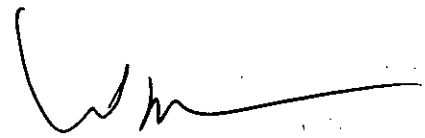


10.01.2022

Learned counsel for the appellant present. Mr. Kabirulah Khattak,
Additional Advocate General for respondents present.

Learned counsel for the appellant requested for withdrawal of
the instant service appeal. In this regard his signature was obtained in
the margin of order sheet. Consequently the present service appeal is
hereby dismissed as withdrawn. No order as to costs. File be consigned
to the record room.

Announced
10.01.2022



(Atiq-Ur-Rehman Wazir)
Member (E)

9
By withdrawal of instant appeal
Kabirulah Khattak
Advocate

17.08.2021

Since 17.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 18.10.2021 for the same as before.



Reader

18.10.2021

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Due to general strike of the bar, learned counsel for the appellant is not in attendance. Case to come up for arguments on 10.01.2022 before the D.B.



(Salah-ud-Din)
Member(J)



Chairman

16.11.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and procure reply/comments. Last opportunity is granted. To come up for reply/comments on 05.01.2021 before S.B.


Chairman

05.01.2021

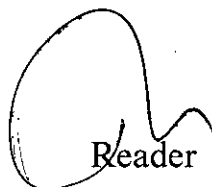
Counsel for the appellant and Addl. AG for the respondents present.

Respondents have not furnished the requisite reply/comments despite repeated opportunities including last opportunity. The matter is posted to D.B for hearing on 26.04.2021.


Chairman

26.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 17.08.2021 for the same as before.


Reader

10.07.2020

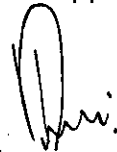
Counsel for the appellant present.

Contends that final show cause notice was issued against the appellant on 09.03.2020 wherein he was allowed seven days period for submission of reply as well as personal appearance. On the other hand, the impugned order by respondent No. 1 was also passed on 09.03.2020. The fact clearly shows that proper/regular enquiry was never held against the appellant.

Subject to all just exceptions, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 17.08.2020 before S.B. The respondents shall also provide complete record pertaining to the departmental enquiry against the appellant.

Appellant Deposited
Security Process Fee
10/7/20

10/7/20



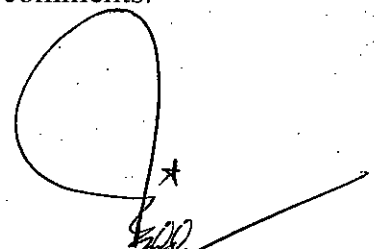
Chairman

17.08.2020

Appellant in person present. Mr.Ziaullah, DDA for respondents present.

Written reply not submitted. Notices be issued to the respondents for submission of written reply/comments.

Adjourned to 23.09.2020 before S.B.



(Mian Muhammad)
Member(E)

23.09.2020

Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks further time for submission of reply/comments. He is required to contact the respondents regarding submission of requisite reply/comments on 16.11.2020.




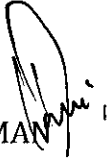
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 5685 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/06/2020	<p>The appeal of Mr. Haji Muhammad presented today by Mr. Saadullah Khan Marwat 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>10/07/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. **5073**/2020

Haji Muhammad

versus

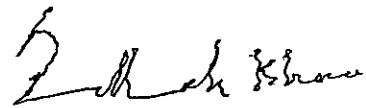
DPO & Others

I N D E X

S. No.	Documents	Annex	P. No.
1.	Memo of Appeal		1-5
2.	Naqal Mad, dated 14-01-2020	"A"	6
3.	Charge Sheet / Allegations	"B"	7-8
4.	Letter dated 06-02-2020	"C"	9
5.	Reply to Charge Sheet	"D"	10-11
6.	Enquiry dated 03-03-2020	"E"	12-13
7.	Final Show Cause Notice dated 09-03-20	"F"	14
8.	Reply to FSCN dated 09-03-2020	"G"	15
9.	Order dated 09-03-2020	"H"	16
10.	Departmental appeal dated 26-03-20	"I"	17-18
11.	Rejection order dated 03-06-2020	"J"	19-20

