

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 4327/2020

Date of Institution ... 14.05.2020
Date of Decision ... 14.09.2021

Jehad Ali Khan, Sub-Inspector, S.H.O Police Station Parmoli,
(Presently posted as Head Constable at Police Lines, District
Swabi.) ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary to
Government of Khyber Pakhtunkhwa Home and Tribal Affairs
Department, Civil Secretariat Peshawar and four others.

... (Respondents)

Amin ur Rehman Yousafzai,
Advocate

... For appellant.

Muhammad Adeel Butt,
Additional Advocate General

... For respondents.

AHMAD SULTAN TAREEN
ROZINA REHMAN

... CHAIRMAN
... MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The relevant facts leading to filing
of instant appeal are that appellant was posted as S.H.O at Police
Station Parmoli, Swabi when an untoward incident of firing at Polio
Team took place in the area of Police Station Parmoli and two Lady
Polio Workers sustained firearm injuries and later on, embraced
Shahadat. In aftermath of the said incident, appellant was charge
sheeted and inquiry was conducted. Upon the receipt of the inquiry
report, appellant was served with a show cause notice and was



awarded major penalty of reduction into lower rank for two years. Feeling aggrieved, he filed departmental appeal which was dismissed, however, the impugned order was modified in terms that punishment of reduction in rank, i.e. from the rank of Officiating Sub Inspector to A.S.I into reduction from substantive rank of A.S.I to Head Constable. Hence, the instant service appeal.

2. We have heard Amin Ur Rehman Yousafzai Advocate for appellant and Muhammad Adeel Butt learned Additional Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

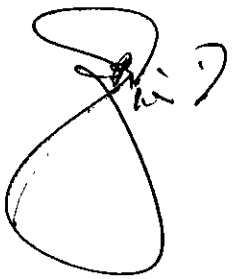
3. Amin ur Rehman Yousafzai Advocate, learned counsel appearing on behalf of appellant, inter-alia, contended that the impugned orders are unlawful, illegal and without lawful authority as the appellant was jeopardized with dual penalties. Learned counsel submitted that the appellant took all preventive measures in respect of the security of the Polio Workers and sufficient security was provided to the Polio Team which is evident from the record and lastly, he submitted that the impugned orders were passed without adopting proper criteria and codal formalities as no chance of personal hearing was given to the appellant and the whole episode was done in a cursory manner which is alien to the norms of justice.

4. Conversely learned Additional Advocate General submitted that an untoward incident reported vide F.I.R No.4 dated 29.01.2020, wherein, two Lady Polio Workers martyrdom took place due to negligence of the appellant in providing foolproof security arrangement to Polio Vaccinators and that on account of negligence



for his failure and providing foolproof security arrangement to Polio Workers, he was proceeded against departmentally. He submitted that proper inquiry was conducted and he was served with final show cause notice. He was also heard in Orderly Room, where-after, punishment was awarded in accordance with rules.

5. The law & order is a wider term and its maintenance is the job of different quarters at the helms of affairs in district prominently including the District Administration and Police. The S.H.O of a Police station stands at the lowest pedestal of hierarchy responsible for maintenance. Needless to say that problems of terrorism though have link are the subject of law & order situation but in view of their sophisticated manner, they are usually counted as the subject of Law Enforcement Agencies (LEA) which include the special forces like military and para military forces. The particular incident taken as ground for disciplinary proceedings against the appellant being S.H.O of the area and having resulted into imposition of the disputed penalty was an incident of terrorism not exclusively tackle-able by S.H.O of a Police Station. He in the normal circumstances is responsible for issues arising from policing duties. It appears that the appellant has been solely held responsible for negligence/inefficiency in an act of terrorism taking place within the limits of his Police station against a Polio Team. It has not been established through any material evidence in the course of inquiry that deployment of the security for protection of Polio Team was the sole responsibility of S.H.O. Similarly, it has also not been established that what were the tangible orders for the local Police for duty in the matter of security plan issued from the high-ups in connection with security of the Polio

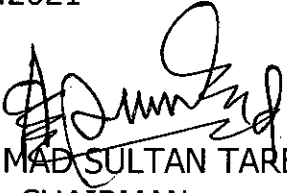



Teams in the district. In absence of any understandable material on record showing inefficiency of the appellant in the particular issue, he seemingly was not dealt with through a fair process. Therefore, we are not inclined to believe that charges against the appellant were proved through cogent evidence.

6. For what has gone above, the appeal at hand is accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

14.09.2021


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ROZINA REHMAN)
MEMBER (J)

27.05.2021

Appellant present in person and Mr. Javaidullah, Asstt. AG alongwith Muhammad Faheem Inspector (Legal) for the respondents present.

Respondents have furnished Reply/comments. Placed on record. The appeal is assigned to D.B for arguments on 14.09.2021.


Chairman

Order

14.09.2021

Appellant with counsel present.

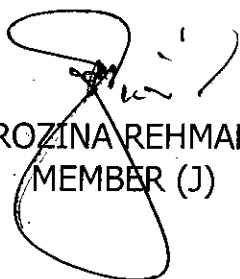
Muhammad Adeel Butt, learned Additional Advocate General for respondents present. Arguments heard and record perused.

Vide our judgment of today of this Tribunal placed on file, instant service appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

Announced.

14.09.2021


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ROZINA REHMAN)
MEMBER (J)

18.03.2021

Counsel for the appellant present.

Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that the appellant was issued charge sheet and statement of allegations on 30.01.2020. On the basis of charge sheet, an enquiry was conducted against the appellant and report thereof submitted on 18.02.2020. Final show cause notice was also issued to the appellant on 21.02.2020 which was replied by the appellant on the same date i.e. 21.02.2020 with the request that his statement recorded during enquiry proceedings may also be considered and made part of the final show cause notice. Thereafter the impugned order passed by the competent authority on 25.02.2020 awarding him the "major punishment of reduction in the rank from Sub-Inspector to rank of ASI for a period of two years with immediate effect". He was reinstated in service from the date of his suspension, as per impugned order dated 25.02.2020. The appellant preferred departmental appeal to the appellate authority i.e DIG Mardan on 26.02.2020. The appellate authority passed his orders on 22.04.2020 where-under the penalty stands modified in to the punishment of "reduction in rank i.e from the rank of officiating Sub-Inspector to ASI into reduction from substantive rank of ASI to Head Constable". Learned counsel for the appellant further contended that in the first instance the charge is very evasive and not specific and secondly the ends of natural justice have not been fulfilled. No witnesses have been examined nor their statements recorded, no opportunity of personal hearing or cross examination provided to the appellant. Prima-facie the proceedings not conducted in the mode and manner as per dictates of law and Police Rules 1975. To strengthen his arguments he relied on 2013 SCMR 817. The appellant has instituted the service appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 and has assailed both the orders i.e. 25.02.2020 and 22.04.2020.

Appellant Deposited
Security & Process Fee ▶

[Signature]
18/3/21

Points urged need consideration. Service appeal is admitted subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days. To come up for arguments on 27.05.2021 before S.B.

[Signature]

(MAIN MUHAMMAD)
MEMBER (E)

14.09.2020

Appellant in person present.

Requests for adjournment as learned counsel is not available today. Adjourned to 19.10.2020 before S.B.

Chairman

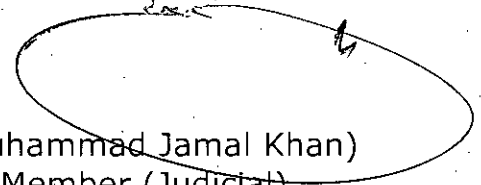


19.10.2020

Appellant is present in person.

The legal fraternity is observing strike today, therefore, the case is adjourned to 24.12.2020 on which date to come up for preliminary hearing before S.B.

(Muhammad Jamal Khan)
Member (Judicial)



24.12.2020

Counsel for the appellant present.

Requests for time to further prepare the brief on the points of power of departmental appellate authority and the procedure in case of enhancement of penalty.

Adjourned to 18.03.2021 before S.B.

Chairman






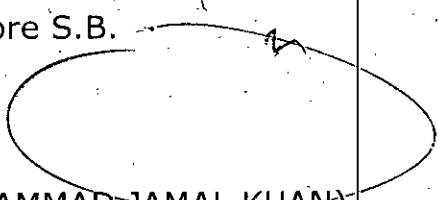
R-17

Form-A

FORM OF ORDER SHEET

Court of _____

Case No.- 4327 /2020

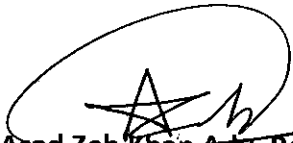
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/05/2020	<p>The appeal of Mr. Jehad Ali resubmitted today i.e 15.05.2020 by Mr. Asad Zeb Khan Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 15/5/2020</p>
2-	28.05.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up on <u>28-05-2020</u></p> <p style="text-align: right;"> MEMBER</p> <p>Nemo for appellant.</p> <p>Notices be issued to appellant/counsel for preliminary hearing on 06.08.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>
06.08.2020		<p>Appellant Jehad Ali Khan himself is present. He is seeking adjournment on the ground that his respective counsel is not available today. Adjourned to 14.09.2020. File to come up for preliminary hearing before S.B.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER</p>

The appeal of Mr. Jehad Ali received today i.e. 14.05.2020 by Asad Zeb Khan, Advocate is incomplete on the following score which is returned to his counsel for completion and resubmission within 15 days.

1- The appeal is not signed by the appellant which may be done.

No. 1138 /S.T,

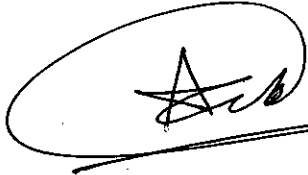
Dt. 14-05 /2020


Asad Zeb Khan Adv, Peshawar.


