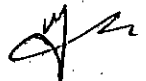


11-8-2022

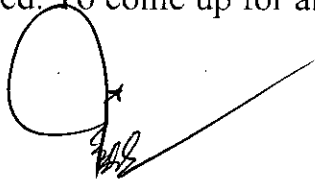
Proper DB not available the case is
adjourned to 3-11-2022


Reader

03.11.2022

Learned counsel for the appellant present. Mr. Muhammad Jan,
District Attorney 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 on 30.12.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

30-12-22

*due to member's vacation the case is
adjourned to 20.3.23 for the same.*



20.03.2023

Junior to counsel for the appellant present.

Asif Masood Ali Shah learned Deputy District Attorney for
the respondents present.

Former made a request for adjournment as senior counsel for
appellant is busy before the Hon'ble Peshawar High Court,
Peshawar. Adjourned. To come up for arguments on 06.06.2023
before D.B. Parcha Peshi given to the parties.



(Muhammad Akbar Khan)
Member (E)



(Rozina Rehman)
Member (J)

03. rd 2021

Counsel for the appellant present. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for hearing. 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 10.03.2022 before the S.B.

Appellant Deposited
Security & Process Fee

31/1/22

(Rozina Rehman)
Member (J)

10.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 30.05.2022 for the same as before.


Reader.

30th May, 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Atta Ur Rehman, SI for the respondents present.

Representative of the respondents submitted written reply/comments which is placed on file. A copy of the same is also handed over to the learned counsel for the appellant. To come up for rejoinder as well as arguments on 11.08.2022 before the D.B.

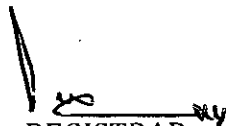

(Kalim Arshad Khan)
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7738 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/11/2021	<p>The appeal of Mr. Asif Ayaz presented today by Mr. Javed Iqbal Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>03/01/22</u>.</p> <p style="text-align: right;">CHAIRMAN</p> <p style="text-align: center;">⑤</p> <p style="text-align: center;">①</p>

BEFORE THE HONOURABLE CHAIRMAN SERVICE TRIBUNAL
COURT KPK PESHAWAR.

C.M NO. 7738 /2021

Assistant Sub Inspector Asif Ayaz NO. 483/MR posted
at recruitment Center F.T.S. District Swabi.

.... Appellant

VS

Inspector General of Police Department KPK Peshawar (Etc)

..Respondents.

I N D E X.

S. NO.	Description	Annexure.	Page from to	
1.	Name of appeal/Affidavit.	-	1	6
2.	application for condonation.	-	7	-
3.	Statement of allegation with Charge sheet.	A	8	9
4.	D.P.O. order dated:17.03.2021	B	10	-
5.	Appeal of D.I.G, R,I,Mardan.	C	11	13
6.	Show Cause Notice by D.I.G, Mardan Range=I,Mardan	D	14	-
7.	Reply to Show Cause Notice.	E	15	16
8.	D.I.G,Mardan Final order dt:20.9.21	F	17	18
9.	Regration statement by by complainint	G	19	-
10.	Wakalat Nama			

Dated: 08.11.2021

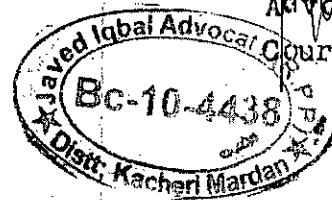
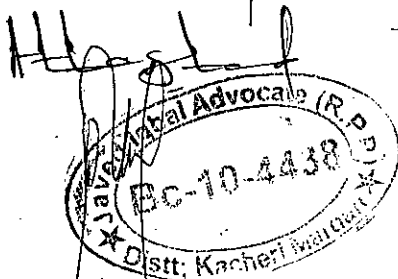
APPELLANT

(Asif Ayaz)

ASI, Mardan.

Through:

Advocate Distt:
Courts, Mardan.



BEFORE THE HONOURABLE COURT SERVICE TRIBUNAL
KHYBER MUKHTANKHWA PESHAWAR.

C.M. /2021

IN

Service appeal NO. _____/2021

Assistant Sub Inspector (Law Instructor) Asif Ayaz

NO. 483/MR Posted at recruitment Center P.T.S.

Swabi (appellant)

VERSUS.

1. Inspector General of Police KPK Peshawar.
2. Deputy Inspector General of Police, Mardan
Region-I, Mardan.
3. District Police Officer, Mardan.

Service appeal u/s 4 Service Tribunal Act against
the order passed on dated 17.03.2021 by District Police
Officer, Mardan vide which the appellant was awarded the
major punishment of reduction in pay by one stage and
thereof on appeal the same was maintained by Deputy
Inspector General of Police Mardan Region-I, Mardan
vide letter NO. 5196-97 ES, dated 20.09.2021.

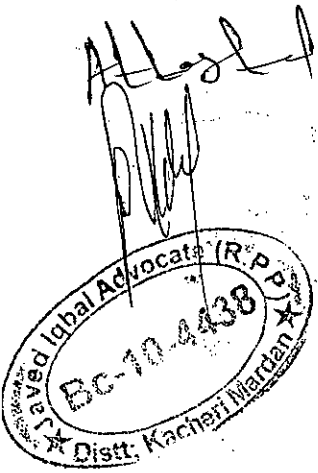
PRAYER.

On acceptance of this appeal order dated
17.03.2021 and 20.09.2021 may kindly be set aside
and the appellant be re-instated on his own previous
scale and pay of ASI with back benefit.

R/Sir, It is submitted as under:-

FACTS.

1. That the appellant was employed in Police Department



as ASI with and was performing his duty at Police Station Saddar Mardan.

2. That the appellant was departmentally proceeded against on allegation that on 23.12.2020 the appellant arrested one Abdul Hameed s/o Abdul Wadood r/o Saleem Khan with about 01 gramme ICS without any legal action and then released him with one Nazir brother in law of Abdul Hameed on bail while Abdul Hameed denied or signing any bail bond, secondly that the appellant kept Abdul Hameed in illegally custody for about 4.02 to 4.30 Hrs and then released him by taking 12,000/- as bribed from him and thirdly on 24.12.2020 the appellant arrested complainant Nazir Rahman and kept him 1/4 Hrs in illegal custody thus bringing a bad name to Police department.
3. That the appellant was charge sheeted with summary allegations for the alleged mis-conduct vide the attached as Annex. The departmental enquiry was conducted by Mr. Mohammed Qais Khan S.D.O Takht Khail and after his finding the appellant was awarded the major punishment of reduction in pay by one stage vide the attached order of District Police Officer, Mardan as Annexure "B".
4. That the appellant preferred an appeal against the

said order to Deputy Inspector General of Police,
Mardan Region-1, Mardan vide Copy of appeal as
Annexure "C".

5. That in consequent upon appeal the Deputy Inspector
General of Police Mardan Region-1 issued a notice for
enhancement of punishment vide as Annexure "D".

6. That the appellant submitted his reply as Annexure "E"
but the de novo enquiry was ordered which was carried
out by Superintendent of Police investigation Mardan.
Resultantly in the previous order of District Police
officer, Mardan dated 17.03.2021 was kept intact vide
as Annexure "F".

7. That both the order of District Police Officer, Mardan
dated 17.03.2021 and order of Deputy Inspector General
of Police Mardan Region-1, Mardan dated 20.09.2021 are
vide unlawful and arbitrary in the eyes of law and
are not maintainable inter alia with the following
grounds as well with the permission of the learned
Court other grounds which can be advanced and explained
during the appeal.

GRUNDS:-

1. That both order dated 17.03.2021 by District Police
officer Mardan and dated 20.09.2021 are void, irregular
and unlawful in the eyes of law.

2. That the allegations levelled by the complainant are false, frivolous and contains no truth.
3. That actually on the fateful day during a Naka Bandi one Abdul Hameed was detained by not providing his particular who was subsequently left on the verification of complaint on his surety bond, on next day when complainant Wazir came to the Police Post for completion of legal proceeding. He exchanged hot words with the appellant as such he advanced false allegations taking Rs, 12,000/- just to malign the appellant.
4. That later on the complainant extended his pardon due to his mis-understanding and to this effect executed a written statement about withdrawal of his complaint vide annexure "G".
5. That both first and de novo enquiries has been conducted in utter dis-regard of rules and regulations.
6. That the statements recorded during enquiries are not on Oath and are in the absence of appellant. No opportunity has been afforded to the appellant to cross-examine the witnesses.
7. That de novo enquiry order by Deputy Inspector General of Police, Mardan Region-I, Mardan

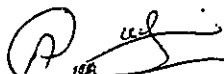
has been conducted in contrary to the law and is just reputation of 1st: Enquiry.