Appellant

Through



Saadullah Khan Marwat
Advocate

21-A, Nasir Mansion,
Shoba Bazaar, Peshawar

Ph: 0300-5872676

0311-9266609

Dated: 09-06-2020

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. **5093** /2020

Haji Muhammad S/O Muhammad Noshad,
R/O Ghalader Koroona, Nowshera,
Ex – Sub-Inspector / SHO
Police Station Kalu Khan, Swabi Appellant

Khyber Pakhtukhwa
Service Tribunal

Diary No. 5011

Dated 10/06/2020

Versus

1. District Police Officer,
Swabi.
2. Regional Police Officer,
Mardan.
3. Provincial Police Officer,
KP, Peshawar Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OB NO. 306 dated 09-03-2020 OF R. NO.
01, WHEREBY APPELLANT WAS COMPULSORY
RETIRED FROM SERVICE AND OFFICE ORDER NO.
3503-04 / ES DATED 03-06-2020 OF R. NO. 02,
WHEREBY MAJOR PUNISHMENT OF COMPULSORY
RETIREMENT FROM SERVICE INTO MAJOR
PUNISHMENT OF REDUCTION IN RANK FROM SUB-
INSPECTOR INTO RANK OF ASSISTANT SUB
INSPECTOR WAS MODIFIED:

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That on 28-03-1988, appellant was appointed as Constable and on satisfactory performances of services promoted to the rank of Head Constable. The said process of promotion was in-vogue when he was promoted to the rank of Assistant Sub-Inspector and thereafter to the rank of Sub-Inspector in the year, 2016.

Filed to day
7/6/20
Registrar

2. That appellant during the aforesaid period served in various Police Stations and no complaint, whatsoever, was advanced against him.
3. That on 01-01-2020, appellant was posted as SI / SHO in Police Station Kalu Khan and when assumed the charge and on going through the record, he came to know that Police Station Kalu Khan was encircled by notorious criminals, outlaws and Proclaimed Offenders whereby numerous FIRs were registered against them in the Police Station. Appellant tried his best to eradicate the criminals and then on 14-01-2020, Naqal-e-Mad No. 20 was registered whereby one PO namely Yousaf Amir alias Amir S/O Said Ghafoor R/O Kalu Khan was entered and on account of his bes performance, the said PO was arrested on the said date which arrest was brought into the knowledge of high ups. (Copy as annex "A")
4. That due to the aforesaid dedicated performances, appellant was, in utter dis-regard, served with Charge Sheet along with Statement of Allegations to the effect receiving illegal gratification and providing un-necessary help to the notorious PO namely Yousaf Amir alias Amir by R. No. 01. (Copy as annex "B")
5. That in the said Charge Sheet Janzada SDPO Swabi was appointed as Inquiry Officer to conduct proper departmental enquiry against appellant into the matter.
6. That appellant was in inimical position with the said SDPO as he demanded to hand over vehicles impounded by him in cases which demand was flatly refused as the same were required in Investigation, so on 06-02-2020 (wrongly written as 06-01-2020), Appellant submitted application before R. No. 01 showing no confidence in the said SDPO / Inquiry Officer. The said letter was marked to DSP Topi for enquiry on 06-02-2020. (Copy as annex "C")

7. That the said Charge Sheet was replied by appellant by giving back ground of the Charge Sheet and denied the Allegations. (Copy as annex "D")
8. That enquiry into the matter was initiated but the same was not conducted as per the mandate of law without recording statement of witnesses / concerned, yet on 03-03-2020, the objected Inquiry Officer submitted Inquiry Report to the authority and recommended appellant for award of suitable punishment, if approved by the authority. (Copy as annex "E")
9. That on 09-03-2020, appellant was served with Final Show Cause Notice by R. No. 01 without supplying departmental proceedings to him which was replied on the said date. i.e. 09-03-2020 and denied the allegations. (Copies as annex "F" & "G")
10. That on 09-03-2020, major punishment of compulsory retirement from service was imposed upon appellant by R. No. 01. (Copy as annex "H")
11. That on 26-03-2020, appellant submitted departmental appeal before R. No. 02 for reinstatement in service which was rejected by him on 03-06-2020. (Copy as annex "I" & "J")