REGISTRAR,
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

S/N

Resubmitted removed all
objection


15-5-2020

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

Service Appeal No. 4327 of 2020

Jehad Ali Khan

.....Appellant

V E R S U S

Govt of Khyber Pakhtunkhwa & others

.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Appeal alongwith affidavit		1-6
2.	Address of Parties		7
3.	Copy of Charge Sheet, statement of allegations, inquiry report and statements	A, B, C & D	8-14
4.	Copy of show cause notice and reply	E-F	15-16
5.	Copy of impugned order dated 25.02.2020	G	17
6.	Copy of departmental appeal & impugned order dated 22.04.2020	H-I	18-21
7.	Copy of security plan	J	22-32
8.	Copy of Naqal Mad No. 07 dated 29.01.2020 & Review Petition	K-L	33-35
9.	Wakalatnama		36

Through

Jehad Ali Khan
Appellant

ASAD ZEB KHAN

Advocate, High Court Peshawar.
Off: 202, 2nd Floor, City Gate
Plaza, Near Chamber of
Commerce, G.T Road, Peshawar
0346-9800565

&

Fida Muhammad Yousafzai
FIDA MUHAMMAD YOUSAFZAI
Advocate High Court, Peshawar

Date: 14-May-20

①

BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 4327 /2020

Diary No. 3886

Dated 14-05-20

JEHAD ALI KHAN, Sub-Inspector, SHO Police Station Parmoli,
(Presently posted as Head Constable at Police Lines, District Swabi).

Appellant

VERSUS

1. **GOVT. OF KHYBER PAKHTUNKHWA**,
Through Secretary to Govt. of Khyber Pakhtun Khwa,
Home and Tribal Affairs,
Civil Secretariat, Peshawar.
2. **Inspector General of Police**,
Khyber Pakhtunkhwa Peshawar,
Central Police Office, Peshawar.
3. **Deputy Inspector General of Police**,
Mardan Region-1, Mardan.
4. **District Police Officer, Swabi.**
5. **District Account Officer**,
District Swabi.

Respondents

Filed to-day

Registrar

14/5/2020

Resubmitted to-day
and filed.

15/5/2020

SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL
ACT, 1974 AGAINST THE ACT OF THE RESPONDENT NO. 3 WHO
ISSUED IMPUGNED ORDER Dated: 22-04-2020, VIDE WHICH THE
DEPARTMENTAL REPRESENTATION/APPEAL OF THE APPELLANT
(AGAINST REDUCTION TO A LOWER RANK (ASI) FOR TWO YEARS)
WAS DISMISSED RATHER THE PENALTY IMPOSED BY
RESPONDENT NO. 4 WAS FURTHER MODIFIED i.e. FROM THE
RANK OF OFFICIATING SUB-INSPECTOR TO ASI INTO REDUCTION
FROM SUBSTANTIVE RANK OF ASI TO HEAD CONSTABLE AND
ALSO AGAINST THE IMPUGNED ORDER DATED: 25-02-2020 PASSED
BY RESPONDENT No. 4 VIDE WHICH THE APPELLANT WAS
AWARDED MAJOR PENALTY OF REDUCTION INTO RANK i.e. SUB-
INSPECTOR TO ASI.

2

Prayer:-

On acceptance of the instant appeal the impugned orders of the Respondents No. 3 & 4 Dated: 22-04-2020 and 25-02-2020 may be set aside and the penalty of reduction into rank may be declared as illegal and void and the appellant may kindly be exonerated from the penalty.

Respectfully Sheweth:

FACTS:-

Facts leading to the institution of the instant appeal are as under:-

1. That the appellant was working in police department as SHO, Police Station Parmoli, District Swabi when an untoward incident of firing at Polio Team took place in the area of Parmoli PS on 29-01-2020. In the said incidence, two lady polio workers sustained firearm injured and later on embrace shahadat.

2. That in aftermath of the said incidence, the appellant was charge sheeted by the respondent No. 4 and an inquiry was conducted by the department, wherein the inquiry officer, recommended suitable punishment agasint the appellant.

{True Copy of charge sheet, statement of allegation, inquiry report and statements are enclosed as Annex-A, B, C & D}

3. That upon receipt of the inquiry report, the respondent No. 4 served the appellant with a show cause notice which was duly replied by the appellant by submitting his written reply.

{True Copy of show cause notice and reply are enclosed as Annex-E & F}

4. That thereafter, the respondent No. 4 while disagreeing with the written reply of the appellant, passed the impugned order dated: 25-02-2020 against the appellant by awarding major penalty of reduction into lower rank for two years i.e. from Sub-Inspector to ASI.

{True Copy of impugned order dated: 25-02-2020 is enclosed as Annex-G}

5. That the appellant filed departmental appeal on 26-02-2020 against the impugned order dated: 25-02-2020 before the respondent No. 3 and challenged the legality of the impugned order. But to the utmost shock of the appellant, the worthy respondent No. 3 while disagreeing with the appeal of the appellant, was pleased to dismiss the appeal of the appellant and to modify the impugned order dated: 25-02-2020 in terms that reduction into lower rank of officiating sub-inspector to ASI into reduction from Substantive rank of ASI to Head Constable through order dated: 22-04-2020.

3

{True copies of departmental appeal & impugned order dated: 22-04-2020 are enclosed, as Annex H & I}

6. That the appellant feeling aggrieved from the impugned orders dated: 22-04-2020 of respondent No. 3 and dated: 25-02-2020 of respondent No. 4 and having no other adequate, alternate and efficacious remedy, seeks indulgence of this august tribunal for the redressal of grievances on the following grounds inter alia.

GROUND:-

- A. Because the impugned orders are passed by the respondents No. 3 & 4 without lawful authority, hence the same are illegal, unlawful, void ab initio and inoperative upon the rights of the appellant guaranteed and secured to the appellant under the law.
- B. Because the appellant was jeopardized with dual penalties, as on one hand the respondent No. 4 imposed penalty of reduction from Sub-Inspector to ASI while respondent NO. 3 reduced the rank of appellant from ASI to Head Constable, which is not permissible under the law and constitution of Islamic Republic of Pakistan, 1973.
- C. Because it has been alleged by the respondents that the appellant was guilty of gross negligence for failing to give proper security to polio team in Parmoli area despite of the fact that the Parmoli Area falls into most sensitive area but the security plan issued by the respondent No. 4 speaks volume, as the areas of Parmoli and Narangi were declared by the respondent No. 4 as NORMAL and no extra police personnel were provided for their security, so no security lapse can be attributed to the appellant.

{True copy of security plan is enclosed, as Annex-J}

the findings of the inquiry officer in respect of the sensitivity of are totally against the record as the District Police Officer himself the area of Parmoli and Narangi as Normal area and therefore, he provided any police strength for the polio workers.

appellant took all preventive measures in respect of the polio workers and provided sufficient security to the polio incident from the NAQAL MAD No. 7 dated: 29-01-2020.

{True Copy of Naqal Made is attached as Annex-K}

(4)

- F. Because impugned orders offend the provision of Article 4 of the Constitution to enjoy the protection of law and to be treated in accordance with law which is the inalienable right of every citizen, wherever he may be every other person for the time being with in Pakistan.
- G. Because the actions and inactions are bad in law.
- H. Because the impugned orders are passed without adopting proper criteria and codal requirements by the respondents, which is against the worthy ruling of the Hon'ble Superior Courts of Pakistan and therefore, the same are illegal practice and such practice adversely effects efficiency of incumbents and also reduces their confidence and faith in public, hence the impugned orders referred above are liable to be un-held on this score also.
- I. Because no chance of personal hearing was given by the respondents while dealing with the rights of the appellant in service and the whole episode was done in a cursory manner, which is alien to the norms of justice.
- J. Because no proper inquiry was conducted by the respondents which is against the norms of justice and service laws.
- K. Because the appellant was condemned unheard while imposing penalty upon him, hence the impugned orders are against the service laws and rules.
- L. Because the appellant had been made victim of discrimination, demerits, partiality and favoritism without any just and reasonable cause thereby offending the fundamental rights of the appellant as provided by the constitution of 1973, hence the impugned orders detailed above are liable to be set at naught.
- M. Because the respondents in utter disregard to the principles of the fairness, merit and transparency, passed the impugned orders which are against the law, illegal, unlawful and void ab initio and liable to be turned down.
- N. Because the appellant is very hardworking and punctual in his duty, therefore, no complaint received by the Respondents against the appellant but the Respondents unlawfully and illegally proceeded against the appellant by ordering reduction into lower rank, which is against the law and fundamental rights of the appellant.
- O. Because the appellant was condemned unheard, his departmental appeal was not properly adjudicated in the manner as provided by the law. Further no chance of personal hearing was given to the present appellant in order to redress his grievances which show the malafide of the Respondents, hence needs interference of this Hon'ble Tribunal.

5

- P. Because the present impugned orders are illegal, illogical, against facts, without jurisdiction and suffering from material irregularity, hence they are untenable and liable to be struck down.
- Q. Because the Respondents erroneously exercised their powers against judicial principle, and have passed the impugned orders and opened a new pandora box in clear violation of Service law, hence, the impugned orders are liable to be set aside.
- R. That the appellant crave for leave to add further grounds at the times of oral arguments highlighting further contravention of the law and constitution.

