

2nd Feb, 2023

Clerk of learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Lawyers are on strike, therefore, the case is adjourned. Office is directed to notify the next date on the notice board as well as on the website of the Tribunal. To come up for arguments on 08.05.2023 before D.B.



(Muhammad Akbar Khan)
Member (E)

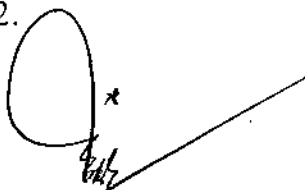


(Kalim Arshad Khan)
Chairman

02.11.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Painsakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on 08.12.2022.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

08.12.2022

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant sought time for preparation of arguments. Adjourned. To come up for arguments on 02.02.2023 before D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

SCANNED
800 21
Peshawar

16-2-22

Due to retirement of the Hon. B. Chairman
the case is adjourned to come up for the
same as before on 7-6-22

[Signature]
Reader

07.06.2022

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 10.08.2022 before the D.B.

[Signature]

(Fareeha Paul)
Member (E)

[Signature]

(Salah-ud-Din)
Member (J)

10-8-2022

Proper DB not available the case is
adjourned to 2-11-2022


[Signature]
Reader

10.06.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General alongwith Khyal Roz Inspector for respondents present.

Former requested for adjournment. Adjourned. To come up for arguments on 11.10.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman

11.10.2021

Clerk to counsel for the appellant present. Mr. Riaz Khan Paindakheil, Assistant Advocate General for the respondents present.

Learned Members of the DBA are observing Sogh over the demise of Dr. Abdul Qadeer Khan (Scientist) and in this regard request for adjournment was made; allowed. To come up for arguments on 23.12.2021 before D.B.



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

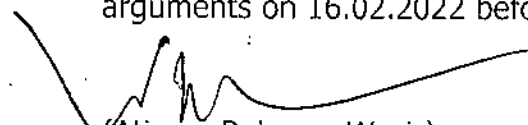


(Rozina Rehman)
Member (J)

23.12.2021

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Khial Roz, Inspector (Legal) for the respondents present.

Learned counsel for the appellant seeks adjournment. Request is accorded. To come up for arguments on 16.02.2022 before the D.B.



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



Chairman

23.12.2020

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Khyal Roz Inspector for respondents present.

Representative of respondents submitted reply/comments, placed on file. To come up for rejoinder, if any, and arguments on 15.03.2021 before D.B.



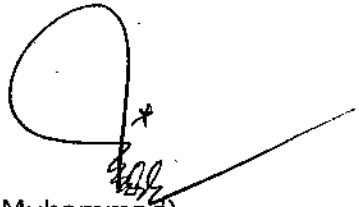
(Rozina Rehman)
Member (J)

15.03.2021

Counsel for the appellant and Mr. Muhammad Rashid, DDA alongwith Mr. Khayal Roz, Inspector for the respondents present.

Learned counsel for the appellant has submitted rejoinder which is placed on file. He requests for adjournment to argue the case on the next date.

Adjourned to 10.06.2021 before D.B.



(Mian Muhammad)
Member(E)



Chairman

24.07.2020

Mr. Fazal Shah Mohmand, Advocate for the appellant is present. Mr. Kabirullah Khattak, Additional AG alongwith representative of the department Mr. Atta-ur-Rehman, Inspector (Legal) are also present.

Representative of the department request for further time to submit the requisite reply. May do so on next date of hearing. Adjourned to 31.08.2020 for submission of written reply/comments before S.B.

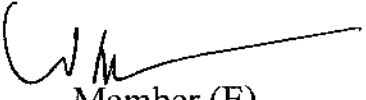

(MUHAMMAD-JAMAL KHAN)
MEMBER

31.08.2020

Appellant in person present. Mr. Kabirullah Khattak Addl. AG alongwith Mr. Atta-ur-Rehman Inspector for the respondents present.

Written reply/comments not submitted. Representative of respondent seeks time to furnish written reply/comments.


Adjourned to 20.10.2020 before S.B.


Member (E)

20.10.2020

Appellant is person in person. Kabirullah Khattak, Additional Advocate General alongwith representative of the department Mr. Zâheer Ahmed, PSI, are present.

Representative of the respondents seek further time to submit reply/comments. Adjourned to ²³~~22~~.12.2020 on which date the requisite reply shall be submitted by way of last chance.


(Muhammad Jamal Khan)
Member (Judicial)

19.05.2020 Nemo for the appellant. Adjourned. To come up for preliminary hearing on 03.06.2020 before S.B.

*Notice to
M. Amin Khan Kundi and his Counsel.
M A*

(M. Amin Khan Kundi)
Member (J)

03.06.2020

Counsel for the appellant present.

Contends that the impugned order dated 15.07.2019 was passed against the appellant by respondent No. 2, whereby penalty of stoppage of one increment with cumulative effect was imposed. The said respondent, however, failed to mention the timeline/period for which the penalty was awarded to the appellant. Further contends that respondent No. 1 rejected the departmental appeal of appellant on 03.03.2020 also on the ground that the same was barred by time. With reference to Dak Book dated 09.08.2019 (copy available on record) it is contended that the appeal was submitted within the prescribed time.

In view of the available record and arguments of learned counsel, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 24.07.2020 before S.B.

Appellant Deposited
Security Process Fee
03/06/20


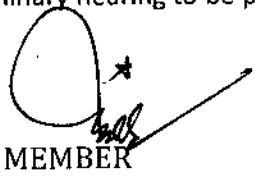
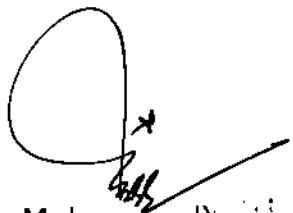
Chairman 

FORM OF ORDER SHEET

Court of _____

Case No.-

3844 /2020

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 29/04/2020 | <p>The appeal of Wajid Ali resubmitted today by Mr. Fazal Shah Mohmand Advocate, may be entered in the institution registrar and put up to the learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S.B for preliminary hearing to be put up there on <u>11-05-2020</u></p> <p style="text-align: right;"> MEMBER</p> <p>11.05.2020</p> <p>Nemo for the appellant. Adjourned To come up for preliminary hearing on 19.05.2020 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member</p> |

The appeal of Wajid Ali received today i.e. 24.04.2020 by Mr. Fazal Shah Mohmand, Advocate is incomplete on the following score which is returned to his counsel for completion and resubmission within 15 days.

- 1- Annexures of the appeal are not flagged which may be flagged.
- 2- Annexures of the appeal are not attested which may be attested.
- 3- Six more copies of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1036 /S.T.

Dt. 24-04 /2020



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Fazal Shah Mohmand Adv, Peshawar.

R/sic

Resubmitted after necessary
completion.

29/4/2020

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 3844 /2020

Wajid Ali.....Appellant

V E R S U S

RPO & others.....Respondents

I N D E X

| S. No | Description of Documents | Annexure | Pages |
|-------|---|----------|-------|
| 1. | Service Appeal | | 1-4 |
| 2. | Application for condonation of delay with affidavit | | 5 |
| 3. | Copies of Letters dated 24-04-2018 & 02-05-2018 | A & B | 6-10 |
| 4. | Copy of inquiry Report | C | 11 |
| 5. | Copy of Final Show cause Notice & Reply | D & E | 12-15 |
| 6. | Copy of Charge Sheet, Reply & Inquiry Report | F, G & H | 16-22 |
| 7. | Copy of Final Show Cause Notice & Reply | I & J | 23-26 |
| 8. | Copy of Order dated 15-07-2019 | K | 27-28 |
| 9. | Copy of Departmental Appeal, Dak Books & Order dated 03-03-2020 | L, M & N | 29-39 |
| 10. | Copies of FIRs, Statement & Daily Diary Report | O, P & Q | 40-46 |
| 11. | Wakalat Nama | | 47 |

Dated:-30-03-2020

Through


Appellant

Fazal Shah Mohmand
Advocate Supreme Court

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

-1-

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 3844/2020

Wajid Ali Sub Inspector No 228/MR, Elite Force Khyber Pakhtunkhwa
Peshawar.

.....Appellant

V E R S U S

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2651

Dated 24/04/2020

1. Regional Police Officer, Mardan Region Mardan.
2. District Police Officer Mardan.
3. Deputy Commandant Elite Force Khyber pakhtunkhwa Peshawar
4. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.

.....Respondents

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT
1974 AGAINST THE ORDER DATED 03-03-2020 PASSED
BY RESPONDENT NO 1 WHEREBY THE DEPARTMENTAL
APPEAL OF THE APPELLANT FILED AGAINST THE ORDER
DATED 15-07-2019 HAS BEEN FILED/REJECTED.**

PRAYER:-

On acceptance of this appeal the impugned Order dated 03-03-2020 of respondent No 1 and Order dated 15-07-2019 may kindly be set aside and the one stopped increment may kindly be restored to the appellant with all back benefits.

Respectfully Submitted:-

1. That the appellant joined the respondent department as Constable, was promoted as Head Constable, then was promoted as ASI and lastly the appellant was promoted as Sub Inspector later on and since then he performed his duties with honesty and full devotion.
2. That since 22-10-2018 the appellant is on deputation to Elite Force Khyber Pakhtunkhwa and in the month of April 2018 the appellant while posted as SHO Police Station Toru Mardan, some political persons approached the appellant for extending them illegal favor which the appellant refused so they staged various protests against the appellant and on 24-04-2018 during the visit of the then DPO Mardan the said political Nazims etc blocked the road and also came to the Police Station Toru and made complaints against the appellant who for reasons other than fair bonafide and politically oriented ordered the then SP Investigation Mardan for inquiry against the appellant regarding some allegations of the dwellers of the area. The illegal preliminary inquiry was conducted accordingly

Filed to-day
Registrar
24/4/2020

and vide letter dated 02-05-2018 report was submitted to respondent No 2. **(Copies of Letters dated 24-04-2018 & letter dated 02-05-2018 are enclosed as Annexure A & B).**

3. That the malafide is also proved from the fact that one Shahid Khan S/O Shahroom filed another complaint on 26-06-2018, upon which DSP Sheikh Maltoon Mardan was directed for inquiry which was accordingly conducted. **(Copy of Inquiry Report is enclosed as Annexure C).**
4. That thereafter Final Show Cause Notice was issued to the appellant on 12-03-2019 which the appellant replied in detail explaining the true position. **(Copy of Final Show Cause Notice & Reply is enclosed as Annexure D & E).**
5. That Charge Sheet was then issued to the appellant on 11-04-2019 and SDPO City Mardan was nominated as Inquiry Officer the appellant replied the same in detail while no witness was examined during inquiry thus illegal inquiry was conducted. **(Copy of Charge Sheet, Reply & Inquiry report is enclosed as Annexure F, G & H).**
6. That on 17-06-2019 another Final Show Cause Notice was issued to the appellant which the appellant in detail explaining the true position in light of mentioned facts. **(Copy of Final Show Cause Notice & Reply is enclosed as Annexure I & J).**
7. That finally the appellant was awarded the minor penalty of Stoppage of one Increment with cumulative effect by respondent No 2 vide Order dated 15-07-2019. **(Copy of Order dated 15-07-2019 is enclosed as Annexure K).**
8. That in the meanwhile the appellant was transferred to Elite Force so he filed departmental appeal before the Deputy Commandant Elite Force Khyber pakhtunkhwa Peshawar on 09-08-2019 who returned the same to respondent No 1 where the same was received vide Dak Book on 05-11-2019 and finally respondent No 1 filed/rejected the same vide Order dated 03-03-2020. **(Copy of Departmental appeal, Dak Books & Order dated 03-03-2020 is enclosed as Annexure L, M & N).**
9. That the impugned order dated 03-03-2020 of respondent No 1 and Order dated 15-07-2019 of respondent No 2 are against the law, facts and principles of justice on grounds inter alia as follows:-

GRUNDS:-

-3-



- A. That the impugned Orders are illegal, unlawful and void ab-initio.
- B. That mandatory provisions of law and rules have badly been violated by the respondents and the appellant has not been treated according to law and rules.
- C. That the impugned orders are based on malafide as the appellant did nothing that would amount to misconduct.
- D. That in fact the Nazims, and other politicals of the area wanted to influence the appellant for their vested interests which the appellant refused so they planted various persons for filing false and frivolous complaints and also produced them during the visits of the then DPO Mardan who ordered inquiry against the appellant.
- E. That the falsity of all complaints is proved from the FIRs registered, statement of Naeem Ullah and Daily Diary of the Police Station. **(Copies of FIRs, Statement of Naeem Ullah & Daily Diary Report is enclosed as Annexure O, P & Q).**
- F. That no proper inquiry has been conducted as no witness was examined in presence of the appellant nor the appellant was ever confronted with any complaint during departmental inquiry.
- G. That the impugned order is in violation of Fundamental Rule 29 and as such too liable to be struck down on this score alone.
- H. That the appellant was never provided opportunity of personal hearing.
- I. That the charges were never established nor was any material collected against the appellant warranting imposition of penalty.
- J. That the appellant was subjected to three inquiries and he had nothing to do with most of the allegations while others were false besides malafide as the appellant never raided the house as alleged.
- K. That the appellant while posted as SHO tried his best to have cordial relations with the general public however some politicals of the area managed against the appellant for reasons other than fair and bonafide.

- L. That the appellant has about 28 years of service with unblemished service record.
- M. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

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

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

Dated--:30-03-2020


Appellant
Through

Fazal Shah Mohmand
Advocate Supreme Court

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2020

Wajid Ali **Appellant**

V E R S U S

RPO & others..... **Respondents**

Application for condonation of delay if any

Respectfully Submitted:-

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application, furthermore the title appeal was drafted and prepared on 30-03-2020 but due to Vacations declared by the Provincial Government due to Corona Virus this honorable tribunal was closed and the same could not be filed on that very date.
3. That as the appellant was transferred to Elite Force so he filed departmental appeal before the Deputy Commandant Elite Force Khyber pakhtunkhwa Peshawar on 09-08-2019 who returned the same to respondent No 1 where the same was received vide Dak Book on 05-11-2019 and finally respondent No 1 filed/rejected the same vide Order dated 03-03-2020.
4. That the law as well as the dictums of the superior Courts also favors decisions of cases on merit.

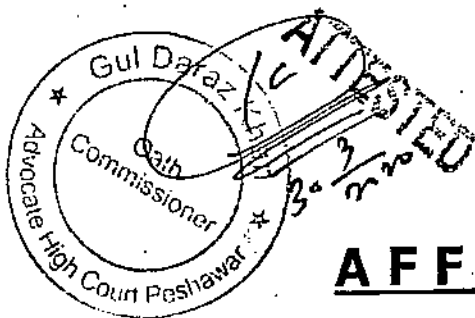
It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.

Dated:-30-03-2020

[Signature]
Appellant

Through

[Signature]
Fazal Shah Mohmand
Advocate Supreme Court



A F F I D A V I T

I, Wajid Ali Sub Inspector No 228/MR, Elite Force Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

[Signature]

-6-"A"



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel: 0937-9230109
Fax: 0937-9230111
Email: dpomardan650@gmail.com
Facebook: dpomardan
Twitter: @dpomardan

No. 187 /R,
Dated: 24-4-2018.

To: The Superintendent of Police,
Investigations, Mardan.

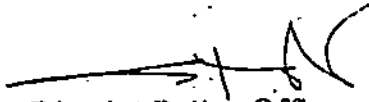
Subject: PRELIMINARY ENQUIRY AGAINST SI WAJID KHAN,
SHO PS TORU.

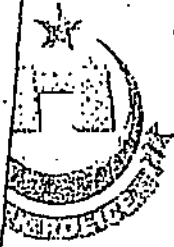
Memo:

It is stated that the undersigned paid a surprise visit to PS Toru on 20.04.2018. The dwellers of village Toru were already present in Police Station. They claimed against SHO Toru. their allegations in Urdu version are attached herewith which were heard personally by the undersigned.

You are hereby directed to complete the same enquiry immediately and the outcome should be submitted to this office till 30.04.2018.

Encl: (02)


District Police Officer,
Mardan.



OFFICE OF THE
SUPERINTENDENT OF POLICE
INVESTIGATION MARDAN
Phone No. 0937-9230121
Fax No. 0937-9230321

"B"
-7-

700 /PA / Inv:

Dated 02 /May/ 2018.

The District Police Officer,
Mardan.

Subject: PRELIMINARY ENQUIRY AGAINST SI WAJID KHAN
SHO PS TORU.

Re:

Kindly refer to your office letter No. 187/R dated 24.04.2018, on
the subject cited above.

It is submitted that the undersigned received a complaint against
SI Wajid Ali SHO PS Toru, Mardan from your good office for enquiry and
report. The perusal of which revealed that a few persons namely:-

1. Shahbaz Khan s/o Mirza Shah r/o Ahmad Abad Colony
alleged that SI Wajid Ali SHO Toru took 20 thousand rupees as bribe from
him as he recovered one 7.62 bore Rifle from his possession during Search
and Strike Operation.