8. That denov enquiry has been not made by the competent authority and no evidence has been brought to sustain the charges.
9. That the enquiry proceeding has been made in haphazard manner in violation of rules 6 and 7 of Aik Police Rules 1975 which does not warrant the punishment awarded to the appellant.
10. That even otherwise while conducting denov enquiry no Show-Cause- no charge-Sheet and no final Show Cause Notice has been given to the appellant which is mandatory in dispensation of Natural justice.

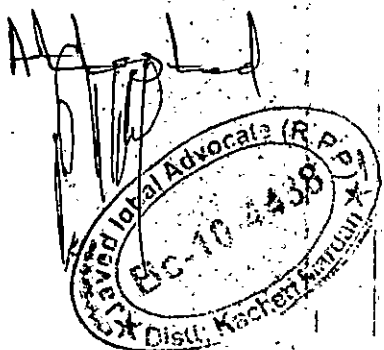
It is therefore earnestly prayed that on acceptance of this appeal orders 17.03.2021 and 20.09.2021 may graciously be set aside and the appellant be reinstated with previous rank with all back benefit in greater of justice. Beside, this ,any other relief deem fit be graciously granted.

Dated 08.11.2021

Yours Obediently


(Asif Waz)

ASL NO.483, MR posted
at recruitment
centre FTS Swabi.



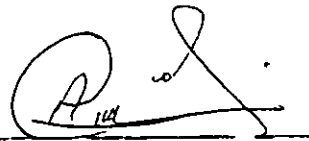
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AFFIDAVIT.

I, Asif Ayaz Assistant Sub Inspector District Police,
Mardan (Appellant) do hereby solemnly affirm and declare
on oath that the contents of appeal are true and correct
to the best of my knowledge and belief. Nothing has been
concealed or suppressed therein

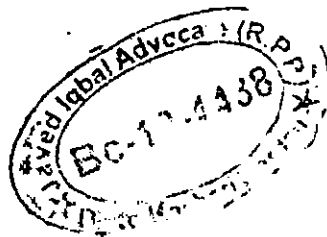
Dated: 8.11.2021

Deponent

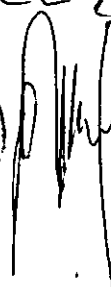


(Asif Ayaz)

ASI NO. 483/MR posted
at recruitment Centre
F.T.S. Swabi.



Attested



7

BEFORE THE HONOURABLE CHAIRMAN KHYBER
PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR,

C.M. NO. _____/2021

Asif Ayaz ASI _____ Appellant.

VS

Inspector General of Police KPK Peshawar etc.

(..Respondants).

APPLICATION FOR CONDONATION OF DELAY OF APPEAL
IN SERVICE TRIBUNAL.

R/Sir;


The applicant humbly submits under:-

1. That the aforementioned appeal is filed today.
2. That the rejection appeal dated 20.09.2021 passed by Deputy Inspector General of Police Mardan Region-I, Mardan has been not delivered to the appellant at the posted address of F.T.S. Swabi rather the copy of order was obtained on its own hectic efforts and repeated demands to the concerned quarter.
3. That the said copy of order was given with delay after many ifs and buts.
4. That of appeal is to be ~~reached~~ anchored from date of reception i.e. 29.10.2021 thus appeal to service tribunal is within time.

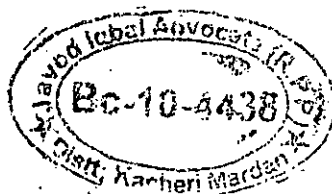
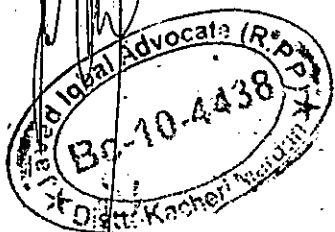
It is therefore requested that delay if any may please be condoned in greater interest of justice.

Dated 08.11.2021

Advocate


(Javed Iqbal)

Advocate District Bar
Mardan.





Annexure (A) 8
OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

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

No. 151 /PA

Dated 07/01/2021

DISCIPLINARY ACTION

I, **DR. ZAHID ULLAH (PSP)**, District Police Officer Mardan, as competent authority am of the opinion that **PASI Asif Ayaz No.483/MR**, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas: **PASI Asif Ayaz No.483/MR**, while posted at Police Station Saddar, (now under suspension Police Lines Mardan), one Wazir Rehman Son of Noor Rehman Resident of Koragh has submitted an application to the Worthy Regional Police Officer Mardan, complaining therein that PASI Asif Ayaz had arrested one Abdul Hameed (his brother-in-law), with 'Ice and later on, released without any legal action/FIR on illegal gratification of Rs.12000/-, adding that on next day, PASI Asif Ayaz reached his house and shifted him to Police Station Saddar, where besides torturing, abuse of language, also threatening him for registration of FIR in narcotics against him on the eve of complaint to the Senior Officers against him.

The Worthy RPO Mardan vide Diary No.2669/C.Cell dated 28-12-2020 directed this office to look into the matter and take action, so the issue was initially enquired into through SP Operations Mardan, who after fulfilling necessary process, submitted his findings to this office vide his office letter No.182/PA/Ops dated 02-01-2021, holding responsible PASI Asif Ayaz of gross misconduct with the following allegations:-

- 1) PASI Asif Ayaz had arrested one Abdul Hameed s/o Abdul Wadood r/o Saleem Khan with about 01 GM Ice with taking no legal action against him & then released him with one Wazir Rehman on bail, while Abdul Hameed denied giving or signing any bail bond.
- 2) PASI Asif Ayaz kept Abdul Hameed in illegal custody for about 04 or 04.30 hours & took Rs. 12,000/- from Wazir Rehman in lieu of Abdul Hameed's releasing.
- 3) PASI Asif Ayaz arrested Wazir Rehman on 24.12.2020 & kept him in illegal custody for 1/2 hours.
- 4) He also brought a bad name to Police Force, as after submission of complaint by the complainant, he engaged elders of the locality for compromise with the complainant.
- 5) The only ground of sympathy and empathy is that PASI Asif Ayaz is brother of one Shaheed Police official and the lovely son of his father. His father made so many requests to the complainant for doing kindness and pardons his son as evident from audio recording produced by the applicant.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, **ASP Muhammad Qais Khan SDPO Takht-Bhai 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.

PASI Asif Ayaz is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.

(Dr. Zahid Ullah) PSP
 District Police Officer
 Mardan

Ahsan Ullah

Javed Iqbal Advocate
 Be-10-4438
 Distt. Kohistan

9

32

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

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

CHARGE SHEET

1. DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent hereby charge PASI Asif Avaz No. 483/MR, while posted at Police Station Sadder, (Suspension Police Lines Mardan), as per attached Statement 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 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

Annexure (B)

No. 1004-87 PA

Dated 18/3/2021

ORDER ON ENQUIRY OF PAST ASIF AYAZ NO.483/MR

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Police Station Saddar, (now on-loan to P.F.S Swabi), one Wazir Rehman Son of Noor Rehman Resident of Koragh has submitted an application to the Worthy Regional Police Officer Mardan, complaining therein that PAST Asif Ayaz had arrested one Abdul Hameed (his brother-in-law) with Ice and later-on, released, without any legal action/FIR on illegal gratification of Rs.12000/-, adding that on next day, PAST Asif Ayaz has reached his house and shifted him to Police Station Saddar, where besides torturing, using abusive language, also threatening him for registration of FIR in narcotics against him on the eve of complaint to the Senior Officers.