PRAYER:-

It is humbly submitted that on acceptance of the present appeal, this Hon'ble Tribunal may graciously be pleased to:

- i. Declare the impugned orders dated: 22-04-2020 of respondent No. 3 and dated: 25-02-2020 of Respondent No. 4 as illegal, unlawful, without lawful authority and void ab initio.
- ii. Exonerate the appellant from the penalty of "reduction into lower rank i.e. Sub-inspector to ASI (order passed by respondent No. 4) and Substantive post of ASI to Head Constable (order passed by respondent No. 3) and it may kindly be withdrawn in the best interest of justice.
- iii. Any further better relief may also kindly be granted in the circumstances of the appellant's case.

Dated: 12/05/2020

Through


ASAD ZEB KHAN

Advocate High Court, Peshawar.


FIDA MUHAMMAD YOUSAFZAI

Advocate High Court, Peshawar.

6

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

Service Appeal No: _____ of 2020

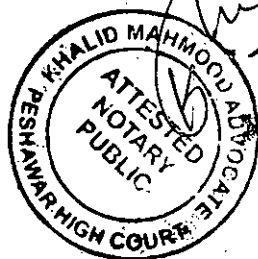
Jehad Ali Khan VERSUS Govt: of Khyber Pakhtunkhwa Peshawar

AFFIDAVIT

I, Jehad Ali Khan, SHO Police Station Parmoli District Swabi (Presently posted as Head Constable at Police Lines, District Swabi), do hereby solemnly affirm & declare that the contents of the attached appeal are true and correct to the best of my knowledge & belief & nothing has been concealed or withheld from this Honorable Tribunal.

Identified by


ASAD ZEB KHAN
Advocate




Deponent

7

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No: _____ of 2020

Jehad Ali Khan **VERSUS** **Govt: of Khyber Pakhtunkhwa Peshawar**

MEMO OF ADDRESSES

JEHAD ALI KHAN, Sub-Inspector, SHO Police Station Parmoli,
(Presently posted as Head Constable at Police Lines, District Swabi).

Appellant

VERSUS

1. GOVT. OF KHYBER PAKHTUNKHWA,

Through Secretary to Govt. of Khyber Pakhtun Khwa,
Home and Tribal Affairs,
Civil Secretariat, Peshawar.

2. Inspector General of Police,
Khyber Pakhtunkhwa Peshawar,
Central Police Office, Peshawar.

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

4. District Police Officer, Swabi.

5. District Account Officer,
District Swabi.

Respondents

Dated: 12/05/2020

Through

Jehad Ali Khan
Appellant
ASAD ZEB KHAN

ASAD ZEB KHAN
Advocate High Court, Peshawar.

Fida Muhammad Yousafzai
FIDA MUHAMMAD YOUSAFZAI
Advocate High Court, Peshawar.

CHARGE SHEET

(7)

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,QPM**, District Police Officer, Swabi charge you **SI Jehad Khan**, 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.

Certified to be True Copy

District Police Officer,
Swabi

ATTESTED

PIO
District Police Officer, Swabi.

"B"

9

SUMMARAY OF ALLEGATON

It is alleged that SI Jehad Khan, while posted as SHO Police Station Parmuli, Swabi has reportedly been found negligent for his failure to ensure foolproof security arrangements for the Polio team in parmuli area .Because of the lack of proper security arrangements, miscreants easily targeted a Polio team, which resulted in the martyrdom of 02 Lady Polio Workers. His this act is highly against the discipline and amounts to gross misconduct, hence statement of allegations.

Certified to be True Copy.

Mr. Jan Fada DSP/Swabi

is

appointed to conduct proper departmental enquiry against him.

[Signature]

District Police Officer
Swabi.

No. 10 /CC/PA

Dated. 30/01 2020.

ATTESTED

[Signature]
P/O

District Police Officer, Swabi.

10

DY: No. 131 /S.
DATED: 18/02/2020.

**SUBJECT: DEPARTMENTAL ENQUIRY AGAINST SI JEHAD KHAN
POSTED AS SHO TO PS PARMULI.**

It is submitted that Departmental enquiry against the above named official was entrusted to the undersigned vide Endst: No. 10/CC/PA, dated 30-01-2020; the allegations are as under: -

SUMMARY OF ALLEGATIONS: -

It is alleged that SI Jehad Khan, while posted as SHO Police Station Parmuli, Swabi has reportedly been found negligent for his failure to ensure foolproof security arrangements for the Polio teams in Parmuli area, because of the lack of proper security arrangements, miscreants easily targeted a Polio team, which resulted in the martyrdom of 02 lady Polio Workers.

PROCEEDINGS: -

Consideration upon the above allegations, delinquent SI Jehad Khan was summoned about his departmental enquiry and was directed to attend the office of the undersigned. The delinquent appeared before the enquiry officer and was inquired about the above allegations. The delinquent SI was heard thoroughly and recorded his statement. Not only this, the duty roaster/Parcha, the statement of Polio deployment strength of the day of incident i.e. 29.01.2020, and the Muharrar were called to the office. The office of the OASI was directed to provide the statement of total and spared strength of PS Parmuli of the day of incident. The Muharrar PS Parmuli also recorded his statement regarding the matter and was probed about the incident. The Muharrar was also questioned about the unavailability of security personnel to the martyred lady workers.

The statements of the delinquent SI and Muharrar PS Parmuli were thoroughly perused alongwith the above mentioned documental process of the day. The undersigned, after observing all aspects of the subject enquiry, surfaced the following findings. (all relevant record is enclosed for your kind perusal.)

FINDINGS: -

In the view of above proceedings, the undersigned is confident that the delinquent SI has committed negligence while performing his duty as SHO PS Parmuli, because it is pertinent that the area of the above incident is vulnerable in respect of security and militant attacks as many of target killings and explosion cases have occurred in the neighboring areas. However, the following are the reasons on account of which the delinquent SI is found negligent.

It is mandatory to conduct search & Strike Operation before the commencement of Polio Campaign as the worthy DPO Swabi had already

ATTESTED

P/O

District Police Officer, Swabi.

issued directions for the said feat, but the then SHO PS Parmuli avoided the directions and thereby cared not to carry out any Operation. However, there was a mention of search & Strike Operation in DD on 12.01.2020, which produces a clear gap between the campaign and the operation. The Police Station Parmuli has a total strength of 67 personnel and 10 extra Police Personnel were provided to the PS. But the above strength was not utilized by the Delinquent SI and hence left several Polio Teams on the mercy of any untoward incident. Out of the Total strength of the PS, only 27 teams were provided with only one Police personnel per team.

Certified to be True Copy.

RECOMMENDATION: -

Relying upon the above finding, the subject enquiry is hereby closed with conclusion that the delinquent SI Jehad Khan has committed negligence and the above allegations proved against him. He is: therefore, recommended for "suitable Punishment", if agreed, please.

PA
Issue FSCN
DPO/Swabi
21-02-2020

Sub-Divisional Police Officer,
S W A B I.

ATTESTED
P/O
District Police Officer, Swabi.

میان نازاں جاڈلی سی

من سی تھا پیرہولی میں بحثیت SHO تھنٹا تھا کہ اس دوران پولیو سیم کے دوران مورہ 29.1.2020 کو چند سٹریٹس غنا مہر نے دو لیسڈی پہلوتہ درکنز کو بمقام

Certified to be True Copy

پیرہولی میں آ بار میں فائزنگ مگر کے شہید کر دیئے گئے۔ جن میں سی کو حضور دار کھیا کر معطل لائن کیا اس بار میں معروض خدمت ہو کر کہ چار لوگ پولیو سیم کا آغاز مورہ 29.1.20 سے پورے ضلع میں کیا گیا۔ حسب روایت تھا پیرہولی کو آدھ نفر پولیس پہنچا گیا جبکہ تھا کی کل نفری پولیس 46 نفوس پر مشتمل تھی جن میں 27 کنسٹیبلان کی ڈیوٹی پولیو ٹیموں کیا تھ دیبہ سوٹا اور سٹیون BHO میں پہنچا گیا تھی جبکہ بقایا نفری سو بائینز ناک نہریاں اور تھا کے سکورٹی کے لئے

مختص کئے گئے تھے۔ کل 58 نفوس پر مشتمل نفری کی مختلف ڈیوٹیاں لگائی تھیں۔ اور دیگر دیہات و گاؤں میں پولیو ٹیموں کیا تھ پولیس کی نفری تعینات تھیں تھی جن میں تھانے پیرہولی - بشہر درون - نیشہاء وغیرہ جو شامل ہیں۔ اور حسب تعویض ان HOS کی ٹیموں کو پولیس کی نفری میں دی جاتی تھی کیونکہ نفری کی کمی کی وجہ سے ان پولیو ٹیموں کے ساتھ سکورٹی موجود نہیں تھی اسی وجہ سے جناس جگہوں کی پہلے سے تعین کی گئی تھی

جھان پر پولیس ٹیموں کیا تھ پولیس کی سکورٹی تھا کرتی تھی۔ تھا لڑاکے حدود میں ایسا اور جناس تعینات پولیس کی ناک نہریاں موجود تھیں۔ جو ہی دتوی سرزد ہوا تو تھا کی تھا نفری پولیس بلا تا پیرہلے دتوی پر پہنچے۔ سٹریٹس درکنز فائزنگ سے شہید لیسڈی پہلوتہ درکنز کو کوسٹریٹم کھیلنے جبکہ زہی پہلوتہ درکنز کو نفوری علاج دیا گیا کھیلنے روانہ کیا گئے۔ اور بقایا تھا نفری پولیس کی معاونت سے علاقہ میں پہنچ شروع کی گئی

علاقہ اذیں من سی کی بحثیت SHO لوٹنگ مورہ 13.11.2019 کو ہوئی تھی اور درج بالا جگہوں کی سکورٹی کے لحاظ سے تعین پہلے سے کر دیا گیا تھا۔ جگہ بار میں مجھے کوئی علم نہیں تھا۔ سٹیورٹ بلاں پھران لف تھے۔ سٹیورٹ بلاں پھار میں لٹا تھی کی رو سے پولیس کی نفری پولیو درکنز کیا تھ تعینات کی گئی تھی۔ لٹا تھا کی تدریب سے پولیس کو لگایا گیا تھا۔ اگرچہ مختصر نفری پولیس تھا اور ناک نہریاں پولیس مو بائینز کی بشہر لنگ کو مناسب

ATTESTED

تہذیب سے لگا یا گیا تھا۔ اگرچہ محتصر نفی کوئس سے نام کنیا پر نا تھا اس لئے یہ
حکمت علی کیا ہو پولیس کی ڈیوٹیوں لگانے کی تھیں اور وہ پور کوئس کی گئی تھی کہ سرگود
کی مہور مال بہتر رہے۔ لیکن قسمت میں رکھا گیا تھا کہ وقوعہ ہذا روئے نما ہیں ہیں بظاہر
کوئس کی کوئی عفت یا کوئی سافل نہیں ہے۔

Certified to be True Copy.