2. Shahid s/o Shahroom r/o Ahmad Abad alleged that the SHO
fell his daughter aged about 04 years to the earth due to which she got
internal injury.

3. Nisar Muhammad s/o Fida Muhammad r/o Banr Baba, Toru
alleged that some people of the locality on motorcycle attacked his house,
while leaving behind them their two motorcycles at the spot but the SHO was
reluctant from registration of report.

4. Mursleen and Shahzad alleged that their brothers namely
Arslan and Zahid Ali are missing since 03 month but no FIR has yet been
registered and according to SHO they were criminals.

5. Sher Alam Nazim Shamat Pur charged the SHO Wajid Ali for
taking bribe of 05 thousands in a Jirga.


6. Naccm Ullah charged the SHO for not registering FIR on account of theft of his two Cows.

In this connection the alleged SHO was called and examined. He denied the above allegations leveled against him. The undersigned personally visited the above named persons at their native villages, heard them in detail and recorded their statements in the matter which are enclosed for your kind perusal.

So far as taking of bribe from the above named persons is concerned the complainants could not produce any independent witness in support of their allegations which after preliminary enquiry could not be proved. Secondly the allegation of fallen of a girl of 04 years to the earth from a cot also not proved.

Besides, enquiry u/s 156 (3) CrPC regarding missing of two persons Arsalan and Zahid Ali is under process and up-to-date.

After going through the complaints coupled with statements while conducting preliminary enquiry into the allegations I came to the conclusion that the SHO namely Wajid Ali has failed to satisfy the general public of his area of responsibility and has poor relations with the general public which is detrimental to police work in future. On other hand it also came to surface that a few Nazims of Village Councils keep personal animosity with the above named SHO for their personal gains.


Superintendent of Police,
Investigation Mardan.

PA-
2700m FSCN
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توسہ ۵۲۰ صہب اپنے دعوت کے حوالے سے لکھا ہے۔ لیکن ۵۲۰ صہب نے ان

سے پہلے ۱۱۲۵ واپس چلی بنا اپنے بندوں کو بھانے میں بلوایا تھا۔ تاکہ

فائدہ لوگوں کی باتوں کو نہ سنی جائے۔ تاکہ میں بچ جاؤں۔ تو

اسی صہب ۱۲۰۱ ہجری - جسفر ۱۱۲۵ واپس چلی صہب چاہتے تھے۔

سہرا لکھی ہم آپ سے التجا کرتے ہیں۔ کہ بیمار سے صحت پاؤں اور صحت دار

لوگوں کی بات کو سنی جائے۔ اور بیمار سے صحت پاؤں لیا جائے

سہرا میں انکو اور اپنے اہل و عیال کو نصیحت

دعائیں دینا شروع کیا

دستخط
دعوت اسلام کونسل، سالکان

تاریخ ۲۶.۰۶.۰۱۵

عوباد بن علی ۹۴۹۱۸۲-۰۳۴۸

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OFFICE OF THE -12- "D"
DISTRICT POLICE OFFICER,
MARDAN

Tel No: 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

6109

No. 74 /PA

Dated 19 / 13 /2019

FINAL SHOW CAUSE NOTICE

Whereas, SI Wajid Khan, while posted as SHO PS Toru (Now Elite Force Mardan), Mr. Khurram Rashid, the then DPO Mardan had paid a surprise visit to Police Station Toru on 20.04.2018, where the dwellers made the following complaints against you regarding indulging in corruption practices & other in-efficiency on your part:-

Details are as under:-

1) Accepted an illegal gratification of Rs.20,000/- from one Shahbaz Son of Mirza Shah r/o Ahmad Abad Colony through Samad Khan & Waheed Gul @ Tori Residents of Toru on account of recovery a Rifle, from his house, who (Shahbaz) took out the amount from one Jamil Son of Sherdil Resident of Ahmedabad as debt.

2) Fall on-ground a Six years child of one Shahid Son of Shah Room Bacha Resident of Ahmedabad during a raid on his house, resultantly the child was internal injured & shifted to the Hospital.

3) Failed to register proper FIR of an attack on the House of one Nisar Muhammad Son of Fida Muhammad Resident of Banir Baba (Toru) by some local people (Motor-Cyclists), who have left their Motorcycles on the spot.

4) Failed to register proper FIR of the missing of Arsalan & Zahid, who are missing since (03) months & as per you, they are criminals.

5) Accepted an illegal gratification of Rs.5000/- from one Sher Alam Nazim Shamat Pur during a Jirga.

6) Failed to register proper FIR on the report of Naeemullah regarding stolen-away his two Cows.

To ascertain real facts, Mr. Janas Khan, the then SP/Investigation Mardan was nominated as E.O vide this Office letter No.187/R dated 24.04.2018 to conduct an enquiry into the allegations, who after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.700/PA/Inv dated 02.05.2018, holding responsible you of gross misconduct by non-satisfying the general public of the area & has poor relations with them, which is detrimental to Police work in-future.

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 Sajjad Khan (PSP) District Police Officer Mardan, in exercise of the powers vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of receipt of this notice, failing which; it will be presumed that you have no explanation to offer.

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

Received by _____

Dated: ___ / ___ /2019

(SAJJAD KHAN) PSP
District Police Officer
A Mardan

Copy to SP/Elite Force Mardan to deliver this Notice upon the alleged officer & the receipt
returned to this office at earliest for onward necessary action, please

بحوالہ فائل شوکاژ نوٹس نمبری PA/74 مورخہ 12.03.2019 معروض خدمت ہوں کہ میں سال 2018

کو تھانہ طورو میں SHO تعینات تھا۔ دوران ویزٹ جناب DPO صاحب کو تھانہ طورو میں کچھ کریمینل اشخاص/انا ظلمین نے میرے خلاف الزامات لگا کر جو تفصیل ذیل ہے۔

1۔۔ مسی شہباز خان ولد مرزا شاہ ساکن احمد آباد کو بدوران گشت بمورخہ 08.04.2018 بمقام احمد آباد طورو، گوگرفار کر کے اس کے قبضہ سے ایک عدد کلاشنکوف بورر انقل 7.62mm فیکسڈ چارجر 03 عدد کارتوس 7.62mm بورر برآمد کیا اور اس کے خلاف مقدمہ عدلت 221 مورخہ 08.04.2018 جرم 15AA تھانہ طورو درج رجسٹر کر کے مقدمہ چالان عدالت کیا۔ اس شخص نے دوران ویزٹ جناب DPO صاحب کو میرے خلاف 20 ہزار روپے لینے کا الزام لگایا۔ جو من گھڑت اور بے بنیاد ہے۔ چونکہ شہباز خان کے خلاف باقاعدہ مقدمہ درج بالا رجسٹر کیا گیا تھا اور اس کے ساتھ جرم میں کسی قسم کی ہمدردی وغیرہ نہیں کی گئی تھی۔ تو اس وجہ سے مسی شہباز خان نے میرے خلاف رشوت لینے کا الزام لگایا۔ اس سلسلہ میں میں بے گناہ ہوں اور ہر قسم کے تسلی کرنے کے لئے تیار ہوں۔ (نقل FIR لف ہے)

2۔۔ مسی شاہد ولد شاہ روم ساکن احمد آباد نے من سابقہ SHO پر الزام لگا کر کہ دوران چھاپہ زنی اس کی بیٹی اسم تنزیلیہ بھنر 6 سال سے کبیل کھینچ کر جس کی وجہ سے وہ چار پائی سے گر گئی اور وہ زخمی ہو کر ہسپتال لے گئی۔ احمد آباد میں من سابقہ SHO نے مسی شاہد ولد شاہ روم کے گھر پر کسی قسم کا چھاپہ نہیں لگایا تھا بلکہ آصف خان SI نے مورخہ 07.04.2018 کو دوران سرچ اینڈ سٹرائیک آپریشن نزد مکان مذکورہ شاہد کے قبضہ سے ایک ضرب کالا کوف 222 بورر بلا نمبر بلا لائنس برآمد کر کے شاہد کے خلاف مقدمہ عدلت نمبری 218 مورخہ

07.04.2018 جرم 15AA تھانہ طورو درج رجسٹر کر کے جس میں ملزم عدالت سے سزا ہو چکا ہے۔ الزام لگا کر وہ مقدمہ متذکرہ میں ملزم کے خلاف کارروائی تھی ملزم کی بیٹی کو گرایا نہیں ہے اور نہ ہی اسی روز میں اس مقام پر موجود تھا۔ ملزم کی بیٹی پہلے سے خسرہ، یرقان وغیرہ کی بیماری میں مبتلا تھی۔ جس کی میڈیکل کاغذات حاصل کر کے بطور ثبوت ہمراہ لف ہیں۔ یہ امر قابل ذکر ہے کہ کوئی پولیس افسر دوران سرچ آپریشن اس قسم کے کوئی کام کا متحمل نہیں ہو سکتا اور نہ ہی پولیس افسر سے اس قسم کی انسانیت کے خلاف کام کی توقع کی جاسکتی ہے۔ الزام میں کوئی صداقت نہیں ہے۔ جھوٹا اور من گھڑت ہے۔ (نقل FIR و میڈیکل کاغذات ہمراہ لف ہے)

3۔۔ نثار محمد ناظم ولد نثار محمد ساکن بنز با با طورو کے گھر پر کسی ملزم / ملزمان نے حملہ نہیں کیا تھا بلکہ فریق نثار محمد مذکورہ اور سہیل ولد صدر الدین ساکن میرے کورونہ طورو کے تعلقات سابقہ لڑائی جھگڑے پر کشیدہ چلے آ رہے تھے مورخہ 14.04.2018 کو سہیل مذکورہ کے برادر محمد سفید وغیرہ موٹر سائیکل پر کبھی جا رہے تھے کہ بمقام رشید آباد طورو میں نثار ناظم کے ماموں زاد بھائی جمشید ولد بشر وغیرہ رشتہ داروں نے برادر سہیل وغیرہ کو کھڑے کر کے زد و کوب اور زخمی کئے تھے۔ اسی دوران مجرحین سے موٹر سائیکل بھی راستہ میں رہ گیا تھا۔ سہیل کی رپورٹ پر مقدمہ عدلت 242 مورخہ 19.04.2018 جرم PPC/147/149/337A1/337F1 تھانہ طورو درج رجسٹر کی

گئی تھی۔ جس پر نثار ناظم نے ناراضگی کا اظہار کیا تھا۔ کیونکہ اس کے چچا زاد بھائیوں اور دیگر رشتہ داروں کے خلاف مقدمہ درج کیا گیا تھا۔ جبکہ مخالف فریق کے خلاف کوئی مقدمہ درج رجسٹر نہیں کیا گیا تھا۔ اس مقدمہ کے رجسٹر ہونے پر مورخہ 20.04.2018 کو جناب DPO صاحب کے ویزٹ کے دوران نثار ناظم نے میرے خلاف شکایت کرتے ہوئے الزام لگایا کہ میرے گھر پر بلزمان نے حملہ کر کے پولیس نے کوئی قانونی کارروائی نہیں کی تھی۔ بلکہ حقیقت میں نثار ناظم کے رشتہ داروں نے سہیل کے بردار اور رشتہ دار جو موٹر سائیکل پر سوار جا رہے تھے حملہ کر کے زخمی کئے تھے۔ (نقل FIR ہمراہ لف ہے)

علاوہ ازیں نثار ناظم کے ماموں زاد بھائی جنید ولد جمشید نے بھی اسی روز تھانہ میں رپورٹ بر خلاف سہیل وغیرہ کر کے جو بحوالہ مد 25 روز نامہ 14.04.2018 درج ہو کر بذریعہ نقشہ ضرر ہسپتال بھجوائی گئی تھی۔ جس پر ڈاکٹر صاحب نے رائے (SIMPLE) تحریر کیا تھا۔ جس کی وجہ سے نثار ناظم کے رشتہ داران کی رپورٹ پر کوئی مقدمہ درج رجسٹر نہیں کیا گیا تھا۔ جملہ کارروائی حسب ضابطہ کی گئی تھی۔ لگائے ہوئے الزام میں کوئی صداقت نہیں ہے۔ من گھڑت اور بے بنیاد ہیں۔

4۔۔ مسلمان ارسلان اور ضابطہ خان کا FIR بزوقت اس وجہ سے درج رجسٹر نہیں کیا گیا تھا۔ بلکہ حسب الحکم عدالت دریافت (3) 156 ضف شروع کی گئی تھی۔ کیونکہ ارسلان کے ورتاء نے رپورٹ میں ہر دونوں کا قسمی سخت روان ولد فیروز خان ساکن احمد آباد کے ساتھ صوبہ پنجاب کو محنت مزدوری کے لئے جانے کا ذکر کیا تھا۔ اس کی ورتاء نے اغوائگی کا کوئی رپورٹ نہیں کیا تھا۔ اختیاط رپورٹ کی تھی جس پر انکو انزی بندا شروع کی گئی تھی۔ دوران انکو انزی متذکرہ لاپتہ افراد کے بارے میں ہم پولیس والوں نے آزاد کشمیر، لاہور، پنجاب وغیرہ جا کر کافی کوشش کی تھی جو فائل انکو انزی پر بطور ثبوت موجود ہیں۔ لاپتہ افراد کے ناموں پر جتنے بھی موبائل نمبرات تھے جملہ نمبرات کے CDR's نکالے تھے۔ مگر کوئی سوراغ نہیں مل سکتا تھا۔ یہاں پر یہ امر قابل ذکر ہے۔ کہ دوران انکو انزی مقامی لوگوں نے در پردہ یہ جی می گونیاں بھی کر رہے تھے کہ یہ لاپتہ افراد جرائم پیشہ تھے۔ آزاد کشمیر، پنجاب وغیرہ میں بدچانی، ڈکیتی، چوری وغیرہ کی وارداتیں کرتے تھے۔ لیکن ڈرکی وجہ سے کسی فرد بشر نے تحریری طور پر ان کے خلاف کوئی بیان نہیں دی ہے۔ (نقل مدارات ہمراہ لف ہے)

بعد میں متذکرہ کسان کے ورتاء نے عدالت عالیہ جا کر عدالت عالیہ کے حکم پر ملزم / ملزمان نامعلوم کے خلاف مقدمات

علت نمبر 16 و 17 مورخہ 08.01.2019 جرم PPC 365 درج رجسٹر ہوئی ہے۔

5۔۔ ناظم شیر عالم ساکن شامت پور نے الزام لگایا کہ SHO نے دوران جرگہ مبلغ = 5000 روپے لی ہے۔ جرگہ کے دوران کسی قسم کی رقم نہیں لی ہے اور نہ ہی کوئی جرگہ منعقد ہوئی تھی۔ حقیقت یوں ہے کہ شیر عالم ناظم کے بھانجے سہیل ذیشان ولد جمیل ساکن احمد آباد طور و نے طفل، شاہ فیصل ولد عثمان عمر 6/7 سال ساکن احمد آباد کے ساتھ بد فعلی کر کے والد اطفال، مسماۃ فرہاجون کی رپورٹ پر بھانجے شیر عالم ناظم کے خلاف مقدمہ علت 172 مورخہ 15.03.2018 جرم PPC 377/53 CPA تھانہ طور و درج رجسٹر کر کے اسی وقت ملزم کو دوران چھاپہ زنی گرفتار کر کے جس پر ناظم شیر عالم ناخوش تھا۔ اور بیانی تھا کہ ہم اس وقوعہ میں راضی نامہ کرنا چاہتے تھے۔ لیکن تم پولیس نے سریدست مقدمہ درج رجسٹر کر کے میرے بھانجے کو گرفتار کیا۔ آپ لوگوں نے میرا کوئی لحاظ نہیں رکھا۔ لہذا اسی بنیاد پر ناظم مذکورہ بالا نے

میرے خلاف جناب DPO صاحب کو سن گھڑت اور بے بنیاد اور جھوٹا الزام لگا کر شکایت کی۔ جس میں کوئی صداقت نہیں ہے۔ (نقل FIR) (مراہ لف ہے)

6--- مسی نعیم اللہ ولد رحمت اللہ ساکن بٹیر بابا طورو کے گائے چوری ہوئی تھی۔ لیکن اس نے پولیس کو بروقت کوئی رپورٹ نہیں کیا تھا۔ مذکورہ نے مورخہ 20.04.2018 کو تھانہ آکر رپورٹ کی۔ جس پر ملزم انگلزمان کی خلاف مقدمہ علت نمبر 245 مورخہ 20.04.2018 جرم PPC379 درج رجسٹر ہو کر مقدمہ میں ملزمان ٹریس کر کے گرفتار کئے گئے تھے اور مال مسروقہ بھی برآمد کیا گیا تھا۔ دوران ویزٹ مذکورہ نعیم اللہ نے موجودگی ریڈر فیاض SI جناب DPO صاحب کو خود بیان کیا تھا کہ اس نے مقامی پولیس کو اپنے گائے چوری ہونے کے حوالے سے بروقت کوئی رپورٹ نہیں کیا تھا۔ بلکہ 20.04.2018 کو رپورٹ کر کے مقامی پولیس نے مقدمہ درج رجسٹر کی تھی۔ (نقل FIR لف ہے)۔

