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

**Service Appeal No. 1342/2022**

Masroor Ali, Ex Constable No.1064.....Appellant.

**VERSUS**

The Deputy Inspector General of Police Mardan Region-I, Mardan and others

.....Respondents

Khyber Pakhtunkhwa  
Service Tribunal

Diry No. 4794

Dated 12/4/23

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(1)

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.....Respondents

**Para-wise comments on behalf of respondents submit as under:-**

**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 and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the appeal is bad for miss-joinder and non-joinder of necessary parties.
7. That the appeal is barred by law and limitation.

**REPLY ON FACTS**

1. Para to the extent of enlistment in Police Department pertains to record. While rest of para is incorrect, because every Police Officer is under obligation to perform his duty upto the entire satisfaction of his superiors. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries (**Copy of list of bad entries is attached as Annexure "A"**).
2. Incorrect. The appellant has suppressed/concealed material facts as he was issued charge sheet with statement of allegation vide No. 23/PA dated 27.01.2022 on account of his involvement in case vide FIR No. 89 dated 17.01.2022 u/s 371-A/371-B/109 PPC Police Station City District Mardan and not on the basis of absence and enquiry was entrusted to the then SDPO Rural Mardan (**Copies of FIR and Charge Sheet with statement of allegations are annexed as annexure "B & C"**).
3. Incorrect. Para already explained.
4. Incorrect. Plea taken by the appellant is not plausible because the appellant while posted as DFC Lower Court Police Station Jabbar was placed under suspension on account of involvement in a case vide FIR No. 89 dated 17.01.2022 u/s 371-A/371-B/109 PPC Police Station City District Mardan. Hence, on basis of aforementioned allegations, the appellant was issued charge sheet with statement of allegations and enquiry was entrusted to SDPO/Rural Mardan. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense, but he failed. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for major punishment. Therefore, the appellant was summoned and

heard in Orderly Room on 08.06.2022 but this time too, the appellant failed to justify his innocence, therefore, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant **(Copy of Enquiry papers and dismissal order are annexed as annexure D &E).**

5. Incorrect. Stance taken by the appellant is totally devoid of merit because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations and Enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense, but he failed. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for major punishment. Therefore, the appellant was summoned and heard in Orderly Room on 08.06.2022 but this time too, the appellant failed to justify his innocence, therefore, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant.
6. Correct to the extent that the appellant preferred departmental appeal which was decided on merit because the appellant was provided full-fledged opportunity of defending himself before the appellate authority but he bitterly failed to produce any cogent reasons in his defense. Therefore, the same was rejected and filed, being devoid of merit **(Copy of order is attached as annexure-"F")**.
7. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

**Reply on Grounds:**

- A. Incorrect. Order passed by the competent authority as well as appellate authority are legal, lawful and according to rules, hence, liable to be maintained.
- B. Incorrect. Stance taken by the appellant is totally devoid of merit because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations on account of involvement in a case vide FIR No. 89 dated 17.01.2022 u/s 371-A/371-B/109 PPC Police Station City District Mardan and enquiry was entrusted to SDPO/Rural Mardan. Enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense, but he failed. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for major punishment. Therefore, the appellant was summoned and heard in Orderly Room on 08.06.2022 but this time too, the appellant failed to justify his innocence, therefore, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant.
- C. Incorrect. Plea of the appellant is totally ill based because a fulfilled departmental enquiry was conducted during the course of which all legal and codal formalities were fulfilled but the appellant has bitterly failed to produce even a single iota of evidence in his defence.
- D. Incorrect. Para already explained needs no comments.
- E. Incorrect. Stance taken by the appellant is totally devoid of merit because the Enquiry officer during the course of enquiry provided full-fledged opportunity to

the appellant to produce evidence/grounds in his defense, but he failed. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for major punishment. Therefore, the appellant was summoned and heard in Orderly Room on 08.06.2022 but this time too, the appellant failed to justify his innocence, therefore, he was awarded major punishment of dismissal from service. Besides, the above, appellant preferred departmental appeal which was decided on merit because the appellant was summoned and heard in orderly room held on 05.08.2022 by provided full-fledged opportunity of defending himself before the appellate authority but he bitterly failed to produce any cogent reasons in his defense. Therefore, the same was rejected and filed, being devoid of merit, which does commensurate with the gravity of misconduct of the appellant.

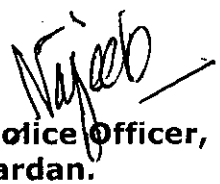
- F. Incorrect. Para already explained.
- G. Plea taken by the appellant is bereft of any substance because criminal and departmental proceedings are two different entities which can run parallel and the fate of criminal case will have no effects on the departmental proceedings. Besides, release on bail does not mean acquittal from the charges rather the same is released from the custody.
- H. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

**PRAYER:-**

Keeping in view the above facts, it is most humbly prayed that the appeal of the appellant, being badly barred by law and limitation, may kindly be dismissed with costs, please.



**Regional Police Officer,  
Mardan.**  
(Respondent No. 1&4)



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



**Sub Divisional Police Officer,  
Rural Mardan.**  
(Respondent No. 03)



**SHO PS City.**  
(Respondent No. 05)

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

**Service Appeal No. 1342/2022**

Masroor Ali, Ex Constable No.1064.....Appellant.