لحاذا اسد عباس سے کہہ کر اسے کہہ کر انکو اسی پر کیا گیا کسی قابلونی کاروائی کے
داخل دستہ فرمائی جائے۔

مکات

تعداد سلم اولی لائن لائن ۴ ہوا

ATTESTED

District Police Officer, Swabi.

بیان اذان خصل آئین MHC تھانہ بیرونی

(14)

خصل آئین MHC تھانہ بیرونی نے بدریافت بیان کیا کہ تھانہ بڑا میاں ہم 3 چوکیات 67 نر پولیس
 تعینات ہے فورس $29 \frac{1}{26}$ کو پولیو کیٹے تھانہ لوخان سے 8 نر جبکہ نر پولیس لائن سے آئے تھے چونکہ BHU
 اسوٹا و BHU سٹیو انتہائی سنسٹیو تھے اسلیئے 27 ایم لکھا 27 نر تھانہ لگانے تھے جن 8 نر تھانہ کا
 نر پولیس لائن سے جبہ 18 نر تھانہ بڑا سے لگائے تھے تھانہ بڑا کا حدود میاں دو BHU اور بے BHU بیرونی
 و BHU تاریخی جن میں سے 17 پولیسیم BHU بیرونی جبہ 18 ایم BHU تاریخی لیا ہے اسی طرح 24 نر
 ہم SHO جو بائیل و ناگہندی میں تھے اسی طرح 2 نر DFC 3 نر ڈیوڈ ڈیوڈ تھانہ بڑا
 میں جبہ اڈر نر تاریخی میں تھے اسی طرح 2 نر جو کی پولیس لیکورٹ دو نر ڈرین لیکورٹ 3 نر
 تاریخی لیکورٹ 3 نر تھانہ بڑا لیکورٹ 3 نر حجرہ کمرہ مددگر 49 حاد خان Asi تھانہ بڑا میں Do
 تھے جبہ نر نر لیل کاسٹف 1209 ڈاک ڈیو کیے بحت تھا اسات کلروں SHO صہ بوقت
 و قوم بقول SHO صہ سے جانے لار میں ناگہندی کیا ہوا جو دو تھانہ لویو سے قبل فورس $12 \frac{1}{26}$
 سترہ اور تھانہ جو الہمد 23 روز ناچ $12 \frac{1}{26}$ تو ہو گیا تھا جہاں تک دہشت گردوں اور دہشت گردوں کا تعلق ہے تو جہاں
 و قوم رہتا ہو گیا ہے وہاں برتا حال کسی قسم دہشت گردوں کا و قوم روغائیا ہوا ہے نہ وہاں کا کو
 دہشت گردیے بلکہ زیادہ تر دہشت گردوں کا تعلق ہے دہم اسوٹا، سترہ و حکمہ بانڈہ جات سے
 میں مسلم ڈیو ل بحال ہوا پولیسیم مجاریہ DPD صہ جہا - SHO صہ نے
 کسٹم آئی ہے لیاختہ نر اسادین کو جو دہتی جہا - SHO صہ سنسٹیو BHU اسوٹا
 اور BHU سٹیو کو کسٹم کی تھی جبہ BHU تاریخی و BHU بیرونی جو تھانہ نارفل تھے اسلیئے تو
 نہ ہونے کی وجہ سے لیکورٹ میں دیا آئی تھی

MHC PS PAK
14-2-2020

Certified to be True Copy.

ملک لیا دوران سترہ انڈ سترہ سترہ اریس
 SHO صہ دہشت گردوں، قصانات پر
 تھانہ بڑا کی تھی یا نہیں؟
 جو الہمد 23 روز ناچ $12 \frac{1}{26}$ تو ہو والی SHO
 صہ کی ہے اسلیئے میں آئی ہے دہشت گردوں
 سے قصانات پر تھانہ بڑا

ATTESTED
 District Police Officer, Swat

کیا پولیسیم میں سے سترہ انڈ سترہ سترہ اریس کی ہے یا نہیں؟
 فورس $12 \frac{1}{26}$ کو سترہ انڈ سترہ سترہ اریس ہوا تھا ہم

15

"E"

FINAL SHOW CAUSE NOTICE

Whereas you **SI Jehad Khan**, the then SHO Police Station Permoli, Swabi has reportedly been found negligent for his failure ensure foolproof security arrangements for the Polio team in Permoli area. Because of the lack of proper security arrangements, miscreants easily targeted a Polio team, which resulted in the martyrdom of 02 Lady Polio workers. your this act 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, Swabi**, was appointed to conduct proper departmental enquiry. The enquiry officer held enquiry and submitted his findings, wherein, he found you **SI Jehad Khan**, guilty for the mis-conduct and recommended for suitable punishment.

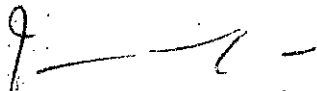
Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

Certified to be True Copy.

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 Jehad Khan**, 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.

21.02.2020

صباح عالی!

بحوالہ فائنل شوکار نوٹس مجاہد صباح DPD صاحب
 صوبی مورخہ 21-02-2020 مورخہ خدمت میں کہ صدر خلاف
 عائذ و التزامات کے بنیاد اور حقائق کے برعکس ہیں۔ جو الزامات
 بدوردان ونگوٹری سے منسلک ہیں ثابت نہیں ہوئے لیکن اس کو باوجود
 الزامات و فیسز نے مجھ مفروضہ کی بنیاد پر حضور دار ٹھہرا ہے۔ جو
 امریش ڈیوٹیوں کے متعلق ہیں سائل نے رٹور و فیسز متعلقہ
 دی ہیں۔ اور رٹور و اسٹریٹس سے بڑھ کر علاوہ کے کوام و لٹا س
 کے جان و مال کی حفاظت کی ہے۔

Certified to be True Copy.

صباح عالی! سائل نے بدوردان ونگوٹری جو بیان اجواب ونگوٹری
 رٹور کو دیا ہے۔ اسکو بھی فائنل شوکار نوٹس کا حصہ ٹھہرا
 جائے۔ میری جانب سے الزامات کے تقاضوں کو مد نظر رکھتے ہوئے
 سائل کی ونگوٹری و رٹور و فیسز کی جائے۔

21/2/2020

Handwritten signature

جماد اولیٰ 1441ھ

ATTESTED

District Police Officer, Sialkot

(17)

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

ORDER

This order of mine is going to dispose of departmental enquiry against SI Jehad Khan. He while posted as SHO Police Station Permoli, Swabi has reportedly been found negligent for his failure to ensure foolproof security arrangements for the polio team in Parmoli area. Because of the lack of proper security arrangements, miscreants easily targeted a Polio team, which resulted in the martyrdom of 02 Lady Polio Workers. His this act is highly against the discipline and amounts to gross misconduct.

Therefore, he was served with Charge Sheet and Summary of allegations. DSP, Swabi was appointed as Enquiry Officer. The Officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned. He submitted his findings, wherein he found SI Jehad Khan, 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 perused, and found unsatisfactory besides he was also heard in Orderly Room but he failed to submit any plausible explanation in his defense.

Certified to be True Copy.

Therefore, I, Imran Shahid, PSP, QPM District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, **SI Jehad Khan** is hereby awarded, Major Punishment of reduction in rank from Sub Inspector to the rank of ASI for a period of two years with immediate effect. He is re-instate in service from the date of his suspension.

O.B No. 245

Dated 25/02/2020

District Police Officer,
Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

No. 564-89 /PA, dated Swabi, the 25/02/2020.

Copies to the:-

1. Deputy Inspector General of Police Maradan Region I Mardan for favor of Information, please.
2. DSP Swabi.
3. DSP H.Qrs
4. Pay Officer.
5. Establishment Clerk.
6. Fauji Missal Clerk.

ATTESTED

District Police Officer, Swabi.

محکمات ضابطہ - DI 9 ضابطہ مردان

H

مہمیں - محکمات اپیل برائے حکم ضابطہ DP-4 مردان

حوالہ AB نمبر 245 مورخہ 25-02-2020

تعمیر و آبادی

ضابطہ - عالی

مہمیں اپیل حسب ذیل ہے

5 مسائل محکمہ پولیس میں بطور سٹیبل نوٹس کی صورت میں

Certified to be True Copy.

