بعدالت جناب خیبر پختونخواہ سروس ٹریبونل،
کیمپ کورٹ ڈیرہ اسماعیل خان

درخواست درسلہ اجازت برائے داخل کیے جانے کمنٹس بوسلطت ریسپانڈنٹس
بحوالہ سروس اپیل نمبر 6707/2021 عنوان محمد ارشد بنام انسپکٹر جنرل آف
پولیس صوبہ خیبر پختونخواہ پشاور وغیرہ

جناب عالی!

نہایت مودبانہ التماس ہے کہ مذکورہ سروس اپیل میں کمنٹس بوسلطت ریسپانڈنٹس نمبر 1 تا 4 مرتب ہو کر بغرض Submit کرانے عدالت ہذا کیمپ کورٹ ڈیرہ اسماعیل خان پیش کئے گئے۔

یہ کہ معزز عدالت نے اپنے حکم مورخہ 19.01.2023 میں ڈیفنس از سٹرک آف کر دیا ہے۔

لہٰذا بذریعہ درخواست استدعا ہے کہ متذکرہ آرڈر ڈیفنس از سٹرک آف پر نظر ثانی فرماتے ہوئے کمنٹس ہذا داخل معزز عدالت کئے جانے کا حکم صادر فرمایا جاوے۔

ریسپانڈنٹس نمبر 1 تا 4
بذریعہ نمائندہ

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No.6707of 2021

Muhammad Arshad (Ex-Constable No. 1629) s/o Muhammad Mushtaq Ahmad r/o Roda Post Office Daraban Khurd Tehsil Prova District Dera Ismail Khan

...(Appellant)

Versus

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Dera Ismail Khan.
3. District Police Officer, Dera Ismail Khan.
4. SDPO Dera Ismail Khan. ....(Respondents)

INDEX

S.No.	Description of documents	Annexure	Page #
1	Parawise Comments	---	1-3
2	Counter Affidavit	---	4
3	Authority	---	5
4	Departmental enquiry papers	---	6-17
Total		**---**	**17**

DEPONENT

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

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4. SDPO Dera Ismail Khan. ....(Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully sheweth,

Parawise Comments are submitted as under:-

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action.
2. That the appeal is bad for misjoinder/non-joinder of necessary parties.
3. That the appeal is badly time barred.
4. That the appellant has not come with clean hands.
5. That the appellant is estopped due to his own conduct.
6. That the appellant has concealed the material facts from Honourable Tribunal.

REPLY ON FACTS

1. Correct to the extent that the appellant was enlisted as Constable on 31.05.2007.
2. Incorrect. Infact the appellant was arrested red-handed with his companion Hamad Suleman Police Nakabandi point Grid road DIKhan and recovered fake currency worth 56000/- having notes of 1000/1000 PKR. A case to this effect vide FIR No. 427, dated 08.04.2020 u/s 489B/489C PPC was registered at PS/Cantt DIKhan.
3. Correct to the extent that on the above misconduct a charge sheet bearing No. 2043/EC, dated 09.04.2020 was served upon him but reply to which was found unsatisfactory by Enquiry Officer.
4. Correct to the extent that the enquiry officer recommended that enquiry paper be kept pending till the decision of Court. But the allegation of misconducted was established against him during enquiry. Infact the appellant was arrested red handed with fake currency and the competent authority found him guilty on the charges leveled against him, hence passed order vide OB No. 1759, dated 17.08.2020 is in accordance with law/rules.
5. Incorrect. Infact, being a part of the disciplinary force, he has tarnished the image of police by virtue of his illegal act and arrested red handed with

fake currency and a case vide FIR No. 427, dated 08.04.2020 u/s 489B/489C PPC was registered at PS/Cantt DIKhan. All the codal formalities were observed but the allegation against the appellant were established beyond any shadow of doubt, hence the order passed by Respondent No.3 is in accordance with law/rules.

6. Correct to the extent that the departmental appeal of appellant was rejected by the appellate authority (Respondent No. 2) after observing codal formalities including personal hearing in order room held on 03.11.2020 but the appellant failed to prove his innocence, hence the order passed by the Respondent No.2 is in accordance with law/rules.
7. Correct to the extent that the Revision Petition of appellant was accepted the Appellate Board held on 29.03.2022 the appellant was heard in person wherein the appellant contended that he was acquitted by the Court of Addl: Session Judge-I, DIKhan vide judgment dated 04.01.2022 in said criminal case and the Appellate Board converted penalty of dismissal from service into time scale for three years. However, the intervening period to be treated as without pay.
8. Incorrect. The service record of appellant reveals following bad entries on the account of misconduct.