The Worthy RPO Mardan vide Diary No.2669/C.Cell dated 28-12-220 directed this office to look into the matter and take action, so the issue was initially enquired into through, the then SP Operations Mardan, who after fulfilling necessary process, submitted his findings to this office vide his office letter No.182/PA/Ops dated 02-01-2021, holding responsible PAST Asif Ayaz of gross misconduct with the following allegations:-

- 1) PAST Asif Ayaz had arrested one Abdul Hameed s/o Abdul Wadood r/o Saleem Khan with about 01 GM Ice without any legal action against him & then released him with one Wazir Rehman on bail, while Abdul Hameed denied giving or signing any bail bond.
- 2) PAST Asif Ayaz kept Abdul Hameed in illegal custody for about 04 or 04 30 hours & took Rs. 12,000/- from Wazir Rehman in lieu of Abdul Hameed's releasing
- 3) PAST Asif Ayaz arrested Wazir Rehman on 28.12.2020 & kept him in illegal custody for 1/2 hours.
- 4) He also brought a bad name to Police Force, as after submission of complaint by the Complainant, he engaged elders of the locality for compromise with him

The only ground of sympathy and empathy is that PAST Asif Ayaz is brother of one Shaheed Police official and the lonely son of his father. His father made so many requests to the Complainant for doing kindness and pardons his son as evident from audio recording produced by the applicant.

In this connection, the alleged officer was placed under suspension vide this office OB No.11 dated 01-01-2021, issued vide order/endorsement No.58-62/EC dated 04-01-2021, who was later-on re-instated in service provisionally vide this office OB No. 240 dated 01.02.2021, issued vide order/endorsement No. 832-36/EC dated 02.02.2021 & proceeded against departmentally through ASP Muhammad Oais Khan SDPO/Takht-Bhai vide this office Statement of Disciplinary Action/Charge Sheet No.12/PA dated 07-01-2021, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.176/ST dated 19-02-2021, holding responsible the alleged official of misconduct with recommending for major punishment.

Final Order

PAST Asif Ayaz was heard in OR on 10-03-2021 & in the light of his misconduct, he is required to be punished exemplary, but being brother of a "Shaheed" Constable, I have taken a lenient view against him by awarding major punishment of reduction in pay by one stage & is re-instated in service from the date of suspension with immediate effect, in exercise of the power vested in me under Police Rules-1975.

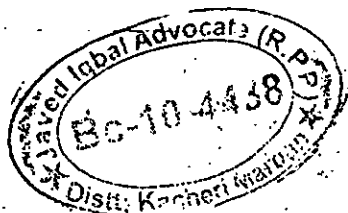
OB No. 558

Dated 17/03/2021

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

(Copy forwarded for information & action to:-

- 1) The Regional Police Officer Mardan, please.
- 2) The Principal Police Training School Swabi.
- 3) The P & F C (Police Office) Mardan



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Annexure (C)

(11)

To

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

Subject: Appeal against the order of worthy District
Police Officer, Mardan dated 17.03.2021 vide
which the appellant was awarded the punishment
of reduction in pay by one stage.

R/Sir,

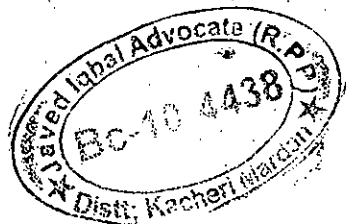
It is submitted as under:-

FACTS.

The appellant while posted in Police Station
Saddar as ASI was departmentally proceeded on the allegation
that on 23.12.2020 at 1520 Hrs the appellant arrested one
Abdul Hameed s/o Abdul Wadood without any legal action against
him and then released him with one Wazir Rahman brother-in-law
of Abdul Hameed on his bond which was subsequently denied by
Wazir Rahman to sign it, secondly, the appellant kept Abdul Hameed
in illegally custody for about 04.00 to 04.30 Hrs and took
Rs. 12,000/- from Wazir Rahman in lieu of Abdul Hameed releasing
and thirdly the appellant arrested Wazir Rahman on 24.12.2020
and kept in illegal custody for 3/4 Hrs and the appellant brought
bad name to Police force as after submission of complaint by the
complainant engaged elders of the locality for compromise with him.
The departmental enquiry was carried out by Mr. Muhammad Qais Khan
SDFO, Takht Bhai for the alleged mis-conduct who held responsible
for the said mis-conduct. After his finding the appellant was
awarded the punishment of reduction in pay by one stage vide the
District Police Officer, Mardan dated 17.03.2021.

GROUND FOR APPEAL.

1. That the order of learned District Police Officer, Mardan
dated 17.03.2021 is against the law and facts on record.
2. That the allegation levelled against the appellant are



[Handwritten signature]

are false and are without any solid evidence.

3. That on the 23.12.2020 one Abdul Wadood the brother-in-law of complainant was arrested on the ground that he was not having NIC and he failed to furnish correct information about his residence etc. and under section 57 Cr.p.c. the appellat was authorized to arrest him till ascertaining of his arrest.

4. That subsequently, on the verification of one Wazir Rahman brother-in-law of Abdul Wadood the appellant released him on his bond and if he had refused his sign it can be send to hand-writing expert to know about his false version.

5. That as for as the allegation of buying of Rs.12,000/- is concerned it contains no truth. The statement of the complainant has been recorded by the enquiry officer at the back of appellant and the appellant has provided no opportunity to the appellant to Cross-examine the witness and rebut the allegation.

5. That the statement of complainant is not on oath which is mandatory under the law and even otherwise it is full of contradiction and is not worth reliable.

7. That the enquiry officer himself has not recorded any statements to sustain the charges. The enquiry officer has based his finding only on the report of Supdt. of Police Operation and it is against the dispensation of Natural justice to proceede an enquiry without bringing any evidence.

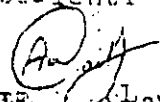
8. That actually, the complainant is a Car Dealer and he is dealing in illegal activities of Car selling and purchasing and as such to cover his illegal activities he has advanced the false allegations to malign and restrain the appellant from taking legal action against them.

9. Last but not least, the appellant has got 9 years Service in his credit and has recruited as ASI on the Shaheed quota of his late brother Muhammad Ayaz Khan FC and his father is also retired Police Officer and during his Career has not provided any opportunity to his officer either bring bad name to Police Department or stain service just for some amount.

10. In view of the above it is humbly requested that the impugned order of learned District Police Officer Mardan dated 17.03.2021 may kindly be set aside and the appellant be exonerated from the false and malicious charges in greater interest of justice. The appellant shall pray for your success, long life and prosperity.

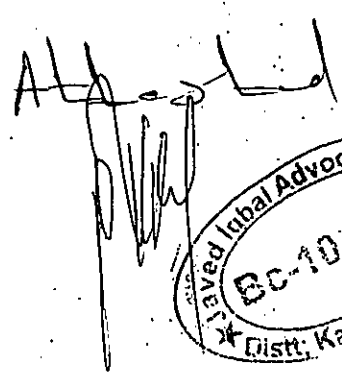
Dated: 06.04.2021

Yours Obediently



ASIF Law Instructor
 ASI Posted at Recruitment
 Center PIS Swabi.

0347-7000259



Plaved Iqbal Advocate (R.P.S)
 BC-10-4438
 Distt. Kacheri Mardan



Annexure D

14

Phone No: 0937-9230113-114
Fax No: 0937-9230115
Email: djgwardan@gmail.com

GOVERNMENT OF KHYBER PAKHTUN KHWA
OFFICE OF THE
REGIONAL POLICE OFFICER,
MARDAN

No. 2748 /ES, dated, Mardan Region the 31-05-2021

Show Cause Notice

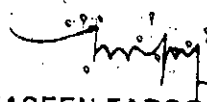
Whereas, you PASI Asif Ayaz No.483/MR while posted at Police Station Saddar, Mardan arrested one Abdul Hameed s/o Abdu Wadood r/o Saleem Khan, Mardan and recovered 1gm ICE, but without taking any legal action he was released with one Wazir Rehman and took Rs.12000/- from Wazir Rehman as a bribe. Moreover, you also kept Wazir Rehman in illegal custody for about 3/4 hours. On account of the aforementioned allegations proper departmental enquiry/proceedings were initiated against you and on conclusion of the same, the District Police Officer, Mardan awarded you major punishment of reduction in pay by one stage vide O.B No.558, dated 17-03-2021. Feeling aggrieved, you filed departmental appeal and during personal hearing it transpired that the order of punishment does not commensurate with the gravity of your misconduct, rather you deserve not be retained in the force because of unbecoming of an officer.

Therefore, it is proposed that why your punishment shall not be enhanced as envisaged under Rule 11, Sub Rule 4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014.