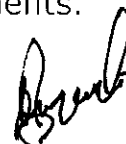
Hence this appeals, inter alia, on the following grounds:

GROUND S:

- a. That in the body of appeal, it was asserted that Police Station, Kalu Khan was encircled by Criminals / Robbers / Thieves / Outlaws / Proclaimed Offenders especially, by Yousaf Amir who was involved in numerous FIRs for different crimes.
- b. That prior to posting of appellant in PS Kalu Khan, no one showed any bravery to arrest the notorious Proclaimed Offenders, Amir to show performance to the high ups. Appellant arrested the said PO on 14-01-2020. The high-ups were ethically and legally bound to award him Commendation Certificates and cash prizes but instead, he was booked for proceedings despite the fact that he has shown no confidence over the Inquiry Officer due to personal grudges / enmity.

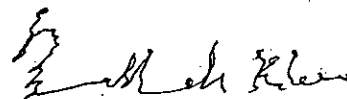
- c. That even then, the Inquiry was not conducted as per the mandate of law as no statement of any concerned was recorded nor appellant was afforded opportunity of cross examination what to speak of providing self-defense and personal hearing in the matter being mandatory.
- d. That in the matter appellant was awarded major punishment of compulsory retirement from service which was modified into major punishment of reduction in rank from SI to ASI, meaning thereby that no relief was awarded to him in the matter.
- e. That appellant was SHO of the PS on Operation side and has nothing to do with Investigation, he in his own capacity performed his official duties up to the mark and cannot compel the court to do this or that.
- f. That general allegations were leveled against appellant of receiving illegal qualification and providing unnecessary help to the PO, yet in fact the same has no concern with him nor no proof to this effect was brought on surface by the respondents.
- g. That as and when no confidence was shown by the appellant over the Inquiry Officer, it was mandatory for the authority to change the same. All the proceeding against him were based on malafide.
- h. That astonished and the interesting one is that all the proceedings were carried out on one and the same date, i.e. 09-03-2020, serving with Final Show Cause Notice, reply to the same and punishment.
- i. That Inquiry Officer recommended appellant for "**suitable punishment**" and not for major penalty, so the orders are illegal on this score alone.
- j. That appellant was due for promotion to the post of Inspector but was deprived from the same due to the case in hand.

It is, therefore, most humbly prayed that on acceptance of the appeal, orders dated 09-03-2012 or 03-06-2020 of the respondents be set aside and appellant be restored to his original rank of Sub-Inspector with all consequential benefits.




Appellant

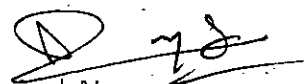
Through



Saadullah Khan Marwat



Arbab Saiful Kamal



Amjad Nawaz

Advocates

Dated: 09-06-2020

B

7

CHARGE SHEET

Whereas I am satisfied that formal enquiry as contemplated by Khyber Pakhtunkhwa Police Rules 1975 is necessary and expedient.

And whereas I am of the view that the allegations if established would call for Major/Minor penalty as defined in Rules 4(b) a & b of the aforesaid Rules.

Now therefore as required by Rules 6(1) of the aforesaid Rules I **Imran Shahid, PSP**, District Police Officer, Swabi charge you **SI Hajji Muhammad** on the basis of statement of allegations attached to this charge sheet.

In case your reply is not received within seven days without sufficient cause it will be presumed that you have no defence to offer and exparte action will be taken against you.

Date of Presentation of Application: 16-3-2020
 Copying Fee: NIL
 Total Pages: (12)
 Name of Copyist: Rasool Ak.
 Date of Copying: 19-3-2020
 Date of Delivery of Copy: 19-3-2020

9 - - -
 District Police Officer,
 Swabi.

ATTESTED

[Signature]
 P/O
 District Police Officer, Swabi.