S#.	Allegations	Period of absent	Punishment Awarded	OB	Dated
1	Absence w.e.f 08.09.2008 to 11.09.2008	03 days	Leave without pay	1406	23.10.2008
2	Absence w.e.f 01.10.2008 to 04.10.2008	03 days	Leave without pay	1521	17.11.2008
3	Absence w.e.f 20.11.2008 to 21.11.2008 30.11.2008 to 01.12.2008 03.12.2008 to 04.12.2008	03 days	Leave without pay	96	22.01.2009
4	Absence w.e.f 11.09.2009 to 12.09.2009	01 days	Leave without pay	102	24.01.2009
5	Arrested red-handed with fake currency & a criminal case vide FIR No. 427 dt: 08.04.2020 u/s 489B/489C registered at PS/Cantt	-	Dismissal from service	1759	17.08.2020
6	Absence w.e.f 11.03.2020 to 13.04.2022	610-days	Intervening period leave without pay	754	26.04.2022

9. Incorrect the allegation of misconducted was found established, actually the appellant was arrested red handed with fake currency and his act tarnished the image of police force. Despite above, the Appellate Board reinstated him in the light of judgment as well humanitarian grounds.
10. Above in view, the instant appeal is merit less and not maintainable on the following grounds.

REPLY ON GROUNDS

a. Incorrect. Let's suppose that there was curfew for 30 days from 05.03.2020 to 05.04.2020 but the occurrence is on 08.04.2020 after curfew and further added that the accused/appellant is police official and it is a not difficult to him.

b. Incorrect. The appellant was reinstated in service vide OB No. 754, dated 26.04.2022 on the directions of Respondent No.1 vide order No. 700-06/22, dated 13.04.2022 and allotted him constabulary No. 313.
c. Incorrect. The orders of Respondent No. 2 & 3 are in accordance with law/rules.
d. Incorrect. The appellant arrested red handed with fake currency and a criminal case to this effect was registered against him at PS/Cantt DIKhan.
e. Correct to the extent that the appellant has sufficient length of 15years service but this time the appellant tarnished the image of police has not worthy mercy.
f. Departmental and criminal proceeding are independent from each other. Acquittal cannot bar the department from departmental action.
g. Incorrect. Ample opportunity of defence were provided by the Respondents including personal hearing, but the appellant failed to prove him innocence.
h. Correct.
i. Incorrect. The respondent No. 1 accepted the revision petition of appellant and reinstated in service in the light of court order as well as humanities ground and his penalty of dismissal from service is converted into time scale for three years. However, the intervening period to be treated as without pay. As far as Hamad Suleman was concerned arrested on the basis of suspicious, while as per contents of FIR the fake/counterfeit currency was recovered from the pocket of Muhammad Arshad.
j. Pertains to record.
k. That the Respondents also seek permission to produce additional documents at the time of arguments.

PRAYER

In view of above, it is prayed that on acceptance of these Parawise Comments, the instant appeal may kindly be dismissed, being meritless and time barred.

Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)

Regional Police Officer,
Dera Ismail Khan
(Respondent No.2)

District Police Officer,
Dera Ismail Khan
(Respondent No.3)

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No.6707of 2022

Muhammad Arshad (Ex-Constable No. 1629) s/o Muhammad Mushtaq Ahmad r/o Roda Post Office Daraban Khurd Tehsil Prova District Dera Ismail Khan
...(Appellant)

Versus

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
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3. District Police Officer, Dera Ismail Khan.
4. SDPO Dera Ismail Khan.

....(Respondents)

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS

We, the respondents do hereby solemnly affirm and declare on oath that the contents of comments-written reply to Appeal are true & correct to the best of our knowledge and nothing has been concealed from this Honourable Tribunal.