5 فرسٹ ہوا

5 مسائل تعلقہ پولیس پر ایچ ڈی میں بطور رفسر منسٹری

تعمیرات تعلقہ - کہ مورخہ 29-01-2020 کو دوران پولیس ڈیویژن

دعوت گروپ نے محکمہ حوس آباد ہر پولیس میں بطور ڈیویژن

حکم فرمائے شہر کے پولیس میں مسائل اور خارج نشت دہا

5 مسائل کے خلاف عائد الزامات کے بنیاد اور حقائق

کے برعکس ہیں۔ جو الزامات بد دوران انکوائری مکمل نہیں ثابت

ہیں ہوئے، لیکن اس کے باوجود انکوائری رپورٹ میں مسائل

کو مفروضہ کے بنیاد پر منظور و وارنٹ کیا گیا ہے۔ جو کہ انصاف

کے تقاضوں کے خلاف ہے۔ اور میں مسائل نے دوران انکوائری

انکوائری رپورٹ کو دینی ہے گواہی پیش کی گئی۔

Certified to be True Copy.

مسائل نے بطور رفسر منسٹری تعلقہ ڈیویژن میں الزامات

مکمل اور نشت میں سے انجام دیا ہے۔ اور اس میں اسٹیبل منسٹری

کو علاقے کے عوام انکوائری کے دوران حقائق کے

کے خلاف عائد الزامات کے بنیاد الزامات انکوائری میں

پہلو سے خلاف عائد الزامات کے بنیاد الزامات انکوائری میں

ATTESTED

PIO

District Police Officer, Swabi.

"I"

(Handwritten marks)

ORDER.

This order will dispose-off the departmental appeal preferred by **ASI Jehad Ali No. 603/MR** of Swabi District Police against the order of District Police Officer, Swabi, whereby he was awarded major punishment of reduction in rank from Officiating Sub Inspector to the rank of ASI for a period of two years vide OB: No. 245 dated 25.02.2020. The appellant was proceeded against departmentally on the allegations that he while posted as SHO Police Station Parmoli, Swabi has reportedly been found negligent for his failure to ensure foolproof security arrangements for the polio team in Parmoli area. Because of the lack of proper security arrangements, miscreants easily targeted a Polio team, which resulted in the martyrdom of two lady Polio Workers.

Certified to be True Copy.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police Swabi was nominated as Enquiry Officer. The Enquiry Officer after conducting enquiry, submitted his findings wherein he recommended the delinquent official 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 the appellant failed to submit any plausible explanation in his defense.

Keeping in view the recommendations of enquiry officer and other material available on record, the delinquent officer was awarded major punishment of reduction in rank from Officiating Sub Inspector to the rank of ASI for a period of two years vide OB: No. 245 dated 25.02.2020 by the District Police Officer, Swabi.

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 15.04.2020.

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 beyond any shadow of doubt. The appellant, being a responsible Police Officer as SHO, was supposed to ensure foolproof security arrangements of polio teams. But despite its vulnerability and sensitivity he

ATTESTED

(Signature)
PIO
District Police Officer, Swabi.

22 21

turned a blind eye to the issue in question. Resultantly, two lady Polio Workers got attacked by the miscreants who embraced martyrdom. Moreover, the order passed by the District Police Officer, Swabi is not in consonance with the punishments provided by the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014. According to Rule 4 Sub Rule (2) clause (b) reversion from an officiating rank is not a punishment, therefore, the order passed by the District Police Officer, Swabi does warrant interference.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, hereby modify the punishment of reduction in rank i.e from the rank of Officiating Sub Inspector to ASI into reduction from substantive rank of ASI to Head Constable.

Order Announced.

Regional Police Officer,

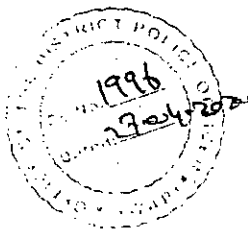
Mardan.

Certified to be True Copy.

No. 3096 /ES, Dated Mardan the 22-04-2020

Copy forwarded to District Police Officer, Swabi for information and necessary w/r to his office Memo: No. 49/Insp: Legal dated 13.03.2020.

(*****)



OB/EC/PO/AS
For Mardan
9 - -
DPO Swabi
23-04-20

ATTESTED.

District Police Officer, Swabi.

410
04/2020

Date of Presentation of Application: 4/5/2020

Copy: Nil

Total: OB

Name of Applicant: Rahmat Ali

Date of Receipt of Copy: 8/5/2020

Date of Delivery of Copy: 8/5/2020

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(CONFIDENTIAL)

POLICE DEPARTMENT.

SWABI DISTRICT

POLICE SECURITY ARRANGEMENTS IN CONNECTION WITH THE SNID POLIO CAMPAIGN WITH EFFECT FROM 27.01.2020 TO 31.01.2020 AT DISTRICT SWABI.

INFORMATION:

It is submitted that SNID Polio Campaign is scheduled to be held in District Swabi, which will be carried out throughout the District with effect from 27.01.2020 to 31.01.2020. DSP Saif Ali Khan, DSP HQRs Swabi is nominated as focal person to Polio campaign who will be contacted on his cell Phone No. 0310-9484322 & 0938-280279 (280-187).

CIRCLE WISE DETAIL OF POLIO TEAMS IS AS UNDER:

S. No	Circle	Polio Teams	AIC	UPEC Chairman	Total
1	Razzar	328	74	24	426
2	Lahor	167	36	11	214
3	Swabi	232	52	15	299
4	Topi	225	50	15	290
5	TOTAL	952	212	65	1229

OBJECT.

- a. To provide maximum protection to the teams.
- b. To ensure smooth flow of traffic.
- c. To ensure timely prevention of any incident or situation likely to cause embarrassment in the teams.

SECURITY OF POLIO VACCINATION TEAMS

SECURITY OF POLIO VACCINATION TEAMS.

Each Polio team vaccinating in the most sensitive and Sensitive areas will be provided a strength of 01 personnel, who will accompany them throughout the process. The concerned SDPOs as well as SHOs shall personally supervise the entire process of Polio campaign in their areas of jurisdiction.

PATROLLING

- 1. In order to avoid any untoward incident, all SDPOs shall supervise extensive patrolling in Police mobiles carried out by SHOs concerned or other upper subordinates in their areas of jurisdiction. The patrols shall be briefed regarding their duty.
- 2. Besides the above Police Station Mobiles, three additional mobiles having strength of 1-06 will patrol the area of vaccination in the concerned sub Division. For the purpose of private pickups will be hired.

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NAKABANDIES:

Nakabandies will be held at the following points. Each Nakabandi will consist of strength of 1-08: -

1. In front of PP Etum
2. Shah Dher Bridge
3. Jhrandu Neher
4. Ahad Khan Bridge
5. Sikandar Lar Dagai
6. Anbar Interchange
7. Lahor Shakh
8. In front of PP Jehangira
9. Shagu Bridge
10. Dobian Road
11. In front of Petrol Pump Adina - Yar Hussain Road
12. Dagai Lar
13. STIFA Canal
14. Jhanda
15. Gohati Bridge
16. Sikandari Bridge
17. In front of PP Saleem Khan
18. In front of Shaheed Baba Check Post
19. Boardona Chawk
20. Malak Abad Chawk
21. Safdar Shaheed Chawk
22. Zaroobi Chawk Kalaba

RIDING

Riding on Motorcycle will be strictly prohibited.

OVERALL INCHARGE:

All SDPOs assisted by SHOs concerned will be overall incharge of these security arrangements in their areas of jurisdiction.

PLAIN CLOTHES:

Besides Special Branch personnel, Incharge District Security Branch Swabi alongwith his strength will perform plain clothes duty and pass on any information of relevance to the undersigned and concerned SDPO / SHO.

MESSING ARRANGEMENTS:

DSP, H.Qrs Swabi assisted by RI Lines will be responsible for transportation of meals to all the staff in coordination with one ASI deputed at each Circle by the SDPO. 04 vehicles will be placed at the disposal of DSP HQRs Swabi for this purpose.

LOGISTICS:

10 Pickups and 05 mini coaches will be required for transportation of strength from Headquarters to their deployment areas.

23

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AMBULANCE AND DOCTORS:

Deputy Commissioner Swabi is requested to arrange ambulances with doctors and necessary medicines to remain present at every sub Divisional Headquarters during the campaign.

SUPERVISION:

Overall supervision rests with the undersigned.

STRENGTH TO BE DEPLOYED:

1. Detail of strength deployed in sensitive & most sensitive areas:	222x1	=	60--- 222
2. Nakabandies	22X1-8	=	22--- 176
3. Mobiles Strength	22X1-6	=	22--- 132
4. Circle wise Supervision Duty	05 DSPs	=	05---00---00
5. Overall Supervision	DPO Swabi	=	01---00---00

Total Strength to be deployed for duty: 01-07-44 - 830=580

District Police Officer,
S W A B I

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

No. 40-58 /Polio Desk dated Swabi, the 23 /01/2020.

Cc.

1. Deputy Inspector General of Police, Mardan Region-1, Mardan.
2. Commissioner, Mardan Division Mardan.
3. Deputy Commissioner, Swabi.
4. DHO & EPI, District Swabi.