[Signature]
[Signature]


SUMMARY OF ALLEGATIONS

It is alleged that SI Hajji Muhammad, while posted as SHO Police Station Kalu Khan received illegal gratification and provided unnecessary help to the most notorious PO namely Yousaf Aamir alias Aamir S/o Said Ghafoor R/o Kalu Khan who was involved in the following different cases: -

1. Case FIR NO. 96 Dated 28.01.2019 U/s 324/34 PPC PS Kalu Khan
2. Case FIR NO. 299 Dated 09.4.2019 U/s 506/452/354/34 PPC PS Kalu Khan
3. Case FIR NO. 332 Dated 21.04.2019 U/s 324/109/34 PPC PS Kalu Khan
4. Case FIR NO. 507 Dated 14.06.2019 U/s 506/447/511 PPC PS Kalu Khan
5. Case FIR NO. 313 Dated 13.10.2019 U/s 324/353 PPC PS Kalu Khan
6. Case FIR NO. 964 Dated 06.12.2019 U/s 9-DCNSA/11-BCNSA PS Kalu Khan
7. Case FIR NO. 1004 Dated 16.12.2019 U/s 302 PPC PS Kalu Khan
8. Case FIR NO. 1005 Dated 16.12.2019 U/s 324 PPC PS Kalu Khan

All this shows inefficiency, lack of interest in official work and misconduct on the part of **SI Hajji Muhammad**, which entails proper departmental action, hence summary of allegations..

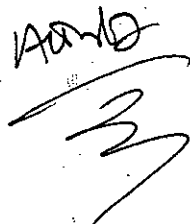
MR. JAN ZADA, SDPO SWABI is appointed to conduct proper departmental enquiry against him.


District Police Officer,
Swabi.

No. 07 /CC/PA,
Dated 30/01/2020.

ATTESTED


District Police Officer, Swabi.



صہا۔ علاء
 بہ امر قابل ذکر ہے کہ دوران تعیناتی بطور SHO
 من سائل نے محرم اشتہاری کے ٹھکانوں پر مختلف اوقات
 پر جمعہ روزی کی حوالہ دوران مختلف اسلحہ ہر آمد کرنے
 فقہات درج، عسکر کے جس میں قابل ذکر امر یہ ہے
 کہ صہا ہر آمد کرنے اسلحہ جات کو دوران تعینات ملزم نے
 اسلحہ سے اس نے اپنے بھائی کا قتل کیا کی نشاندہی کی جسکو
 تریہ تصدیق کے لئے FSL لیسا اور بحجور لیا گیا جسکی رپورٹ مثبت موصول
 ہو کر شامل مشل کی گئی۔

صہا۔ علاء
 عودیا بزرگزارش ہے کہ میرے خلاف حوالہ الزامات
 عائد کیے گئے ہیں وہ جنہ از وقت میں کہو تکہ ملزم کا ماہانہ
 ٹرانسٹیل ہوگا اور بعد ٹرانسٹیل ملزم کی جینر سٹیٹ اور گے تباہی ثابت
 ہوئی اور اگر خدا خواستہ ملزم فقہات میں مستقبل میں مری
 ہو جائے اور فصلے میں من سائل کی کسی قسم کی کو تباہی یا غیر قانونی
 امداد ثابت ہو تو جب تک قصور وار عفر ایجا جائے۔ میں نے حجم کارروائی
 صہا ملزم کو کسی صورت کوئی نئی غیر قانونی امداد یا رعایت نہیں دی سمجھا واضح
 ثبوت مشل مقدمہ میں سے گناہ ہوں سائل کی زینوار کی دراصل دفتر کرن
 کی اسد عا کی جائے۔ سائل تا صبر دعا گو رہے گا۔

0317-9658989
 17201-2276184-1



ATTESTED

District Police Officer, Swabi.

طی محمد حکان ای سائبر سہارا کا اراخان

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بیان اذان SI حاجی محمد سابقہ SHO ٹھکانہ کالو خان حال پولیس اسٹیشن

بجلف بیان کیا کہ صدر ۲ خلیفہ خارج سٹیٹ میں علامہ زکریا الزماں نے بنیاد اور اصل عقائد کے برعکس ہیں۔ اصل عقائد کچھ یوں ہے کہ میں مسائل کو کچھ عرصہ قبل ٹھکانہ کالو خان میں بطور SHO تعینات کیا گیا۔ جس وقت میں مسائل کی تعیناتی کی گئی تو اس وقت علامہ کالو خان کے حالات کراہم اور امن و عافیت کے لحاظ سے کچھ سازگار نہ تھے اور علاقہ کالو خان میں دیگر جرائم جیسے کہ اغیار اور دیگر جرائم کا علاوہ ایک بدنام زمانہ محرم اشٹاری لوسیف عرف عام علامہ سید عفور نے علاقے کے شریف لوگوں کا جینا حرام کر رکھا تھا۔