Muhammad Jan
Oath Commissioner
Advocate High Court D.I.Khan
19-1-2023

Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)

Regional Police Officer,
Dera Ismail Khan
(Respondent No.2)

District Police Officer,
Dera Ismail Khan
(Respondent No.3)

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No.6707of 2022

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4. SDPO Dera Ismail Khan. ....(Respondents)

A U T H O R I T Y

We, the respondents do hereby authorised Inspector/Legal, DIKhan to appear before the Service Tribunal Khyber Pakhtunkhwa, Peshawar, on our behalf, He is also authorised to produce/ withdraw any application or documents in the interest of Respondents and the Police Department.

Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)

Regional Police Officer,
Dera Ismail Khan
(Respondent No.2)

District Police Officer,
Dera Ismail Khan
(Respondent No.3)

(25) (1629)

OFFICE OF THE
DISTRICT POLICE OFFICER,
DERA ISMAIL KHAN

Tel: (0966) 9280062
Fax (0966) 9280293

No.5243/EC, *Dated.11/08/2020*

ORDER

This order will dispose of departmental proceedings conducted against **Constable Muhammad Arshad No.1629** of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

It has been reported that he while posted at Police Lines DI Khan, Involved himself by using forged Currency and directly charged in case FIR No.427, dated 08.04.2020 U/S 489-B/489-C PS Cantt DI Khan

He was served with charge sheet/statement of allegations. An enquiry was conducted into the matter through **Mohammad Iqbal SDPO/City Circle DIKhan,** under Police Rules-1975 ammended-2014. The Enquiry Officer submitted his finding report in which he stated that the challan in the case has been completed and sent for hearing court. Enquiry Officer recommended that enquiry papers may kindly be kept pending till the decision of Court

Keeping in view of finding and recommendations of the Enquiry Officer, the undersigned came to the conclusion that the charge levelled against the accused official has been established beyond any shadow of doubt.

Therefore, in exercise of powers conferred upon me under the ibid rules I, **Capt. ® Wahid Mehmood**, District Police Officer, DI Khan, award him Major Punishment of **Dismissal from Police Service**, with immediate effect.

CB No. 1759/1
Dated: 17 - /08/2020

Capt. ® WAHID MEHMOOD, PSP
District Police Officer,
Dera Ismail Khan

از دفتر DSP سٹی سرکل **فائنل رپورٹ** ڈیرہ اسماعیل خان

عنوان:۔ محکمانہ انکوائری برخلاف کانسٹیبل محمد ارشد 1629

(27)

جناب عالی:۔

بحوالہ مشمولہ چارج شیٹ سٹیٹمنٹ آف الیگیشن مجاریہ جناب DPO صاحب کانسٹیبل محمد ارشد 1629 پر الزام عائد کیا گیا کہ بدوران پوسٹنگ پولیس لائن رپورٹ تحریر کی گئی کہ وہ بحوالہ مقدمہ نمبر 427 مورخہ 08.04.2020 جرم 489B/489C تھانہ کینٹ میں نامزد ملزم ٹھہرایا گیا ہے مذکورہ کو چارج شیٹ کرتے ہوئے زیر دستخطی کو انکوائری آفیسر مقرر کیا گیا.

انکوائری کے سلسلہ میں کانسٹیبل محمد ارشد 1629 کو طلب کیا گیا جو حاضر آیا اور اپنا جواب چارج شیٹ جمع کرایا. جواب چارج شیٹ میں اپنے اوپر لگائے گئے الزامات کی تردید کی. جواب میں تحریر کیا کہ اس کے خلاف سراسر غلط مقدمہ قائم کیا گیا ہے اور اس سے کسی قسم کی جعلی کرنسی برآمد نہیں ہوئی ہے.

عالیجاہ!

کانسٹیبل محمد ارشد 1629 کو بحوالہ مقدمہ نمبر 427 مورخہ 08.04.2020 جرم 489B/489C تھانہ کینٹ میں نامزد ملزم ٹھہرایا گیا ہے مقدمہ میں چالان مکمل دیا جا کر بغرض سماعت عدالت بھجوایا گیا ہے.

لہٰذا انکوائری عدالت کے فیصلہ تک پینڈنگ رکھی جاوے. حکم افسران بالا افضل ہوگا.