**VERSUS**

The Deputy Inspector General of Police Mardan Region-I, Mardan and others  
.....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.



**Regional Police Officer,  
Mardan.**  
(Respondent No. 1&4)



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

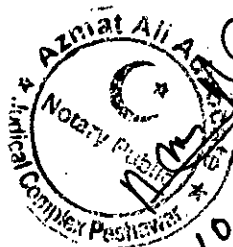


**Sub Divisional Police Officer,  
Rural Mardan.**  
(Respondent No. 03)



**SHO PS City.**  
(Respondent No. 05)

**ATTESTED**



10-04-2023

Amma A

5

CHARACTER ROLL OF

COMMENTATORY ENTRIES

Serial No.

ORDER

The Board accepted his appeal and he is re-instated in service. His absence period 9-7-14 to 8-8-14 and 24-10-14 to 5-1-2015 is treated as leave without pay. The

intervening period 1-6 from 6-1-15 to

1-7-15 is treated as leave of the kind due vide PPO KPK Peshawar order

Endst. No. 8374-78/E-10, dt. 1-7-15

and pay fixed Rs. 7740.14 PM.

1/15  
to 1-7-15

2050/15  
3570/15  
6980/15  
Pay net 7771

Detail of  
leave of the kind  
due may be  
recorded -  
G/Ball

OBNO 1158

27.15

District Police Office  
Mardan

MF 246

16/8/15

13.11.15

13.11.15

Adjusted amount of Pay & Allowances

of re-instated in service

to 30.6.15 Gross Rs. 149313/-

Less ded @ 3.147%

Net Rs. 146166/-

PA-30

M/DCA

14. COMMENDATORY ENTRIES—Contd.

ORDER

He is hereby placed under suspension & close to live with immediate effect for his mistreatment.

MEER  
MED  
OB No. 1427  
2/6/16

DPO/MRD

ORDER

He is hereby awarded 10 days Fatigue at Police Lines Mardan while his 10 days absence period is counted as leave w/o pay.

OB No. 567  
28/2/17

DPO/MR

Granted CTA by DPO/Mardan with Cash Reward Rs: 500/- for his good performance.

OB No. 1409  
15-6-17

DPO/Mardan.

ssary  
ewith.

14. COMPULSORY RETIRES. Concl.

ORDER  
He is here by 105 days Equator  
Guard for their absence  
OB NO 1352  
Dated 20-8-21  
DPO/MRO

ORDER  
He is hereby placed under suspension  
and closed to Police Line Marden,  
with immediate effect.  
DPO/Mardan  
18/8/2022

ORDER  
Awarded him Major punishment of dismissal  
from service Mardan Police with immediate  
effect in exercise of the power vested  
in me under Police Rules-1975.  
OB NO 1278  
Dated 09-6-2022  
District Police Officer  
Mardan

Superintendent  
No 6631  
Date 11/8/22  
Mardan

DSP/legal  
E/1057  
For 07/02

Arrest is rejected by RPO Mardan  
and being sword of Mont Wida  
NO 5038/ES DT 8-8-22  
DPO/MRO



STIPENDS, GRANTS AND PUNISHMENTS.

of late

(1)

Absence from (9) days treated as L-W - pay - B No 216  
date 19  $\frac{3}{08}$

*Nawaz*  
COMMANDANT  
FRONTIER RESERVE POLICE  
NWFP PESHAWAR

(9)

(2)

Absence from (96) days treated as L-W - pay and  
Armed Punishment of forfeiture of his one Annual  
increment with out commulative effect  
B No 722 date 2  $\frac{5}{09}$

*Nawaz*  
COMMANDANT  
FRONTIER RESERVE POLICE  
NWFP PESHAWAR

(96)

(3)

Absence from (10) days treated as L-W - pay 50% of  
one increment with out commulative effect  
B No 546 date 16  $\frac{6}{08}$

*Nawaz*  
COMMANDANT  
FRONTIER RESERVE POLICE  
NWFP PESHAWAR

(10)

Absence from (3) days treated as warning - B No 1159  
date 5  $\frac{12}{07}$

*Nawaz*  
COMMANDANT  
FRONTIER RESERVE POLICE  
NWFP PESHAWAR

(3)

(4)

Absence from (4) days treated as L-W - pay - B No 1198  
date 13  $\frac{12}{07}$

*Nawaz*  
COMMANDANT  
FRONTIER RESERVE POLICE  
NWFP PESHAWAR

(4)

(5)

Absence from (10) days treated as L-W - pay - B No 1244  
date 18  $\frac{12}{07}$

*Nawaz*  
COMMANDANT  
FRONTIER RESERVE POLICE  
NWFP PESHAWAR

(10)

(6)

Absence from (3) days treated as L-W - pay - B No 1103  
date 16  $\frac{11}{07}$

*Nawaz*  
COMMANDANT  
FRONTIER RESERVE POLICE  
NWFP PESHAWAR

(3)

15-CENSURES AND PUNISHMENTS.—Contd.