مسائل کی تعیناتی کے بعد صدری اور کئی شرح علاقے میں داخل اور لوگوں کا حال و حال کی حفاظت یعنی سنانا اور مذکورہ بدنام زمانہ کر سمنیل کو قانون کی گرفت میں لانا تھا۔ اس مقصد کے لیے میں نے علاقے میں معزز ترین کا اہتمام بحال کیا اور انفرادی خدمات بھی حاصل کی اور اللہ کے فضل و کرم سے میں مسائل کو کامیابی حاصل ہوئی اور محرم اشٹاری لوسیف عرف عام کو عورضہ 14/2020 کو حسب ضابطہ گرفتار کر کے ٹھکانے کے حوالے میں بند کیا اور تعینات کے لیے اخراج انویسٹی گیشن ایک محتاج خان کے حوالے کیا۔ جس نے خارج سٹیٹ میں علامہ عقائد میں ملزم کو روک دیا۔

فحسٹ سٹیٹ کر کے 2 نومبر 2020 کو پولیس حاصل کی دوران پولیس حراست میں مسائل کے بطور اغیار خارج مینٹن ٹھکانے کی صورت سے تعینات اشٹاری کے ساتھ ملکی تعاون اور مقدمے کی کامیابی کے لیے ہم ملکی کو شیش کی جگہ وار فتح ثبوت صحیح مشیل ہر موجود ہے۔

Attested
-
14/11/2020

ATTESTED
14/11/2020
District Police Officer, Swabi.

E 12

DY: No. 95 /TP
DATED: 03/03/2020

SUBJECT: DEPARTMENTAL ENQUIRY AGAINST SI HAJJI MUHAMMAD CONDUCTED BY MR. IFTIKHAR ALI DSP TOPI.

Memo:

It is submitted that the subject departmental enquiry against SI: Hajji Muhammad was entrusted to the undersigned vide Endst: No.07/CC/PA dated 28.01.2020 on the following allegation.

ALLEGATIONS.

It is alleged that SI Hajji Muhammad, while posted as SHO Police Station Kalu Khan received illegal gratification and provided unnecessary help to the most notorious PO namely Yousaf Aamir alias Aamir s/o Said Ghafoor r/o Kalu Khan who was involved in the following different cases:-

1. Case FIR No.96 dated 28.01.2019 u/s 324/34 PPC PS Kalu Khan.
2. Case FIR No.299 dated 09.04.2019 u/s 506/452/34 PPC PS Kalu Khan.
3. Case FIR No.332 dated 21.04.2019 u/s 324/109/34 PPC PS Kalu Khan.
4. Case FIR No.507 dated 14.01.2019 u/s 506/447/511 PPC PS Kalu Khan.
5. Case FIR No.813 dated 13.10.2019 u/s 324/353 PPC PS Kalu Khan.
6. Case FIR No.964 dated 06.12.2019 u/s 9-DCNSA/11-BCNSA PS Kalu Khan.
7. Case FIR No.1004 dated 16.12.2019 u/s 302 PPC PS Kalu Khan.
8. Case FIR No.1005 dated 16.12.2019 u/s 324 PPC PS Kalu Khan.

All this shows inefficiency, lack of interest in official work and misconduct on part of the SI: Hajji Muhammad.

PROCEEDING.

During the course of enquiry the undersigned summoned the delinquent officer SI: Hajji Muhammad Khan the then SHO Police Station Kalu Khan and IO of the cases SI: Mokhtaj Khan for recording statement and provision of relevant record. Case files of the above FIR numbers also perused and discussed with the IO in detail.

CONCLUSION.

