vs DPO Mardan & Others. The said Ex-Constable Raz Muhammad No. 1362 is hereby re-instated in service for the purpose of denovo departmental enquiry/proceedings.

OB No. 382
Date 31-5 2016.

District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN.

No. 382-38 /EC, dated Mardan the, 31-5 2016.

Copy forwarded to the:

1. Deputy Superintendent of Police SMT with the direction to conduct denovo departmental enquiry.
2. Reader to DPG to issue charge sheet/summary of allegation to the defaulter Constable.

APPROVED

BETTER COPY OF THE PAGE NO. 8

ORDER

In compliance with the judgment dated 16.05.2016 passed by the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar titled Ex-Constable Raz Muhammad No. 1362 Vs DPO Mardan & others. The said Ex-Constable Raz Mohammad No. 1362 is hereby re-instated in service for the purpose of denovo departmental enquiry/proceedings.

OBNo. 1382

Date 01/05/2016.

District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 3939-88/EC, dated Mardan the, 31/05/2016.

Copy forwarded to the:

1. Deputy Superintendent of Police SMT with the direction to conduct deonvo departmental enquiry.
- 2.
- 3.
4. Reader to DPO to issue charge sheet/summary of allegation to the defaulter Constable.

Leak charges

9-

Handwritten signature or name

Handwritten numbers: 6, 33, 1/10, 1/5

Handwritten text: 1382, 11:00, 6/10, 1362

31-5-16

Main body of handwritten text in Urdu script, including the number 1362 and various phrases.

Handwritten signature and name, possibly 'Mun. Pindar'.

Mun. Pindar
01/16/16

ATTACHED

-10 -

"C"

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 186 /R/D.A-P.R-1975.

Dated 07-06-2016

DISCIPLINARY ACTION UNDER KPK POLICE RULES - 1975

I, **Faisal Shahzad** District Police Officer, Mardan as competent authority am of the opinion that **Constable Raz Muhammad No. 1362**, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of KPK Police Rules.1975.

STATEMENT OF ALLEGATIONS

That **Constable Raz Muhammad No. 1362**, In compliance with the judgment of dated. 16.05.2016 passed by the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar, titled Ex Constable Raz Muhammad No. 1362 Vs DPO Mardan & others. In this regard he (Ex Constable Raz Muhammad No. 1362) is recommended for denovo departmental proceeding.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations, Sajjad Khan DSP/Shiekh Maltoon 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.

(Faisal Shahzad) PSP
District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 196 /R, dated Mardan the 07-06- 2016.

Copy of above is forwarded to the:

1. DSP/Shiekh Maltoon Mardan for initiating proceedings against the accused official / Officer namely **Constable Raz Muhammad No. 1362**, under Police Rules, 1975.
2. **Constable Raz Muhammad No. 1362**, 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.

CHARGE SHEET UNDER KPK POLICE RULES 1975

I, Faisal Shahzad District Police Officer, Mardan as competent authority hereby charge you **Constable Raz Muhammad No. 1362**, as follows.

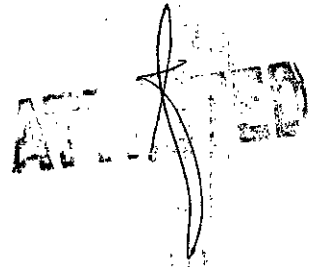
That you Constable, In compliance with the judgment of dated 16.05.2016 passed by the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar, titled Ex Constable Raz Muhammad No. 1362 Vs DPO Mardan & others. In this regard you (Ex Constable Raz Muhammad No. 1362) are recommended for denovo departmental proceeding.

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

1. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the KPK 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 person.



(Faisal Shahzad) PSP
District Police Officer,
Mardan.



"D" جناب عالی!