سب ڈویژنل پولیس آفیسر سٹی سرکل
ڈیرہ اسماعیل خان

C/S No.102

Office of the
District Police Officer,
DIKhan

No 2043 /EC

Dated 09-04/2020

28

DISCIPLINARY ACTION

I, **CAPT ® WAHID MEHMOOD, DISTRICT POLICE OFFICER, DIKHAN** as competent authority, am of the opinion that you **Constable Muhammad Arshad No. 1629** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

It has been reported that you while posted at Police Lines DI Khan, Involved your self by using forged Currency and directly charged in case FIR No.427, dated 08.04.2020 U/S 489-B/489-C PS Cantt DI Khan. This act on your part amounts to gross misconduct which is punishable under the rules..

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations DSP city is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

DISTRICT POLICE OFFICER,
DIKHAN

No. 2044-45 /EC, dated 09-04 /2020

Copy of above to:-

1. Muhammad Iqbal DSP city:- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Accused officer:-** with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

....

C/S No.102

Office of the
District Police Officer,
DIKhan

No 2043 /EC

Dated 09-04/2020

(29)

CHARGE SHEET.

I, **CAPT ® WAHID MEHMOOD, DISTRICT POLICE OFFICER, DIKHAN,** as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **Constable Muhammad Arshad No. 1629** rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

It has been reported that you while posted at Police Lines DI Khan, Involved your self by using forged Currency and directly charged in case FIR No.427, dated 08.04.2020 U/S 489-B/489-C PS Cantt DI Khan. This act on your part amounts to gross misconduct which is punishable under the rules.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07days of the receipt of this Charge Sheet to the enquiry officer.

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

4. A statement of allegation is enclosed.

DISTRICT POLICE OFFICER,
DIKHAN

"جواب چارج شیٹ"

عنوان: بسلسلہ چارج شیٹ نمبر 2040/EC مورخہ 09-04-2020

بخدمت جناب۔ ڈسٹرکٹ پولیس آفیسر صاحب ضلع ڈیرہ اسماعیل خان

منجانب۔ کانسٹیبل محمد ارشد بیلٹ نمبر 1629 ڈسٹرکٹ پولیس ڈیرہ اسماعیل خان

(31)

جناب عالی!

من سائل نے بحیثیت پولیس کانسٹیبل اپنے فرائض احسن طریقے سے ادا کیے ہیں۔ یہ کہ سائل کا جملہ سروس ریکارڈ بے داغ ہے اور سائل کسی بھی تعصبانہ سرگرمی میں ملوث نہ ہے۔ جو کہ FIR میں لگائے گئے ہیں وہ بے بنیاد اور بغیر ثبوت پے مبنی ہیں۔ اوران کا حقائق سے کوئی تعلق نہیں ہے۔ جناب عالی میں کنزیومر کورٹ پر گارد کمانڈر تعینات تھا۔

مورخہ: 06-4-2020 کو رات کے ٹائم میں اپنی ڈیوٹی سے اپنے والد کے گھر کھانا کھانے گیا ہوا تھا۔ تقریباً ساڑھے دس بجے گاردات چیکنگ گشت جس پر تعینات عنایت اللہ HC نے مجھے غیر حاضر کر دیا جو کہ روزنامچہ میں مدنمبر 85 کے تحت میں غیر حاضر ہوا پھر مدنمبر 86 روزنامچہ تاریخ 06-4-2020 اشفاق شاہ DSD انچارج پولیس لائن حاضر آیا اور اس نے میرے دوست حماد سلیمان بیلٹ نمبر 30 کو بذریعہ فون کر کے پولیس لائن بلایا اور اُسے کہا کہ کانسٹیبل محمد ارشد بیلٹ نمبر 1629 کے گھر مجھے لے جاؤ جس کا ریکارڈ روزنامچہ نقل چارج شیٹ کے ساتھ لف ہے۔ جب اشفاق شاہ DSP انچارج اور کانسٹیبل حماد سلیمان میرے والد کے گھر آئے اور مجھے بلا کر گاڑی میں بیٹھا دیا اور مجھے کینٹ تھانہ میں جا کر بیٹھا دیا گیا اُس وقت تاریخ 06-04-2020 تھی۔ اور پھر اُس کے بعد 08-04-2020 کو مجھ پر 489B اور 489C کی ایف آئی آر درج کی گئی جو جھوٹ پر مبنی ہے۔