DETAIL OF MOST SENSITIVE / SENSITIVE /NORMAL UNION COUNCILS

AT DISTRICT SWABI

25

	Sub Division	Union Council	Status	No. of Polio Teams	No. of Police Strength
1	SWABI	Saleem Khan	Most sensitive	22	22
2		Maneri Bala	Most sensitive	17	17
3		Jhanda	Most sensitive	18	18
4		Pabeni	Most sensitive	15	15
5		Swabi Maneri	Sensitive	22	22
6		Gar Munara	Sensitive	12	12
7		Bam Khel	Normal	13	0
8		Swabi Khas	Normal	18	0
9		Maneri Payan	Normal	19	0
10		Panjpir	Normal	20	0
11		Zaida	Normal	16	0
12		Marghuz	Normal	12	0
13		Tand Koi	Normal	14	0
14		Shah Mansoor	Normal	14	0
15	LAHOR	Anbar	Sensitive	15	15
16		Kunda	Sensitive	22	22
17		Lahor west	Normal	17	0
18		Lahor East	Normal	11	0
19		Jalsai	Normal	13	0
20		Jalbai	Normal	21	0
21		Beka	Normal	15	0
22		Manki	Normal	13	0
23		Jehangira	Normal	17	0
24		Tordher	Normal	10	0
25		Matani Changan	Normal	12	0
26	RAZZAR	Sheikh Jana	Most sensitive	16	16
27		Asota	Most sensitive	11	11
28		Shewa	Most sensitive	16	16
29		Yar Husain East	Normal	9	0
30		Yar Husain West	Normal	12	0
31		Kalu Khan	Normal	19	0
32		Sodher	Normal	23	0
33		Sard Cheena	Normal	16	0
34		Dhobian	Normal	16	0
35		Yaqoobi	Normal	17	0
36		Adina	Normal	14	0
37		Bachai	Normal	36	0
38		Chaknodah	Normal	13	0
39		Dagai	Normal	14	0
40		Ismaeela	Normal	20	0
41		Kernal Sher Kalay	Normal	14	0
42		Naranji	Normal	19	0
43		Parmoli	Normal	17	0
44		Tarakai	Normal	19	0
45	Turlandi	Normal	11	0	

TOPI	Manai	Most sensitive	14	14
7	Kabgani	Sensitive	22	22
48	Kalabat	Normal	12	0
49	Zarobi	Normal	11	0
50	Kotha	Normal	21	0
51	Batakara	Normal	15	0
52	Gabasni	Normal	32	0
53	Gandaf	Normal	41	0
54	Gani Chatra	Normal	25	0
55	Topi East	Normal	20	0
56	Topi West	Normal	15	0
0	G.TOTAL		959	222

26

Amir Husain	255	7901609103	0201	HBL Swabi	0344-1901236	PS Kalu Khan
Amir	346	7900171901	0288	HBL Shewa Ada	0313-9747602	PS Kalu Khan
Amir Faisal		2051116883	0119	Sunehri Bank Sb	0314-9293941	PS Kalu Khan
Amir Yar	279	7901563703	0201	HBL Swabi	0345-8196927	PS Kalu Khan
Noor Muhammad	1034					PS Kalu Khan
Zaheer Abbas	197	7901597703	0201	HBL Swabi	0305-2041993	PS Kalu Khan
7 Ikram	125	7901974103	0201	HBL Swabi	0343-9219656	Police Line
8 Siyar	189	7901589903	0201	HBL Swabi	0313-9308139	PS Parmoli
1 Samin	723	32876390015	0826	ABL Kalu Khan	0341-2227584	PS Parmoli
2 Kashif	1215	7901531503	0201	HBL Swabi	0342-2261126	PS Parmoli
3 Bakhtiar	39	7900185203	0288	HBL Shewa Ada		PS Parmoli
4 Sajjad Ahmad	965	7900387103	0288	HBL Shewa Ada	0300-9088633	PS Parmoli
5 Abdullah	799	26807	0826	ABL Kalu Khan	0347-5886944	PS Parmoli
6 Arshad	507	7900192203	0288	HBL Shewa Ada	0345-9491442	PS Parmoli
7 Bilawal	79	31295300011	0100	ABL Shewa Ada	0315-1936911	PS Parmoli
8 Farooq	231	7900304403	0288	HBL Shewa Ada	0346-6109375	PS Parmoli
9 Ishfaq	1084	7900489003	0288	HBL Shewa Ada	0333-9445894	PS Parmoli
10 Asim	1096				0312-8377151	PS Parmoli
11 Dastavez		4162147795		NBP	0341-4769822	PS Parmoli
12 Kishwar Said	1452	7900387103	0288	HBL Shewa Ada	0344-8523215	PS Parmoli
13 Muzahir	985	7901572003	0201	HBL Swabi	0315-9439410	PS Parmoli
14 Waseem Akram	88	2411292849	0118	ABL Ismaeela	0342-9575500	PS Parmoli
15 Muntazir Shah	1362	7900041103	1934	HBL Mardan	0346-9335752	PS Parmoli
16 Siyar	1375	4682009	0118	BOK Swabi	0342-8267251	PS Parmoli
17 Quaid Ahmad	191	7900186703	1440	HBL Yarhusain	0312-9245544	PS Parmoli
18 Shahad	657	7900336203	0288	HBL Shewa Ada	0300-9030307	PS Parmoli



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(CONFIDENTIAL)

POLICE DEPARTMENT.

SWABI DISTRICT

POLICE SECURITY ARRANGEMENTS IN CONNECTION WITH THE SNID POLIO CAMPAIGN WITH EFFECT FROM 16.12.2019 TO 20.12.2019 AT DISTRICT SWABI.

INFORMATION:

It is submitted that SNID Polio Campaign is scheduled to be held in District Swabi, which will be carried out throughout the District with effect from 16.12.2019 to 20.12.2019. DSP Saif Ali Khan, DSP HQRs Swabi is nominated as focal person to Polio campaign who will be contacted on his cell Phone No. 0310-9484322 & 0938-280279 (280-187).

CIRCLE WISE DETAIL OF POLIO TEAMS IS AS UNDER:

S. No	Circle	Polio Teams	AIC	UPEC Chairman	Total
1	Razzar	328	74	24	426
2	Laher	167	36	11	214
3	Swabi	232	52	15	299
4	Topi	225	50	15	290
5	TOTAL	952	212	65	1229

OBJECT.

- To provide maximum protection to the teams.
- To ensure smooth flow of traffic.
- To ensure timely prevention of any incident or situation likely to cause embarrassment in the teams.

SECURITY OF POLIO VACCINATION TEAMS

SECURITY OF POLIO VACCINATION TEAMS.

Each Polio team vaccinating in the most sensitive and Sensitive areas will be provided a strength of 01 personnel, who will accompany them throughout the process. The concerned SDPOs as well as SHOs shall personally supervise the entire process of Polio campaign in their areas of jurisdiction.

PATROLLING

- In order to avoid any untoward incident, all SDPOs shall supervise extensive patrolling in Police mobiles carried out by SHOs concerned or other upper subordinates in their areas of jurisdiction. The patrols shall be briefed regarding their duty.
- Besides the above Police Station Mobiles, three additional mobiles having strength of 1-06 will patrol the area of vaccination in the concerned sub Division. For the purpose of private pickups will be hired.



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NAKABANDIES:

Nakabandies will be held at the following points. Each Nakabandi will consist of strength of 1:08:-

1. In front of PP Etum
2. Shah Dher Bridge
3. Jhrandu Neher
4. Ahad Khan Bridge
5. Sikandar Lar Dagai
6. Anbar Interchange
7. Lahor Shakh
8. In front of PP Jehangira
9. Shagu Bridge.
10. Dobian Road
11. In front of Petrol Pump Adina – Yar Hussain Road
12. Dagai Lar
13. STIFA Canal
14. Jhanda
15. Gohati Bridge
16. Sikandari Bridge
17. In front of PP Saleem Khan
18. In front of Shaheed Baba Check Post
19. Boardona Chawk
20. Malak Abad Chawk
21. Safdar Shaheed Chawk
22. Zaroobi Chawk Kalaba

RIDING

Riding on Motorcycle will be strictly prohibited.

OVERALL INCHARGE:

All SDPOs assisted by SHOs concerned will be overall incharge of these security arrangements in their areas of jurisdiction.

PLAIN CLOTHES:

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LOGISTICS:

10 Pickups and 05 mini coaches will be required for transportation of strength from Headquarters to their deployment areas.

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11		Zaida	Normal	16	0
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13		Tand Koi	Normal	14	0
14		Shah Mansoor	Normal	14	0
15	LAHOR	Anbar	Sensitive	15	15
16		Kunda	Sensitive	22	22
17		Lahor west	Normal	17	0
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19		Jalsai	Normal	13	0
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28
31

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0		G.TOTAL		959	222	

3

تھانہ پرمونی

آئندہ 7 روز نامہ 29/20

(32)

محلہ ہوائی

مید 7 روزانگی جھاد علی خان SHO وقت 07:00 بجے مورخہ 29/20 اس وقت
 کشتیاں کاشف 1215، سجاد 965، عبدالقادر 799، ارشد 507، بلال
 79، فاروق 231، اشفاق 1084، عام 1096، دستاویز 1773، آریاز
 291، مظاہر 985، مختیار HC، وسیم اکرم 88، منتظر شاہ 1362
 تیمور 1057، قائد احمد 191، شہاد علی 657 آمدہ نغری پولیس لائن آرام
 125 آمدہ نغری تھانہ کالو خان عتیق 588، احمد خان 1372، ظہیر عباس
 197، بیماریوں 385، آرام 1358، معاذ 308، اویس 658 بروشن
 خان 526، وصال بیادر 120 کو بسلسلہ پولیو ڈیوٹی BHU نیوہ و BHU
 اسوٹا روانہ کرسے ہدایت مناسب بیوٹی اسی طرح سیار خان ASI جمع کشتیاں
 تیمور 600، عام 245، سردار 1364 بسلسلہ نگرانی پولیو سواری گاڑی
 سرکاری تجویز ذرا نیور شمس الوهاب روانہ دیپہ نیوہ و علحقہ بانڈہ جات
 اسی طرح صبرام خان PARI جمع مراد HC، آصف شاہ LHI، ویاب 1404
 زرولی 1365، کشتور سید 1452 بسلسلہ نگرانی پولیو سواری گاڑی سرکاری تجویز
 ذرا نیور عباس 1205 دیپہ اسوٹا و علحقہ بانڈہ جات روانہ کرسے اسی طرح
 شمد خان HC جمع کشتیاں نور الابرار 767، مصطفیٰ جمال 182، رابط
 خان 713 کو بسلسلہ پولیو نالہ بندی مقام پلو سی لار روانہ کرسے ہدایت
 مناسب بیوٹی اب میں مع کشتیاں سجاد 611، سعید 1423، عادل رضا
 1317 بسلسلہ نگرانی پولیو سواری موٹر کار ذاتی روانہ علاقہ بیوں - نینر نصیر
 HC جمع 3 نفر نالہ بندی مقام شاہ ڈھیر پٹی بیوں موجود ہے