بحوالہ پارچ شیٹ نمبر 186/R/D.A-PR-1975 جاریہ 07.06.2016 مورڈان ڈسٹرکٹ پولیس میں کرفندی نمبر
 پولیس میں مورڈان 01.10.2012 کو کنسٹیبل کنستبل بھرتی ہو کر اپنی دیوٹی نہایت ایمان داری اور خوش اسلوبی سے انجام دے رہے ہیں۔
 ایک روز مورڈان ڈسٹرکٹ پولیس میں میرے خلاف کی تمام الزام نامیوں جہاں تک میرے خلاف غیر اخلاقی جملوں کی صورت آ رہی تھی
 اخلاقی تعلق کا الزام ہے جو کہ SHO تھانہ پارہوتی اور مسکی اعجاز کالی بھگت ہے دونوں نے میرے خلاف سازشی طور پر ملکر SHO پارہوتی نے میرے
 خلاف رپورٹ بحوالہ مد 05 روزنامہ 29.11.2012 تھانہ پارہوتی درج کر کے جو کہ سراسر بے بنیاد اور بددیہتی پر مبنی ہے۔ یہ ناک مورڈان
 29.11.2012 اور مسکی اعجاز نے میرا دستہ روک کر تھر شروع کی اور اپنے ہتھوڑوں سے مجھ پر تھوڑی بھاری بھاری ضربیں مارنے لگیں۔ اس نے اپنے ایک
 ساتھی کے ساتھ ساتھ SHO پارہوتی کو گھبراہٹ میں دیکھا اور اس نے اس موقع سے جان بچانے کے لئے SHO صاحب
 کو آگے بڑھایا۔ SHO صاحب نے میرے خلاف جھوٹے مہم کی رپورٹ درج روزنامہ کی اور مسکی اعجاز نے خلاف کوئی کارروائی تسلیم نہیں
 کی۔ اور میرے خلاف کارروائی کی خاطر فائرنگ رپورٹ انسران بالائی خدمت میں غلط انداز میں پیش کر کے جس پر SHO صاحب نے مجھے
 مورڈان ڈسٹرکٹ پولیس برادری اور اسٹیشن ختم کواٹنگ میں رکھا بعد میں مورڈان 28.12.2012 تک اپنی دیوٹی پر مامور رہا۔ اس دوران
 صاحب (DPO) صاحب نے مجھے مورڈان پولیس نمبر 3286 جاریہ 11.12.2012 کو نوکری سے نکال دیا۔ اس کے بعد میں مورڈان ڈسٹرکٹ پولیس
 اور اس دوران پولیس میں شہرہ آفاق اور ایسی اپنی منگانی پیش کرنے کا موقع دیا گیا۔ چونکہ مسائل ایک غریب گھرانے سے تعلق رکھتے ہیں اس لیے
 آمرانہ رویہ اس کے بنیاب DIG صاحب کو نوکری پر بحال کرنے کی اپیل کی لیکن میری اپیل فائل کی گئی۔ بعد میں اس عدالت میں اس نے پولیس
 تھانہ پارہوتی اور مسکی اعجاز کی جانب سے مورڈان ڈسٹرکٹ پولیس میں مورڈان ڈسٹرکٹ پولیس میں مورڈان ڈسٹرکٹ پولیس میں مورڈان ڈسٹرکٹ پولیس میں
 مورڈان ڈسٹرکٹ پولیس میں مورڈان ڈسٹرکٹ پولیس میں مورڈان ڈسٹرکٹ پولیس میں مورڈان ڈسٹرکٹ پولیس میں مورڈان ڈسٹرکٹ پولیس میں

31.12.2012 مورڈان ڈسٹرکٹ پولیس

میرے ساتھ کہ اس کی افواہی لوفاش کرنے اور اس کو تمام معاملات تا ابتدا جاننے کے احکام دیے گئے ہیں۔ اس لیے
 مورڈان ڈسٹرکٹ پولیس میں مورڈان ڈسٹرکٹ پولیس میں مورڈان ڈسٹرکٹ پولیس میں مورڈان ڈسٹرکٹ پولیس میں مورڈان ڈسٹرکٹ پولیس میں

الذی

کنستبل راز محمد نمبر 1362 متعینہ پولیس لائن مورڈان۔

ATTACHED

جناب عالی!