علاوہ ازیں سابقہ DPO جناب خرم رشید صاحب نے ان الزامات میں مجھے شوکا ز نوٹس دے کر انکوائری کی۔ انکوائری کے اختتام پر DPO صاحب موصوف نے مجھے پیش کیا اور حکم دیا کہ تم اپنا نوکری کر دو اور غلط لوگوں پر نظر رکھو۔ جس کے بعد میں چلا گیا کافی عرصہ کے بعد یہی انکوائری دوبارہ سرسبز ہو کر مجھے فائل شوکا ز دیا گیا ہے۔

جناب والا:

جملہ الزامات عائد کردہ بے بنیاد اور سن گھڑت ہیں جس میں کوئی صداقت نہیں من SHO نے دوران تعیناتی تھانہ طورو میں کارسز کار کو احسن ظریقے خوش اسلوبی سے سرانجام دیا ہے اور کوئی خلاف قانون کام نہیں کیا ہے۔ استدعا ہے کہ فائل شوکا ز نوٹس کو بغیر کسی تھکانہ کاروائی کے فائل کرنے کا حکم صادر فرمائی جاوے۔

واجب علی SI

سابقہ SHO تھانہ طورو حالی ایلیٹ فورس مردان

26.3.19



e-16-"F"

**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com



No. 140 /PA

Dated 11/14/2019

DISCIPLINARY ACTION

I, Sajjad Khan (PSP), District Police Officer Mardan, as competent authority am of the opinion that SI Wajid Ali, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, SI Wajid Ali, while posted as SHO PS Toru (Now Elite Force Mardan), Mr. Khurram Rashid, the then DPO Mardan had paid a surprise visit to Police Station Toru on 20.04.2018, where the dwellers made the following complaints against him regarding indulging in corruption practices & other in-efficiency on his part:-

Details are as under:-


- 1) Accepted an illegal gratification of Rs.20,000/- from one Shahbaz Son of Mirza Shah w/o Ahmad Abad Colony through Samad Khan & Waheed Gul @ Tori Residents of Toru on account of recovery a Rifle from his house, who (Shahbaz) took out the amount from one Jamil Son of Sherdil Resident of Ahmedabad as debt.
- 2) Fall on-ground a Six years child of one Shahid Son of Shah Room Bacha Resident of Ahmedabad during a raid on his house, resultantly the child was internal injured & shifted to the Hospital.
- 3) Failed to register proper FIR of an attack on the House of one Nisar Muhammad Son of Fida Muhammad Resident of Banr Baba (Toru) by some local people (Motor-Cyclists), who have left their Motorcycles on the spot.
- 4) Failed to register proper FIR of the missing of Arsalan & Zahid, who are missing since (03) months & as per you, they are criminals.
- 5) Accepted an illegal gratification of Rs.5000/- from one Sher Alam Nazim Shamat Pur during a Jirga.
- 6) Failed to register proper FIR on the report of Naeemullah regarding stolen-away his two Cows.

To ascertain real facts, Mr. Janas Khan, the then SP/Investigation Mardan was nominated as E.O vide this Office letter No.187/R dated 24.04.2018 to conduct a preliminary enquiry into the allegations, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.700/PA/Inv dated 02.05.2018, holding responsible SI Wajid Ali of gross misconduct by non-satisfying the general public of the area & has poor relations with them, which is detrimental to Police work in-future.

For the purpose of scrutinizing the conduct of the said accused Official with reference to the above allegations, ASP Ali Bin Tariq SDPO City is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

SI Wajid Ali is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.


(SAJJAD KHAN) PSP
District Police Officer
Mardan

OFFICE OF THE ^{P-17-}
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
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CHARGE SHEET

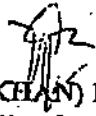
I, Sajjad Khan (PSP), District Police Officer Mardan, as competent authority, charge, SI Wajid Ali, while posted as SHO PS Toru (now Elite Force Mardan), as per attached list of Allegations.

By reasons of above, you appear to be guilty of misconduct under Police Rules, and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

You are, therefore, required to submit your written defense within 07 days of the date of this Charge Sheet to the Enquiry Officer, as the case may be.

Your written defense, if any, should reach the Enquiry Officers within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, appropriate action shall follow against you.

Intimate whether you desired to be heard in person.


(SAJJAD KHAN) PSP
District Police Officer
Mardan

جناب عالی!

بحوالہ شوکا زونٹس اچارج ٹیٹ نمبری PA/140 مورخہ 11.04.2019 معروض خدمت ہوں کہ میں سال

2018 کو تھانہ طور میں SHO تعینات تھا۔ دوران دیزٹ جناب DPO صاحب کو تھانہ طور میں کچھ کریمینل اشخاص / ناظمین نے میرے خلاف الزامات لگا کر جو تفصیل ذیل ہے۔

1۔۔ سمنی شہباز خان ولد مرزا شاہ ساکن احمد آباد کو بدوران گشت بمورخہ 08.04.2018 بمقام احمد آباد پورہ کو گرفتار کر کے اس کے

قبضے سے ایک عدد کاٹناؤف بورر انٹل 7.62mm فیکسڈ چارج 03 عدد کاٹناؤس 7.62mm بورر برآمد کیا اور اس کے خلاف مقدمہ نمٹ

221 مورخہ 08.04.2018 جرم 15AA تھانہ طور درج رجسٹر کر کے مقدمہ چالان عدالت کیا۔ اس شخص نے دوران دیزٹ جناب

DPO صاحب کو میرے خلاف 20 ہزار روپے لینے کا الزام لگایا۔ جو سن گھڑت اور بے بنیاد ہے۔ چونکہ شہباز خان کے خلاف باقاعدہ

مقدمہ درج بالا رجسٹر کیا گیا تھا اور اس کے ساتھ جرم میں کسی قسم کی ہمدردی وغیرہ نہیں کی گئی تھی۔ تو اس وجہ سے سمنی شہباز خان نے میرے

خلاف رشوت لینے کا الزام لگایا۔ اس سلسلہ میں میں بے گناہ ہوں اور ہر قسم کے تسلی کرنے کے لئے تیار ہوں۔ (نقل FIR لف ہے)

2۔۔ سمنی شاہد ولد شاہ روم ساکن احمد آباد نے من سابقہ SHO پر الزام لگا کر کہ دوران چھاپہ زنی اس کی بیٹی آسم تزیلہ عمر 0 سال

سے کھینچ کر جس کی وجہ سے وہ چار پائی سے گر گئی اور وہ زخمی ہو کر ہسپتال لے گئی۔ احمد آباد میں من سابقہ SHO نے سمنی شاہد ولد شاہ

روم کے گھر پر کسی قسم کا چھاپہ نہیں لگایا تھا بلکہ آصف خان SI نے مورخہ 07.04.2018 کو دوران سرچ اینڈ سٹرائیک آپریشن نزد مکان

مذکورہ شاہد کے قبضے سے ایک ضرب کالا کوف 222 بور بلا نمبر بلا انسٹنس برآمد کر کے شاہد کے خلاف مقدمہ نمٹ نمبری 27 مورخہ

07.04.2018 جرم 15AA تھانہ طور درج رجسٹر کر کے جس میں ملزم عدالت سے سزا ہو چکا ہے۔ الزام لگا کر وہ مقدمہ نمٹ کر وہ

ملزم کے خلاف کارروائی تھی ملزم کی بیٹی کو گرایا نہیں ہے اور نہ ہی اسی روز میں اس استقام پر موجود تھا۔ ملزم کی بیٹی پہلے سے شہرہ میکان وغیرہ

بیماری میں مبتلا تھی۔ جس کی سیڈیکل کاغذات حاصل کر کے بطور ثبوت ہمراہ لف ہیں۔ یہ اسر قابل ذکر ہے کہ کوئی پولیس افسر دوران سرچ

آپریشن اس قسم کے کوئی کام کاقتل نہیں ہو سکتا اور نہ ہی پولیس افسر سے اس قسم کی انسانیت کے خلاف کام کی توقع کی جاسکتی ہے۔ الزام

میں کوئی عداوت نہیں ہے۔ جھوٹا اور سن گھڑت ہے۔ (نقل FIR دیڈیکل کاغذات ہمراہ لف ہے)

3۔۔ ثار محمد ناظم ولد نذیر احمد ساکن بنڑ بابا طور ڈکے گھر پر کسی ملزم / ملزمان نے حملہ نہیں کیا تھا بلکہ فریق ثار محمد نذیر اور سمنی ولد

صدر الدین ساکن سیرے کو روزہ طور کے تعلقات سابقہ لڑائی جھگڑے پر کشیدہ چلے آ رہے تھے مورخہ 14.04.2018 کو سمنی نذیر

کے برادر عیسیٰ سفید دغیرہ موٹر سائیکل پر کبھی جا رہے تھے کہ بمقام رشید آباد طور میں ثار ناظم کے ماسوں ذاد بھائی؟ سفید ولد نذیر دغیرہ رشت

داروں نے برادر سمنی دغیرہ کو گھڑے کر کے زد و کوب اور زخمی کئے تھے۔ اسی دوران بحر حنین سے موٹر سائیکل بھی راستہ میں روک لیا تھا۔ سمنی

کی رپورٹ پر مقدمہ نمٹ 242 مورخہ 19.04.2018 جرم 337A1/337F1/147/149/PPC تھانہ طور درج زونٹس

سوال

گئی تھی۔ جس پر نارناظم نے ناراضگی کا اظہار کیا تھا۔ کیونکہ اس کے چچا ذابھائیوں اور دیگر رشتہ داروں کے خلاف مقدمہ درج کیا گیا تھا۔ جبکہ مخالف فریق کے خلاف کوئی مقدمہ درج رجسٹر نہیں کیا گیا تھا۔ اس مقدمہ کے رجسٹر ہونے پر مورخہ 20.04.2018 کو جناب DPO صاحب کے دیزٹ کے دوران نارناظم نے میرے خلاف شکایت کرتے ہوئے الزام لگایا کہ میرے گھر پر ملزمان نے جملہ کر کے پولیس نے کوئی قانونی کارروائی نہیں کی تھی۔ بلکہ حقیقت میں نارناظم کے رشتہ داروں نے ذہیل کے بردار اور رشتہ دار جو موٹر سائیکل پر سوار جا رہے تھے جملہ کر کے زخمی کئے تھے۔ (نقل FIR ہمراہ لف ہے)

تاوہ از میں نارناظم کے ناموں ذابھائی خنید ولد جشید نے بھی اسی روز تھانہ میں رپورٹ بر خلاف ذہیل وغیرہ کے جو تھانہ۔ 25 روز تا پچ 14.04.2018 درج ہو کر بذریعہ نقشہ ضرر ہسپتال بھجوائی گئی تھی۔ جس پر ڈاکٹر صاحب نے رائے (SIMPLE) تحریر کیا تھا۔ جس کی وجہ سے نارناظم کے رشتہ داروں کی رپورٹ پر کوئی مقدمہ درج رجسٹر نہیں کیا گیا تھا۔ جملہ کارروائی سب ضابطہ کی گئی تھی۔ لکائے ہوئے الزام میں کوئی صداقت نہیں ہے۔ جس گھڑت اور بے بنیاد ہیں۔

4۔۔۔ سیان ارسلان اور ضابطہ خان کا FIR بردقت اس وجہ سے درج رجسٹر نہیں کیا گیا تھا۔ بلکہ حسب الحکم عدالت ریاضت 156(3) ضمنی شریع کی گئی تھی۔ کیونکہ ارسلان کے درہاء نے رپورٹ میں ہر دونوں کا سنی بخت رداں ولد فیروز خان ساکن اجیر آباد کے ساتھ موجود۔ پنجاب کو بخت مزدوری کے لئے جانے کا ذکر کیا تھا۔ اس کی درہاء نے انوائسٹی کا کوئی رپورٹ نہیں کیا تھا۔ التیلا رپورٹ کی تھی جس پر انوائسٹی بڈا شریع کی گئی تھی۔ دوران انوائسٹی متذکرہ لاپتہ افراد کے بارے میں ہم پولیس والوں نے آزاد کشمیر والا دور پنجاب وغیرہ باہر گائی کوشش کی تھی جو فائل انوائسٹی پر بطور ثبوت موجود ہیں۔ لاپتہ افراد کے ناموں پر جتنے بھی موبائل نمبرات تھے جملہ نمبرات کے CDR's نکالے تھے۔ مگر کوئی سوراخ نہیں مل سکتا تھا۔ یہاں پر یہ اسر قابل ذکر ہے۔ کہ دوران انوائسٹی مقامی لوگوں نے وہ پودہ یہ چچان گویاں بھی کر رہے تھے کہ یہ لاپتہ افراد جرائم پیشہ تھے۔ آزاد کشمیر، پنجاب وغیرہ میں بے چینی، ڈکیتی، چوری وغیرہ کی وارداتیں کرتے تھے۔ لیکن ذرا کی وجہ سے کسی فرد بشر نے تحریری طرز پر ان کے خلاف کوئی بیان نہیں دی ہے۔ (تقدیمات ہمراہ لف ہے)

بعد میں متذکرہ کسان کے دارہاء نے عدالت عالیہ جا کر عدالت عالیہ کے حکم پر ملزم / ملزمان نامعلوم کے خلاف۔ عدالت نلت نمبر 16 و 17 مورخہ 08.01.2019 جرم 365PPC درج رجسٹر ہوئی ہے۔

5۔۔۔ ناظم شیر عالم ساکن شامت پور نے الزام لگایا کہ SHO نے دوران جرم مبلغ = 5000/- روپے لی ہے۔ بزرگ کے دوران جرم قسم کی رقم نہیں لی ہے اور نہ ہی کوئی جرمہ مستحق ہوئی تھی۔ حقیقت یوں ہے کہ شیر عالم ناظم کے بھانجے کسی ذیشان ولد ذہیل ساکن اجیر آباد طورہ نے زلفل، شاہ فیصل ولد عثمان عمر 6/7 سال ساکن اجیر آباد کے ساتھ بد فعلی کر کے والد اظفل، سماءہ فرہاجون کی رپورٹ پر بھانجے شیر عالم ناظم کے خلاف مقدمہ نلت 172 مورخہ 15.03.2018 جرم PPC377/53CPA تھانہ طورہ درج رجسٹر کر کے اسی وقت ملزم کو دوران چھاپا پڑی گرفتار کر کے جس پر ناظم شیر عالم ناخوش تھا۔ اور بیانی تھا کہ ہم اس وقت میں راضی نا۔ کہ ناچاہتے تھے۔ لیکن تیر پولیس نے سر یہ دست مقدمہ درج رجسٹر کر کے میرے بھانجے کو گرفتار کیا۔ آپ لوگوں نے میرا کوئی لحاظ نہیں رکھا۔ لہذا اسی بنیاد پر ناظم کو درہاء

-21- "H" *

Assistant Superintendent of Police,
Circle.

Worthy District Police Officer,

Mardan.

Dated Mardan the 31/05/2019.

ENQUIRY AGAINST SI WAJID.

Kindly refer to your office diary No.148/PA dated 12.04.2019, on the subject

OF ALLEGATION:-

Whereas, SI Wajid Ali, while posted as SHO PS Toru (Now Elite Force Mardan),
1 Rashid, the then DPO Mardan had paid a surprise visit to Police Station Toru on
where the dwellers made the following complaints against him regarding indulging in
practices & other in-efficiency on his part:-

Detail is as under:-

- 1) Accepted an illegal gratification of Rs.20,000/- from one Shahbaz s/o Mirza Shah
amad Abad colony through Samad Khan & Waheed Gul @ Tori residents of Toru on account of
very a Rifle from his house, who (Shahbaz) took out the amount from one Jamil s/o Sherdil r/o
nad Abad as debt.
- 2) Fall on-ground a Six years child of one Shahid s/o Shah Room Bacha r/o
hmadabad during a raid on his house, resultantly the child was internal injured & shifted to the
hospital.
- 3) Failed to register proper FIR of an attack on the house of one Nisar Muhammad s/o
Fida Muhammad r/o Banr Babs (Toru) by some local people (Motor-cyclists), who have left their
Motorcycles on the spot.
- 4) Failed to register proper FIR of the missing of Arsalan & Zahid, who are missing
since (03) months & as per you, they are criminals.
- 5) Accepted on illegal gratification of Rs.5000/- from one Sher Alam Nazim Shamlat
Pur during a Jirga.
- 6) Failed to register proper FIR on the report of Nacemullah regarding stolen-away
his two Cows.