دراصل من سائل ایک دن پیدل گشت ڈیوٹی پر تھا۔ اور سائل کو چھوٹے پیشاب نے سخت تنگ کیا تو من سائل 15 پال دفتر کا واش روم استعمال کرنے کے لیے 15 پال دفتر کی عمارت میں داخل ہوا۔ جہاں جناب اشفاق شاہ DSB انچارج 15 موجود تھے۔ جن سے میں نے واش روم استعمال کرنے کی اجازت مانگی۔ جو کہ موصوف نے نہ دی۔ سائل نے اپنی مجبوری پیش کی۔ اسی دوران موصوف اشفاق شاہ انتہائی غصہ ہو کر آپے سے باہر ہوئے اور من سائل کو نہایت غلیظ گالیاں دینے کے علاوہ ہاتھا پائی پر اُتر آئے۔ بدیں وجہ سائل نے بھی اپنا دفاع کیا۔

موصوف اشفاق شاہ صاحب کے صابر خان SHO تھانہ کینٹ کے ساتھ انتہائی قریبی دوستانہ تعلقات رہیں ہیں۔ اور موصوف نے مذکورہ بالا واقعہ کو اپنی انا کا مسئلہ گردانتے ہوئے اور اپنے دوستانہ تعلقات کو استعمال کر کے برخلاف سائل پر سراسر جھوٹا و غلط مقدمہ قائم کرایا ہے جو کہ ہرگز قابل پذیرائی نہ ہے۔ مبینہ واقعہ مندرجہ FIR سرے سے وقوع پذیر نہیں ہوا ہے۔ اور نہ ہی من سائل سے کسی قسم کی کوئی جعلی کرنسی برآمد ہوئی ہے۔ مقدمہ مذکورہ میں من سائل کی ضمانت ہو چکی ہے۔ جب کہ بوقت Trail سائل اپنے آپ کو انشاءاللہ بیگناہ ثابت کرے گا۔ اس لیے برخلاف من سائل کسی قسم کا تادیبی کاروائی عمل میں نہ لائے جانے کی استدعا ہے۔ جواب چارج شیٹ مرتب ہو کر گزارش ہے۔

آپ کا تابعدار

کانسٹیبل محمد ارشد بیلٹ نمبر 1629 ضلع ڈیرہ اسماعیل خان

پولیس لائن　　نقلمد روزنامچہ　　ضلع D.I.K

مدرج 96 اطلاعی رپورٹ امان اللہ H.C مورخہ 06/6/20 بوقت 23.30 بجے
درج ہے کہ اس وقت DSB انچارج اشفاق شاہ روزنامچہ حاضر آیا جس
نے کنسٹیبلان حماد سلیمان 30 اور محمد ارشد 1629/CHC کو طلب کرنے کا کہا جو بروقت
حکم کی تعمیل کرتے ہوئے بذریعہ موبائل فون طلب کیا گیا جبکہ کنسٹیبل محمد ارشد 1629/CHC
جو بغرض گارڈ کنڈکٹر بوجہ کورونا ڈیوٹی پر تعینات ہے جو کہ بحوالہ جنرل ڈیوٹی 8 بارے
علیحدہ حاضر ہے جسکے موبائل فون پر رابطہ کرنے کی کوشش کی گئی جو موبائل نمبر 03452623359
مسلسل بند آ رہا تھا جبکہ کنسٹیبل حماد سلیمان 30 کو انچارج DSB اشفاق شاہ
ہمراہ بھیجا گیا ہے اشتہاران ہاوک نوٹس میں لایا گیا ہے اندراج بارہ الملزمان
رپورٹ درج روزنامچہ کی جاتی ہے

(37)

حذیفہ بلال

نقل بمطابق اصل ہے

MM. Police Line
18-6-2020

فارم نمبر 24.5

انسپکٹر جنرل پولیس صوبہ خیبر پختونخوا

فارم نمبر 73

"Anex A" (6)

ابتدائی اطلاعی رپورٹ

(قابل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ فوجداری

تھانہ کنٹ ضلع DIK

تاریخ وقت وقوعہ 08/4/20 18:50 بجے

نمبر 027 (427)

1	تاریخ ووقت رپورٹ	08/4/20 وقت 19:10 بجے
2	نام وسکونت اطلاع دہندہ مستغیث	حاجی رحمان خان ساکن [illegible]
3	مختصر کیفیت جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہو	PPC 489B/489C
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	گرڈ روڈ ناکہ بندی [illegible]
5	نام وسکونت ملزم وہتھیار اشخاص مقدمہ	[illegible]
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	[illegible]
7	تھانہ سے روانگی کی تاریخ ووقت	[illegible]

ابتدائی اطلاع نیچے درج کرو: تحریری مراسلہ خان مستغیث

خانہ مذکورہ بالا میں مقدمہ زیر دفعات کنٹل فضل الرحمن 849 حوالدار [illegible] 956 [illegible] حسب اطلاع دی کہ [illegible] ساکنان [illegible] دوران گشت مخبر نے اطلاع دی کہ [illegible] ساکنان [illegible] کے پاس جعلی نوٹ [illegible] جس پر ناکہ بندی کی گئی تھی [illegible] فرنٹیئر مسکول سے [illegible] ناکہ بندی کی گئی تھی [illegible] اپنا نام [illegible] ساکنان [illegible] بجلی سٹیٹ سبڈی [illegible] اپنا نام [illegible] سکنہ [illegible] حال وارد [illegible] ارشد کی تلاشی لینے پر [illegible] جعلی نوٹ [illegible] ناکہ بندی کی [illegible] جس پر [illegible] مقدمہ زیر دفعات کنٹل [illegible] 849 ارسال [illegible] کے [illegible] کا مقدمہ درج [illegible] رنگ [illegible] مدعی مقدمہ [illegible] مراسلہ حرف بحرف درج [illegible] جرم [illegible] کرنے سے قبل FIR [illegible] تفتیش [illegible] ارسال [illegible] حالی ہے [illegible]

MHC-Cantt
08-4-2020

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ابتدائی اطلاعی رپورٹ

تھانہ: چھاؤنی ضلع DIK

نمبر 427 تاریخ وقت وقوعہ 08/04/2020 وقت 18:00 بجے

۱۔تاریخ ووقت رپورٹ 08/04/2020 وقت 18:10 بجے پاکیدگی 08/04/2020 وقت 18:50 بجے۔

۲۔نام وسکونت اطلاع دہندہ مستغیث :صابر خان SHO تھانہ کینٹ۔

۳۔مختصر کیفیت مجرم (معہ دفعہ) :489-E/489-C, PPC

۴۔جائے وقوعہ فاصلہ تھانہ سے اور سمت :گرڈ روڈ ناکہ بندی پوائنٹ جانب شمال بفاصلہ 3/4 کلومیٹر تقریباً

۵۔نام وسکونت ملزم :1)۔حماد سلیمان ولد عبدالستار قوم کارلو سکنہ بستی شیخانوالی۔2) محمد ارشد ولد ملک مشتاق احمد قوم دھپ سکنہ روڈ۔

۶۔کاروائی جو تفتیش کے متعلق کی گئی ہو۔ :برسیدگی مراسلہ مقدمہ قائم ہوا۔

۷۔تھانہ سے روانگی کی تاریخ ووقت :برسبیل ڈاک۔

ابتدائی اطلاع نچے درج کرو

تحریری مراسلہ منجانب مستغیث مندرجہ خانہ نمبر 2 بغرض قائمی مقدمہ بدست کانسٹیبل فضل الرحمٰن 849 موصول ہوکر ذیل ہے۔محرر تھانہ دوران گشت مخبر نے اطلاع دی کہ موٹر سائیکل نمبر 5956/DIK پر سوار دو اشخاص جعلی نوٹ استعمال کررہے ہیں جو گرڈ روڈ سے بطرف ۔۔۔۔۔کررہے ہیں حسب اطلاع مخبر جائے وقوعہ بالا پر ناکہ بندی کیے ہوئے تھا جانب قرطبہ سکول سے موٹر سائیکل متذکرہ بالا آتے ہوئے روکا جا کر پوچھا جانے پر اپنا نام حماد سلیمان ولد عبدالستار قوم کارلو سکنہ بستی شیخانوالی سٹی DIK جبکہ پچھلی سیٹ پر بیٹھے شخص نے اپنا نام محمد ارشد ولد ملک مشتاق احمد قوم دھپ سکنہ روڈ احال قدوس آباد گرڈ روڈ بتلایا بدوران جامعہ تلاشی محمد ارشد کی شلوار زیب تن کی جیب سے مبلغ-/56,000 روپے 1000/1000 نوٹ جعلی پاکستانی کرنسی برآمد ہوئی برآمدہ جعلی نوٹ مبلغ-/56,000 روپے اور موٹر سائیکل متذکرہ بالا قبضہ پولیس میں کرکے حماد سلیمان ومحمد ارشد مذکورین بالا کو ملوث بجرائم بالا کا پاکر حسب ضابطہ گرفتار کرکے مراسلہ بغرض قائمی مقدمہ بدست کانسٹیبل فضل الرحمٰن 849 ارسال تھانہ ہے مقدمہ درج رجسٹر کرکے تفتیش کا بندوبست کیا جاوئے۔میں برموقع موجود ہوں دستخط انگریزی مدعی بالا کاروائی تھانہ آمدہ مراسلہ حرف بہ حرف درج بالا ہوکر پرچہ بجرائم بالا چاک کرکے نقل FIR بغرض تفتیش حوالے INV سٹاف کی جاتی ہے پرچہ گزارش ہے۔

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Office of the DPO/D.I.Khan
Dy. 192 /EC,
Dt. 14-01 /2021

OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

No. 208 /ES, Dated DI Khan the 12/01/2021

ORDER

This order is aimed to dispose of the departmental appeal of **Ex-Constable Muhammad Arshad No.1629** of District Police D.I.Khan against the Major Punishment order i.e. Dismissal from Service by DPO D.I.Khan vide OB No.1759 dated 17.08.2020, on the score of following allegations:

Facts of the case are that it has been reported that he while posted at Police Lines DI Khan, involved himself by using forged currency and directly charged in case FIR No.427 dated 08.04.2020 u/s 489-B/489-C PS Cantt DI Khan

He was issued charge sheet and proper departmental proceedings was initiated against him. Enquiry into the matter was conducted by Mr. Mohammad Iqbal SDPO City Circle DI Khan, who submitted his finding report and stated that the Challan in the case has been completed and sent for trial. Enquiry Officer recommended that enquiry papers may kindly be kept pending till the decision of Court. Hence, DPO DIKhan has passed the order dated 17.08.2020.

He preferred an appeal to the undersigned on 03.09.2020 against the order of DPO DIKhan. His appeal was sent to DPO DIKhan for comments and to provide his service record vide this office Endst: No. 8536/ES dated 03.09.2020. DPO DIKhan vide his office memo: No. 5942/EC dated 23.09.2020 has furnished the comments on the subject appeal.

The undersigned perused the file of the appellant thoroughly as well as heard him in person in Orderly Room dated 03.11.2020. The appellant is involved in criminal case u/s 489-B/489-C of PS Cantt D.I.Khan which is pending trial before the Court of law. The appellant has brought bad name to Police

Therefore, I, **YASEEN FAROOQ**, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule-11(4)(a) of Police Rules 1975 amended 2014, uphold the Major punishment of Dismissal from Service awarded by DPO D.I.Khan and his appeal is hereby rejected.

RC/OHC OB 97 DT 15-01-2021 EC/OHC/03

(YASEEN FAROOQ) PSP
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

No. /ES

Copy of above is sent to the DPO DIK along with service records w.r.t his office memo: No. 5942/EC dated 23.09.2020.

PPS attached 13/01/21

End: S-Roll + Arrest

(YASEEN FAR
REGIONAL POLICE

OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

13

No. 208 ES, Dated DI Khan the 12/01/2021

ORDER

This order is aimed to dispose of the departmental appeal of Ex-Constable Muhammad Arshad No.1629 of District Police D.I.Khan against the Major Punishment order i.e. Dismissal from Service by DPO D.I.Khan vide OB No.1759 dated 17.08.2020, on the score of following allegations:

Facts of the case are that it has been reported that he while posted at Police Lines DI Khan, involved himself by using forged currency and directly charged in case FIR No.427 dated 08.04.2020 u/s 489-B/489-C PS Cantt DI Khan.

He was issued charge sheet and proper departmental proceedings was initiated against him. Enquiry into the matter was conducted by Mr. Mohammad Iqbal SDPO City Circle DI Khan, who submitted his finding report and stated that the Challan in the case has been completed and sent for trial. Enquiry Officer recommended that enquiry papers may kindly be kept pending till the decision of Court. Hence, DPO DIKhan has passed the order dated 17.08.2020.