بجوالہ چارج شیٹ نمبر 186/R/A-PR-1975 مجاریہ 07.06.2016 معروض خدمت ہوں کہ فدوی محکمہ پولیس میں مورخہ 01.10.2012 کو بحیثیت کانٹیبیل بھرتی ہو کر اپنی ڈیوٹی نہایت ایمانداری اور خوش اسلوبی سے ادا کرتا رہا ہوں۔ جناب عالی! مجھے جو چارج شیٹ دیا گیا ہے اس میں میرے خلاف کسی قسم کا الزام عائد نہیں جہاں تک میرے خلاف غیر اخلاقی کاموں اور کسی عورت کے ساتھ غیر اخلاقی تعلق کا الزام ہے جو کہ SHO تھانہ پار ہوتی اور مسمی اعجاز کا ملی بھگت ہے دونوں نے میرے خلاف سازشی طور پر مل کر SHO پار ہوتی نے میرے خلاف رپورٹ بجوالہ مد 05 روز نامہ 29.11.2012 تھانہ پار ہوتی درج کر کے جو کہ سراسر بے بنیاد اور بد نیتی پر مبنی ہے کیونکہ مورخہ 29.11.2012 کو مسمی اعجاز نے میرا راستہ روک کر تکرار شروع کی اور اپنے پستول سے مجھ پر تخویف بھرمانہ کی خاطر فائرنگ کی میں نے اپن ایک رشتہ دار کے ذریعے SHO پار ہوتی کو اطلاع دیکر جو ہی SHO موقع آ کر مسمی اعجاز و دیگر ساتھی موقع سے بھاگ نکلے تھے میں نے SHO صاحب کو سارا ماجرہ سنایا لیکن SHO صاحب نے میرے خلاف جھوٹ موٹ کی رپورٹ درج روز نامہ کی اور مسمی اعجاز کے خلاف کوئی کارروائی عمل میں نہیں لائی گئی اور میرے خلاف کارروائی یکطرفہ کر کے رپورٹ افسران بالا کی خدمت میں غلط اناز میں پیش کر کے جس پر جناب DPO صاحب نے مجھے کوارٹر گارڈ میں بند کیا اور 11 دنوں تک کوارٹر گارڈ میں رکھا بعد میں مورخہ 28.12.2012 تک اپنی ڈیوٹی پر مامور رہا اور اسی روز میں معلوم ہوا کہ جناب DPO صاحب نے مجھے بجوالہ آرڈر نمبر 3286 مجاریہ 11.12.2012 کو نوکری سے فارغ کیا ہے اس ضمن میں مجھے نہ کوئی شو کا نوٹس نہ چارج شیٹ و انکوائری اور نہ ہی اپنی صفائی پیش کرنے کا موقع دیا گیا چونکہ سائل ایک غریب گھرانے سے تعلق رکھتا ہے نوکری کے سوا کوئی آسرا نہیں تھا اس لئے جناب DIG صاحب کو نوکری پر بحال کرنے کی اپیل کی لیکن میری اپیل فائنل کی گئی بعد میں نے عدالت سروس ٹریبونل خیبر پختونخوا ایشیا اور کو اپنی بے گناہی ثابت کرنے اور نوکری کی بحالی کیلئے رٹ داخل کیا جو منظور ہو کر جس پر عدالت حضور نے بوجہ رپورٹ میں صداقت نہ ہونے اور فدوی کو صفائی کا موقع نہ دینے کی وجہ سے نوکری پر بحال کرنے احکامات صادر فرما کر جناب DPO صاحب نے بجوالہ آرڈر بک نمبر 1382 مورخہ 31.05.2016 کو نوکری پر بحال کیا۔

استدعا ہے کہ سائل کی انکوائری کو فائل کرنے اور سائل کو تمام مراعات تا ابتداء دینے کے احکامات صادر فرمائیں سائل آپ کے اور آپ کے بچوں کی خوشحالی اور دراز عمری کیلئے ہمیشہ دعا گو رہے گا۔

العبد

کانٹیبیل راز محمد نمبر 1362 متعینہ پولیس لائن مردان

DE NOVO INQUIRY AGAINST CONSTABLE RAZ MUHAMMAD NO. 1362

Memo:

Kindly refer to your office diary No.186/R dated 07.06.2016.

ALLEGATION:-

That Constable Raz Muhammad No.1362, In compliance with the judgment of dated 16.05.2016 passed by the Honorable Khyber pakhtunkhwa service tribunal Peshawar, titled Ex constable Raz Muhammad No.1362 Vs DPO Mardan & Others. In this regard he (Ex Constable Raz Muhammad No.1362) is recommended for denovo departmental proceeding.

Charge sheet with statement of allegations were issued to and served upon the alleged official and the inquiry was entrusted to the undersigned for proper probe.