- ① Absence from 12 days treated as warned of Bnb 1056 date 27/11/57  
 COMMANDANT  
 FRONTIER RESERVE POLICE  
 NWFP PESHAWAR
- ② Absence from 14 days treated as L.V. of Bnb 950 date 27/9/57  
 COMMANDANT  
 FRONTIER RESERVE POLICE  
 NWFP PESHAWAR
- ③ Absence from 10 days treated as warned of Bnb 713 date 25/7/57  
 COMMANDANT  
 FRONTIER RESERVE POLICE  
 NWFP PESHAWAR
- ④ Absence from 12 days treated as warned of Bnb 719 date 18/7/57  
 COMMANDANT  
 FRONTIER RESERVE POLICE  
 NWFP PESHAWAR
- ⑤ Absence from 14 days treated as warned of Bnb 750 date 27/7/57  
 COMMANDANT  
 FRONTIER RESERVE POLICE  
 NWFP PESHAWAR
- ⑥ Absence from 15 days treated as L.V. of Bnb 858 date 24/8/57  
 COMMANDANT  
 FRONTIER RESERVE POLICE  
 NWFP PESHAWAR
- ⑦ Absence from 6 days treated as L.V. of Bnb 1080 date 5/11/56  
 COMMANDANT  
 FRONTIER RESERVE POLICE  
 NWFP PESHAWAR
- ⑧ Absence from 10 days treated as L.V. of Bnb 488 date 28/11/57  
 COMMANDANT  
 FRONTIER RESERVE POLICE  
 NWFP PESHAWAR

Charged with  
 duty with  
 the competent  
 22-07-56  
 P. Punishments:

- ⑬ 1) Confined
- 2) 17000 pay.

- ⑭ 2) 17000 pay.
- ⑮ 6 days
- ⑯ 17000 pay.

with  
 with  
 of

(17)

OF ULTIMATE (CONTINUED)

GENSURES AND PUNISHMENTS - Contd.

11  
7

Charges:- Absented himself from lawful duty without any leave or prior permission of the competent authority was from 04-04-2010 to 22-07-10 and 22-07-2010 to 20-09-10 (total 174 days).

157  
179  
331

Punishments:- Awarded the following punishments by Deputy Commandant Elite Force, P.P.K, Peshawar

(B) vide letter No-4991-94/EF dt: 20-08-10 CBNo: 1170

- 1) Confiscated three years approved service dt: 20-9-10
- 2) Absence period is treated as leave without pay.

Dy. Commandant  
Elite Force N.W.F.P  
Peshawar.

2  
7

(6) days extra-drill for his absence.

OB No 1102  
12-5-14

DPO/MR

(6) days extra drill for his absence.

(7) OB No. 1684  
6-8-14

DPO/MR

Order

He is hereby dismissed from service while his absence period counted as leave without pay.

DB No 2157  
29/11/14.

DPO/Mardan.

15-CENSURES AND PUNISHMENTS.—Contd.

All periods r

Serial No.

ORDER

The appeal is filed vide WIG/Mardan order dated No. 8560/ES dt. 29-12-14.

*[Signature]*  
DPO/Mardan

One day extra drill for his absence.

OR No. 1944  
26-10-15

DPO/Mardan

One day extra drill for his absence

OR No. 116

DPO M/R

One day Extra drill for his absence.

OR No. 1429  
26/10

*[Signature]*  
DPO/M/R

1429 of 189

In 133

D21111B-34000/

T-110111/11/12

*[Signature]*  
2/12

9-7-14 4

24-10 2

1/10 to 1/11

16. LEAVE, ABSENCE AND BREAKS IN SERVICE.

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

1		2			3	4
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 initialed, by Superintendent of Police.
From	To	Years	Months	Days		
		(18)	(2)		495 28-1-11	leave w/p pay - DPO/MR
		(19)	(4)		759 8-2-11	- do - DPO/MR
		(20)	(15)		1096 7-3-11	- do - DPO/MR
		(21)	(1)		1597 22-4-11	- do - DPO/MR
		(22)	(2)		1102 12-5-11	leave w/p pay DPO/MR
		(23)	(20)		1635 22-7-11	- do - DPO/MR
		(24)	(6)		1684 6-8-11	- do - DPO/MR
		Total (22)			Bad entries	
9-7-14	to 8-8-14	(29)			2957 24-10-14	- do - DPO/MR
24-10-2014	to 5-1-15	(71)			1158 2-7-15	- do - DPO/MR
1-1-15	to 1-7-15	(175)			1158 2-7-15	El leave - DPO/MR
		(1)			1944 2-6-10-15	leave w/p pay - DPO/MR
		(1)			2014	- do - DPO/MR

Annex B

انسپیکٹر جنرل پولیس KPK فارم نمبر 2

160

ابتدائی اطلاع رپورٹ

قابل

ابتدائی اطلاع نسبت قابل دست اندازی پولیس رپورٹ شدہ زبردہ 153 مجموعہ ضابطہ ہداری

تاریخ وقت رپورٹ: 17:05 بجے  
 تاریخ وقت وقوع: 17:05 بجے  
 مقام: محلہ  
 نمبر: 09  
 صفحہ: 89