To ascertain real facts, Mr. Janas Khan, the then SP/Operation Mardan was
nominated as E.O vide this office letter No.187/R dated 24.04.2018 to conduct a preliminary enquiry
into the allegations, who (E.O) after fulfilling necessary process, submitted his finding report to this
office vide his office letter No.700/PA/Inv dated 02.05.2018, holding responsible SI Wajid Ali of gross
misconduct by non-satisfying the general public of the area & has poor relations with them, which is
detrimental to Police work in-future.

An enquiry was conducted, the officer under enquiry SI Wajid was summoned, report and summary of allegation was served upon him, and he was heard in person. Questioned, he submitted his written reply along-with documents. (which placed at file)

The applicants were also summoned, heard one by one, verbally cross questioned complaints.

After perusal of all available record produced by the alleged officer as well as the evidence, the enquiry officer reached to the conclusion that six various complaints of misconduct filed by the dwellers of local community reveals the inefficiency and negligence of the said Wajid Ali.

CONCLUSION:-


Keeping all the above facts and figures in view, it is concluded that the alleged SI has been proved guilty.

RECOMMENDATION:-

It is recommended that the officer under enquiry may please be given minor punishment of "stoppage of 02 annual increments" if agreed.

11-01-75
25-6-79

Wajid Ali PSC 14


Captain G. Ali Bin Tariq
Assistant Superintendent of Police,
City Circle-Mardan.



-23- "9"

**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2019

No. 185 /PA

Dated 17/6/2019

FINAL SHOW CAUSE NOTICE

Whereas, SI Wajid Khan, while posted as SHO PS Toru (Now Elite Force Mardan). Mr. Khurram Rashid, the then DPO Mardan had paid a surprise visit to Police Station Toru on 20.04.2018, where the dwellers made the following complaints against you regarding indulging in corruption practices & other in-efficiency on your part:-

Details are as under:-

- 1) Accepted an illegal gratification of Rs.20,000/- from one Shahbaz Son of Mirza Shah r/o Ahmad Abad Colony through Samad Khan & Waheed Gul @ Tori Residents of Toru on account of recovery a Rifle from his house, who (Shahbaz) took out the amount from one Jamil Son of Sherdil Resident of Ahmedabad as debt.
- 2) Fall on-ground a Six years child of one Shahid Son of Shah Room Bacha Resident of Ahmedabad during a raid on his house, resultantly the child was internal injured & shifted to the Hospital.
- 3) Failed to register proper FIR of an attack on the House of one Nisar Muhammad Son of Fida Muhammad Resident of Banr Baba (Toru) by some local people (Motor-Cyclists), who have left their Motorcycles on the spot.
- 4) Failed to register proper FIR of the missing of Arsalan & Zahid, who are missing since (03) months & as per you, they are criminals.
- 5) Accepted an illegal gratification of Rs.5000/- from one Sher Alam Nazim Shamat Pur during a Jirga.
- 6) Failed to register proper FIR on the report of Nacemullah regarding stolen-away his two Cows.

To ascertain facts, Mr. Janas Khan, the then SP/Investigation Mardan was nominated as E.O vide this office letter No.187/R dated 24.04.2018 to conduct a preliminary enquiry into the allegations, who after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.700/PA/Inv dated 02.05.2018, holding responsible you of misconduct by non-satisfying the general public of the area & has poor relations with them, which is detrimental to Police work in-future.

In this connection, during the course of Departmental Enquiry, conducted by Captain @ Ali Bin Tariq SDPO/City Mardan vide his office letter No.1087/S dated 31-05-2019, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.140/PA dated 11-04-2019, holding responsible you of misconduct and recommended for minor punishment by stoppage of your (02) increments.

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 Sajjad Khan (PSP) District Police Officer Mardan, in exercise of the powers vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of receipt of this notice, failing which; it will be presumed that you have no explanation to offer.

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

Received by _____

Dated: 17/6 /2019


(SAJJAD KHAN) PSP
District Police Officer
Mardan

Copy to SP/Elite Force Mardan to deliver this Notice upon the alleged officer & the receipt thereof, may be returned to this office at the earliest for onward necessary action, please.

جناب عالی!

بحوالہ قائل شوکاژ نوٹس نمبری 185/PA مورخہ 17.06.2019 متروض خدمت ہوں کہ میں سال 2018

کو تھانہ طور میں محسبیت SHO تعینات تھا۔ دوران ویزٹ جناب DPO صاحب کو تھانہ طور میں کچھ کریمینل اشخاص / ناظمین نے میرے خلاف الزامات لگا کر جو تفصیل ذیل ہے۔

1۔۔ مسکی شہباز خان ولد مرزا شاہ ساکن احمد آباد کو بدوران گشت بمورخہ 08.04.2018 بمقام احمد آباد طور، کو گرفتار کر کے اس کے قبضہ سے ایک عدد کلاشنکوف بوررائفل 7.62mm فیکسڈ چارجز 03 عدد کارتوس 7.62mm بور برآمد کیا اور اس کے خلاف مقدمہ علت 221 مورخہ 08.04.2018 جرم 15AA تھانہ طور دوران رجسٹر کر کے مقدمہ چالان عدالت کیا۔ اس شخص نے دوران ویزٹ جناب DPO صاحب کو میرے خلاف 20 ہزار روپے لینے کا الزام لگایا۔ جو من گھڑت اور بے بنیاد ہے۔ چونکہ شہباز خان کے خلاف باقاعدہ

مقدمہ دوران بالا رجسٹر کیا گیا تھا اور اس کے ساتھ جرم میں کسی قسم کی ہمدردی وغیرہ نہیں کی گئی تھی۔ تو اس وجہ سے مسکی شہباز خان نے میرے خلاف رشوت لینے کا الزام لگایا۔ اس سلسلہ میں میں بے گناہ ہوں اور ہر قسم کے تسلی کرنے کے لئے تیار ہوں۔ (نقل FIR لف ہے)

2۔۔ مسکی شاہد ولد شاہ زوم ساکن احمد آباد نے من سابقہ SHO پر الزام لگا کر کہ دوران چھاپہ زنی اس کی بیٹی اسم تنزیلیہ عمر 6 سال سے کبل کھینچ کر جس کی وجہ سے وہ چار پائی سے گر گئی اور وہ زخمی ہو کر ہسپتال لے گئی۔ احمد آباد میں من سابقہ SHO نے مسکی شاہد ولد شاہ روم کے گھر پر کسی قسم کا چھاپہ نہیں لگایا تھا بلکہ آصف خان SI نے مورخہ 07.04.2018 کو دوران سرچ اینڈ سٹرائیک آپریشن نزد مکان مذکورہ شاہد کے قبضہ سے ایک ضرب کلاکوف 222 بور بلا نمبر بلا اسٹنس برآمد کر کے شاہد کے خلاف مقدمہ علت نمبری 218 مورخہ

07.04.2018 جرم 15AA تھانہ طور دوران رجسٹر کر کے جس میں ملزم عدالت سے سزا ہو چکا ہے۔ الزام لگا کر وہ مقدمہ متذکرہ میں ملزم کے خلاف کارروائی تھی ملزم کی بیٹی کو گرایا نہیں ہے اور نہ ہی اسی روز میں اس مقام پر موجود تھا۔ ملزم کی بیٹی پہلے سے خسرو، یرقان وغیرہ کی بیماری میں مبتلا تھی۔ جس کی میڈیکل کاغذات حاصل کر کے بطور ثبوت ہمراہ لف ہیں۔ یہ امر قابل ذکر ہے کہ کوئی پولیس افسر دوران سرچ آپریشن اس قسم کے کوئی کام کا تحمل نہیں ہو سکتا اور نہ ہی پولیس افسر سے اس قسم کی انسانیت کے خلاف کام کی توقع کی جاسکتی ہے۔ الزام میں کوئی صداقت نہیں ہے۔ جھوٹا اور من گھڑت ہے۔ (نقل FIR میڈیکل کاغذات ہمراہ لف ہے)

3۔۔ شاد محمد ناظم ولد نثار محمد ساکن بنز با طور کے گھر پر کسی ملزم / ملزمان نے حملہ نہیں کیا تھا بلکہ فریق نثار محمد مذکورہ اور سہیل ولد صدر الدین ساکن سیرے کو روزہ طور کے تعلقات سابقہ لڑائی جھگڑے پر کشیدہ چلے آ رہے تھے مورخہ 14.04.2018 کو سہیل مذکورہ کے برادر محمد سفید وغیرہ موٹر سائیکل پر کبھی جا رہے تھے کہ بمقام رشید آباد طور میں شاد ناظم کے ماموں زاد بھائی جمشید ولد بشر وغیرہ رشتہ داروں نے، برادر سہیل وغیرہ کو کھڑے کر کے زد و کوب اور زخمی کئے تھے۔ اسی دوران مجرمین سے موٹر سائیکل بھی راستہ میں رو گیا تھا۔ سہیل کی رپورٹ، پر مقدمہ علت 242 مورخہ 19.04.2018 جرم 337A1/337F1/147/149/PPC تھانہ طور دوران رجسٹر کی

گئی تھی۔ جس پر نثار ناظم نے ناراضگی کا اظہار کیا تھا۔ کیونکہ اس کے بچا زاد بھائیوں اور دیگر رشتہ داروں کے خلاف مقدمہ درج کیا گیا تھا۔ جبکہ مخالف فریق کے خلاف کوئی مقدمہ درج رجسٹر نہیں کیا گیا تھا۔ اس مقدمہ کے رجسٹر ہونے پر مورخہ 20.04.2018 کو جناب DPO صاحب کے ویزٹ کے دوران نثار ناظم نے میرے خلاف شکایت کرتے ہوئے الزام لگایا کہ میرے گھر پر ملزمان نے حملہ کر کے پولیس نے کوئی قانونی کارروائی نہیں کی تھی۔ بلکہ حقیقت میں نثار ناظم کے رشتہ داروں نے سہیل کے بردار اور رشتہ دار جو موٹر سائیکل پر سوار جا رہے تھے حملہ کر کے زخمی کئے تھے۔ (نقل FIR ہمراہ لف ہے)

علاوہ ازیں نثار ناظم کے ماموں ذار بھائی جنید ولد جمشید نے بھی اسی روز تھانہ میں رپورٹ بر خلاف سہیل وغیرہ کر کے جو بحوالہ بد 25 روز نامہ 14.04.2018 درج ہو کر بذریعہ نقشہ ضرر ہسپتال بھجوائی گئی تھی۔ جس پر ڈاکٹر صاحب نے رائے (SIMPLE) تحریر کیا تھا۔ جس کی وجہ سے نثار ناظم کے رشتہ داران کی رپورٹ پر کوئی مقدمہ درج رجسٹر نہیں کیا گیا تھا۔ حملہ کاروں کی حسب ضابطہ کی گئی تھی۔ لگائے ہوئے الزام میں کوئی صداقت نہیں ہے۔ من گھڑت اور بے بنیاد ہیں۔ (تقلیدات FIR ہمراہ لف ہے)

4۔۔۔ مسیماں ارسلان اور ضابطہ خان کا FIR بروقت اس وجہ سے درج رجسٹر نہیں کیا گیا تھا۔ بلکہ حسب احکام عدالت دریافت (3) 156 ضف شروع کی گئی تھی۔ کیونکہ ارسلان کے ورثاء نے رپورٹ میں ہر دونوں کا سہمی تحت روان ولد فیروز خان ساکن احمد آباد کے ساتھ صوبہ پنجاب کو محنت مزدوری کے لئے جانے کا ذکر کیا تھا۔ اس کی ورثاء نے اغوائیگی کا کوئی رپورٹ نہیں کیا تھا۔ اختیاط رپورٹ کی تھی جس پر انکوائری بند شروع کی گئی تھی۔ دوران انکوائری متذکرہ لاپتہ افراد کے بارے میں ہم پولیس والوں نے آزاد کشمیر، لاہور، پنجاب وغیرہ جا کر کافی کوشش کی تھی جو فائل انکوائری پر بطور ثبوت موجود ہیں۔ لاپتہ افراد کے ماموں پر جتنے بھی موبائل نمبرات تھے جملہ نمبرات کے CDR's نکالے تھے۔ مگر کوئی سوراغ نہیں مل سکتا تھا۔ یہاں پر یہ امر قابل ذکر ہے۔ کہ دوران انکوائری مقامی لوگوں نے درپردہ یہ جی می گوئیاں بھی کر رہے تھے کہ یہ لاپتہ افراد جرائم پیشہ تھے۔ آزاد کشمیر، پنجاب وغیرہ میں بد چلتی، ڈکیتی، چوری وغیرہ کی وارداتیں کرتے تھے۔ لیکن ڈر کی وجہ سے کسی فرد بشر نے تحریری طور پر ان کے خلاف کوئی بیان نہیں دی ہے۔ (تقلیدات ہمراہ لف ہے)

بعد میں متذکرہ کسان کے ورثاء نے عدالت عالیہ جا کر عدالت عالیہ کے حکم پر ملزم / ملزمان نامعلوم کے خلاف مقدمات علت نمبر 16 و 17 مورخہ 08.01.2019 جرم PPC 365 درج رجسٹر ہوئی ہے۔ (FIR ہمراہ لف ہے)

5۔۔۔ ناظم شیر عالم ساکن شامت پور نے الزام لگایا کہ SHO نے دوران جرم مبلغ = 5000 روپے لی ہے۔ جرم کے دوران کسی قسم کی رقم نہیں لی ہے اور نہ ہی کوئی جرم منعقد ہوئی تھی۔ حقیقت یوں ہے کہ شیر عالم ناظم کے بھانجے مسی ذیشان ولد جمیل ساکن احمد آباد طورو نے طفل، شاہ فیصل ولد عثمان عمر 6/7 سال ساکن احمد آباد کے ساتھ بد فعلی کر کے والد اطفال، مسماۃ فرہاجون کی رپورٹ پر بھانجے شیر عالم ناظم کے خلاف مقدمہ علت 172 مورخہ 15.03.2018 جرم PPC 377/53 CPA تھاں طورو درج رجسٹر کر کے اسی وقت ملزم کو دوران چھاپہ زنی گرفتار کر کے جس پر ناظم شیر عالم ناخوش تھا۔ اور بیانی تھا کہ ہم اس وقوعے میں راضی نامہ کرنا چاہتے تھے۔ لیکن تم پولیس نے سریدست مقدمہ درج رجسٹر کر کے میرے بھانجے کو گرفتار کیا۔ آپ لوگوں نے میرا کوئی لحاظ نہیں رکھا۔ لہذا اسی بنیاد پر ناظم مذکورہ بالا نے

میرے خلاف جناب DPO صاحب کو من گھڑت اور بے بنیاد اور جھوٹا الزام لگا کر شکایت کی۔ جس میں کوئی صداقت نہیں ہے۔ (فائل
FIR ہمراہ لف ہے)

6۔۔۔ مسی نعیم اللہ ولد رحمت اللہ ساکن منٹر بابا طور دے گائے چوری ہوئی تھی۔ لیکن اس نے پولیس کو بروقت کوئی رپورٹ نہیں کیا تھا۔
مذکورہ نے مورخہ 20.04.2018 کو تھانا آکر رپورٹ کی۔ جس پر ملزم الزمان کی خلاف مقدمہ عدلت نمبر 245
مورخہ 20.04.2018 جرم PPC379 درج رجسٹر ہو کر مقدمہ میں ملزمان ٹریس کر کے گرفتار کئے گئے تھے اور مال مسروقہ بھی برآمد کیا
گیا تھا۔ دوران ویزٹ مذکورہ نعیم اللہ نے موجودگی ریڈر فیاض SI جناب DPO صاحب کو خود بیان کیا تھا کہ اس نے مقامی پولیس کو
اپنے گائے چوری ہونے کے حوالے سے بروقت کوئی رپورٹ نہیں کیا تھا۔ بلکہ 20.04.2018 کو رپورٹ کر کے مقامی پولیس نے
مقدمہ درج رجسٹر کی تھی۔ (نقل FIR لف ہے)۔

جہاں تک علاقہ کے عوام سے رویہ کا تعلق ہے۔ تو مسائل نے دوران تعیناتی علاقہ طور میں معززین اور عام عوام کے
ساتھ اچھے تعلقات اور اچھا رویہ رکھا ہے۔ اس سلسلے میں آپ صاحبان علاقہ طور کے امن پسند اور معزز شہری سے میرے بارے معلومات
حاصل کر سکتے ہیں۔ جرائم پیشہ عوام کے ساتھ کسی قسم کی تعلق نہیں رکھا ہے۔ اور ان کے خلاف قانون کے مطابق بروقت کارروائی کی ہے۔ جو
ان شکایات کی باعث بنی ہے۔

علاوہ ازیں سابقہ DPO جناب خرم رشید صاحب نے ان الزامات میں مجھے شوکا زونٹس دے کر اور بذریعہ سابقہ SP
انوسٹی گیشن جناب حافظ جانس خان صاحب انکوائری کی۔ انکوائری کے اختتام پر جناب DPO صاحب موصوف نے مجھے پیش کیا اور حکم
دیا کہ تم اپنا نوکری کرو اور غلط لوگوں پر نظر رکھو۔

اس کے بعد سابقہ DPO جناب حافظ واحد محمود صاحب کو کسی شاہد مذکورہ بالا نے ایک اور درخواست کر کے جس پر
جناب DPO صاحب نے بذریعہ DSP شیخ ملتون انکوائری کر کے جناب DSP صاحب شیخ ملتون نے انکوائری مکمل کر کے، فائل کر
نے کے لئے داخل دفتر کرنے کی سفارش کی۔ (دونوں انکوائریاں ہمراہ لف ہیں)

جناب والا:

جملہ الزامات عائد کردہ بے بنیاد اور من گھڑت ہیں جس میں کوئی صداقت نہیں ہے۔ من سابقہ SHO نے دوران
تعیناتی تھانہ طور میں کارسز کار کو احسن طریقے و خوش اسلوبی سے سرانجام دیا ہے اور کوئی خلاف قانون کام نہیں کیا ہے۔ استدعا ہے کہ فائل
شوکا زونٹس کو بغیر کسی جھگمانہ کارروائی کے فائل کرنے کا حکم صادر فرمائی جاوے۔

واجد علی SI

سابقہ SHO تھانہ طور و حال ایلیٹ فورس مردان



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
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No. 4331-32 /PA

Dated 15/7/2019

ORDER ON ENQUIRY OF SI WAJID ALI ELITE FORCE MARDAN

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject officer, under the allegations that while posted as SHO PS Toru (Now Elite Force Mardan), proceeded against departmentally through Captain R. Ali Bin Tariq SDPO/City Mardan vide this office Statement of Disciplinary Action/Charge Sheet No. 140/PA, dated 11-04-2019 on account of presenting various complaints by dwellers against SI Wajid Ali, the then SHO PS Toru to Mr. Khurram Rashid, the then DPO Mardan during his surprise visit to PS Toru on 20-04-2018.

Details of the complaints are as under:-

1) Accepted an illegal gratification of Rs.20,000/- from one Shahbaz Son of Mirza Shah r/o Ahmad Abad Colony through Samad Khan & Waheed Gul @ Toru Residents of Toru on account of recovery a Rifle from his house, who (Shahbaz) took out the amount from one Jamil Son of Sherdil Resident of Ahmedabad as debt.

2) Fall on-ground a six years child of one Shahid Son of Shah Room Bachel Resident of Ahmedabad during a raid on his house, resultantly the child was internal injured & shifted to the Hospital.

3) Failed to register proper FIR of an attack on the House of one Nisar Muhammad Son of Fida Muhammad Resident of Banr Baba (Toru) by some local people (Motor-Cyclists), who have left their Motorcycles on the spot.

4) Failed to register proper FIR of the missing of Arsalan & Zahid, who are missing since (03) months & as per you, they are criminals.

5) Accepted an illegal gratification of Rs.5000/- from one Sher Alam Nazir Shamat Pur during a Jirga.

6) Failed to register proper FIR on the report of Nacemullah regarding stolen-away his two Cows.

NOTE: Prior to Departmental Enquiry in hand, a preliminary enquiry has been conducted into the matter through Mr. Janas Khan, the then SP/Investigation Mardan & this office letter No. 187/R dated 24.04.2018, who vide his office letter No. 700/PA/Inv dt 02.05.2018, holding responsible SI Wajid Ali of gross misconduct by non-satisfying the gen public of the area & has poor relations with them, which is detrimental to Police work in-fut.

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The Enquiry Officer Captain @ Ali Bin Tariq ASP/City Mardan after filling necessary process, submitted his Finding Report to this office vide his office letter No. 1087/S dated 31-05-2019, highlighting that (06) various complaints of misconduct/negligence, presented by local community revealed inefficiency and negligence on the part of SI Wajid Ali and recommended him for minor punishment by stoppage his 100% annual increments.

In this connection, the alleged officer was served with a Final Show Cause Notice, under K.P.K Police Rules-1975, issued vide this office No. 135/PA dated 17-06-2019, to which, his reply was received and found un-satisfactory.

Final Order

SI Wajid Ali was heard in O.R on 09-07-2019, but failed to submit any plausible reasons in his defense, therefore, awarded him a minor punishment by stoppage his one increment with cumulative effect with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 1526

Dated 15/7 2019.

(SAJJAD KHAN) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Commandant Elite Force K.P Peshawar with (153) Sheets.
- 2) The Regional Police Officer Mardan, please.

To

1. The Regional Police Officer,
Mardan Range, Mardan.

2. The Deputy Commandant,
Elite Force,
The Kabyer Pakhtoon Khwa,
Peshawar.

"L"
- 29 -

Subject:- Departmental Representation against the order of
The D.P.O Mardan vide Endorsement No.4331-32/PA
(O.B No.1526) dated 15.07.2019, awarding the Appellant
with the penalty of "stoppage of one increment with
cumulative effect".

Sir,

With reference to the above captioned order, whereby the
Appellant is awarded the penalty of "Stoppage of one increment with
cumulative effect. (Copy Attached).

The impugned order is liable to be set-aside, on the
following amongst many other grounds:-

1. That the stoppage of increments with cumulative
effect is against the law.
2. That Appellant is innocent and he has never
indulged himself in the commission of the
alleged offences.
3. That the complaint in-question is false and
based on malice on the part of the complainant
party.
4. That the Appellant had been subjected to three
enquiries consecutively through different

through different inquiry officers under the same charges, without cancelling the previous enquiry proceedings, without any just cause.

5. That the alleged enquiry was conducted in violation to the relevant rules.
6. That the Appellant was not summoned to participate in the impugned proceedings. Thus, he was condemned unheard.
7. That no witness was examined in presence of the Appellant during any proceedings.
8. That it is learnt that some of the witnesses, showed unawareness about the alleged complaint & declared the Appellant being innocent. But, the said fact is not taken into consideration, without any just cause.
9. That the complaint of shahbaz khan is false and concocted one. In fact, during the Gasht/Patrol on 08-04-2018, a klashan kov Bore Rifle 7.62mm with charger and cartiges was recovered from the custody of Shahbaz khan and he was booked u/s-15AA vide Fir No.221 dated 08-04-2018 of P.s Toru Mardan. Resultantly, Shahbaz khan developed retaliation against me.
10. That the allegation of falling the child of one Shahid on the ground during the raid, who allegedly died in the hospital is wrong, based on

malice falsehood and as a retaliation on the part of Mr Shahid, the Complainant. I had never raided on his house, nor the child had died on account of alleged violence of any police party. In fact, the child girl, namely Miss Tanzeela had died on account of old and chronic diseases like measles, jaundice and heart problem just two months prior there-to, as per the medicolegal report, placed on file. The actual position is that Asif Khan S.I had raided the house of said Mr Shahid. During the search and strike operation and recovered a 222 bore rifle without number and without license and charged the said Mr Shahid u/s-15AA vide Fir No.218 dated 07-04-2018 of P.S Toru Mardan, wherein the accused Shahid was convicted. The complainant Mr Shahid was aggrieved for the reason that I had not extended any help or concession to him in the said case. It is added that even, I was not present with the raiding party during the said raid on his house.

11. That as far as the complaint of Nisar Muhammad Nazim is concerned, the same is also false and based on retaliation. None had attached on his house. The facts are that the relations between Nisar Muhammad / the complainant and Suhail S/o Sadruddin were inimical on account of previous quarrel. On 14-04-2018, the brother of Suhail, namely Muhammad Sufaid and his companion, while travelling on a motor cycle were stopped by

Mr Jamshid, the maternal brother of Mr Nisar Muhammad near Rashid Abad Toru and gave beating to them causing them injuries. Hence, they were charged u/s-337-A1 etc vide Fir No.242 dated 19-04-2018 of P.s Toru Mardan. While, the maternal brother of Nisar Nazim had also lodged report against the said suhail party. But, in the light of medical report no F.i.R was lodged on the report of Mr Suhail. Hence, Nisar Nazim extended retaliation against me, malafidely which is incorrect & false.

12. That F.i.R was not lodged immediately. Because, under the direction of the Court, inquiry u/s-156(3) CrPc was initiated in the matter, as, the relatives of Arsalan and Zabta Khan had not charged any person. They had stated that the missing persons had gone to Punjab with Bakht Rawan for labour. Yet, attempt was made to search them out by visiting the expected spots. The mobiles of their contacts were enquired into. There were rumeurs that the said persons were engaged in crimes like docuity, theft and protervity etc in Azad Kashmir & Punjab. But, public persons were avoiding to record their evidence in this respect. Copies of "Mads" are attached for reference.

Later-on, their relatives, lodged report against unknown persons vide F.i.R No. 16 & 17 dated 08-01-2019 u/s 365 P.P.c.

13. That Sher Alam Nazim of village Shammat pur had leveled allegations that bribe of an amount of Rs 5000/00 was taken from him during the Jirga, which is totally false. In fact neither any Jirga was held nor any amount was taken.

Actually, one Zeeshan S/o Jamil (the maternal nephew) of the said Sher Alam had committed sodomy with a child namely Shah Faisal S/o Usman (aged 6/7 years). Resultantly, the parents of the victim had lodged report against him vide F.i.R No: 172 dated 15-03-2018 u/s-377/53 CPA of P.s Toru, Mardan. The said accused was arrested in a said case. Hence, Sher Alam was grieved with it. He stated that they were trying for a compromise in the said case. But, according to him the Police did not extend any sympathy to him i.e, Mr Sher Alam. Thus, he has falsely complained on account of the retaliation.

14. That as far as, the complaint of Mr Naeemullah S/o Rahmat is concerned, his cow was stolen away. But, he had not lodged the report thereof; The moment, he lodged the report on 20-04-2018, an F.i.R No.245 PPc was lodged u/s-379 PPc. The accused were traced & arrested. The stolen cow was also recovered.

During his visit with the Honourable D.P.O, the said Naeemullah had stated in the presence of Mr Fayaz S.i / the reader that he

had not lodged the report in time. But, he had reported the occurrence on 20-04-2018.

(Copy of F.i.R is Attached)

15. That my dealing with the general public & respectables of the area, were cordial throughout. While, my dealing with the criminals was harsh. I had never maintained relations with them. Rather, I had dealt them according to law, when need arose. Which resulted in complaints against me, as a retaliation, on their part.
16. That it is added that the previous D.P.O namely Khurram Rashid, during my appearance before him, in the instant case, had appreciated my conduct, advised me to carry-on, keeping watch on criminal persons. Resultantly, the proceedings were closed. But, now after a long time, the proceedings are re-opened without just reason.
17. That I have a long standing clean service record of 27 years.

It is prayed that on acceptance, of this Appeal, the impugned order may be set-aside and I may be exonerated from the charges, as leveled against me and oblige.

Dated: -03-08-2019.

Your's Obediently


(Wajid Ali Shah)

S.i, Elite Force,
Mardan.

09-08-19

WFP Routine No. 35

DAK BOOK - 35-"M"

USAID, WFP, UNICEF, UNHCR, UNRWA, UNDP, UNFPA, UNCTAD, UNCTD, UNCTE, UNCTF, UNCTG, UNCTH, UNCTI, UNCTJ, UNCTK, UNCTL, UNCTM, UNCTN, UNCTO, UNCTP, UNCTQ, UNCTR, UNCTS, UNCTT, UNCTU, UNCTV, UNCTW, UNCTX, UNCTY, UNCTZ

| To receiver | Date | To whom addressed | Contents of cover | Name of Halq Qasid | Initial of rec. |
|-------------|------|---|-------------------|--------------------|-----------------|
| | | LAST ONE YEAR PERFORMANCE OF DEPARTMENTS ORGANIZATION | 310 | (8) | |
| | | 2076 (Arabic text) | 19-8-19 | (9) | |
| | | 2084 (Arabic text) | 19-8-19 | (10) | |
| | | 2085 (Arabic text) | 19-8-19 | (11) | |
| | | 2086 (Arabic text) | 19-8-19 | (12) | |

05/11/19

DAK BOOK

-36-

| Date | To whom addressed | Contents of cover | Name of Naib Qasid | Initial of receiver |
|----------|---|-------------------|--------------------|---------------------|
| 05/11/19 | <p>Departmental Representation Against the order of the D.P. Munsif vide ENDORSEMENT NO. 4331 32/PA. O.B. NO. (S.2.6) dated 15/07/19 - WATTISI P.A. No. 116/19</p> | 167518 | G. S. | |



Office of the Commandant

Elite Force Khyber Pakhtunkhwa Peshawar

(Handwritten signature)



-37-

No. 16748 /EF

3452
8-11-19

Dated: 25/11/2019

To : The Regional Police Officer,
Mardan region.

Subject: APPLICATION

Memo: Enclosed please find herewith an application submitted by SI Wajid Ali of this unit on deputation from your district/region for consideration, please.

1544/EF
12-11-19

For *(Signature)*
DEPUTY COMMANDANT
Elite Force Khyber Pakhtunkhwa Peshawar

OK
25-2-2020 2 N
-38-

ORDER.

This order will dispose-off the departmental appeal preferred by Sub Inspector Wajid Ali No. 228/MR on deputation to Elite Force Khyber Pakhtunkhwa, against the order of District Police Officer, Mardan, whereby he was awarded minor punishment of stoppage of one increment with cumulative effect vide OB: No. 1526 dated 15.07.2019. The appellant while posted as SHO Police Station, Toru was proceeded against departmentally on the allegations that several complaints were lodged to the then District Police Officer, Mardan, Mr. Khurram Rashid, during his surprise visit to Police Station, Toru. The details of these complaints are summarized as under:-

1. Received illegal gratification of Rs.20,000/- and Rs. 5000/- from Shahbaz and Sher Alam respectively.
2. Extended physical torture to a six years old child.
3. Failed to register proper FIRs.

Initially the matter in issue was enquired into through Mr. Janas Khan, the then SP/Investigation Mardan, who held the delinquent Officer responsible.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police City, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling sodal formalities, submitted his findings wherein he recommended the delinquent Officer for minor punishment of stoppage of two annual increments.

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, Mardan on 09.07.2019. But he failed to advance any cogent reasons in his defense, therefore, he was awarded minor punishment of stoppage of one increment with cumulative effect.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 25.02.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved. The appellant, being a responsible Officer as SHO, was

supposed to discharge his official duties in a professional manner. But he failed to do so. Moreover, the appellant approached this forum at a belated stage without advancing any cogent reason regarding such delay. Hence, the order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, finds no substance in the appeal, therefore, the same is rejected and filed, being time barred.

Order Announced.


Regional Police Officer,
Mardan.

No. 2294-95 /ES, Dated Mardan the 03 — 03 — /2020.

1. Copy forwarded for information and necessary action to the:-
District Police Officer, Mardan for information and necessary w/r
to his office Memo: No. 52/LB dated 31.01.2020.
2. Deputy Commandant Elite Force Khyber Pakhtunkhwa,
Peshawar w/r to his office Memo: No. 16748/EF dated
05.11.2019.

-43-

ایکٹر جنرل پولیس KPH فارم نمبر ۲۷

فارم نمبر ۲۳-۵۰ (۱)

ابتدائی اطلاع رپورٹ

قابل

ابتدائی اطلاع نسبت قابل دست اندازی پولیس رپورٹ شدہ زیور قہ ۱۵۲ مجموعہ ضابطہ فوجداری

| | | | |
|-------|-------|-------|-----------|
| تھانہ | طورو | ضلع | سردان |
| نمبر | عد 16 | تاریخ | 21/18 |
| | 35 | وقت | 09:00 بجے |

| | | | |
|----|--|------------------------------|-----------------------|
| 1- | تاریخ و وقت رپورٹ | 25/18 | وقت 10:45 بجے |
| 2- | نام و سکونت اطلاع دہندہ مستغیث | شاہی کارڈ نمبر / سوبائل نمبر | 32 نمبر / سوبائل نمبر |
| 3- | مختصر کیفیت جرم (محدہ وقت) حال اگر کچھ لیا گیا ہو | PPC 365 | |
| 4- | جائے وقوعہ فاصلہ تھانہ سے اور سمت | حیدرآباد تہ علاقہ تھانہ طورو | |
| 5- | نام و سکونت ملزم | شاہی کارڈ نمبر / سوبائل نمبر | |
| 6- | کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو | COLOED NO. 5612-K | آئی جی چیف ایف ڈی |
| 7- | تھانہ سے روانگی کی تاریخ و وقت | بہ سبیل اڈا | |

ابتدائی اطلاع شیجے درج کرو۔ مستغیث شہزادہ محمد خان نے ایک تحریری درخواست بعض کارروائی کمیشن آف انٹرنیشنل برائے منسلک پیرس اسلام آباد میں جمع کروائی جس اور تین میں ایسے جوابی ارسال کرانے کی نسبت تحریر لیا گیا کہ پیراڈرائس کو کسی ملزم اسلزمان نامعلوم نے جائے وقوعہ جالا سے اٹھا کر لے گیا ہے جس سے متعلق اسروز ایک چھٹی انٹرنیٹری نمبر COLOED NO 5612-K پر ایسے ڈاکٹ موصول ہو کر آئی ہے جس میں پیراڈرائس نے اسلام آباد ہر مقدمہ پیرس سالہ خلاف ملزم ملزمان نامعلوم درج ریسرچ کیا جاتا ہے۔ بقول FIR نمبر آئی جی چیف ایف ڈی و جی بی کے عدالت بعض من لفتی حوالہ انجام شخصہ لفتی میں جاتی ہے۔ پیراڈرائس نے ایک

SI-PS-7084 Commission of INQUIRY ON ENFORCED DISAPP. BUILDING (CIST Floor) 19 FARANES DIRECTORATE GENERAL CIVIL DEFENCE
 MAUVE AREA - SECTOR G-9/1 ISLAMABAD (TELE: 051-9106340, Fax: 051-9106344, Email: colaed@gmail.com). Colaed No. 5612-K Islamabad, the 05th December, 2018. To: 1) Director General Intelligence Bureau Islamabad 2) Home Secy Khyber Pakhtoonkhwa Peshawar 3. provincial police officer, Khyber Pakhtoonkhwa Peshawar 4. Inspector General FC Khyber Pakhtoonkhwa, Peshawar 5. Director (Legal) Ministry of Defence Rawalpindi 6. Director General ISI, Islamabad 7. MI Dte. GIC Rawalpindi 8. District Police Officer Mardan. Subject- Colaed No. 5612-K-ARSLA s/o IQBAL SHAH Please find enclosed herewith a copy of Missing Person application received from Zaiman Mursaleen in respect of the missing person cited in the Subject. 2. In order to trace the whereabouts of Arsla s/o Iqbal Shah Home Secy Khyber Pakhtoonkhwa Peshawar is directed to constitute a JIT which may convene its meeting immediately as provided in the commission of inquiry on Enforced Disappearances Regulations 2011. 3. The case may be processed in terms of relevant provision of the Regulations ibid. 4. For PRO Khyber Pakhtoonkhwa only. AR of the case may be registered immediately in the concerned police station and copy of the same sent to this Commission at an early date. 5. For DG IB An inquiry report in the case indicating antecedents of the missing person be furnished in this commission. 6- The report of JIT be furnished to the Secy of the Commission on or before 26th December 2018. 6. The report of JIT be furnished to the Secy of the Commission on or before 26th December 2018. 7. By order of commission. Encl: (As above). (Farid Ahmad Khan) Secretary (Colaed). Fax: 051-9106344. 1. سوبائل نمبر

VAKALATNAMA

- 47 -

IN THE COURT OF KP Service Tribunal Peshawar.

No. _____/2020

Wajid Ali

.....Petitioner/Plaintiff /Applicant/Appellant.

VERSUS

R.P.O & others.


..... Respondents/Defendants.

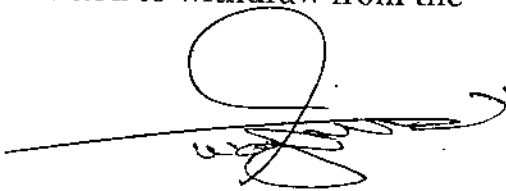
I/We, the undersigned, do hereby appoint and constitute,
Fazal Shah Mohmand Advocate Supreme Court. To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.


1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.

AND I/We hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I/We also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I/We further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on 30-3-2020

ACCEPTED BY:


FAZAL SHAH MOHMAND
Advocate
Supreme Court of Pakistan.


CLIENT(s)

Accepted

Rabia Raza Advocate

OFFICE:-Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841 (Clerk) Cell# 03339214136

Email: - Faza!ShahMohmand@gmail.com.

C

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

Service Appeal No. 3844/2020

Wajid Ali Sub Inspector No.228/MR, Elite Force Khyber Pakhtunkhwa Peshawar
.....Appellant

VERSUS

1. Regional Police Officer, Mardan
 2. District Police Officer, Mardan
 3. Deputy Commandant Elite Force Khyber Pakhtunkhwa, Peshawar.
 4. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
-Respondents

Para-wise comments on behalf of respondents:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.
7. That the appeal is bad for miss joinder and non joinder of necessary parties.
8. That the appeal is barred by law and limitation.

REPLY ON FACTS

1. Para to the extent of appointment of the appellant as constable pertains to record needs no comments, while rest of the para is not plausible because every Police Officer is entitled for the next promotion after fulfillment/completion of requisite criteria. (copy of list of bad entries/punishments is attached as annexure-A)
2. Para to the extent of serving in Elite Force Khyber Pakhtunkhwa on deputation basis by the appellant pertains to record needs no comments. While rest of the para is incorrect hence denied as the appellant while posted as SHO PS Toru was proceeded against departmentally on the allegations that several complaints were lodged to the then District Police Officer, Mardan Mr. Khurram Rashid during his surprise visit to PS Toru, the details of which are as under:-
 - i) Received illegal gratification of Rs. 20,000/- and Rs. 5000/- from Shahbaz and Sher Alam respectively.
 - ii) Extended physical torture to a six years old child.
 - iii) Failed to register proper FIRs.

In order to dig out facts, the matter was initially enquired through the then SP Investigation Mardan who held the appellant responsible.

3. Plea taken by the appellant is bereft of any substance, hence denied.
4. Correct to the extent that the appellant was issued final show cause notice to which his reply was also received but it is pertinent to mention here that no action was taken on the said notice rather the appellant was proceeded against departmentally.
5. Correct to the extent that the appellant was issued charge and statement of allegation and enquiry was entrusted to the then SDPO City Mardan. The Enquiry Officer after fulfilling all legal and codal formalities including summing of applicants who were also subjected to cross test. The Enquiry Officer after thorough probe, held the appellant responsible of misconduct.
6. Correct to the extent that after receipt of enquiry report, the then District Police Officer, Mardan issued the appellant Final Show Cause Notice to which his reply was received and found unsatisfactory.
7. Correct to the extent that the appellant was awarded minor punishment of stoppage of one increment with cumulative effect but prior to the awarding punishment, the appellant was summoned and heard in Orderly Room but he bitterly failed to produce any cogent reason which could negate the allegations.
8. Para to the extent of transfer of appellant to Elite Force Khyber Pakhtunkhwa ... and subsequent filing of appeal before the Commandant Elite Force Khyber Pakhtunkhwa pertains to record needs no comments while the Regional Police Officer, Mardan being the appellate authority, rejected the departmental appeal of the appellant after providing him (appellant) full-fledged opportunity of defending himself being bereft of any substance.
9. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

REPLY ON GROUNDS:

- A. Incorrect the appellant has been treated in accordance with law, rules, policy & norms of natural justice.
- B. Incorrect. The appellant himself has stated in a categorical manner in the preceding para that he was issued Charge Sheet and Statement of Allegations and enquiry officer was nominated. Therefore stance of the appellant is totally ill founded.
- C. Para already explained needs no comments.
- D. Plea of the appellant is not plausible because he being a responsible Police Officer as SHO Police Station was supposed to discharge his legal duties in a professional manner but he badly failed to do so.
- E. Para explained earlier needs no comments.
- F. Incorrect during the course of enquiry all legal and codal formalities were fulfilled and the Enquiry Officer held the appellant responsible for his lethargic attitude showed by him towards his official duties.

ained earlier needs no comments.

ained earlier, the appellant has been provided opportunity of self defense
ie. competent authority as well as the appellate authority, hence plea of the
ellant is not plausible.

a already explained needs no comments.

correct. The allegations leveled against the appellant were initially inquired
through Superintendent of Police Investigation Mardan who held the appellant
responsible. Therefore proper departmental enquiry proceedings were initiated
and after fulfillment of all legal and codal formalities the appellant was awarded
appropriate punishment which does commensurate with the gravity of
misconduct of appellant.


K. Plea of the appellant is not plausible because he being a responsible Police
Officer as SHO Police Station was supposed to discharge his legal duties in a
professional manner but he badly failed to do so.

L. Plea taken by the appellant is not plausible because long length of service and
unblemished service record do not exonerate any Police Officer from his future
wrong deeds.


M. The respondents also seek permission of this honorable tribunal to adduce
additional grounds at the time of arguments.

PRAYER:-

Keeping in view the above stated facts and rules it is most humbly prayed
that the appeal of the appellant is devoid of legal force may kindly be dismissed with
costs please.


Provincial Police Officer
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 04)


Regional Police Officer,
Mardan.
(Respondent No. 01)


Deputy Commandant Elite Force,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 03)


District Police Officer,
Mardan.
(Respondent No. 02)

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

Service Appeal No. 3844/2020

Wajid Ali Sub Inspector No.228/MR, Elite Force Khyber Pakhtunkhwa
Peshawar.....Appellant

VERSUS

1. Regional Police Officer, Mardan
2. District Police Officer, Mardan
3. Deputy Commandant Elite Force Khyber Pakhtunkhwa, Peshawar.
4. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

COUNTER AFFIDAVIT.


We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.


**Provincial Police Officer
Khyber Pakhtunkhwa,
Peshawar.**

(Respondent No. 04)


**Regional Police Officer,
Mardan.**

(Respondent No. 01)


**Deputy Commandant Elite Force,
Khyber Pakhtunkhwa,
Peshawar.**

(Respondent No. 03)


**District Police Officer,
Mardan.**

(Respondent No. 02)

15-CENSURES AND PUNISHMENTS.

Discipline Comm

Punishment: Awarded A one day E.D. Duick.

OB No, 812.

15/11/93

Warden
Warden
Warden

[Signature]
Warden
Warden
Warden

Discipline Comm

9-99 held

Punishment: Awarded one day E.D.

vide OB No: 150

14/2/94

Warden
Warden

[Signature]
Warden
Warden

Single Hand

Charged: Absence

of Uman

case FIR

50.6/34 p

Murder

no: NO.

Punishment: The period of absence for one day is here by awarded one day E.D. Duick

OB No=185

2/3/94

[Signature]
Warden
Warden

Discipline Comm

Charged: Absence from duty for 2 hours.

Punishment: The period of absence for 2 hours and warned to be careful in future.

OB No. 211

5/6/94

Warden
Warden

[Signature]
Warden
Warden

Serial No.

15 - CENSURES AND PUNISHMENTS - contd.

Charges: While posted as Reader to the Traffic Staff
 Section, was found involved in cheating and
 corrupt practices in the Traffic Office and
 to the then vehicle U.I. Section and being
 accused of allowing to be from him they deposit these
 documents with the project Ali No 783, who by obtaining
 money about Rs. 100 per cent. receive the original sections
 of law for the then practice, meet sections 117/118 MVD
 and return the documents to the driver.

Punishment: Awarded minor punishment of stoppage
 of one year increment without cumulative
 effect and he never to be posted in Traffic
 Staff in future.

OR No. 36
 5/1/13

[Signature]
 DPO/MAJIDAN

File No. 16 @ Rs. 190 / Rs. 6950
 with effect from 1-12-10
 DPO/MAJIDAN

File No. HC @ Rs. 320 / Rs. 11820
 with effect from 1-12-11
 DPO/MAJIDAN

Pay Fixed Pay with
 effect from BPS 2011
 Rs. 11560 / pm
 With effect from 1.7.11

[Signature]
 DPO/MAJIDAN

Rs. 370
12200
 12-11-11
[Signature]

Pass
 February
 1981

OB No. 25
 dt. 6-1-13

sel
 at 1

OB No. 39
 dt. 9-5-13

OB No. 23
 dt. 7/1/2012

OB No.
 Dt. 6-1-13

LEAVE, ABSENCE AND BREAKS IN SERVICE


All periods not counting "approved service" to be entered in red ink.

Council.
 Counsel
 College
 ending
 Commandit
 5, dt. 15/7/09.
 (Red)
 Police Officer
 VABI
 "List D"
 DIQ:
 864-65/ES
 Officer
 July
 Police Officer
 21

| No. | DATE | | EXTENT | | | No. of District Order | Description of leave i.e., privilege, hospital, sick leave, or furlough, or of absence, or forfeiture of approved service. All entries to be initialled, by Superintendent of Police. |
|-----|--------|---------|--------|--------|--------|-----------------------|--|
| | From | To | Year | Months | Days | | |
| 1 | | | | | | OPB 638 18/8/93 | 1 day w.o. Pay S. V. S. Parbhoo |
| 2 | 94 | 12 3 | 94 | | | OPB 157 5/3/94 | MLL on Full Pay S. V. S. Parbhoo |
| 3 | 5/2000 | 25/2000 | | | 21 day | 400 8-5-2000 | 21 days Medical leave. S. V. S. Parbhoo |
| 4 | 2000 | 12 6 | 2000 | | 21 | 505 | 21 days Medical leave. S. V. S. Parbhoo |
| 5 | 2000 | 23 7 | 2000 | | 41 day | 744 14-9-2000 | 41 days Medical leave. S. V. S. Parbhoo |

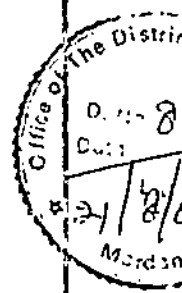
G.P.O.
 No. 28 dt: 8.3.2012 (300x30)
 Dear B9000: Dated vide
 D.O. Swabi no. 313 dt 8.3.2012
 D.O. Swabi
 17/3

Go
O
P

| 1 Name of post | 2 Whether substantive or officiating and whether permanent or temporary | 3 Officiating state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R. | 4 substantive post | 5 Additional Pay for officiating | 6 Other emolument falling under the term "Pay" | 7 Date of Appointment | 8 Signature Government |
|--|--|--|-----------------------|-------------------------------------|---|--------------------------|---------------------------|
| <p>Service w.e.f. 1-9-92 to 5-6-2012 as Lower Subordinate has been notified from his S-rolls</p> | | | | | | | |
| <p><u>ORDER</u></p> | | | | | | | |
| <p>Promoted as H.S. ASI in BPS No. 9 (6200-380-17610) w.e.f. 05-06-12 vide DIG (Mardan) memo No. 2106-7/ES dt. 29-6-12 and pay fixed Rs. 12660/- p.m. w.e.f. 2-12-2012 on his written options.</p> | | | | | | | |
| <p>CR No. 1924</p> | | | | | | | |
| <p>DT. 4-7-12</p> | | | | | | | |
| <p> District Police Officer Mardan</p> | | | | | | | |
| <p>He is hereby awarded minor punishment of</p> | | | | | | | |
| <p>cessure</p> | | | | | | | |
| <p>CR No. 1740 dt. 19.2.13</p> | | | | | | | |
| <p>Enclosed papers Balas - 500 11/8/13</p> | | | | | | | |

From:
To:
No. 1-...
Subject:
Memo:

has been initiated in Mardan District placing in his serv





**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2019

No. 140 /PA

Dated 11/14/2019

DISCIPLINARY ACTION

I, Sajjad Khan (PSP), District Police Officer Mardan, as competent authority am of the opinion that SI Wajid Ali, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, SI Wajid Ali, while posted as SHO PS Toru (Now Elite Force Mardan), Mr. Khurram Rashid, the then DPO Mardan had paid a surprise visit to Police Station Toru on 20.04.2018, where the dwellers made the following complaints against him regarding indulging in corruption practices & other in-efficiency on his part:-

Details are as under:-

- 1) Accepted an illegal gratification of Rs.20,000/- from one Shahbaz Son of Mirza Shah v/o Ahmad Abad Colony through Samad Khan & Waheed Gul @ Tori Residents of Toru on account of recovery a Rifle from his house, **who (Shahbaz) took out the amount from one Jamil Son of Sherdil Resident of Ahmedabad as debt.**
- 2) Fall on-ground a Six years child of one Shahid Son of Shah Room Bacha Resident of Ahmedabad during a raid on his house, resultantly the child was internal injured & shifted to the Hospital.
- 3) Failed to register proper FIR of an attack on the House of one Nisar Muhammad Son of Fida Muhammad Resident of Banr Baba (Toru) by some local people (Motor-Cyclists), who have left their Motorcycles on the spot.
- 4) Failed to register proper FIR of the missing of Arsalan & Zahid, who are missing since (03) months & as per you, they are criminals.
- 5) Accepted an illegal gratification of Rs.5000/- from one Sher Alam Nazim Shamat Pur during a Jirga.
- 6) Failed to register proper FIR on the report of Naemullah regarding stolen-away his two Cows.

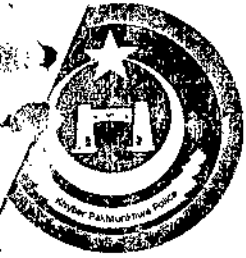
To ascertain real facts, Mr. Janas Khan, the then SP/Investigation Mardan was nominated as E.O vide this Office letter No.187/R dated 24.04.2018 to conduct a preliminary enquiry into the allegations, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.700/PA/Inv dated 02.05.2018, holding responsible SI Wajid Ali of gross misconduct by non-satisfying the general public of the area & has poor relations with them, which is detrimental to Police work in-future.

For the purpose of scrutinizing the conduct of the said accused Official with reference to the above allegations, **ASP Ali Bin Tariq SDPO City is nominated as Enquiry Officer.**

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

SI Wajid Ali is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.

(SAJJAD KHAN) PSP
District Police Officer
Mardan



**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**


2019

Tel No. 0937-9230109 & Fax No. 0937-9230111
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CHARGE SHEET

I, Sajjad Khan (PSP), District Police Officer Mardan, as competent authority, hereby charge, SI Wajid Ali, while posted as SHO PS Toru (now Elite Force Mardan), as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
3. Your written defense, if any, should reach the Enquiry Officers within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.


(SAJJAD KHAN) PSP
District Police Officer
Mardan

Handwritten signature/initials at the top right of the page.

میرے خلاف جناب DPO صاحب کو سن گھڑت اور بے بنیاد اور جھوٹا الزام لگا کر شکایت کی۔ جس میں کوئی صداقت نہیں ہے۔ (FIR ہمراہ لف ہے)

6۔۔۔ مستحق نعیم اللہ ولد رحمت اللہ ساکن بٹیر بابا طورو کے گائے چوری ہوئی تھی۔ لیکن اس نے پولیس کو بروقت وی رپورٹ نہیں کی۔ مذکورہ نے مورخہ 20.04.2018 کو تھانڈا کررپورٹ کی۔ جس پر ملزم / ملزمان کی خلاف مقدمہ عدالت نمبر 245 مورخہ 20.04.2018 جرم PPC379 درج رجسٹر ہو کر مقدمہ۔ میں ملزمان پولیس کر کے گرفتار کر کے تھانڈا اور مال بروقت ہی برآمد کیا تھا۔ دوران ویزٹ مذکورہ نعیم اللہ نے بدچودگی ریڈرفیاض SI جناب DPO صاحب کو نوڈ بیان کیا تھا کہ اس نے تھانڈا نہیں اپنے گائے چوری ہونے کے حوالے سے بروقت کوئی رپورٹ نہیں کیا تھا۔ بلکہ 20.04.2018 کو رپورٹ کر کے تھانڈا پولیس نے مقدمہ درج رجسٹر کی تھی۔ (نقل FIR لف ہے)۔

جہاں تک تلاقہ کے عوام سے رویہ کا تعلق ہے۔ تو مسائل نے دوران بقعیاتی تلاقہ طورو میں معززین اور نامہ عوام کے ساتھ ایسے تعلقات اور اچھا رویہ رکھا ہے۔ اس سلسلے میں آپ رہا بیان نافہ طورو کے ان پسنڈ اور معزز شہری۔ میرے بارے میں مسائل کرتے ہیں۔ جرائم پیشہ عوام کے ساتھ کسی قسم کی تعلق نہیں رکھا ہے۔ اور ان کے خلاف قانون کے مطابق بروقت نوڈا کر کے ان شکایات کی باعث بنی ہے۔

تلاوہ ازیر سابقہ DPO جناب فرم رشید صاحب نے ان الزامات میں مجھے شوکا ز نوڈا کر کے انکو ازیری کی۔ انکو ازیری کے اختتام پر DPO صاحب حوصوف نے مجھے پیش کیا اور تم دیا کہ تم اپنا نوڈ کر کے لوگوں پر نظر رکھو۔ جس کے نتیجے میں پچھلے عرصے کے بعد یہی انکو ازیری دوبارہ سرسبز ہو کر مجھے فائل شوکا ز دیا گیا ہے۔

جناب والا

جملہ الزامات نامہ کردہ بے بنیاد اور سن گھڑت ہیں جس میں کوئی صداقت نہیں من SHO نے دوران بقعیاتی تلاقہ طورو میں کا سرکا کر اسسٹوٹیفے خوش اسلوبی سے سرانجام دیا ہے اور کوئی خلاف قانون کام نہیں کیا ہے۔ استدعا ہے کہ اگر تھانڈا نہیں کر لیں تو تھانڈا کاروائی کے فائل کرنے کا حکم صادر فرمائی جاوے۔

واجب ڈا

سابقہ SHO تھانڈا طورو مال ایس۔ ڈی۔

3i P28 ELITE

29-4-19



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

2019

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

No. 185 /PA

Dated 17/16/2019

FINAL SHOW CAUSE NOTICE

Whereas, SI Wajid Khan, while posted as SHO PS Toru (Now Elite Force Mardan), Mr. Khurram Rashid, the then DPO Mardan had paid a surprise visit to Police Station Toru on 20.04.2018, where the dwellers made the following complaints against you regarding indulging in corruption practices & other in-efficiency on your part:-

Details are as under:-

- 1) Accepted an illegal gratification of Rs.20,000/- from one Shahbaz Son of Mirza Shah r/o Ahmad Abad Colony through Samad Khan & Waheed Gul @ Toru Residents of Toru on account of recovery a Rifle from his house. who (Shahbaz) took out the amount from one Jamil Son of Sherdil Resident of Ahmedabad as debt.
- 2) Fall on-ground a Six years child of one Shahid Son of Shah Room Bacha Resident of Ahmedabad during a raid on his house, resultantly the child was internal injured & shifted to the Hospital.
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- 5) Accepted an illegal gratification of Rs.5000/- from one Sher Alam Nazim Shamat Pur during a Jirga.
- 6) Failed to register proper FIR on the report of Nacemullah regarding stolen-away his two Cows.

To ascertain facts, Mr. Janas Khan, the then SP/Investigation Mardan was nominated as E.O vide this office letter No.187/R dated 24.04.2018 to conduct a preliminary enquiry into the allegations, who after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.700/PA/Inv dated 02.05.2018, holding responsible you of misconduct by non-satisfying the general public of the area & has poor relations with them, which is detrimental to Police work in-future.

In this connection, during the course of Departmental Enquiry, conducted by Captain @ Ali Bin Tariq SDPO/City Mardan vide his office letter No.1087/S dated 31-05-2019, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.140/PA dated 11-04-2019, holding responsible you of misconduct and recommended for minor punishment by stoppage of your (02) increments.

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 Sajjad Khan (PSP) District Police Officer Mardan, in exercise of the powers vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of receipt of this notice, failing which; it will be presumed that you have no explanation to offer.

You are liberty to appear for personal hearing before the undersigned

Received by: _____

Dated: ___/___/2019

Copy to SP/Elite Force Mardan to deliver this Notice upon the alleged officer & the receipt thereof, may be returned to this office at the earliest for onward necessary action, please.

(SAJJAD KHAN) PSP
District Police Officer
Mardan

جناب عالی!

بحوالہ فائل شوکاژ نوٹس نمبری PA/185 مورخہ 17.06.2019 معروض خدمت ہوں کہ میں سال 2018

کو تھانہ طور میں محسبیت SHO تعینات تھا۔ دوران ویزٹ جناب DPO صاحب کو تھانہ طور میں کچھ کریمنل اشخاص/انٹرمین نے میرے خلاف الزامات لگا کر جو تفصیل ذیل ہے۔

1۔۔ مسکی شہباز خان ولد مرزا شاہ ساکن احمد آباد کو بد دوران گشت۔ بمورخہ 08.04.2018 بمقام احمد آباد طور و، گوگرفٹار کر کے اس کے قبضہ سے ایک عدد دکلا شکوف بورر انقل 7.62mm فیکسچر چارجز 03 عدد کارٹوس 7.62mm بورر برآمد کیا اور اس کے خلاف مقدمہ نمٹ 221 مورخہ 08.04.2018 جرم 15AA تھانہ طور و درج رجسٹر کر کے مقدمہ چالان عدالت کیا۔ اس شخص نے دوران ویزٹ جناب DPO صاحب کو میرے خلاف 20 ہزار روپے لینے کا الزام لگایا۔ جو من گھڑت اور بے بنیاد ہے۔ چونکہ شہباز خان کے خلاف باقاعدہ مقدمہ درج بالا رجسٹر کیا گیا تھا اور اس کے ہاتھ جرم میں کسی قسم کی ہمدردی وغیرہ نہیں کی گئی تھی۔ تو اس وجہ سے مسکی شہباز خان نے میرے خلاف رشوت لینے کا الزام لگایا۔ اس سلسلہ میں میں بے گناہ ہوں اور ہر قسم کے تسلی کرنے کے لئے تیار ہوں۔ (نقل FIR لف ہے)

2۔۔ مسکی شاہد ولد شاہ روم ساکن احمد آباد نے من سابقہ SHO پر الزام لگا کر کہ دوران چھاپہ زنی اس کی بیٹی اسم تنزیلہ بمر 6 سال سے کابل بھیج کر جس کی وجہ سے وہ چار پانی سے گر گئی اور وہ زخمی ہو کر ہسپتال لے گئی۔ احمد آباد میں من سابقہ SHO نے مسکی شاہد ولد شاہ روم کے گھر پر کسی قسم کا چھاپہ نہیں لگایا تھا بلکہ آصف خان SI نے مورخہ 07.04.2018 کو دوران سرچ اینڈ سٹرائیک آپریشن نزد کان مذکورہ شاہد کے قبضہ سے ایک ضرب کالا کوف 222 بورر بلا نمبر بلا لائنس برآمد کر کے شاہد کے خلاف مقدمہ علت نمبری 218 بمورخہ 07.04.2018 جرم 15AA تھانہ طور و درج رجسٹر کر کے جس میں ملزم عدالت سے سزا ہو چکا ہے۔ الزام لگا کر وہ مقدمہ مستذکرہ میں ملزم کے خلاف کارروائی تھی ملزم کی بیٹی کو گرایا نہیں ہے اور نہ ہی اسی روز میں اس مقام پر موجود تھا۔ ملزم کی بیٹی پہلے سے خسرو، یرقان وغیرہ کی بیماری میں مبتلا تھی۔ جس کی میڈیکل کاغذات حاصل کر کے بطور رشوت ہمراہ لے گئے ہیں۔ یہ امر قابل ذکر ہے کہ کوئی پولیس افسر دوران سرچ آپریشن اس قسم کے کوئی کام کا متحمل نہیں ہو سکتا اور نہ ہی پولیس افسر سے اس قسم کی انسانیت کے خلاف کام کی توقع کی جاسکتی ہے۔ الزام میں کوئی صداقت نہیں ہے۔ جھوٹا اور من گھڑت ہے۔ (نقل FIR و میڈیکل کاغذات ہمراہ لف ہے)

3۔۔ نثار محمد ناظم ولد نثار محمد ساکن بنڑ بابا طور و کے گھر پر کسی ملزم / ملزمان نے حملہ نہیں کیا تھا بلکہ فریق نثار محمد مذکورہ اور سہیل ولد صدر الدین ساکن سیرے کورونہ طور و کے تعلقات سابقہ لڑائی جھگڑے پر کشیدہ چلے آ رہے تھے مورخہ 14.04.2018 کو سہیل مذکورہ کے برادر محمد سفید وغیرہ موٹر سائیکل پر کھی جا رہے تھے کہ بمقام رشید آباد طور و میں نثار ناظم کے ماموں ذاد بھائی جمشید ولد بشر وغیرہ رشتہ داروں نے برادر سہیل وغیرہ کو کھڑے کر کے زد و کوب اور زخمی کئے تھے۔ اسی دوران مجرمین سے موٹر سائیکل بھی راستہ میں رہ گیا تھا۔ سہیل کی رپورٹ پر مقدمہ علت 242 مورخہ 19.04.2018 جرم PPC/147/149/337A1/337F1 تھانہ طور و درج رجسٹر کی

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گئی تھی۔ جس پر ناظم نے ناراضگی کا اظہار کیا تھا۔ کیونکہ اس کے چچا ذاد بھائیوں اور دیگر رشتہ داروں کے خلاف مقدمہ درج کیا گیا تھا۔ جبکہ مخالف فریق کے خلاف کوئی مقدمہ درج رجسٹر نہیں کیا گیا تھا۔ اس مقدمہ کے رجسٹر ہونے پر مورخہ 20.04.2018 کو جج صاحب کے ویزٹ کے دوران ناظم نے میرے خلاف شکایت کرتے ہوئے الزام لگایا کہ میرے گھر پر ملزمان نے حملہ کر کے پولیس نے کوئی قانونی کارروائی نہیں کی تھی۔ بلکہ حقیقت میں ناظم کے رشتہ داروں نے سہیل کے بردار اور رشتہ دار جو موٹر سائیکل پر سوار جارہے تھے حملہ کر کے زخمی کئے تھے۔ (نقل FIR ہمراہ لف ہے)

علاوہ ازیں ناظم کے ماموں ذاد بھائی جنید ولد جمشید نے بھی اسی روز تھانہ میں رپورٹ بر خلاف سہیل وغیرہ کر کے جو بحوالہ مذکورہ 25 روز نامہ 14.04.2018 درج ہو کر بذریعہ نقشہ ضرر ہسپتال بھجوائی گئی تھی۔ جس پر ڈاکٹر صاحب نے راجے (SIMPLE) تحریر کیا تھا۔ جس کی وجہ سے ناظم کے رشتہ داران کی رپورٹ پر کوئی مقدمہ درج رجسٹر نہیں کیا گیا تھا۔ جملہ کارروائی حسب ضابطہ کی گئی تھی۔ لگائے ہوئے الزام میں کوئی صداقت نہیں ہے۔ من گھڑت اور بے بنیاد ہیں۔ (نقل مدارات FIR ہمراہ لف ہے)

4۔۔ مسلمان ارسلان اور ضابطہ خان کا FIR بروقت اس وجہ سے درج رجسٹر نہیں کیا گیا تھا۔ بلکہ حسب احکم عدالت دریافت (3) 156 ض شروع کی گئی تھی۔ کیونکہ ارسلان کے ورثاء نے رپورٹ میں ہر دونوں کا منہسی تحت روان ولد فیروز خان ساکن احمد آباد کے ساتھ صوبہ پنجاب کو محنت مزدوری کے لئے جانے کا ذکر کیا تھا۔ اس کی ورثاء نے اغوا ایگی کا کوئی رپورٹ نہیں کیا تھا۔ اختیاط رپورٹ کی تھی جس پر انکو آری ہذا شروع کی گئی تھی۔ دوران انکو آری متذکرہ لاپتہ افراد کے بارے میں ہم پولیس والوں نے آزاد کشمیر، لاہور، پنجاب وغیرہ جا کر کافی کوشش کی تھی جو فائل انکو آری پر بطور ثبوت موجود ہیں۔ لاپتہ افراد کے ناموں پر جتنے بھی موبائل نمبرات تھے جملہ نمبرات کے CDR's نکالے تھے۔ مگر کوئی سوراغ نہیں مل سکتا تھا۔ یہاں پر یہ امر قابل ذکر ہے۔ کہ دوران انکو آری مقامی لوگوں نے درپردہ چھی می گوئیاں بھی کر رہے تھے کہ یہ لاپتہ افراد جرائم پیشہ تھے۔ آزاد کشمیر، پنجاب وغیرہ میں بد چلتی، ڈکیتی، چوری وغیرہ کی وارداتیں کرتے تھے۔ لیکن ڈر کی وجہ سے کسی فرد بشر نے تحریری طور پر ان کے خلاف کوئی بیان نہیں دی ہے۔ (نقل مدارات ہمراہ لف ہے)

بعد میں متذکرہ کسان کے ورثاء نے عدالت عالیہ جا کر عدالت عالیہ کے حکم پر ملزم / ملزمان نامعلوم کے خلاف مقدمت عدالت نمبر 16 و 17 مورخہ 08.01.2019 جرم PPC 365 درج رجسٹر ہوئی ہے۔ (FIR ہمراہ لف ہے)

5۔۔ ناظم شیر عالم ساکن شامت پور نے الزام لگایا کہ SHO نے دوران جرگہ مبلغ = 5000 روپے لی ہے۔ جرگہ کے دوران کسی قسم کی رقم نہیں لی ہے اور نہ ہی کوئی جرگہ منعقد ہوئی تھی۔ حقیقت یوں ہے کہ شیر عالم ناظم کے بھانجے مسمی ذیشان ولد جمیل ساکن احمد آباد طور و نے طفل، شاہ فیصل ولد عثمان عمر 6/7 سال ساکن احمد آباد کے ساتھ بد فعلی کر کے والد اطفال، مسماۃ فرباجون کی رپورٹ پر بھانجے شیر عالم ناظم کے خلاف مقدمت عدالت 172 مورخہ 15.03.2018 جرم PPC 377/53 CPA تھا نہ طور و درج رجسٹر کر کے اسی وقت ملزم کو دوران چھاپہ زنی گرفتار کر کے جس پر ناظم شیر عالم ناخوش تھا۔ اور بیانی تھا کہ ہم اس وقوعہ میں راضی نامہ کرنا چاہتے تھے۔ لیکن تم پولیس نے سریدست مقدمہ درج رجسٹر کر کے میرے بھانجے کو گرفتار کیا۔ آپ لوگوں نے میرا کوئی لحاظ نہیں رکھا۔ لہذا اسی بنیاد پر ناظم مذکورہ بالا نے