From perusal of the relevant documents ,case files and secret enquiry, it is evident that:-

1. PO Yousaf Aamir @ Aamir s/o Said Ghafoor r/o Kalu Khan was most wanted PO to the local Police and involved in the aforementioned criminal cases. He was arrested by the delinquent officer SI: Hajji Muhammad on 14.01.2020 at 07:00 AM and confined in the lock-up at 08:30 AM vide DD No.20 dated 14.01.2020. Soon after the arrest at 09:00 AM on the same day he was brought to court in private vehicle despite the fact that government vehicle was parked in Police Station. The court concern granted him 02 days custody for interrogation and necessary verification. After expiry of two days custody he was admitted in judicial lock-up Swabi.
2. Being SHO Police Station the delinquent officer was required to keep this notorious PO in custody atleast 24 hours as defined in 61 CrPC for tactfully interrogation and achievement of fruitful information in the above cases.

[Handwritten signature]

ATTESTED
[Signature]
P/O
District Police Officer, Swabi.

3. Arrest of the accused, preparation of apprehension documents in so short time and production before the court creates several doubts and depict melafidy on part of the delinquent officer.

4. As PO Aamir was most notorious and had personal blood feud enmities in the village. But at the time of arrest no weapon was recovered from his possession, which also create doubts and clearly showed that he was arrested by the planted plane.

5. Secret enquiry carried out, which revealed that PO Aamir was entrusted to the delinquent officer SI: Haji Muhammad on behalf of Inspector Ijaz Ali. In this regard CDR of the delinquent officer mobile cell number (Haji Muhammad – 0317-9658989 and Insp: Ijaz Khan No. 0332-9595295) got and found contact on

(i) 13.01.2020 at 23:06 hrs:

(ii) 14.01.2020 at 07:38 hrs:

All these clearly showed that bargaining was done from the night on 13.01.2020 at 23:06 hrs: and next day on 14.01.2020 morning, accused Aamir was peacefully handed over him which depict illegal gratifications.

RECOMMENDATIONS:-

In view of the above allegations leveled against the delinquent officer SI: Hajji Muhammad the then SHO Police Station kalu khan proved and he is recommended for the award of SUITABLE punishment, if approved please.

[Signature]
Sub Divisional Police Officer
DOPI.(Swabi)

PA
Issue FSCN

[Signature]
DPO/Swabi
04-03-20

ATTESTED
[Signature]
PIO
District Police Officer, Swabi.

[Signature]

F 14

FINAL SHOW CAUSE NOTICE

Whereas you **SI Haji Muhammad**, while posted as SHO Police Station Kalu Khan, you received illegal gratification and provided unnecessary help to the most notorious PO namely Yousaf Aamir alias S/O Said Ghafoor R/O Kalu Khan who was involved in the following different cases:-

1. Case FIR No.96 Dated 28.01.2019 U/S 324/34 PPC PS Kalu Khan.
2. Case FIR No.299 Dated 09.04.2019 U/S 506/452/354/34 PPC PS Kalu Khan.
3. Case FIR No.332 Dated 21.04.2019 U/S 324/109/34 PPC PS Kalu Khan.
4. Case FIR No.507 Dated 14.06.2019 U/S 506/447/511 PPC PS Kalu Khan.
5. Case FIR No.813 Dated 13.10.2019 U/S 324/353 PPC PS Kalu Khan.
6. Case FIR No.964 Dated 06.12.2019 U/S 9-DCNSA/11-BCNSA PPC PS Kalu Khan.
7. Case FIR No.1004 Dated 16.12.2019 U/S 302 PPC PS Kalu Khan.
8. Case FIR No.1005 Dated 16.12.2019 U/S 324 PPC PS Kalu Khan.

All this shows of your inefficiency, lack of interest in official work and mis-conduct on the part of you, which is highly against the discipline and amounts to gross mis-conduct.

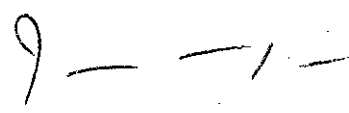
In this connection you were charge sheeted and served with summary of allegation and **DSP, Topi**, was appointed to conduct proper departmental enquiry. The enquiry officer held enquiry and submitted his findings, wherein, he found you **SI Haji Muhammad**, guilty for the mis-conduct and recommended for suitable punishment.

Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I, **Imran Shahid, PSP, QPM**, District Police Officer, Swabi in exercise of powers vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you **SI Haji Muhammad**, to show cause finally as to why the proposed punishment should not be awarded to you.

Your reply should reach to the office of the undersigned within seven days of the receipt of this notice failing which it will be presumed that you have no explanation to offer.

You are also at liberty to appear for personal hearing before the undersigned.


District Police Officer,
Swabi.

ATTESTED

District Police Officer, Swabi.




09-03-2020

H 16



OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

ORDER.

This order of mine is going to dispose of departmental enquiry against **SI Haji Muhammad**. He while posted as SHO Police Station Kalu Khan. he received illegal gratification and provided unnecessary help to the most notorious PO Namely Yousaf alias Aamir S/O Said Ghafoor R/O Kalu Khan who was involved in the following different cases:-

1. Case FIR No.96 Dated 28.01.2019 U/S 324/34 PPC PS Kalu Khan.
2. Case FIR No.299 Dated 09.04.2019 U/S 506/452/354/34 PPC PS Kalu Khan.
3. Case FIR No.332 Dated 21.04.2019 U/S 324/109/34 PPC PS Kalu Khan.
4. Case FIR No.507 Dated 14.06.2019 U/S 506/447/511 PPC PS Kalu Khan.
5. Case FIR No.813 Dated 13.10.2019 U/S 324/353 PPC PS Kalu Khan.
6. Case FIR No.964 Dated 06.12.2019 U/S 9-DCNSA/11-BCNSA PPC PS Kalu Khan.
7. Case FIR No.1004 Dated 16.12.2019 U/S 302 PPC PS Kalu Khan.
8. Case FIR No.1005 Dated 16.12.2019 U/S 324 PPC PS Kalu Khan.

All this shows of his inefficiency, lack of interest in official work and mis-conduct on the part of him, which is highly against the discipline and amounts to gross mis-conduct.

Therefore, he was served with Charge Sheet and Summary of allegations. DSP, Topi was appointed as Enquiry Officer. The Officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned. The enquiry officer submitted his findings, wherein he found **SI Haji Muhammad** guilty for the mis-conduct and recommended him for suitable Punishment. The undersigned perused the enquiry papers, and by agreeing with the recommendation of Enquiry Officer. Served him with a Final Show Cause Notice, The reply of final show cause notice was received. perused and found unsatisfactory besides he was also heard in Orderly Room but he failed to offer any plausible explanation in his defense.

Therefore, I, **Imran Shahid, PSP,QPM**, District Police Officer, Swabi. in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award **SI Haji Muhammad**, Major Punishment of compulsory retirement from service. with immediate effect.

O.B No. 306
Dated 09-3-2020.

(IMRAN SHAHID) PSP,QPM
District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 813-17 /PA, dated Swabi, the 10/03 2020.

Copies to the: -

1. DSP, HQrs.
2. Pay Officer.
3. Establishment Clerk.
4. Fauji Missal Clerk.
5. Official concerned

ATTESTED
PJO
District Police Officer, Swabi

Handwritten signature/initials.

اور نیکو ہوا میں 8 دشت دریا کا حصہ جس کی FIR کی پیش رفتوں
میں اس کے ساتھ ساتھ دیگر حالات پر اصرار ہے کہ اس کے ساتھ ساتھ
ہم کو مطلع کیا جائے۔

حاجہ نور محمد کوٹوالہ سائنس اور ٹیکنالوجی
انجینئرنگ کالج کوٹوالہ

26/3/2020 0317-9658989
0345-6453347

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J 19

OR
19-5-20

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Sub Inspector Haji Muhammad No. P/65** of Swabi District Police against the order of District Police Officer, Swabi, whereby he was awarded major punishment of compulsory retirement from service vide OB: No. 306 dated 09.03.2020. The appellant was proceeded against departmentally on the allegations that he while posted as SHO Police Station, Kalu Khan, received illegal gratifications and extended favour to the most notorious proclaimed offender namely Yousaf alias Aamir s/o Said Ghafoor resident of Kalu Khan. He was involved in the following different criminal cases registered in Police Station Kalu Khan District Swabi:-