29-01-20

خدمتِ جناب (34) DPO صاحب - KPK لیسٹ اور

مہنگوں، ٹیکسز اور سب سے زیادہ حکم جناب - DPO

صاحب اصولی بحوالہ OB نمبر 245 مورخہ 25/2/2020

جناب عالی! گزارش ہے کہ صدر میں سائنس محکمہ پولیس میں بطور سٹیبل

معمولی طور پر بھرتی سب انسپکٹر سٹیبل میں ہے۔

یہ کہ سائنس سٹیبل پر معمولی خزانچہ اصولی میں بطور SHO لگنا

تعمیرات اور خزانچہ 29.01.19 کو دوران پولیو ڈیوٹی چند دستگاہوں

کے لئے جس میں سائنس سٹیبل اور سٹیبل کے لئے سٹیبل

جناب عالی! میں سائنس سٹیبل کے خلاف عدالت الزامات نے بنیاد اور حقائق

کے برعکس ہیں۔ جو الزامات میں دوران انکوائری بلکل نہیں ثابت ہیں

جو کہ انصاف کے تقاضوں کے منافی ہیں۔ اور میں سائنس دوران

انکوائری انکوائری افسر کو رہنی ہے گنتا یہ سیشن کا تھا اور اس میں

سکھانے کو مہر دی۔ چونکہ علامہ نقانہ نے معمولی چار نوٹس کو نوٹوں پر

مصرطے ہیں۔ جن میں دو احساس نوٹس کو نوٹس اور نوٹس کو نوٹس

افسران کا طرف سے مسکوری مسٹر سوری ٹی۔ اور بقایا دو نوٹس

نوٹس کو نوٹس پر معمولی اور تاریخی نوٹس پر کہ افسران کی طرف

سازمان کے خلاف علامہ الزامات سرانگوار کی بیوہ کو منساجی
سزا دی گئی جو کہ انصاف کے اصولوں کے منافی ہے۔

جناب جلال! دوران زندگوار کی جیل میں منساجی معاملہ میں تقاضا منساجی نے
موجودہ کی نسبت ملزمان کی نشا ندری اور سرپراری اور سرانگ
لگانے میں دن رات محنت اور کوشش کرتے ہیں ملزمان
اور سپورٹ کاروں کی نشا ندری بیوہ۔

جناب عالی! بعد وقوعہ میں منساجی نے ملزمان کی سرانگ لگانے اور
رنگ نشا ندری میں جہنی محنت اور اعانتاری کا مظاہرہ کیا ہے۔
اس بات کی گواہ جناب ایسی بی بی سی کی ڈی اے ظہار شاہ قادی
اور ڈی ایسی بی محمد رضا خان ہیں۔




مذاہب صحابہ کی خدمت میں عاصم الزامات
بندہ عننگوری اسل مذاہم جناب DPDP کا مضامین اور
DPDP کا اہم قرار دے کر منساجی کے منساجی عدسہ جاری کرنے
کا حکم صادر فرمائیں۔ منساجی تصانیف دعا اور مصنف

الحارثی علی
منساجی صحابہ علی ASI ضلع ہمدانی

0345 025 2040

6/5/2020

36

قیمت 50 روپے	13078	  
ایڈوکیٹ: اسد زبیر خان ہاشمی پورے	بار کونسل ایسوسی ایشن نمبر:	
رابطہ نمبر: 03469800565	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	

بعدالت جناب: سروس ٹریبونل پشاور

مخانب: جہاد علی	دعوی:
جہاد علی بنام حکومت	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
 آن مقام سروس ٹریبونل کیلئے اسد زبیر خان ہاشمی پورے کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے لقرار کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخست منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

14-5-2020
 DESHAWAR BAR ASSOCIATION
 KHYBER PAKHTUNKHWA
 واہ

Accepted by

For

مقام سروس ٹریبونل پشاور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی قابل قبول ہوگی

50

67129



ایڈوکیٹ: اسد الحق، پوسٹل

بار کونسل ایسوسی ایشن نمبر: BC-10-7662

رابطہ نمبر: 0321-9022964

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سر جسٹس محترم

مخائب:	دعویٰ: سرویس دہی
Appealant	علت نمبر: -
محمد علی خان	مورخہ: -
بنام	جرم: -
صوبہ خیبر پختونخواہ	تھانہ: -

باعت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کارروائی متعلقہ مقام آن میں آگے لے گیا، اس کے بعد کارروائی کی مکمل طور پر ختم ہو گئی اور فیصلہ مقرر ہو گیا ہے۔

آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا نکالت نامہ لکھ دیا تاکہ سند رہے

محمد علی خان و ام سرور خان

المقام: المرقوم: 02-03-2019

BAR BAR ASSOCIATION OF PAKISTAN
PESHAWAR

نوٹ: اس نکالت نامہ کی کارروائی ناقابل قبول ہوگی۔

Adv. Muz Ashraf Khan
Be 19-11-19

Adv. Muz Ashraf Khan
Be 19-11-19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 4327/2020.

Jehad Ali Ex-SI now Head Constable..... Appellant

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar

& Others.....**Respondents.**

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Jehad Ali
Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 4327/2020.

Jehad Ali Ex-SI now Head Constable..... Appellant

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar

& Others.....**Respondents.**

WRITTEN REPLY BY RESPONDENTS.

Respectfully Sheweth:

Preliminary Objections.

1. That the appellant has got no cause of action and locus standi to file the present appeal.
2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
3. That the appeal is barred by law & limitation.
4. That the appellant has not come to this Tribunal with clean hands.
5. That this Hon'ble Tribunal has got no jurisdiction to entertain the present appeal.
6. That the instant appeal is not maintainable in its present form.
7. That the appellant concealed the material facts from this Hon'ble Tribunal.
8. That the appellant has been estopped by his own conduct to file the appeal.

REPLY ON FACTS.

1. Para No. 01 of appeal is correct to the extent of posting of appellant, however an untoward incident reported vide case FIR No. 04 dated 29.01.2020 u/s 302/324/353/34/7ATA PS CTD Mardan, wherein two Lady Polio Workers martyrdom took place due to negligence of appellant in providing foolproof security arrangements to Polio Vaccinators.
2. Para No. 02 of appeal is correct to the extent that on account of negligent for his failure in providing foolproof security arrangement to Polio Workers, appellant was proceeded against departmentally, during which the allegations against appellant have been proved beyond any shadow of doubt, hence recommended for punishment by the Enquiry Officer (**Copy of enquiry report is annexed as Annexure "A"**).
3. Para No. 03 of appeal is correct to the extent that on receipt of enquiry report, appellant was served with Final Show Cause Notice, however the reply of which was found unsatisfactory, hence called in Orderly Room for personal

hearing and thereafter awarded punishment in accordance with rules (**Copy of Final Show Cause Notice is annexed as Annexure "B"**).

4. Para No. 04 of appeal is correct to the extent that reply of Final Show Cause Notice was found unsatisfactory, however before passing final order, appellant was heard in person, but he failed to submit any plausible explanation in his defense, hence awarded punishment of reduction in rank for two years by the respondent No. 4, which was later on modified by the appellate authority.
5. Para No. 05 of appeal is correct to the extent that feeling aggrieved from the order of respondent No. 4, appellant preferred departmental appeal. However, the respondent No. 3 in exercise of appellate jurisdiction, examined the case and rejected the prayers of appellant by modifying the order of competent authority into reduction of rank from substantive rank of ASI to Head Constable vide order dated 22.04.2020.
6. That the orders of respondents are quite legal in accordance with law & rules and the instant appeal is groundless.

GROUND.

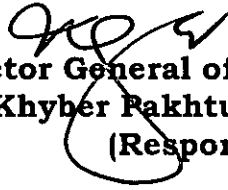
- A. Incorrect. The orders of respondents are legal in accordance with law/rules.
- B. Incorrect. Appellant was serving as Offg: Sub Inspector and as per Police Disciplinary Rules 1975, reversion from officiating rank is no punishment, therefore the appellate authority in exercise of appellate jurisdiction modify the order of competent authority through speaking order (**Copy of rules is annexed as Annexure "C"**).
- C. Incorrect. Appellant being a responsible officer as SHO was duty bound to provide foolproof security to the Polio Workers, but he failed to do so which results into martyrdom of two Lady Polio Workers.
- D. Incorrect. Appellant was found guilty during departmental enquiry and allegations against him stand/proved beyond any shadow of doubt.
- E. Incorrect. Reply already given vide paras above.
- F. Incorrect. Appellant was treated in accordance with law/rules.
- G. Incorrect. The orders of respondents are quite legal in accordance with law/rules.
- H. Incorrect. After fulfillment of all codel formalities, appellant was awarded appropriate punishment in accordance with law/rules.
- I. Incorrect. Proper opportunity of personal hearing/defense was provided, but appellant could not submit any plausible explanation in his defense during personal hearing.
- J. Incorrect. Proper departmental enquiry was conducted and after fulfillment of all codel formalities, appellant was awarded punishment in accordance with rules.