Hence, I, Yaseen Farooq, PSP Regional Police Officer, Mardan in exercise of the power vested under Rule 11, Sub Rule 4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014 call upon you to Show Cause as to why not impose upon you the enhance punishment of dismissal/removal of service provided in the above mentioned rules.

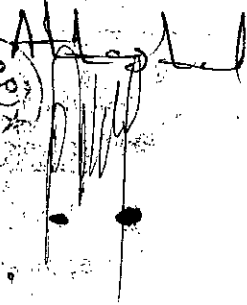
Your reply shall reach this office within 07 days of receipt of the Notice, failing which it will be presumed that you have no explanation to offer.

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


(YASEEN FAROOQ)PSP,
Regional Police Officer,
Mardan.

PASI Asif Ayaz No.483/MR
District Mardan
CC.

The District Police Officer, Mardan

PA
For M/Asst. Secy (R.P.P.)
Distt. Mardan
BC-10-4438
31/5/21


4005
01/6/21

Annexure E

Annexure (E)

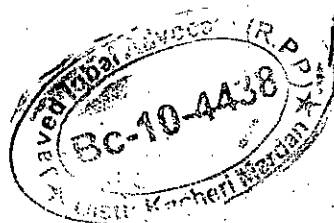
(15)

Respected Sir,

In reply to show-cause Notice NO. 2748/BS, dated 31.05.2020 regarding enhancement of punishment in r/o allegation of Rs. 12,000/- from one Wazir Rahman and keeping him 3/4 hrs in custody without any legal action, it is submitted as under:-

1. That allegation of taking Rs. 12,000/- from one Wazir Rahman are totally wrong, incorrect and without any evidence.
2. That Wazir Rahman has failed to prove his charges of corruption during the departmental enquiry.
3. That the version of the said person during the departmental enquiry is different about the bribe amount and as such it is out of consideration.
4. That the appellant has fully explained his position in his appeal lodge to your excellency vide appeal dated, 06.04.2021.
5. That during the departmental enquiry the statement of Wazir has been recorded unilaterally in absence of the appellant without affording opportunity to cross examine him.
6. That the punishment has given to the appellant on mere version of Wazir Rahman and the appellant has been fully deprived the right of defence which is

N/page 2



[Handwritten signature]

against the natural dispensation of justice.

- 7. That the aggrieved person namely Wazir Rahman has given written deed to the elders of locality wherein he has admitted that occurrence has taken place due to mis-understanding and has denied mis-understanding and has denied his allegation. (Copy Enclosed herewith).
- 8. That the applicant has nine year service in his Credit and performed all his duties to the entire satisfaction of his superior and there is not a single complaint against the appellant in all of his career.
- 9. That the appellant belong to a very poor family and has enlisted as ASI on quota of his Shaheed /late brother Ayaz and his father is also a retired Constable.
- 10. That the appellant has already given major punishment by learned Distt: Police Officer Mardan and as such the other major punishment does not warrant and just to spoil the future of the appellant on false allegation.

It is therefore, kindly requested that the Show/Cause notice issued for enhancement of punishment may kindly be with drawn in greater interest of justice and obliged.

Dated: 05.06.2021

Yours Obediently

(ASIS AYAZ)
EXASI NO. MR. 483

at Law Instructor FTS
(SAWABI)

Annexure (F)

(17)

ORDER.

This order will dispose-off the departmental appeal preferred by PASI Asif Ayaz No: 483/MR of Mardan District against the order of District Police Officer, Mardan, whereby he was awarded major punishment of reduction in pay by one stage vide District Police Officer, Mardan OB: No. 558 dated 17.03.2021. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Saddar, Mardan, one Wazir Rehman Son of Noor Rehman Resident of Koragh has submitted an application to this office, complaining therein that the appellant had arrested one Abdul Hameed (his brother-in-law) with fee and later-on, released without any legal action/FIR by taking illegal gratification of Rs.12000/- and on next day, the appellant took him from his house and shifted to Police Station Saddar, Mardan. Besides, the appellant tortured, used abusive language and extended him threats of registration of FIR under the narcotics act. If the applicant made a complaint against him to the high ups.

The said complaint was referred to District Police Officer, Mardan vide this office diary No.2669/C.Cell. dated 28-12-220 for looking into the matter. The issue was initially enquired into through, the then SP Operations Mardan, by the District Police Officer, Mardan, who after fulfilling necessary process, submitted his findings to District Police Officer, Mardan, wherein he held responsible the delinquent Officer of gross misconduct.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, (SDPO) Takht Bhai, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Mardan, wherein he held responsible the delinquent Officer of the misconduct and recommended him for awarding major punishment.

The delinquent Officer was heard in Orderly Room on 10.03.2021 and in the light of his misconduct the District Police Officer, Mardan mentioned in the punishment order that he (appellant) is required to be punished exemplary, but being brother of a "Shaheed" Constable, has taken a lenient view against him by awarding major punishment of reduction in pay by one stage & reinstated in to service from the date of suspension with immediate effect.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person. Orderly Room held in this office on 16.06.2021.

[Handwritten signature]
Sd/-
District Police Officer (R/P)
Mardan
BC-10-4438
Dist. Kachera Mardan

بعدالت قاضی پیر وی پی آر ایسول

875

مورخہ 11-11-2021ء منجانب: محمد آغا
 مقدمہ بعنوان: محمد آغا بنام محمد آغا
 مقدمہ نمبر: رجوعہ
 نوعیت مقدمہ: رجوعہ
 مقدمہ علت نمبر: تھانہ
 جرم: تھانہ

50
روپے

باعث تحریر آنکہ



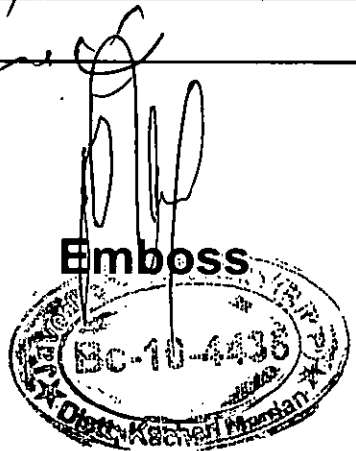
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام محمد آغا کیلئے طبعہ اجیل کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل مقررہ کو راضی نامہ کرنے و تقرر ی ثالث و فیصلہ برحلف دینے عرضی دعویٰ، جواب دعویٰ، اقبال دعویٰ، جواب الجواب، عذر داری، درخواست زیر دفعہ (2) 12 ض و، درخواست برآمد برآمدگی و سزا جزی کی مقدمہ، درخواست برآمد منسوخی کاروائی و ڈگری، یک طرفہ دائر کرنے جواب، جواب الجواب وغیرہ درخواست کاروائی اجراء دائر کرنے و وصولی چیک و رقم اور درخواست از ہر قسم کی تصدیق زراس پر دستخط وغیرہ کرنے کا اختیار ہوگا۔ ایبل، ایبل در ایبل، نگرانی، نظر ثانی، رٹ و عذر داری وغیرہ دائر کرنے کا بھی اختیار ہوگا۔ اور بصورت ضرورت مذکورہ کے عمل یا جزوی کاروائی کے واسطے وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برداشت منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا اسے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی پر وکیل موصوف مقام دورہ پر ہو یا حد سے باہر ہو یا بیمار ہو یا کوئی ضروری کام ہو۔ تو وکیل صاحب پابند نہ ہونگے کہ پیروی مقدمہ مذکورہ کریں لہذا کالت نامہ لکھ دیا تاکہ سند رہے۔

الرقوم: 9-11-21
 مقام: _____ کے لئے منظور ہے۔

نوٹ: اس کالت نامہ کو نوکالی نامہ قابل قبول ہوگی۔

Advocate I.D.: Bc 10 4438
 Bar Council: KPK
 Bar Association: Mardan
 Contact #: 9379224274



Attested & Accepted

C **کری**

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 7738/2021

Asif Ayaz Assistant Sub Inspector No. 483/MR posted at recruitment Center P.T.S
District Swat i.....Appel ant.

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa Peshawar and others
.....Respondents

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3.	Copy of Affidavit.	--	6
4.	Copy of Charge Sheet Statement of Allegations , Enquiry, Order & Complaint	A, B & C	7-20
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**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.**

Service Appeal No. 7738/2021

Asif Ayaz Assistant Sub Inspector No. 483/MR posted at recruitment Center P.T.S
District Sivabi.....Appellant.

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa Peshawar and others
..... Respondents

Para-wise comments by 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.

REPLY ON FACTS

1. Correct to the extent that appellant was employed/enlisted as ASI against Shaheed quota and was performing his duty at Police Station Saddar.
2. Para to the extent that appellant was proceeded against departmentally on the allegation that he while posted at Police Station Saddar Mardan, one Wazir Rehman s/o Noor Rehman r/o Koragh has submitted an application to the Regional Police Officer Mardan, complaining therein that the appellant had arrested one Abdul Hameed (his brother in-law) with Ice and later on, released without any legal action/FIR by taking illegal gratification of Rs. 12000/-, and on next day, appellant took him from his house and shifted him to Police Station Saddar, Mardan. Besides, the appellant tortured, used abusive language and extended him threats of registration of FIR under the narcotics act, if the appellant made a complaint against him to the high ups. The said complaint was referred to District Police Officer, Mardan vide RPO Office diary No. 2669/C.Cell dated 28.12.2020 for looking into the matter. The issue was initially enquired through the then SP/Operations Mardan, by

the District Police Officer, Mardar who after fulfilling necessary process, submitted his findings report to District Police Officer, Mardan, wherein he held responsible the delinquent officer of gross misconduct. In light of recommendations mentioned above, the appellant was issued charge sheet with statement of allegations and enquiry was entrusted to ASP Muhammad Qais the then SDPO Takht Bhai, Mardan. The enquiry officers 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 awarding major punishment. Therefore, in light of the above, the appellant was summoned & heard in orderly room on 10.03.2021, but this time too, the appellant failed to justify his innocence therefore, he was awarded major punishment of reduction in pay by one stage, which does commensurate with the gravity of misconduct of the appellant **(Copies of Charge with Statement of allegations, Enquiry Papers and reduction in pay order are attached as annexure "A, B & C")**.

3. Para already explained needs no comments.
4. Correct to the extent that the appellant preferred departmental appeal before the respondent No. 02, which was decided on merit.
5. Correct to the extent that after filing of departmental appeal the appellate authority issued Show Cause Notice to the appellant to which his reply was received and found unsatisfactory. As conduct of appellant was required to be probed through de-novo enquiry proceedings, therefore, De-novo enquiry was entrusted to SP Investigation Mardan, who after concluding de-novo enquiry submitted his report stated therein that the appellant is found guilty and recommended to keep intact the already awarded punishment. However, appeal of the appellant is decided on merit and same is rejected and filed **(Copies of Show Cause Notice and De-novo Enquiry are attached as annexure "D & E")**.
6. Para already explained needs no comments.
7. Incorrect. Orders passed by the competent authorities as well as appellate authority are lawful and liable to be maintained. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

REPLY ON GROUNDS:


1. Incorrect. Orders passed by the competent forum as well as appellate authority are legal and lawful, hence, liable to be maintained as tenable in the eye of law.
2. Incorrect. As the appellant was provided full-fledged opportunity of defending himself during enquiry proceedings as well as during Orderly Room held by the competent as well as appellate authority, besides during

De-Novo enquiry proceedings but at none of the stage the appellant could justify his innocence.

3. Incorrect as the appellant has tailored the instant concocted story just of save his skin.
4. Para already explained needs no comments.
5. Incorrect. Stance taken by the appellant is not plausible, because both the enquiries have been conducted as per rules and none of the enquiry officers have any grudges against the appellant.
6. Incorrect. Plea taken by the appellant is not plausible because he was issued a proper charge sheet with statement of allegations and enquiry was entrusted to ASP Muhammad Qais the then SDPO Takht Bhai, Mardan. The enquiry officers 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 awarding major punishment. Therefore, in light of the above, the appellant was summoned & heard in orderly room on 10.03.2021, but this time too, the appellant failed to justify his innocence therefore, he was awarded major punishment of reduction in pay by one stage, which does commensurate with the gravity of misconduct of the appellant.
7. Incorrect. Stance taken by the appellant is ill based, as after filing of departmental appeal the appellate authority issued Show Cause Notice to which his reply was received and found unsatisfactory. Therefore, conduct of appellant was probed through de-novo enquiry proceedings. De-novo enquiry was entrusted to SP Investigation Mardan, who after concluding de-novo enquiry submitted his report stated therein that the appellant is found guilty and recommended to keep intact the already awarded punishment. However, appeal of the appellant is decided on merit and same is rejected and filed.
8. Incorrect. Para explained earlier needs no comments.
9. Incorrect. Para already explained needs no comments.
10. Incorrect. Stance taken by the appellant is totally false and baseless, because he was issued a proper Show Cause Notice by respondent No. 02, to which his reply was received and found unsatisfactory. Therefore, conduct of appellant was probed through de-novo enquiry proceedings. De-novo enquiry was entrusted to SP Investigation Mardan, who after concluding de-novo enquiry submitted his report stated therein that the appellant is found guilty and recommended to keep intact the already awarded punishment. However, appeal of the appellant is decided on merit and same is rejected and filed.

PRAYER:-

Keeping in view the above narrated facts it is humbly prayed that the appeal of the appellart being badly time barred may kindly be dismissed with costs please.


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


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


**District Police Officer,
Mardan.**
(Respondent No. 03)

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

Service Appeal No. 7738/2021

Asif Ayaz Assistant Sub Inspector No. 483/MR posted at recruitment Center P.T.S
District Swabi.....Appellant.

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa Peshawar and others
.....Respondents

Reply to the application for condonation of delay:-

Respectfully Sheweth,


PRELIMINARY OBJECTIONS

1. That applicant has no cause of action to file the instant application.
2. That the application is barred by law.

REPLY ON FACTS

1. That the appeal filed by the applicant before this Honorable Tribunal may kindly be dismissed being a badly time-barred.
2. Incorrect. Plea taken by the applicant is not plausible, because he failed to submit his appeal within time and tailored the instant story just to cover the limitation issue.
3. Incorrect. Para already explained needs no comments.
4. That the application of the applicant being badly time barred may kindly be dismissed with costs.

Keeping in view the above submission, it is humbly prayed that application of the applicant regarding condonation of delay may very kindly be dismissed please.


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


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


**District Police Officer,
Mardan.**
(Respondent No. 03)

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

Service Appeal No. 7738/2021

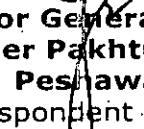
Asif Ayaz Assistant Sub Inspector No. 483/MR posted at recruitment Center P.T.S
District Swabi.....Appellant.

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa Peshawar and others
.....Respondents

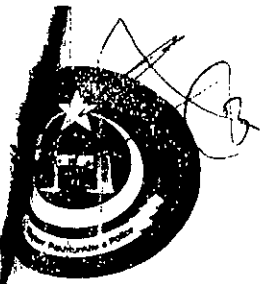
COUNTER AFFIDAVIT.

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.


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


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


**District Police Officer,
Mardan.**
(Respondent No. 03)



Amdan (A)
①

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

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



No. 121 /PA

Dated 07/01/2021

DISCIPLINARY ACTION

I, **DR. ZAHID ULLAH (PSP)**, District Police Officer Mardan, as competent authority am of the opinion that **PASI Asif Ayaz No.483/MR**, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, **PASI Asif Ayaz No.483/MR**, while posted at Police Station Saddar, (now under suspension Police Lines Mardan), one Wazir Rehman Son of Noor Rehman Resident of Koragh has submitted an application to the Worthy Regional Police Officer Mardan, complaining therein that PASI Asif Ayaz had arrested one Abdul Hameed (his brother-in-law) with Ice and later-on, released without any legal action/FIR on illegal gratification of Rs.12000/-, adding that on next day, PASI Asif Ayaz reached his house and shifted him to Police Station Saddar, where besides torturing, abusive language, also threatening him for registration of FIR in narcotics against him on the eve of complaint to the Senior Officers against him.

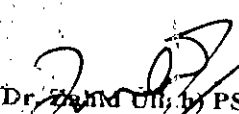
The Worthy RPO Mardan vide Diary No.2669/C.Cell dated 28-12-220 directed this office to look into the matter and take action, so the issue was initially enquired into through SP Operations Mardan, who after fulfilling necessary process, submitted his findings to this office vide his office letter No.182/PA/Ops dated 02-01-2021, holding responsible PASI Asif Ayaz of gross misconduct, with the following allegations:-

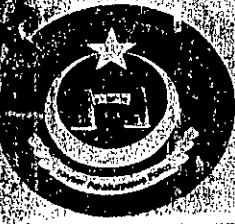
- 1) PASI Asif Ayaz had arrested one Abdul Hameed s/o Abdul Wadood r/o Saleem Khan with about 01 GM Ice with taking no legal action against him & then released him with one Wazir Rehman on bail, while Abdul Hameed denied giving or signing any bail bond.
- 2) PASI Asif Ayaz kept Abdul Hameed in illegal custody for about 04 or 04.30 hours & took Rs. 12,000/- from Wazir Rehman in lieu of Abdul Hameed's releasing.
- 3) PASI Asif Ayaz arrested Wazir Rehman on 24.12.2020 & kept him in illegal custody for ¼ hours.
- 4) He also brought a bad name to Police Force, as after submission of complaint by the complainant, he engaged elders of the locality for compromise with the complainant.
- 5) The only ground of sympathy and empathy is that PASI Asif Ayaz is brother of one Shaheed Police official and the lonely son of his father. His father made so many requests to the complainant for doing kindness and pardons his son as evident from audio recording produced by the applicant.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, **ASP Muhammad Qais Khan SDPO Takht-Bhai 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.

PASI Asif Ayaz is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan



(2) **OFFICE OF THE**
DISTRICT POLICE OFFICER,
MARDAN 37

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



CHARGE SHEET

I, DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent authority, hereby charge, PASI Asif Ayaz No.483/MR, while posted at Police Station Saddar, (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

د. صاحب مردان۔

وزیر رحمان ولد نور رحمان ساکن محلہ گڈبانہ کورن
تحصیل و ضلع مردان۔ (سائل)

DPO/ Mardan.

تحصیل و ضلع مردان (مسئول علیہ)

Please look into the matter
and take action as
law and report

DPO Office Mardan.

No. 2667 C Cell

Date 28-12-2020

درخواست بمراد اوریسی و قانونی کارروائی برخلاف مسئول علیہ بوجوہات ذیل ہیں۔

جناب عالی اور خواست سائل حسب ذیل عرض ہے۔

یہ کہ سائل ایک شریف اور معزز شخص ہے جو کہ محلہ گڈبانہ کورن کارہاشی ہے

یہ کہ سائل کا بہنوئی عبدالحمید ولد عبدالودود سکنہ سلیم آباد ASI نے مورخہ 23-12-2020 کو مجرم اس گرفتار کیا اور سائل کو فون کیا کہ کیا آپ عبدالحمید کو جانتے ہیں۔

یہ کہ سائل نے مجرم بالا کا حوالہ دیتے ہوئے کہا کہ ان میرا بہنوئی ہے اس پر مسئول علیہ نے سائل کو کہا کہ میں نے وہ چار سہ روڈ پر آپ کا انتظار کر رہا ہوں فوری طور پر آپ وہاں پہنچ جائیں۔

یہ کہ مسئول علیہ نے سائل سے بلا شکوف اور پستول کا مطالبہ کیا تاہم پرچہ FIR میں رد و بدل کر سکے اس پر سائل نے جواب دیتے ہوئے کہا کہ میں قانون سے بااثر اور غیر قانونی کوئی بھی کام نہیں کرتا۔

یہ کہ مسئول علیہ نے مجرم کو گرفتار کیا اور سائل سے کہا کہ جب بات نہیں بنتی تو ٹھیک ہے آپ گھر جائے۔ لیکن شام کو مسئول علیہ نے فون کیا اور کہا کہ آپ شراب آباد میں رہتے ہیں اور سائل نے پھر سائل سے بلا شکوف کا مطالبہ کیا اور کہا کہ 12000/- روپے پر بلا شکوف خرید کر مجھے دے اور میں مجرم کو چھوڑ دوں گا۔ اس پر سائل نے کہا کہ میں کوئی بھی غیر قانونی کام نہیں کرتا۔

یہ کہ مسئول علیہ نے کہا کہ آپ مجھے 12000/- روپے دے دیں میں خود بلا شکوف خرید کر آپ کو دوں گا۔ لیکن مسئول علیہ نے سائل سے 12000/- روپے لے کر مجرم کو چھوڑ دیا اور کہا کہ اب آپ دونوں گھر جائے نہ ہی کوئی FIR درج کیا اور نہ ہی کوئی پرچہ دیا۔

(4)

کہ اگلی صبح مسئول علیہ صاحب رتھانہ کے موبائل میں مجرم کے گھر جانے کے بجائے سائیل کے گھر پہنچ گیا اور اسے
شکایت کی ہے اور خوب نازیبا الفاظ استعمال کرتے ہوئے سائل کو بے عزت کیا۔ اور سائل کو زد و کوب کرتے ہوئے مارا اور
لے جا کر کہا کہ اب برائے نام میں تم پر چرس۔ اس دہیڑہ کا FIR درج کرونگا۔ جو کہ سراسر خلاف قانون، خلاف شریعت اور
واقعات ہے۔

یہ کہ اس کے بعد سائل اپنی فریاد لے کر SHO ڈی ایچ پی صاحبان کے پاس بھی گیا لیکن سائل کو کوئی بھی تسلی بخش جواب نہ مل سکا
اور نہ ہی سائل کی کوئی بھی قانونی دادرسی کی گئی۔

لہذا استدعا ہے کہ، منظوری درخواست ہذا سائل کے حالات کو مد نظر رکھتے ہوئے مسئول علیہ کے خلاف قانونی کارروائی کی
جائے اور ایک دیانتدار پولیس افسر۔ ایس اے کو انیمری کرنے کے احکامات فرمائی جائے نیز سائل کو قانونی دادرسی جائے۔

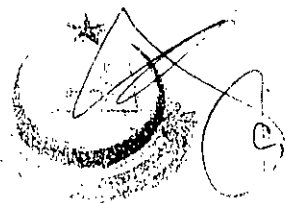
تحریر: 28-12-2020

وزیر رحمان ولد نور رحمان سکند محمد گڈباہ، کورنگ تحصیل ضلع مردان (سائل)
CNIC: 16101-8528059-9
cell No: 0346-8780641/3109556977

SP Ops
As dismissed, please
proceed in accordance
with law & merit

LOCAL C. CELL
DPO OFFICE
No 1063
Date 28-12-2020
MARDAN

28.12.2020



OFFICE OF THE
SUPERINTENDENT OF POLICE
OPERATIONS & HEADQUARTERS
MARDAN

Tel: 0937-9230117

Fax: 0937-9230121

Email: SP Ops 1506@gmail.com

(5)

No. 182-PA(Ops)

Dated 21/01/2020

To: The District Police Officer,
Mardan.

Subject: APPLICATION OF WAZIR RAHMAN S/O NOOR RAHMAN
AGAINST ASIF AYAZ ASI POLICE STATION SADDAR.

Memo: Kindly refer to your office dairy No. 1036/CCell dated 18.12.2020 on the subject noted above.

It is submitted that brief enquiry on the application of Mr. Wazir Rahman S/O Noor Rahman r/o Gadbaria, Koragh district Mardan against ASI Asif Ayaz PS Saddar, conducted.

Brief of the circumstances and statements is given below:

Statement of Wazir Rahman.

- i. The applicant alleged Asif Ayaz ASI that the accused official called him from his cell phone No. (0348-9234845) on my cell phone No. (0346-8780641) and asked me that one Abdul Hameed (which is my brother-in-law) has been arrested with ICE, by the said ASI and I was directed to reach Naray Wala Charsadda Road, immediately. That he demanded Kalashnikov and a pistol from me with the intention to show these arms with Abdul Hameed and save him from being charged with ICE. I replied that I will not do anything illegal.
- ii. At evening time, on the call of Asif Ayaz ASI, I went Sharif Abad Bridge and he told me to give him Rs. 12000/- for arranging Kalashnikov and he will relieve Abdul Hameed. then paid Rs. 12000/- cash to Asif Ayaz ASI when he alighted my younger brother named Sadullah from car and sat in my car.
- iii. That Asif Ayaz ASI, then released Abdul Hameed without any FIR or any surety / bail bond.
- iv. That on the next morning Asif Ayaz ASI came to my house got me arrested and took me to the police station. He insulted and beaten me. Later on, Yousaf ASI I/C PP Fazal Haq, Abdul Salam, Farhatullah, and Abdul Wahid requested me as a Jirga to pardon Asif Ayaz ASI. I then made a compromise in writing with him and at the time of compromise father of Asif Ayaz ASI offered to return Rs. 12000/- which was taken by the accused official but I regretted. The audio recording in which father of Asif Ayaz ASI admits that his son received money from me is available with me and I can produce it. He further stated that this fact has been expressed by his father to Abdul Wahid when he came to my house and met Abdul Wahid.

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That Khan brother of the applicant, stated that father of Asif Ayaz ASI came to his house and told him request the applicant to withdraw his application because he has lonely son and that his other son martyred in police department. He also stated that on 24.12.2020, at the morning time, police came to their house and took Wazir Rahman with them.

Adil Noor brother of the applicant, stated that on 23.12.2020, at Esha prayers time, he received call from 0348-9234845, the caller introduced himself as Thanidar, and told me that my brother-in-law, Abdul Hameed has been arrested with ICE by him and if I want come with a pistol, he would save him from ICE case and charged him with pistol. That Thanidar, called me several times at night and repeated the same story but I told him that I am a student and I have no idea with these issues.

Abdul Hameed s/o Abdul Wadood r/o Saleem Khan, stated that he smokes Charse, since 08/10 years and ICE since one month. That on 23.12.2020 at about 03:20 PM while driving Rickshav, police stopped me and searched my body and recovered about 0 gm ICE from me. They put me in police mobile then asked me to give them contact No. of my relative. I give cell phone No. 0346-8780641, which is used by Wazir Rahman, who is brother-in-law of mine. The Thanidar, called Wazir Rahman and Wazir Rahman came there and talked to Thanidar but he went back and I, was taken to PP Ring Road. After Esha prayers, police took me in police mobile towards Maqam Chowk, along with my Rickshaw driven by one constable. Wazir Rahman also came over there Thanidar sat with Wazir Rahman in his car and then released me with Wazir Rahman. That ICE was taken from me by Thanidar. When I, was released then Wazir Rahman told me that he had given Rs. 20000/- to Thanidar for his release and that his license for pistol has also been taken by police.

Abdul Salam s/o Muhammad Saeed r/o Guli Bagh stated that one Farhatullah r/o Chamtar was told by Yousaf ASI I/C PP Fazal Haq that there is a dispute between Asif Ayaz ASI and Wazir Rahman because Wazir Rahman had submitted an application to police officers for his insult by Asif Ayaz ASI. That he (Farhatullah), Yousaf ASI and Abdul Wahid managed Jirga on the request of father of Asif Ayaz ASI. That, they patched-up the dispute and a compromise was reached at PP Fazal Haq. At that time father of Asif Ayaz ASI has returned Rs. 12000/- to Wazir Rahman but he did not accepted. That he was told by one Ezat Khan brother of the applicant Wazir Rahman that father of Asif Ayaz ASI came to their house and offered return of Rs.12000/- and that he believes that Asif Ayaz ASI had received Rs.12000/- from Wazir Rahman that's why he offered return of same.

Ibrar Afridi s/o Fida Khan r/o Chota Rashakā, stated that Wazir Rahman is his friend and partner. On 24.12.2020, he went to police station Saddar and got released Wazir Rahman from police on his surety bond.

Constable Waseem No. 35, stated that they have arrested one Abdul Hameed on suspicion. He denied seeing or receiving any money from any person. He admits that Wazir Rahman was called by Asif Ayaz ASI to Sharif Abad Bridge and Abdul Hameed was released with Wazir Rahman on bail bond. That Asif Ayaz ASI told Wazir Rahman to produce Abdul Hameed for 107/151 CrPc, tomorrow. On the next day, Asif Ayaz ASI called Wazir Rahman for production of Abdul Hameed but Wazir Rahman

denied then they went to the house of Wazir Rahman where harsh talk exchanged between both Asif Ayaz ASI and Wazir Rahman.

Constable Roban No. 3196, stated the same story as narrated by constable Waseem

Asif Ayaz ASI stated that one Rickshaw driver named Abdul Hameed was hold on suspicion being drug addicts on 23.12.2020 at about 03 or 03:30 PM. On the request of Abdu Hameed I called Wazir Rahman brother-in-law of Abdul Hameed and informed him of the arrest of Abdul Hameed and he came over there. That Abdul Hameed was released with Wazir Rahman on bail bond with the directions to produce him on 24.12.2020 for preventive action u/s 107/151 CrPc. On the following day morning I called Wazir Rahman but he denied to produce Abdul Hameed and during talk verbal harsh words exchanged. He denied recovery of any narcotics or receiving any money from Abdul Hameed and Wazir Rahman respectively. That his bail bond has been sent to reader to DSP City. That he called Wazir Rahman after release of Abdul Hameed just to inform him to produce Abdul Hameed on the next day. He admits that his father and mother went to the house of Wazir Rahman as Jirga to withdraw his compliant. He also admits that his father, Yousaf ASI-I/C PP Fazal Haq, Farhatullah, and one another person took part in Jirga. That he does not remember why he called Adil Noor (brother of Wazir Rahman) he denied taking license, CNIC and pistol from Wazir Rahman. He further stated that he did not inform SHO and DSP of the whole event. He admits that he arrested Abdul Hameed on 23.12.2020, at 3:30 PM and released after Fsha prayers. He also stated that he arrested Wazir Rahman on 24.12.2020, at about 08/09 AM and then released at noon. He did not make any entry in the DD

10. Wazir Rahman produced a compromise deed written and signed by both the parties. This revealed that the complainant will withdraw his complaint and he will not be proceeded against by police. CDR data also obtained. Which shows that Asif Ayaz ASI made 07 calls to Wazir Rahman and 06 calls to Adil Noor brother of Wazir Rahman total contacts made with Wazir Rahman are 13 in which 07 times Asif Ayaz ASI called Wazir Rahman. Total calls between Asif Ayaz ASI and Adil Noor are 06 they all are voice calls and all calls made by Asif Ayaz ASI.
11. Wazir Rahman also produced audio recording / call of Asif Ayaz ASI in which Asif Ayaz ASI and his father requests Wazir Rahman to pardon the ASI and that the money is being return to Wazir Rahman. The audio recording is also presented in parcel.

CONCLUSION:

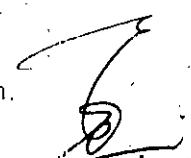
1. Asif Ayaz ASI Belt No. 483/MR, while posted at PS Saddar had arrested one Abdul Hameed s/o Abdul Wadood r/o Saleem Khan Nehar with about 01 gm ICE, did not take legal action against him and then released him with Wazir Rahman on bail, though Wazir Rahman and Abdul Hameed denied giving or signing any bail bond.
2. Asif Ayaz ASI kept Abdul Hameed in illegal custody for about 04 or 04.30 hours and took Rupees 12000/- from Wazir Rahman in lieu of release of Abdul Hameed.

Asif Ayaz ASI, arrested Wazir Rahman on 24.12.2020 and kept him in illegal custody for 3/4 hours.

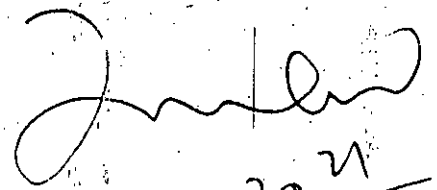
4. He also brought bad name to the police department as after submission of complaint by the complainant, he engaged elders of the locality for compromise with the complainant.
5. The only ground of sympathy and empathy is that Asif Ayaz ASI is brother of one Shaheed police official and the lonely son of his father. His father made so many requests to the complainant for doing kindness and pardon his son as evident from audio recording produced by the applicant.

Brief enquiry is submitted, please.

All relevant documents are attached herewith.


Superintendent of Police
Operations & Headquarters
Mardan.