1. FIR No.96 Dated 28.01.2019 U/S 324/34 PPC.
2. FIR No.299 Dated 09.04.2019 U/S 506/452/354/34 PPC.
3. FIR No.332 Dated 21.04.2019 U/S 324/109/34 PPC.
4. FIR No.507 Dated 14.06.2019 U/S 506/447/511 PPC.
5. FIR No.813 Dated 13.10.2019 U/S 324/353 PPC.
6. FIR No.964 Dated 06.12.2019 U/S 9-DCNSA/11-BCNSA PPC.
7. FIR No.1004 Dated 16.12.2019 U/S 302 PPC.
8. FIR No.1005 Dated 16.12.2019 U/S 324 PPC.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer Topi was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he found the delinquent Officer guilty of misconduct and recommended him for suitable punishment.

He was issued Final Show Cause Notice to which, his reply was received and found unsatisfactory. He was also provided opportunity of self defense by summoning him in the Orderly Room held in the office of District Police Officer, Swabi. But he failed to advance any cogent reason in his defense. Hence, he was awarded major punishment of compulsory retirement from service vide OB: No. 306 dated 09.03.2020.

Feeling aggrieved from the order of District Police Officer, Swabi, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 19.05.2020.

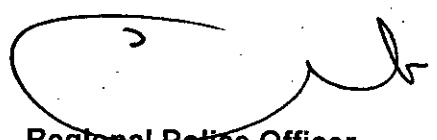
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RPO, Mardan.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations against the appellant have been proved. As Incharge of Police Station, he was not supposed to extend favours to the criminal. However, keeping in view, the length of his service as well as poor financial background of the appellant, the undersigned is constrained to take a lenient view of the misconduct of the appellant.

Based on the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, hereby modify the major punishment of compulsory retirement from service into major punishment of reduction in rank from the substantive rank of Sub Inspector to his substantive rank of ASI.

Order Announced.



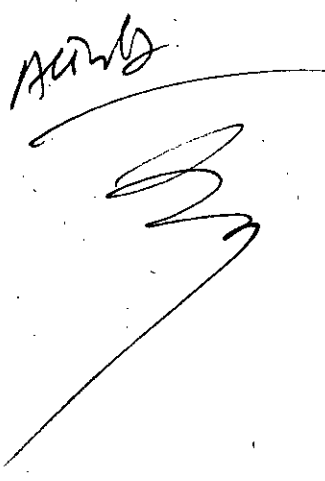
Regional Police Officer,
Mardan.

No. 3503-4 /ES, Dated Mardan the 03-06 /2020.

Copy forwarded for information and necessary action to the:-

1. Capital City Police Officer, Peshawar.
2. District Police Officer, Swabi for information and necessary w/r to his office Memo: No. 54/Insp: Legal dated 22.04.2020. His service record is returned herewith.

(*****)



RPO, Mardan.

بعد الت جناب سرسٹریٹ ٹریبیونل صوبہ سندھ پشاور

منجانب املاکت

تحتام پولیس

حاجی محمد

بنام

دعوی اپیل

پاؤنڈیشن کے اثبات

مستند مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور
کیسٹم اسٹینڈ انڈسٹریز خان سرورتنے ایڈووکیٹ، ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب
موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے دہنی نامہ و تقررات و فیصلہ بر خلاف
یہیے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک در پیہ اور مرضی دعویٰ اور درخواست
ہر قسم کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برکائی
اور تصدیق نیز دائر کرنے اپیل نگران و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ کی
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا
اور وہ اپنے مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ پرواختہ منظور
قبول ہوگا و دوران مقدمہ میں جو فرجیہ و ہر جانہ التوا مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب
موصوف ہوں گے نیز بقایا فرجیہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام روبرو
پر ہو یا مدت باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ دیکھ دیا کہ سند ہے۔

الرقوم 09-06-2020

التعبید

التعبید

التعبید

11
اریاب سیف اکمال
ایڈووکیٹ

محمد
سید اللہ خان مرشد
ایڈووکیٹ

محمد

محمد گوان
ایڈووکیٹ