1-	تاریخ وقت رپورٹ	17:05 بجے
2-	نام و سکونت اطلاع دہندہ مستفید شخص کا رول نمبر / موبائل نمبر	اسی خان سی
3-	مختصر کیفیت جرم (معدولہ) حال اگر کچھ لیا گیا ہو۔	
4-	جائے وقوعہ فاصلہ تھانہ سے اور سمت	371A-371B-109
5-	نام و سکونت ملزم / مقرر خان سی	کھانہ اذلال
6-	شخصی کارڈ نمبر / موبائل نمبر 5	مسرور خان، 4 مسواک ٹوینٹر
7-	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	مسرور خان، 7 مسواک ٹوینٹر
8-	تھانہ سے روانگی کی تاریخ وقت	سپیشل ڈیوٹی 9

ابتدائی اطلاع نیچے درج کردہ حوالہ جہوں کی طرف اشارہ کیا گیا ہے۔  
 دربار 514/440 (سول سروس) عدالت اولیٰ میں۔ عدالت اولیٰ میں راجہ خان کے نام سے ایک شکایت درج کی ہے جس میں راجہ خان نے اپنے بیان میں کہا ہے کہ وہ اپنے گھر پر ایک شخص کو دیکھا جس کا نام مسرور خان تھا۔ وہ اس شخص کو اپنے گھر سے باہر لے گیا اور اسے ایک گاڑی میں بٹھایا۔ اس شخص کی عمر تقریباً 30 سال کی تھی۔ اس شخص کے پاس ایک موبائل فون تھا جس کا نمبر 371A-371B-109 تھا۔ اس شخص نے اپنے گھر سے باہر نکلنے سے پہلے اپنے موبائل فون سے ایک کال کی جس کا نمبر 371A-371B-109 تھا۔ اس شخص نے اپنے گھر سے باہر نکلنے کے بعد اپنے گھر کے دروازے پر ایک پتھر مارا جس سے دروازہ ٹوٹ گیا۔ اس شخص نے اپنے گھر سے باہر نکلنے کے بعد اپنے گھر کے دروازے پر ایک پتھر مارا جس سے دروازہ ٹوٹ گیا۔ اس شخص نے اپنے گھر سے باہر نکلنے کے بعد اپنے گھر کے دروازے پر ایک پتھر مارا جس سے دروازہ ٹوٹ گیا۔

ہرگز دیکھا نہیں ہے ہرگز دیکھا نہیں ہے ہرگز دیکھا نہیں ہے ہرگز دیکھا نہیں ہے  
 ہرگز دیکھا نہیں ہے ہرگز دیکھا نہیں ہے ہرگز دیکھا نہیں ہے ہرگز دیکھا نہیں ہے  
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 ہرگز دیکھا نہیں ہے ہرگز دیکھا نہیں ہے ہرگز دیکھا نہیں ہے ہرگز دیکھا نہیں ہے  
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Fauziy  
 17-1-22  
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دستا

مبدہ

اطلاع کے لیے دہندہ کا رجسٹر ہوگا یا اس کی ہر نشان لگایا جائے گا۔ اور اگر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الفبایا سرخ روشنائی سے  
 ایک لازم یا شہر علی الترتیب داخلے باشندگان علاقہ غیر یا وسط ایشیام یا افغانستان جہاں موزوں ہوں لکھنا ہے۔



*Annexure 'C'*

(15)

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

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpomdn@gmail.com

2022

No. 23 /PA

Dated 27/11/2022

**DISCIPLINARY ACTION**

I, **DR. ZAHID ULLAH (PSP)**, District Police Officer Mardan, as competent authority am of the opinion that **Constable Masroor No.1064**, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

**STATEMENT OF ALLEGATIONS**

Whereas, **Constable Masroor No.1064**, while posted as DFC Lower Court Police Station Jabbar (now under suspension Police Lines Mardan), has been charged in a case vide FIR No.89 dated 17-01-2022 U/S 371-A/371-B/109 PPC Police Station City Mardan.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, **Mr. Ijaz Ali SDPO Rural Mardan 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 Official, 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.

**Constable Masroor** is directed to appear before the Enquiry Officer on the date and place fixed by the Enquiry Officer.

  
(Dr. Zahid Ullah) PSP  
District Police Officer  
Mardan





(16)

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

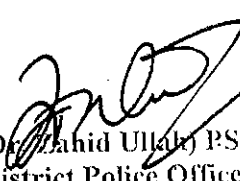
Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpomdn@gmail.com

3023

**CHARGE SHEET**

I, **DR. ZAHID ULLAH (PSP)**, District Police Officer Mardan, as competent authority, hereby charge **Constable Masroor No.1064**, while posted as DFC Lower Court Police Station Jabbar (now under suspension Police Lines 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 Officer 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.