③

- K. Incorrect. Reply already given vide paras above.
L. Incorrect. Appellant was treated in accordance with law/rules.
M. Incorrect. Reply already given vide paras above.
N. Incorrect. Reply already given vide paras above.
O. Incorrect. Reply already given vide paras above.
P. Incorrect. Reply already given vide paras above.
Q. Incorrect. Reply already given vide paras above.
R. That the respondents also crave for leave to add further grounds at the time of oral arguments.

Prayer.

Keeping in view the above narrated facts, it is humbly prayed that the instant appeal being devoid of merits may very kindly be dismissed with costs, please.


**Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 2)**


**Deputy Inspector General of Police,
Mardan Region-I Mardan
(Respondent No. 3)**


**District Police Officer Swabi,
(Respondent No. 4)**

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 4327/2020.

Jehad Ali Ex-SI now Head Constable..... Appellant


VERSUS


Inspector General of Police, Khyber Pakhtunkhwa, Peshawar

& Others.....**Respondents.**

AFFIDAVIT:-

We the respondent No. **2** to **4** do hereby solemnly affirm and declare on oath that the contents of the written reply are correct/true to the best of our knowledge / belief and nothing has been concealed from the honorable Tribunal.


**Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 2)**


**Deputy Inspector General of Police,
Mardan Region-I Mardan
(Respondent No. 3)**


**District Police Officer Swabi,
(Respondent No. 4)**

(A)

DY: No. 131 /S.

DATED: 18 / 02 / 2020.

**SUBJECT: DEPARTMENTAL ENQUIRY AGAINST SI JEHAD KHAN
POSTED AS SHO TO PS PARMULI.**

It is submitted that Departmental enquiry against the above named official was entrusted to the undersigned vide Endst: No. 10/CC/PA, dated 30-01-2020; the allegations are as under: -

SUMMARY OF ALLEGATIONS: -

It is alleged that SI Jehad Khan, while posted as SHO Police Station Parmuli, Swabi has reportedly been found negligent for his failure to ensure foolproof security arrangements for the Polio teams in Parmuli area, because of the lack of proper security arrangements, miscreants easily targeted a Polio team, which resulted in the martyrdom of 02 lady Polio Workers.

PROCEEDINGS: -

Consideration upon the above allegations, delinquent SI Jehad Khan was summoned about his departmental enquiry and was directed to attend the office of the undersigned. The delinquent appeared before the enquiry officer and was inquired about the above allegations. The delinquent SI was heard thoroughly and recorded his statement. Not only this, the duty roaster/Parcha, the statement of Polio deployment strength of the day of incident i.e. 29.01.2020, and the Muharrar were called to the office. The office of the OASI was directed to provide the statement of total and spared strength of PS Parmuli of the day of incident. The Muharrar PS Parmuli also recorded his statement regarding the matter and was probed about the incident. The Muharrar was also questioned about the unavailability of security personnel to the martyred lady workers.

The statements of the delinquent SI and Muharrar PS Parmuli were thoroughly perused alongwith the above mentioned documental process of the day. The undersigned, after observing all aspects of the subject enquiry, surfaced the following findings. (all relevant record is enclosed for your kind perusal.)

Abdullah
D. J. J.

FINDINGS: -

In the view of above proceedings, the undersigned is confident that the delinquent SI has committed negligence while performing his duty as SHO PS Parmuli, because it is pertinent that the area of the above incident is vulnerable in respect of security and militant attacks as many of target killings and explosion cases have occurred in the neighboring areas. However, the following are the reasons on account of which the delinquent SI is found negligent.

It is mandatory to conduct search & Strike Operation before the commencement of Polio Campaign as the worthy DPO Swabi had already

(A-1)

issued directions for the said feat, but the then SHO PS Parmuli avoided the directions and thereby cared not to carry out any Operation. However, there was a mention of search & Strike Operation in DD on 12.01.2020, which produces a clear gap between the campaign and the operation. The Police Station Parmuli has a total strength of 67 personnel and 10 extra Police Personnel were provided to the PS. But the above strength was not utilized by the Delinquent SI and hence left several Polio Teams on the mercy of any untoward incident. Out of the Total strength of the PS, only 27 teams were provided with only one Police personnel per team.

RECOMMENDATION: -

Relying upon the above finding, the subject enquiry is hereby closed with conclusion that the delinquent SI Jehad Khan has committed negligence and the above allegations proved against him. He is, therefore, recommended for "suitable Punishment", if agreed, please.

Sub-Divisional Police Officer,
SWABI.

PA
ISSUE FSCN

A-1
DPO/Swarabi
21-02-2020

Attested
Jata

^
D

(B)

FINAL SHOW CAUSE NOTICE

Whereas you **SI Jehad Khan**, the then SHO Police Station Permoli, Swabi has reportedly been found negligent for his failure ensure foolproof security arrangements for the Polio team in Permoli area. Because of the lack of proper security arrangements, miscreants easily targeted a Polio team, which resulted in the martyrdom of 02 Lady Polio workers. your this act 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, Swabi**, was appointed to conduct proper departmental enquiry. The enquiry officer held enquiry and submitted his findings, wherein, he found you **SI Jehad Khan**, 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 Jehad Khan**, 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.



21.02.2020

(C)

①

The Khyber Pakhtunkhwa Police Rules, 1975

(With Amendments-2014)

A. H. Farid

[Signature]
INSPECTOR
Incharge Legal Affairs
District Police Swabi

Contents

1. Short title, commencement and application
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8. Rules 5 and 6 not to apply in certain cases
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12. Revision (11-A)
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14. Repeal

Khyber Pakhtunkhwa Police Rules, 1975

In exercise of the powers conferred under section 7 of Police Act 1861, the Government of Khyber Pakhtunkhwa, is pleased to make the following Rules, namely:-

1. Short title, commencement and application:-

- (i) These rules may be called the Police Rules, 1975;
- (ii) They shall come into force at once and shall apply to all Police Officers of and below the rank of Deputy Superintendent of Police.

2. Definitions:-

In these rules, unless the context otherwise requires:-

- (i) 'Accused' means a Police Officer against whom action is taken under these rules;
- (ii) 'Authority' means authority competent to award punishment as per Schedule
- (iii) 'Misconduct' means conduct prejudicial to good order of discipline in the Police Force, or contrary to Government Servants (Conduct) Rules or unbecoming of a Police Officer and a gentleman, any commission or omission which violates any of the provisions of law and rules regulating the function and duty of Police Officer to bring or attempt to bring

(C-1)

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political or other outside influence directly or indirectly to bear on the Government or any Government Officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Police Officer.

(iv) 'Punishment' means a punishment which may be imposed under these rules by authority as indicated in Schedule I.

3. **Grounds of punishment.-**

Where a Police Officer, in the opinion of the authority:-

- a) Is inefficient or has ceased to be efficient; or
- b) Is guilty of misconduct; or
- c) Is corrupt or may reasonably be considered corrupt because-
 - (i) He is or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources of property disproportionate to his known sources of income; or
 - (ii) He has assumed a style of living beyond his ostensible means; or
 - (iii) He has a persistent reputation of being corrupt; or
 - (d) Is engaged Or is reasonably suspected of being engaged in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person, and his retention in service is, therefore, prejudicial to national security, the authority may impose on him one or more punishments.

INSPECTOR
Incharge Legal Affairs
District Police Swamy

4. **Punishments.-**

1. The following are the minor and major punishments, namely:---

(a) **Minor punishments-**

- (i) Confinement of Constables and Head Constables for 15 days to Quarter Guards;
- (ii) Censure;
- (iii) Forfeiture of approved service up to 2 years;
- (iv) With holding of promotion up to one year;
- (v) Stoppage of increment for a period not exceeding 3 years with or without cumulative effect;

❖

(iv) Fine up to Rs15000/- as per schedule-I.

(b) **Major punishments-**

- (i) Reduction in rank/pay; ✓
- (ii) Compulsory retirement;
- (iii) Removal from service; and
- (iv) Dismissal from service.

2. (a) Removal from service does not but dismissal from service does, disqualify for future employment.

(b) Reversion from an officiating rank is not a punishment. ✓

❖ Amended vide Notification No: 3859/Legal, dated 27/08/2014 issued by IGP, KPK



**OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
HEADQUARTER, SWABI.**

Phone No. 0938-280279, E-Mail: dsphqswabi@gmail.com

To: The District Police Officer,
Swabi.

No: 37 /HQrs: Swabi dated 28 / 01 /2020.


Subject: **SECURITY CONFERENCE POLIO ERADICATION**

MEMO:-

Kindly refer to the subject cited above.

It is submitted that the undersigned attended the subject security conference held on 27.01.2020. The main highlights are given below for your kind perusal, please.

1. The overall security pattern and general contingency for the campaign was discussed.
2. It was stressed upon that security at the adjacent boundary of Swabi with District Buner must be enhanced, strengthened for the upcoming Polio Eradication campaign from 29.01.2020.


Deputy Superintendent of
Police, H.Qrs, Swabi



OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
HEADQUARTER, SWABI.

Phone No. 0938-280279, E-Mail: dsphqswabi@gmail.com

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Deputy Superintendent of
Police, H.Qrs, Swabi



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 2118 /ST

Dated: 22/10 /2021

All communications should be addressed to the Registrar, KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

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

Subject: JUDGMENT IN APPEAL NO. 4327/200, MR. JEHAD ALI

I am directed to forward herewith a certified copy of Judgement dated 14.09.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR