



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

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20/23

No. 1658-62 /EC

Dated 17/03/2023.

ORDER

In compliance with the directions issued by the Honorable Khyber Pakhtunkhwa Service Tribunal vide order dated 24.11.2022 in Service Appeal No. 38/2018 according to which the order dated 27.04.2017 passed by the Inspector General of Police Khyber Pakhtunkhwa Peshawar was set aside and as per directions issued from the office of Inspector General of Police Khyber Pakhtunkhwa Peshawar vide letter No. 699-700/PPO dated 10.02.2017, the matter shall be deemed pending before the District Police Officer Mardan, who shall decide the same as may deem appropriate within a period of 30 days.

Facts leading to the issue in question are as under:-

The defaulter officer namely Ex Constable Sardar Khan No. 3418 of this District was imposed major penalty of dismissal from service vide order dated 30.06.2015 by the then District Police Officer, Mardan, on the allegations that he while posted at Police Lines Mardan, remained absent from lawful duty vide Daily Diary No. 08 dated 23.03.2015 till date of dismissal i.e 30.06.2015 without any leave/permission from the competent authority. Hence, he filed departmental appeal before the then Regional Police Officer, Mardan which was rejected being time barred and then the appellant filed revision petition before the Inspector General of Police Khyber Pakhtunkhwa Peshawar. The same was sent to Regional Police Officer, Mardan in terms that "RPO to consider it on humanitarian grounds". In compliance, Regional Police Officer, Mardan sent a letter No. 1865/ES dated 06.03.2017 to the Inspector General of Police Khyber Pakhtunkhwa Peshawar, wherein it was mentioned that Ex- Constable Sardar Khan No. 3418 has exhausted all his departmental remedies. In light of letter vide reference quoted above, the Inspector General of Police Khyber Pakhtunkhwa Peshawar after examining the revision petition, filed/rejected the same. Hence, he filed the said service appeal which was decided and referred vide judgment dated 24.11.2022.

The Ex Constable Sardar Khan No. 3418 has already been awarded major punishment of dismissal from service by my predecessor in office within his competence, for the misconduct committed by him. However, he (Ex Constable Sardar Khan No. 3418) has exhausted all departmental remedies by filing appeal and revision to the appellate authority and revisional authority respectively.

According to Schedule-I, Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014, the authority competent to award punishment has been mentioned. Moreover, according to Rule-11 and 11-A of Rules ibid, the Regional Police Officer/Deputy Inspector General of Police/Capital Police Officer, Peshawar/Additional Inspector General of Police are the appellate authorities in the case of former Rule while in the latter case, the Inspector General of Police is the revisional authority.

Keeping in view the above, the order passed by the then District Police Officer Mardan warrants no interference as this office has no powers/jurisdiction to interfere in the orders already passed by this office.

OB No. 624


District Police Officer,
Mardan

Dated 17/03 /2023

Copy forwarded for information to:-

1. The Regional Police officer, Mardan.
2. The Assistant Inspector General of Police Legal, Khyber Pakhtunkhwa Peshawar with reference to his office letter No. 426/Legal dated 09.02.2023.
3. The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
4. The DSP Legal Mardan.