FIR (مراہف ہے)

6۔۔۔ مسی نعیم اللہ ولد رحمت اللہ ساکن بیٹر بابا طورو کے گائے چوری ہوئی تھی۔ لیکن اس نے پولیس کو بروقت کوئی رپورٹ نہیں کیا تھا۔

مذکورہ نے مورخہ 20.04.2018 کو تھانہ آکر رپورٹ کی۔ جس پر ملزم / ملزمان کی خلاف مقدمہ عدلت نمبر 245

مورخہ 20.04.2018 جرم PPC379 درج رجسٹر ہو کر مقدمہ میں ملزمان ٹریس کر کے گرفتار کئے گئے تھے اور مال مسروقہ بھی برآمد کیا

گیا تھا۔ دوران ویزٹ مذکورہ نعیم اللہ نے موجودگی ریڈر فیاض SI جناب DPO صاحب کو خود بیان کیا تھا کہ اس نے مقامی پولیس کو

اپنے گائے چوری ہونے کے حوالے سے بروقت کوئی رپورٹ نہیں کیا تھا۔ بلکہ 20.04.2018 کو رپورٹ کر کے مقامی پولیس نے

مقدمہ درج رجسٹر کی تھی۔ (نقل FIR لف ہے)۔

جہاں تک علاقہ کے عوام سے رویہ کا تعلق ہے۔ تو مسائل نے دوران تعیناتی علاقہ طورو میں معززین اور عام عوام کے

ساتھ اچھے تعلقات اور اچھا رویہ رکھا ہے۔ اس سلسلے میں آپ صاحبان علاقہ طورو کے امن پسند اور معزز شہری سے میرے بارے معلومات

حاصل کر سکتے ہیں۔ جرائم پیشہ عوام کے ساتھ کسی قسم کی تعلق نہیں رکھا ہے۔ اور ان کے خلاف قانون کے مطابق بروقت کارروائی کی ہے۔ جو

ان شکایات کی باعث بنی ہے۔

علاوہ ازیں سابقہ DPO جناب خرم رشید صاحب نے ان الزامات میں مجھے شوکا ز نوٹس دے کر اور بذریعہ سابقہ SP

انوسٹی گیشن جناب حافظ جالس خان صاحب انکو آڑی کی۔ انکو آڑی کے اختتام پر جناب DPO صاحب موصوف نے مجھے پیش کیا اور حکم

دیا کہ تم اپنا نوکر کری کرو اور غلط لوگوں پر نظر رکھو۔

اس کے بعد سابقہ DPO جناب حافظ واحد محمود صاحب کو مسی شاہد مذکورہ بالا نے ایک اور درخواست کر کے جس پر

جناب DPO صاحب نے بذریعہ DSP شیخ ملتون انکو آڑی کر کے جناب DSP صاحب شیخ ملتون نے انکو آڑی مکمل کر کے، فائل کر

نے کے لئے داخل دفتر کرنے کی سفارش کی۔ (دونوں انکو آڑیاں ہمراہ لف ہیں)

جناب والا:

جملہ الزامات عائد کردہ بے بنیاد اور من گھڑت ہیں جس میں کوئی صداقت نہیں ہے۔ من سابقہ SHO نے دوران

تعیناتی تھانہ طورو میں کارسز کار کو احسن طریقے و خوش اسلوبی سے سرانجام دیا ہے اور کوئی خلاف قانون کام نہیں کیا ہے۔ استدعا ہے کہ فائل

شوکا ز نوٹس کو بغیر کسی محکمانہ کارروائی کے فائل کرنے کا حکم صادر فرمائی جاوے۔

واجد علی SI

سابقہ SHO تھانہ طورو حال ایلیٹ فورس مردان

si p 28

20-6-19

One
Step
Cumulative

9/6/19



Total 155 page

**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No: 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2019

No. 4331-32 /PA

Dated 15/7 /2019

ORDER ON ENQUIRY OF SI WAJID ALI ELITE FORCE MARDAN

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject officer, under the allegations that while posted as SHO PS Toru (Now Elite Force Mardan), proceeded against departmentally through Captain @ Ali Bin Tariq SDPO/City Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.140/PA dated 11-04-2019 on account of presenting various complaints by dwellers against SI Wajid Ali, the then SHO PS Toru to Mr. Khurram Rashid, the then DPO Mardan during his surprise visit to PS Toru on 20-04-2018.

Details of the complaints are as under:-

1) Accepted an illegal gratification of Rs.20,000/- from one Shahbaz Son of Mirza Shah r/o Ahmad Abad Colony through Samad Khan & Waheed Gul @ Tori Residents of Toru on account of recovery a Rifle from his house, who (Shahbaz) took out the amount from one Jamil Son of Sherdil Resident of Ahmedabad as debt.

2) Fall on-ground a six years child of one Shahid Son of Shah Room Bacha Resident of Ahmedabad during a raid on his house, resultantly the child was internal injured & shifted to the Hospital.

3) Failed to register proper FIR of an attack on the House of one Nisar Muhammad Son of Fida Muhammad Resident of Banr Baba (Toru) by some local people (Motor-Cyclists), who have left their Motorcycles on the spot.

4) Failed to register proper FIR of the missing of Arsalan & Zahid, who are missing since (03) months & as per you, they are criminals.

5) Accepted an illegal gratification of Rs.5000/- from one Sher Alam Nazam Shamat Pur during a Jirga.

6) Failed to register proper FIR on the report of Naemullah regarding stolen-away his two Cows.

NOTE: Prior to Departmental Enquiry in hand, a preliminary enquiry has also been conducted into the matter through Mr. Janas Khan, the then SP/Investigation Mardan vide this office letter No.187/R dated 24.04.2018, who vide his office letter No.700/PA/Inv dated 02.05.2018, holding responsible SI Wajid Ali of gross misconduct by non-satisfying the general public of the area & has poor relations with them, which is detrimental to Police work in-future.

EC/EF
HS
15/7

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The Enquiry Officer Captain ® Ali Bin Tariq ASP/City Mardan after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.1087/S dated 31-05-2019, highlighting that (06) various complaints of misconduct/negligence, presented by local community revealed inefficiency and negligence on the part of SI Wajid Ali and recommended him for minor punishment by stoppage his (02) annual increments.

In this connection, the alleged officer was served with a Final Show Cause Notice, under K.P.K Police Rules-1975, issued vide this office No.185/PA dated 17-06-2019, to which his reply was received and found un-satisfactory.

Final Order

SI Wajid Ali was heard in O.R on 09-07-2019, but failed to submit any plausible reasons in his defense, therefore, awarded him a **minor punishment by stoppage his one increment with cumulative effect** with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 1526

Dated 15/7 2019.

(SAJJAD KHAN) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Commandant Elite Force K.P Peshawar with (158) Sheets.
- 2) The Regional Police Officer Mardan, please.

The Wo. District Police Officer
Mardan.

/S dated Mardan the 31/05/2019.

ENQUIRY AGAINST SI WAJID.

No 1087

Subject:

Memo:

Kindly refer to your office diary No.148/PA dated 12.04.2019, on the subject noted above.

STATEMENT OF ALLEGATION:-

Whereas, **SI Wajid Ali**, while posted as SHO PS Toru (Now Elite Force Mardan), Mr. Khurram Rashid, the then DPO Mardan had paid a surprise visit to Police Station Toru on 20.04.2018, where the dwellers made the following complaints against him regarding indulging in corruption practices & other in-efficiency on his part:-

Detail is as under:-

- 1) Accepted an illegal gratification of Rs.20,000/- from one Shahbaz s/o Mirza Shah r/o Ahmad Abad colony through Samad Khan & Waheed Gul @ Tori residents of Toru on account of recovery a Rifle from his house, who (Shahbaz) took out the amount from one Jamil s/o Sherdil r/o Ahmad Abad as debt.
- 2) Fall on-ground a Six years child of one Shahid s/o Shah Room Bacha r/o Ahmadabad during a raid on his house, resultantly the child was internal injured & shifted to the hospital.
- 3) Failed to register proper FIR of an attack on the house of one Nisar Muhammad s/o Fida Muhammad r/o Banr Baba (Toru) by some local people (Motor-cyclists), who have left their Motorcycles on the spot.
- 4) Failed to register proper FIR of the missing of Arsalan & Zahid, who are missing since (03) months & as per you, they are criminals.
- 5) Accepted on illegal gratification of Rs.5000/- from one Sher Alam Nazim Shamlat Pur during a Jirga.
- 6) Failed to register proper FIR on the report of Naeemullah regarding stolen-away his two Cows.

To ascertain real facts, Mr. Janas Khan, the then SP/Operation Mardan was nominated as E.O vide this office letter No.187/R dated 24.04.2018 to conduct a preliminary enquiry into the allegations, who (E.O) after fulfilling necessary process, submitted his finding report to this office vide his office letter No.700/PA/Inv dated 02.05.2018, holding responsible SI Wajid Ali of gross misconduct by non-satisfying the general public of the area & has poor relations with them, which is detrimental to Police work in-future.

ING:-

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An enquiry was conducted, the officer under enquiry SI Wajid was summoned, of charge sheet and summary of allegation was served upon him, and he was heard in person. Verbally cross questioned, he submitted his written reply along-with documents. (which placed at file)

The applicants were also summoned, heard one by one, verbally cross questioned regarding their complaints.

FINDING:-

After perusal of all available record produced by the alleged officer as well as the complainants, the enquiry officer reached to the conclusion that six various complaints of misconduct negligence filed by the dwellers of local community reveals the inefficiency and negligence of the said officer SI Wajid Ali.

CONCLUSION:-

Keeping all the above facts and figures in view, it is concluded that the alleged SI Wajid has been proved guilty.

RECOMMENDATION:-

It is recommended that the officer under enquiry may please be given minor punishment of "stoppage of 02 annual increments" if agreed.

Encl: (11)

3-6-4

Inam PSC 14

Captain @ Ali Bin Fariq
Assistant Superintendent of Police,
City Circle Mardan.

ORDER.

This order will dispose-off the departmental appeal preferred by **Sub Inspector Wajid Ali No. 228/MR** on deputation to Elite Force Khyber Pakhtunkhwa, against the order of District Police Officer, Mardan, whereby he was awarded minor punishment of stoppage of one increment with cumulative effect vide OB: No. 1526 dated 15.07.2019. The appellant while posted as SHO Police Station, Toru was proceeded against departmentally on the allegations that several complaints were lodged to the then District Police Officer, Mardan, Mr. Khurram Rashid, during his surprise visit to Police Station, Toru. The details of these complaints are summarized as under:-

1. Received illegal gratification of Rs.20,000/- and Rs. 5000/- from Shahbaz and Sher Alam respectively.
2. Extended physical torture to a six years old child.
3. Failed to register proper FIRs.

Initially the matter in issue was enquired into through Mr. Janas Khan, the then SP/Investigation Mardan, who held the delinquent Officer responsible.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police City, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codai formalities, submitted his findings wherein he recommended the delinquent Officer for minor punishment of stoppage of two annual increments.

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, Mardan on 09.07.2019. But he failed to advance any cogent reasons in his defense, therefore, he was awarded minor punishment of stoppage of one increment with cumulative effect.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 25.02.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved. The appellant, being a responsible Officer as SHO, was

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supposed to discharge his official duties in a professional manner. But he failed to do so. Moreover, the appellant approached this forum at a belated stage without advancing any cogent reason regarding such delay. Hence, the order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, **Sher Akbar, PSP S.St Regional Police Officer, Mardan**, being the appellate authority, finds no substance in the appeal, therefore, the same is rejected and filed, being time barred.

Order Announced.


**Regional Police Officer,
Mardan.**

No. 2294-75 IES, Dated Mardan the 03 — 03 — 2020.

1. Copy forwarded for information and necessary action to the:-
District Police Officer, Mardan for information and necessary w/r
to his office Memo: No. 52/LB dated 31.01.2020.
2. Deputy Commandant Elite Force Khyber Pakhtunkhwa,
Peshawar w/r to his office Memo: No. 16748/EF dated
05.11.2019.

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 3844/2020

Wajid Ali Sub Inspector No.228/MR, Elite Force Khyber Pakhtunkhwa Peshawar
.....Appellant


VERSUS


1. Regional Police Officer, Mardan
2. District Police Officer, Mardan
3. Deputy Commandant Elite Force Khyber Pakhtunkhwa, Peshawar.
4. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.


.....Respondents

AUTHORITY LETTER.

Mr. Zaheer Khan PASI Legal Branch, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.


Provincial Police Officer
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 04)


Regional Police Officer,
Mardan.
(Respondent No. 01)


Deputy Commandant Elite Force,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 03)


District Police Officer,
Mardan.
(Respondent No. 02)

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

Service Appeal No. 3844/2020


Wajid Ali Sub Inspector No.228/MR, Elite Force Khyber Pakhtunkhwa Peshawar
.....Appellant

VERSUS


1. Regional Police Officer, Mardan
 2. District Police Officer, Mardan
 3. Deputy Commandant Elite Force Khyber Pakhtunkhwa, Peshawar.
 4. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
-Respondents

AUTHORITY LETTER.

Mr. Zaheer Khan PASI Legal Branch, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.


**Provincial Police Officer
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 04)


**Regional Police Officer,
Mardan.**
(Respondent No. 01)


**Deputy Commandant Elite Force,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 03)


**District Police Officer,
Mardan.**
(Respondent No. 02)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 3844/2020

Wajid Ali.....**Appellant.**

V E R S U S

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

REPLICATION ON BEHALF OF THE APPELLANT.

REPLY TO PRELIMINARY OBJECTIONS.

All the objections raised by the respondents are incorrect and as such denied. The appellant has come to this August tribunal with clean hands who has concealed nothing from this honorable tribunal. The appellant has got a valid cause of action and locus standi to bring the present appeal. The appellant is not estopped by his conduct to file instant appeal which is liable to be decided on merit and there is no malafide on part of the appellant. The appellant has come to this honorable tribunal having case based on law and facts, and has got the jurisdiction to entertain and adjudicate upon the matter. The instant appeal in which all necessary parties have been impleaded for miss-joinder and non-joinder and the appeal is according to law and rules on the subject besides being maintainable.

REPLY TO FACTS/GROUNDS:

Comments of the respondents are full of contradictions, rather amounts to admissions and are based on malafide. Respondents have failed to show that the version of the appellant is incorrect. Even respondents

have failed to show and substantiate their version referring to any law and rules. In the circumstances the appellant has been deprived of his rights without any omission or commission on his part and he has been deprived of his rights guaranteed by the Constitution and law of the land. Respondents have admitted that in the year 2018 the appellant was serving in Elite Force Khyber Pakhtunkhwa on deputation basis and while posted as SHO Police Station Toru Mardan, some Nazims, and other political persons of the area wanted to influence the appellant for their vested interests which the appellant refused so they planted various persons for filing false and frivolous complaints whereupon the appellant had been subjected to three inquiries consecutively through different inquiry officers under the same charges/allegations without cancelling the previous inquiry proceedings, without any just cause and also produced them during the visits of the then DPO Mardan who ordered inquiry against the appellant. Hence the appellant had nothing to do with most of the allegations while others were false besides malafide. Thereafter, he was issued Show Cause Notices and charge sheet which were replied in detail explaining the true position in light of mentioned facts and finally then, he was awarded with **minor penalty of Stoppage of one Increment with cumulative effect** by respondent No. 2. In the meanwhile the appellant filed departmental appeal before the respondents, hence the same has been returned, received and finally filed/rejected the same by the respondents. Hence the impugned orders are void and based on malafide as the appellant is innocent and did nothing that amounts to misconduct. Furthermore, the charges were never established nor was any material collected against the appellant warranting imposition of penalty. Hence, no proper inquiry have been conducted as no witness were examined in presence of the appellant and thus, was condemned unheard. Furthermore, the falsity of all complaints is proved from the FIRs and other


documents annexed in mentioned titled appeal. The impugned orders are also in **violation of Fundamental Rule 29** and as such too liable to be struck down on this score alone. Respondents have tried to twist the facts as the appellant could not be made to suffer for the fault of others as no one could be punished for the fault of others. In the circumstances the appellant has not been treated according to law and rules being his fundamental right.

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

Dated:-16-03-2021


Appellant

Through


Fazal Shah Mohmand
Advocate Peshawar

AFFIDAVIT

I, Wajid Ali, Sub Inspector No 228/MR, Elite Force Khyber Pakhtunkhwa Peshawar, (the appellant), do hereby solemnly affirm and declare on oath that the contents of this **Replication** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.


Deponent