PROCEEDINGS:-

Inquiry proceedings were initiated. The official was also summoned to this office, heard in person and was provided an ample opportunity of his self defense. The alleged constable submitted his reply to the charge sheet wherein he stated in his statement that DD No.05 dated 29.11.2012 of PS Par Hoti against him (Constable Raz Mohammad No.1362) about illegal relation with girl and through which he was dismissed is false and fabricated. He stated that on that day Ijaz stopped him in the jurisdiction of PS Parhoti and start quarrel with him and aim a pistol to him and start firing on him as like as he was an accused. During that he informed the SHO Parhoti through a relative about this act. When Ijaz and other saw the police they ran away. He told all the situation to the SHO Parhoti. But the SHO wrote a report against him in the Daily Dairy and did not took any action against the person Ijaz. The report was moved to the High Ups in the Police Department in wrong way. On that DD report he was sent to Quarter Guard Police Line. He was released from Quarter Guard after 11 days and he joined his duty again. On 28.12.2012 he was informed that he was dismissed from service. Before the dismissal of him no show cause no charge sheet delivered him and nor the High Ups gave him a chance for summoning him in his self defense.

In this regard the DD Report No.05 dated 29.11.2012 of PS Parhoti was obtained in which it was written that during patrolling the SHO was informed about the matter and reached to the spot there he saw that constable Raz Mohammad No.1362 posted at Police Line met and stated that he has relation with a girl namely Farida W/o unknown R/o Ooch Arab and came to her home on her wish. When he was exiting from the place of Farida, on the way a person Ijaz s/o Unknown r/o Bako Neher caught him stated and that "I already told you that don't come here why you came here" and also beating/insulting him very badly and trying to remove the cloth and aim pistol. The alleged constable ran away from Ijaz towards ring road there he met with SHO Parhoti and told the matter. The SHO entered the situation in the Daily Dairy vide DD show above and move the DD report to high-ups. (DD Report enclosed)

It is also mentioned here that the dispute between Constable Raz Mohammad and other party namely Ijaz & others etc has been solved now and both want no more action against each other.

4
[Signature]

PREVIOUS RECORD.

Besides previous service record of the alleged constable was obtained from establishment clerk (enclosed in original) which revealed that the official was enlisted in police department on 01.10.2012, and during his service he has not remained absent, except that only 01 bad entry was found against him on service record.


FINDINGS:-

From record and statement, it has been revealed that the alleged Constable Raz Mohammad No.1362, posted at Police Line Mardan, was having illegal relation with a girl at that time but has been solved now. He was newly joined the Police Department and was not matured. Although he stated that he will never do again such like shameful activities in police department.


Keeping in view the above facts and circumstances, it is recommended that the alleged constable Raz Mohammad No.1362 may please be exonerated from the charges level against him and he may be kept under observation for six (06) months.


No. 552 /SMT
Dated. 8-8- /2016.

E=(10)


Deputy Superintendent of Police,
S.M.T-Circle.
6-8-16

Baal / 1
Good / Nil

Approved
1

13/03/17


ATTACHED

درخواست برآمد بحال کرنے سابقہ مراعات

جناب عالی!

مورد بانہ گزارش ہے کہ مسائل ایک نہایت غریب اور عزت دار گھرانے سے تعلق رکھتا ہے اور گھر کا واحد ذمہ دار سر براد ہے
مسائل سال 2012 کو محکمہ پولیس ضلع مردان میں بحیثیت کنسٹیبل بھرتی ہو کر تاحال اپنی ڈیوٹی نہایت ایمانداری اور خوش اسلوبی سے
سزا انجام دے رہا ہے اور افسران بالا صاحبان کو کسی قسم کی شکایت کا موقع نہیں دیا ہے۔

پس منظر حالات: یوں ہے کہ علاقہ تھانہ پار ہوتی میں ہمارے رشتہ داران ہیں مورخہ 29.11.2012 کو میں اپنے
ایک رشتہ دار کے گھر آیا تھا جہاں پر رسمی اعجاز علی جسکے ساتھ تقریباً دو دن قبل میرا زبانی تکرار ہوا تھا پہلے سے موجود تھا نے مجھے دیکھتے ہی مجھ پر
پستول ایم کر کے مجھے کہا کہ کپڑے اتارو، وہاں پر اسکے ساتھ میری ہاتھ پائی ہو کر میں وہاں سے بھاگ نکلا اور قانونی کارروائی کیلئے تھانہ پار
ہوتی جا رہا تھا کہ راستہ میں SHO تھانہ پار ہوتی ملاقی ہو کر اسکو کو سارا واقعہ سنایا، شاید وہ پہلے سے اعجاز علی مذکورہ کو جانتا تھا میری قانونی داد
رسی کے بجائے میرے خلاف سازشی و بددیانتی پر محیط رپورٹ بحوالہ عد 05 روزنامہ 29.11.2012 تھانہ پار ہوتی درج کر کے یہاں
سے میرے ساتھ نا انصافی شروع ہوئی اور اسی رپورٹ پر افسران بالا صاحبان نے مجھے 11 دن تک کوارٹر گارڈ میں بند کرنے کے بعد مجھے
اپنی صفائی پیش کرنے کیلئے نہ کوئی شو کاز نوٹس یا چارج شیٹ وغیرہ جاری کئے بلکہ جیسے ہی مجھے پتہ چلا تو مجھے نوکری سے بحوالہ آرڈر بک نمبر
3286 مورخہ 11.12.2012 درخواست کیا۔ بعد میں مسائل نے عدالت سروس ٹریبونل میں اپیل دائر کر کے عدالت نے انصاف پر مبنی
فیصلہ کر کے من مسائل کو نوکری پر دوبارہ بحال کیا اور ڈینو انکو آئری کرنے کا حکم صادر فرمایا۔ جس میں صاحب DSP صاحب شیخ ملتان نے
انکو آئری شروع کر کے دوران انکو آئری مجھے الزامات عائد شدہ سے بری ذمہ قرار دیا۔ جس پر جناب DPO صاحب مردان نے سابقہ
مراعات دئے بغیر ڈینو انکو آئری بحوالہ آرڈر بک نمبر 480 مورخہ 28.02.2018 قائل کی۔

مسائل نے جتنا عرصہ بلا نوکری گزارا ہے گھر کی ضروریات زندگی قرض پر پوری کی ہے جسکی وجہ سے مسائل کافی مقروض ہو
چکا ہے۔ بذریعہ درخواست اپیل ہمدردانہ استدعا ہے کہ آپ صاحبان مسائل کو نوکری کے سابقہ مراعات بحال کرنے کے احکامات صادر
فرمائیں۔

تحریر 08.05.2018

العارض



کنسٹیبل راز محمد نمبر 2878/1362 متعینہ گارڈ پچھری ضلع مردان۔

ATTACHED

-17- "H"


D. 201

ORDER.

This order will dispose-off the appeal preferred by Constable Raz Muhammad No. 2878/1362 of Mardan District Police against the order of the District Police Officer, Mardan whereby he was awarded Major Punishment of dismissed from service, vide District Police Officer, Mardan OB No. 480 dated 28.02.2018.

Brief facts of the case are that he while posted at Police Lines, the appellant was found involved in immoral activities by having illicit relations with one Mst: Farida w/o unknown resident of "Oach Erab" in this connection the SHO of Police Station Par Hoti has entered a report in daily diary vide Mad No. 5, dated 29.11.2012. Later on the defaulter Constable prepared an appeal to W/DIG Mardan Region, which was rejected, so that he knocked the door of the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar, wherefrom, he was reinstated in service on 16.05.2016 with directions to Police Department for conducting a De-novo Enquiry, which was conducted through Mr. Sajjad Khan, DSP/Sheikh Maltoon Mardan vide District Police Officer, Mardan office Charge Sheet No. 186/R, dated 07.06.2016, who after fulfilling necessary process, submitted his finding report to this office vide District Police Officer, Mardan office Endorsement No. 552/SMT, dated 08.08.2016, The Enquiry Officer exonerated the alleged Constable from charges level against him with keeping under observation for six months. The District Police Officer, Mardan agreed with the finding report of the Enquiry Officer and the enquiry of the alleged Constable Raz Muhammad No. 2878/1362 was filed with no back benefits vide OB No. 480 dated 28.02.2018.

He was called in orderly room held in this office on 20.06.2018 and heard him in person, but he did not produce any substantial evidence about his absence. Therefore, I find no grounds to intervene the order passed by the District Police Officer. **Hence Appeal is rejected.**


w/c (Muhammad Alam Shinwari) PSP
Regional Police Officer,
Mardan

No. 3925 /ES, Dated Mardan the 22 - 6 - 2018.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 420/LB dated 12.06.2018. The Service Record is returned herewith.

(*****)


ATTACHED