He preferred an appeal to the undersigned on 03.09.2020 against the order of DPO DIKhan. His appeal was sent to DPO DIKhan for comments and to provide his service record vide this office Endst: No. 8536/ES dated 03.09.2020. DPO DIKhan vide his office memo: No. 5942/EC dated 23.09.2020 has furnished the comments on the subject appeal.

The undersigned perused the file of the appellant thoroughly as well as heard him in person in Orderly Room dated 03.11.2020. The appellant is involved in criminal case u/s 489-B/489-C of PS Cantt D.I Khan which is pending trial before the Court of law. The appellant has brought bad name to Police.

Therefore, I, **YASEEN FAROOQ**, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule-11(4)(a) of Police Rules 1975 amended 2014, uphold the Major punishment of Dismissal from Service awarded by DPO D.I.Khan and his appeal is hereby **rejected**.

Sd/-
(YASEEN FAROOQ) PSP
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

No. 209 /ES

Copy of above is sent to the DPO Tank alongwith service records w.r.t his office memo: No. 5942/EC dated 23.09.2020.

Sp/-
(YASEEN FAROOQ) PSP
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

1629

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. S/ 11 /20, dated Peshawar the 01/01/2020.

To: The District Police Officer,
Dera Ismail Khan.

Office of the DPO/D.I.Khan
Dy. 37 /EC
Dt. 05-01-2021

Subject: - **APPEAL.**

Memo:

The applicant Ex-FC Muhammad Arshad No. 1629 has submitted application to Worthy IGP/Khyber Pakhtunkhwa, requesting therein for re-instatement in service.

The applicant has not preferred appeal to first Appellate Authority i.e. Regional Police Officer, DIKhan.

Therefore, the applicant may please be informed to submit his appeal to the Regional Police Officer, DIKhan, being first appellate authority.

31/12

(SYED ANIS-UL-HASSAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

30/12

Cc:

Ex-FC Muhammad Arshad No. 1629 s/o Malak Mushtaq Ahmad r/o Qadoos Abad, Gird Road, Tehsil & District DIKhan (0342-804003).

OHC/SRC/ -
For informing the individual concerned.

DPO/DIKhan

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21/04/22

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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by **Ex-FC Muhammad Arshad No. 1629.** The petitioner was dismissed from service by District Police Officer, DIKhan vide OB No. 1759, dated 17.08.2020 on the allegations that he while posted at Police Lines D.I.Khan, involved himself by using forged currency and directly charged in case FIR No. 427, dated 08.04.2020 u/s 489-B/489-C Police Station Cantt: D.I.Khan. His appeal was rejected by Regional Police Officer, DIKhan vide order Endst: No. 208-09/ES, dated 12.01.2021.

Meeting of Appellate Board was held on 29.03.2022 wherein petitioner was heard in person. Petitioner contended that he was acquitted by the court Additional Session Judge-I, DIKhan vide judgment dated 04.01.2022.

Perusal of record revealed that petitioner has been acquitted from the charges on benefit of doubt by the court Additional Session Judge-I, DIKhan vide judgment dated 04.01.2022. His co-accused Constable Hamad Sulaiman No. 30 is also re-instated in service by Regional Police Officer, DIKhan vide order No. 4672-73/ES, dated 26.10.2021 from the date of suspension without prejudice to the outcome of the criminal case pending in court.

Keeping in view his long service of 13 years, 02 months and 07 days, the Board is of the opinion that the penalty imposed on petitioner is harsh and decided that the petitioner is hereby re-instated in service and his penalty of dismissal from service is converted into time scale for three years. However, the intervening period to be treated as without pay.

Sd/-
SABIR AHMED, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/700-06/22, dated Peshawar, the 13/04/2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, DIKhan. One Service Roll and one Fauji Missal of the above named FC received vide your office Memo: No. 2479/ES, dated 18.06.2021 is returned herewith for your office record.
2. District Police Officer, DIKhan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPC Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

DIX attached 22/4/22

OB 754
Dt 26-4-22

E-IV/OB/120/DHC

20/4

DPO/D.I.Khan
22-19/4

05/04/22

(IRFAN TARIQ) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.