  
(Dr. Zahid Ullah) PSP  
District Police Officer  
Mardan

**BEFORE THE DISTRICT POLICE OFFICER, MARDAN**

Subject: **WRITTEN DEFENSE /REPLY TO THE CHARGE SHEET CUM STATEMENT OF ALLEGATIONS  
NO.23/PA DATED: 27-01-2022**

Respected Sir,

The petitioner humbly submits as under:

It is submitted that your honour had issued the subject Charge sheet cum statement of allegations to the petitioner vide your office endorsement No.23/PA dated 27-01-2022 with the following allegations:

“ Whereas ,Constable Masroor No.1064,while posted as PFC Lower Court Police Station Jabbar (Now under suspension Police Lines Mardan), has been charged in a case vide FIR No.89 dated 17-01-2022 U/S 371-A/371-B/109 PPC Police Station City Mardan. ” (Copy of charge sheet is enclosed)

**BRIEF FACTS :**

The detailed submissions are as follows:

- a. It is submitted that the petitioner has been issued the subject charge sheet vide DPO Mardan Office letter No. 23/PA dated 27-01-2022. That during the course of departmental enquiry , Mr.Ijaz Ali SOPO Rural Mardan has been nominated as Enquiry Officer.
- b. That On receipt of Public Complaint (Copy attached) of Kotchi Abad residents dated 10-01-2022 against the petitioner for allegedly running a brothel House, SI Iftikhar Khan alongwith police officials raided the house of petitioner on 17-01-2022 at 1640 hrs.The Complainant as per version of FIR, noticed a man and a women in compromising position inside the room who on enquiry disclosed their names as Farhan and Mst.Nosheen. On search of another room , one Zakria Shah and Mst Zainab were also found in compromising position. After cursory interrogation, the Local police lodged FIR No.89 dated 17-01-22 u/s 371-A/371-B and 109 PPC PS City Mardan against the petitioner. (FIR is enclosed)
- c. That later on, the petitioner filed a post arrest bail petition in the Honourable Court of ASJ-V ,Said Badshah, Mardan but the same was rejected on 20-01-2022 vide a consolidated order.(Copy of Bail Order is attached)
- d. That the petitioner filed another bail petition before the PHC,Peshawar which was accepted vide Cr.Misc. BA No.217-P dated 04-02-2022 by Justice Rooh-ul-Amin Khan after furnishing bail bonds of 80,000/-Rs along with two sureties.(Copy of PHC Bail order is attached)

**GROUND OF DEFENSE :**

- e. That It appears from the record of alleged case , that none of the accused has been medically examined in support of the allegations levelled in the FIR due to malafidy intentions.
- f. The complainant has not recovered any incriminating material/articles from the spot /rooms such as any piece of cloth stained with human semen or clothes of petitioners stained with their respective semen.

- g. That the alleged ladies were selling cosmetic items in the streets and were present for earning their livelihood. The other 02 passers by / strangers were roped for strengthening the prosecution case.
- h. That no Recovery has been made on the spot except levelling of immoral allegations which shows the bias, ill-will and illegal intentions of the prosecution.
- i. That the Urine Test of all arrested ladies came out to be "Negative" after the occurrence which itself is the main proof of his innocence.
- j. That the petitioner has been roped in the present criminal case owing to personal vendetta and your Honour is humbly prayed to take appropriate measures against the complainant for bringing bad name to the Police Service.
- k. That the house of petitioner was disgraced by the Local Police for not accompanying Lady constables at the time of raid.
- l. That the petitioner along with other accused have been granted with Post arrest Bail by PHC due to their innocence and baseless criminal case.
- m. That the petitioner had some kind of personal differences with the residents of Kotchi Abad who are the scribes of the complaint. They filed a fake complaint against me before the Local Police for disgracing me and my family honour to satisfy their personal malice alone.
- n. That the complainant of FIR has also personal grudges with the petitioner which has ensued in the present circumstances which is fatal for the prestige of Police deptt.
- o. The question of applicability of S.371-A and 371-B PPC is yet to be established during the course of trial which is beyond imagination. The role of S.109 PPC has been given to the petitioner only which is entirely baseless and this allegation would be soon turned down during the course of trial.
- p. That there is no evidence to prima facie connect the petitioner with the commission of offence and all other accused are also bailed out due to lack of evidence.
- q. That the charge sheet cum statement of allegations may very graciously be filed till the final judgment in the a/m criminal case. The petitioner could even never perceive to disgrace the esteemed police service.
- r. That the petitioner has been enrolled in KP Police department in the year 2004. The petitioner has not been dealt with departmental enquiry prior to this which is evident from the shining service record.
- s. That the petitioner belongs to a poor family and is happily married with having 05 school going kids along with ailing old age father. Moreover, the whole family entirely depends upon the Police Service of the petitioner.
- t. It is intimated that the petitioner wishes to be "heard in person" by your Honour.

**PRAYER:**

Keeping in view the above facts and circumstances, the charge sheet cum statement of allegations issued against the petitioner may kindly be filed as per a/m facts and circumstances. That the suspension from service order may very graciously be taken till the final judgment in the criminal case, please.

Your's Obediently,

(CONSTABLE MASROOR)

NO.1064

POLICE LINES, MARDAN

(Now under suspension)

Dated: 19 February, 2022.

Amir D

38 (19)

**OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,  
RURAL CIRCLE, MARDAN.**

Phone: 0937-580322 E-mail: dsp.ruralmdn@gmail.com

To, **The Worthy District Police Officer,  
Mardan.**

Dated: 18/04/2022

Subject: **DISCIPLINARY ACTION AGAINST CONSTABLE MASROOR NO. 1064.**

Memo:

Kindly refer to your office Diary No. 23/PA, dated 27.01.2022.

**STATEMENT OF ALLEGATIONS:**

Whereas, **Constable Masroor No. 1064**, while posted as DFC Lower Court Police Station Jabbar (now under suspension Police Lines Mardan), has been charged in a case vide FIR No. 89 dated 17-01-2022 U/S 371-A/371-B/109 PPC Police Station City Mardan.

**PROCEEDINGS:**

To ascertain the real facts, efforts were made to contact with the alleged Constable but he was in judicial lock-up Mardan wherein he remained for almost 24/25 days. As the alleged **Constable Masroor No. 1064** was released on post arrest bail, he was summoned to the office of the undersigned wherein he appeared at the office of the undersigned, copy of **Charge Sheet and Statement of Allegation** was served upon him and he was given opportunity for his defense. Further he submitted his written statement within due time.

**STATEMENT OF CONSTABLE MASROOR NO.1064:**

**Brief facts:**

He stated that brief facts of matter are (how the incident took place?) that public of Kotchi Abad moved a complaint against him on dated **10-01-2022** regarding running of a **brothel house**, wherein the local police raided over his house on dated **17-01-2022 at 16:40 hrs.** As per brief of FIR 02 men and 02 women in 02 separate rooms were found in compromising position in the house of Constable Masroor No. 1064, on enquiry their names were known as Farhan with Mst. Nosheen and Zakaria Shah with Mst. Zainab. After cursory interrogation, the local police lodged FIR No. 89 dated 17-01-2022 U/S 371-A/371-B/109 PPC PS City Mardan against him.

Later on he along with other co-accusers filed a post arrest bail petition in Honorable Court of ASJ-V, Said Badshah, Mardan but the same was rejected on dated 20-01-2022. (Copy of court order is attached). After they filed another post arrest bail petition before Peshawar High Court wherein they were granted post arrest bail by **Justice Rooh ul Amin Khan (HC)**. (Copy of PHC bail order is attached).

**Grounds of defense:**

This is pertinent to mention here that the alleged Constable has only risen cross points in the case FIR registered against him, which is yet to be clarified during case trials at the concerned court. Which are as under:

- a) Record of the ~~alleged~~ case reveals that none of the accused was medically examined in support of the allegations leveled in the FIR. **(But after in Para "e" he has committed that the medical report of accused ladies was received "Negative")**.
- b) No abusive/incriminating material/articles, any piece of cloth stained with human semen were recovered from the spot.
- c) Regarding the presence of alleged ladies he stated that the alleged ladies were selling cosmetic items in the street and were present at his house for earning livelihood and the alleged men were passer by strangers, they were enroped for strengthening the prosecution case.
- d) No recovery was made on the spot except leveling of immoral allegations which shows the bias, ill-will and illegal intentions of the prosecution.
- e) The urine test of all arrested ladies came out to be "Negative" after the occurrence which itself is main proof of innocence. **(This is worth to mention here that this Para crosses the Para "a" of his defense wherein he claimed that no accused was medically examined)**.
- f) The complainant of FIR **SI Iftikhar Ali** has personal grudges with him and the current FIR is result of that.
- g) No ladies police official was accompanied while raid conducted over his house, which disgraced his house members.
- h) He along with other accusers has been graced with **Post arrest bail by Peshawar High Court due to lack of evidences. (As the post arrest bail of all accusers was previously rejected by worthy Session Court Mardan)**.
- i) He had some personal differences with the residents of ~~Kotchi Abad wherein the residents of Kotchi Abad moved a fake complaint against him before the local police for disgracing him and his family and satisfying their personal malice alone.~~
- j) The sections charged in the subject FIR and role given to the alleged Constable is yet to be clarified during case trials.
- k) Further he stated that he has been serving in Police Department since 2004, he is married person, having 05 school going kids and an old father, his whole family relies of on him, as the case is yet to be trailed and his innocence and guilt will be decided by the concerned court and requested the high-ups to file the charge sheet without further proceedings.

**FURTHER PROCEEDINGS:**

As the matter is under-trial at court, innocence/guilt and the sections charged in the FIR are yet to be determined/proven by the concerned court. Even though confidential report from **In-Charge DSB Mardan** regarding involvement of the alleged Constable in the subject activities was obtained wherein it is evident that the **alleged Constable Masroor No. 1064 himself and his family members are involved in the subject crime of running a brothel house.** (Report is attached for your kind perusal).

Furthermore statement of **Basheer Muhammad Inspector/OII PS City Mardan** was obtained which also reveals that **during investigation proceedings all accusers were found guilty.** (Statement of OII and copy of case file is attached).

FINDINGS:

Keeping in view the above facts and circumstances while going through the record placed on file the undersigned is of the view that although the case is under-trial at court and the role given to the alleged **Constable Masroor No. 1064** is yet to be determined and however his innocence/guilt is yet to be proven for being charged in the subject FIR but the record placed on file and reports obtained from I/C DSB Mardan, OII PS City and information obtained from local informers reveals that the alleged Constable is involved in the subject hideous crime against society, being a police official his involvement in such crime has brought a bad name to the police department.

Previous record of the alleged Constable Masroor No. 1064 was examined wherein he has 622 days' absentees, 01 time dismissal, 36 bad entries and an only good entry.

RECOMMENDATION:

In the light of the reports and information from local informers and keeping in view previous record of the alleged Constable, it is therefore recommended that the alleged Constable Masroor No. 1064 may be awarded **Major Punishment**, if agreed please.

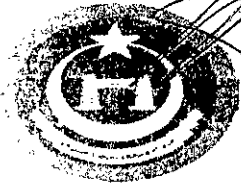
Enclose (38)

~~HAZAL~~  
Deputy Superintendent of Police,  
Rural Circle, Mardan.

*Pending till the conclusion of the trial*  
*2/11/86*

*DSB Mardan*

*Dismissed from service*  
*2/11/86*



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

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email [dpo\\_mardan@yahoo.com](mailto:dpo_mardan@yahoo.com)  
Facebook: District Police Mardan  
Twitter: @dpomardan

2022

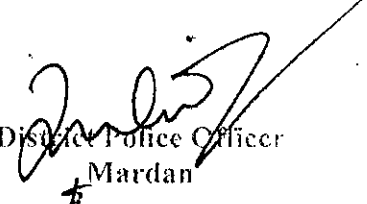
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**ORDER**

Being involved in case vide FIR No. 89 dated 17.01.2022 u/s 371-A/371-B/109 PPC PS City, Constable Masroor No. 1064 presently posted at DFC Lower Court PS Jabbar, is hereby placed under suspension and closed to Police Line Mardan, with immediate effect.

OB No. 145

Dated 18.01 /2022.

  
District Police Officer  
Mardan

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

No. 438-41 /OSI, dated Mardan the 19/01/2022

Copy is forwarded for information to the:-

1. DSP/HQrs: Mardan
2. FC.
3. Pay Officer.
4. PA to issue Charge Sheet & summary of allegation to the defaulter Constable.





خدمت جناب SDPO صاحب کراچی

درخواست  
توثیق

درخواست یہ ضمن دراز سی و قانونی کاروں کے لیے قید و حبس سے رہا ہونے والے ممبران  
مسمات سناستہ بی بی سائمان کوچی آباد روڈ ٹیکہ فرورزن اسماعیل نامعلوم جو ممبران  
کے گھر میں ان کے اہماء و بیوی بھائی اور بھتیجے فروری کا قریبی ہیں۔

23

جناب عالی

① یہ کہ ہم ذیل ممبران دراز کوچی آباد ٹریف سٹیرو اور باشندے ہیں۔ اور ہماری ممبران  
میں مسمات سناستہ بی بی سائمان کوچی آباد روڈ ٹیکہ فرورزن اسماعیل نامعلوم جو ممبران  
کے گھر میں ان کے اہماء و بیوی بھائی اور بھتیجے فروری کا قریبی ہیں۔

② یہ کہ اس کے ان اخراجات کی وجہ سے ہماری حالت اور ہماری حالت کے لیے نوجوان طبقہ اور  
خاص نوجوان لڑکیوں پر بڑا اثر پڑتا ہے اور ان کی تعلیم و تربیت میں تاخیر  
رہتی ہے۔

③ یہ کہ ہم ذیل ممبران کے اہماء و بیوی بھائی اور بھتیجے فروری کا قریبی ہیں۔ اور ہماری  
ممبران کوچی آباد روڈ ٹیکہ فرورزن اسماعیل نامعلوم جو ممبران کے گھر میں ان کے اہماء و  
بیوی بھائی اور بھتیجے فروری کا قریبی ہیں۔

④ یہ کہ ہم ذیل ممبران نوجوان طبقہ اور مسمات سناستہ بی بی سائمان کوچی آباد روڈ  
ٹیکہ فرورزن اسماعیل نامعلوم جو ممبران کے گھر میں ان کے اہماء و بیوی بھائی اور  
بھتیجے فروری کا قریبی ہیں۔

⑤ یہ کہ ہم ذیل ممبران کے اہماء و بیوی بھائی اور بھتیجے فروری کا قریبی ہیں۔ اور ہماری  
ممبران کوچی آباد روڈ ٹیکہ فرورزن اسماعیل نامعلوم جو ممبران کے گھر میں ان کے اہماء و  
بیوی بھائی اور بھتیجے فروری کا قریبی ہیں۔

توثیق  
10/10/22

یہ کہ ہم ذیل ممبران کے اہماء و بیوی بھائی اور بھتیجے فروری کا قریبی ہیں۔ اور ہماری  
ممبران کوچی آباد روڈ ٹیکہ فرورزن اسماعیل نامعلوم جو ممبران کے گھر میں ان کے اہماء و  
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ممبران کوچی آباد روڈ ٹیکہ فرورزن اسماعیل نامعلوم جو ممبران کے گھر میں ان کے اہماء و  
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یہ کہ ہم ذیل ممبران کے اہماء و بیوی بھائی اور بھتیجے فروری کا قریبی ہیں۔ اور ہماری  
ممبران کوچی آباد روڈ ٹیکہ فرورزن اسماعیل نامعلوم جو ممبران کے گھر میں ان کے اہماء و  
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یہ کہ ہم ذیل ممبران کے اہماء و بیوی بھائی اور بھتیجے فروری کا قریبی ہیں۔ اور ہماری  
ممبران کوچی آباد روڈ ٹیکہ فرورزن اسماعیل نامعلوم جو ممبران کے گھر میں ان کے اہماء و  
بیوی بھائی اور بھتیجے فروری کا قریبی ہیں۔

یہ کہ ہم ذیل ممبران کے اہماء و بیوی بھائی اور بھتیجے فروری کا قریبی ہیں۔ اور ہماری  
ممبران کوچی آباد روڈ ٹیکہ فرورزن اسماعیل نامعلوم جو ممبران کے گھر میں ان کے اہماء و  
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یہ کہ ہم ذیل ممبران کے اہماء و بیوی بھائی اور بھتیجے فروری کا قریبی ہیں۔ اور ہماری  
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 0315-5285813  
 16101-0445143-1  
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16101-0445143-1  
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 16101-0963594-5  
 0315-5210832

SMD-city

For necessary legal action and report.

SMD-city  
 10-01-2022





Amuse B

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

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: [dpomdn@gmail.com](mailto:dpomdn@gmail.com)

No. 5916-19 /PA

Dated 12/1/2022

**ORDER ON ENQUIRY OF CONSTABLE MASROOR NO.1064**

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against Constable Masroor No.1064, under the allegations that while posted as DFC Lower Court Police Station Jabbar (now under suspension Police Lines Mardan) was placed under suspension vide this office OB No.145 dated 18-01-2022, issued vide order/endorsement No.438-41/OSI dated 19-01-2022 on account of charging in a case vide FIR No.89 dated 17-01-2022 U/S 371-A/371-B/109 PPC Police Station City Mardan.

To ascertain facts, Constable Masroor was proceeded against departmentally through Mr. Ijaz Ali SDPO/Rural Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.23/PA dated 27-01-2022, who (E.O) after fulfillment necessary process, submitted his Finding Report to this office vide his office letter No.678/ST dated 18-04-2022, holding responsible the alleged official of gross misconduct with recommending for major punishment.

**Final Order**

Constable Masroor was heard in O.R on 08-06-2022, during which, he failed to present any plausible reasons in his defence, therefore, awarded him major punishment of dismissal from Mardan Police with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 1278

Dated 09/1/06 2022.

~~(Irfan Ullah Khan) PSP  
District Police Officer  
Mardan~~

Copy forwarded for information & n/action to:-

- 1) The SP/Investigation Mardan with reference to his office letter No.170/GB/Inv: dated 19-01-2022.
- 2) The DSP/HQrs Mardan.
- 3) The P.O & E.C (Police Office) Mardan.
- 4) The OSI (Police Office) Mardan with 40 Sheets.

(2) Admon & P 5

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ORDER.

This order will dispose-off the departmental appeal preferred by Ex- Constable Masroor No. 1064 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 1278 dated 09.06.2022. The appellant was proceeded against departmentally on the allegations that he while posted as DFC Lower Court Police Station Jabbar was placed under suspension on account of involvement in a case vide FIR No.89 dated 17-01-2022 U/S 371-A/371-B/109 PPC Police Station City Mardan.

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

He was heard in Orderly Room by the District Police Officer, Mardan held on 08.06.2022, wherein he failed to satisfy the District Police Officer, Mardan, therefore, he was awarded major punishment of dismissal from service vide OB: No. 1278 dated 09.06.2022.

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 05.08.2022.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations of misconduct against the appellant have been proved beyond any shadow of doubt. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in such like ignominious activities of running a brothel has certainly brought a bad name to the entire Police Force in the eyes of the general public. Moreover, the Investigating Officer of the above mentioned case also appeared who stated in a categorical manner regarding the involvement of appellant in such hideous crime against the society. On perusal of previous service record of the appellant, it was noticed that he is habitual absentee and prior to this, the appellant was also dismissed from service for his disinterest in the official duties. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities.

Keeping in view the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.

Regional Police Officer,  
Mardan.

No. 5238 /ES, Dated Mardan the 08/08 /2022.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 172/LB dated 04.08.2022. His service record is returned herewith.

(\*\*\*\*\*)



Handwritten notes: 'S.P. Mardan', '11/08/22', 'For information'.

Handwritten signature and scribbles at the bottom left of the page.

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

**Service Appeal No. 1342/2022**

Masroor Ali, Ex Constable No.1064.....Appellant.

**VERSUS**

The Deputy Inspector General of Police Mardan Region-I, Mardan and others  
.....Respondents

**AUTHORITY LETTER.**

Mr. Atta-ur-Rehman Inspector 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.



**Regional Police Officer,  
Mardan.**  
(Respondent No. 1&4)



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



**Sub Divisional Police Officer,  
Rural Mardan.**  
(Respondent No. 03)



**SHO PS City.**  
(Respondent No. 05)