Suspend & closed to his
ASIP 7 Bhari to
conduct proper
departmental enquiry


6.1.2021



Annexure B
**OFFICE OF THE
SUB-DIVISIONAL POLICE OFFICER,
TAKHT BHAI CIRCLE**

Tel. & Fax: 0937552211, E-Mail: dsp.tbi@gmail.com
No. 176 /ST, Dated: 19 / 02 / 2021.

To, **THE WORTHY DISTRICT POLICE OFFICER,
MARDAN.**

Subject: **DISCIPLINARY ACTION AGAINST PASI ASIF AYAZ NO.483/MR.**

Memo: Kindly refer to your office Diary No. 12/PA: dated 07.01.2021.

ALLEGATIONS:

Whereas, PASI Asif Ayaz No.483/MR, while posted at Police Station Saddar, (now under suspension Police Lines Mardan), one Wazir Rehman son of Noor Rehman Resident of Koragh has submitted an application to the worthy Regional Police Officer Mardan, complaining therein that PASI Asif Ayaz had arrested one Abdul Hameed (his brother-in law) with Ice and later-on, released without any legal action/FIR on illegal gratification of Rs. 12000/- adding that on next day, PASI Asif Ayaz reached his house and shifted him to Police Station Saddar, where besides torturing, abusive language, also threatening him for registration FIR in narcotics against him on the eve of complaint to the senior officers against him.

The worthy RPO Mardan vide Diary No. 2669/C.Cell dated 28.12.2020 directed DPO Mardan to look into the matter and take action, the issue was initially enquired into through SP Operations Mardan, who after fulfilling necessary process, submitted his findings vide his office letter No. 182/PA/Ops dated 02.01.02020, holding responsible PASI Asif Ayaz of gross misconduct, hence instant disciplinary proceedings against alleged official.

INITIATION OF DEPARTMENTLE PROCEEDINGS:

Alleged PASI Asif Ayaz was summoned and copy of charge sheet was handed over to him accordingly.

HEARING OF PARTIES:-

Alleged PASI Asif Ayaz appeared, produced his written statement and he was heard in person. He stated that on 23.12.2020 he had formed Naka Bandi meanwhile he stopped a Rickshaw, body search of a person sitting in

(DFA)

Rickshaw was taken but nothing illegal was recovered from him but he was kept in custody being doubtful, he disclosed his name as Abdul Hameed s/o Abdul Wadood r/o Saleem Khan Mardan. Thereafter Wazir Rehman was called who is brother-in-law of Abdul Hameed, he came and after identification the person in custody (Abdul Hameed) was released with him on bail bonds with the direction to produce him on 24.12.2020 (next day) for preventive action u/s 107/151 CrPC. On next day he called Wazir Rehman to produce Abdul Hameed for preventive action but he (Wazir Rehman) used abusive language and refused to produce Abdul Hameed. PASI Asif Ayaz negated the allegation and stated that he did not take bribe money from Wazir Rehman and further added that a compromise has also been taken place between them.

Similarly complainant Wazir Rehman and Abdul Hameed were also summoned and heard in person. They stated that their complaint is based on facts but they requested that lenient view may be taken against PASI Asif Ayaz as they have pardoned him and during compromise father of PASI Asif Ayaz had offered the money back but Wazir Rehman did not take the money from his father on sympathy grounds.

FINDING AND RECOMMENDATIONS:

The undersigned after going through the preliminary enquiry conducted by SP Ops Mardan, statements of both parties, evidence already present on file including recorded audio files and in person hearing concluded that:

During body search PASI Asif Ayaz No. 493MR had recovered about 01 gm Ice from one Abdul Hameed s/o Abdul Wadood r/o Saleem Khan. He kept him (Abdul Hameed) for about 05 hours in custody and after taking money rupees 12000/- from Wazir Rehman (brother-in-law of Abdul Hameed) he released Abdul Hameed with him without taking any legal action which amounts to gross misconduct on his part. The Delinquent ASI Asif Ayaz engaged local elders to settle the issue and after intense excuses complainant pardoned him thus reached a compromise between them, which is against the morale of police department.

Keeping in view the above facts, it is recommended that PASI Asif Ayaz may be awarded Major Punishment, if agreed.


Muhammad Qais Khan (PSP)
Sub-Divisional Police Officer,
Takht Bhai

OR
DPSTMDW

~~PAAS~~

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گرفت خدمت سائب حساب آنکو اتھری آفیسر صاحب

جواب بیان آڈیل آفیسر آریاز PAAS سے مندرجہ ذیل سوالوں کے جوابات

حوالہ نوٹس نمبر 12/PA
07-1-2021

صاحب عالی

معمول خدمت میں

① یہ کہ مورخہ 12/03 کو اپنے مسائل صوبائی سطح پر پیش کیے گئے تھے اور ان کے حل کے لیے درخواستیں دی گئی تھیں۔ تاہم ان کے حل کے لیے کوئی اقدام نہیں کیا گیا۔ اس دوران کوئی بھی نوٹس نہیں دیا گیا۔ اس دوران کوئی نوٹس نہیں دیا گیا۔ اس دوران کوئی نوٹس نہیں دیا گیا۔ اس دوران کوئی نوٹس نہیں دیا گیا۔

آڈیل کو اتار کر اپنے حفاظت کے معاملہ اجنبی شخص کی حاکم تلاش کی۔ جو کہ عام تلاش سے کوئی غیر قانونی شخص یا شخصیات بہ آسانی ہوگی۔

جو کہ اجنبی شخص کے پاس شناختی کارڈ کوئی قاعدہ نہیں تھا۔ یہ میں وہ شکوک معلوم ہو کر اپنے حوالے میں رہ حفاظت کے لیے (کوئی ریم کیڈ رکھا۔ بعد اجنبی شخص کے زبانی طور پر ایسا و سٹیٹ عبد الحمید واپس عبد الحمید سائنس سیکرٹری ہریان بنا یا۔ اور عبد الحمید کے اپنے بیان کے مطابق اپنے رشتہ دار کا حوالہ دیا۔ اور نام وزیر اہل حقان بنا یا تاکہ وزیر اہل حقان کو ریم کیڈ دیا کر سیکرٹری ہریان کے تعلق سے ہو جائے

② یہ کہ میں PAAS سے مسی وزیر اہل حقان کو مزید حوالے عبد الحمید کے متعلق اطلاع دی۔ اور اسے کوئی نہیں کیا۔ چونکہ میں سائل کو نہ پولیس تھی دہرہ وصل کا چار سہ روز بعد عرض کیا کہ یہی بتانا تھا۔ میں وہ میں ایچ اے نے احتیاطی طور پر مسی عبد الحمید کو رشتہ دار وزیر اہل حقان کے آئے تک پولیس کوئی آف روڈ میں بھیجا یا۔ اور وزیر اہل حقان کو دوبارہ سوال کی اور مسی وزیر اہل حقان کو ریم کیڈ دیا گیا۔ اور مسی عبد الحمید کو ایسا رشتہ دار ظاہر کیا اور وزیر اہل حقان کے متعلق کارڈ دکھانے پر ایسا ہی ہوا

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چونکہ مسیٰ عبد الحمید خیم قانونی فعل میں غلط نہ تھا اور نہ ہی غیر قانونی اشیاء سے آلودہ ہونے کا۔ مستثنیٰ کے بعد من اجمارح سے مسیٰ عبد الحمید کو وزیر المہمان کے ذمہ دار بنا دیا گیا۔ اور دونوں اپنے علاقہ کے طرف روانہ ہوئے۔ اور کل یعنی 24/12/2020 کو جہاں آئے تیلے کیا گیا کہ اس دوران سرکاری وائٹرس مسٹ پر پولیس چوکی منگواہ پہنچے تیلے حکم صادر ہوا۔ اسی اطلاع پر میں مددگاری سے چوکی منگواہ چلا گیا۔

3) یہ کہ عدالت 24/12/2020 کو میں نے مسیٰ وزیر المہمان کو بزرگ موبائل فون اطلاع دی کہ مسیٰ عبد الحمید کو بعض جہاں کارروائی اسناد دی گئی ہے جسے حاصل ہونا چاہئے تھا جو اب تک ہی عدالت ذمہ دار کے پاس آئی۔ جسکا میں تحریر کی ڈر نہیں کر سکتا اور پیش کرنے سے انکار ہوا اور مسیٰ عبد الحمید کو بعض جہاں کارروائی اسناد دی گئی نہیں کیا۔ اور پولیس اسٹیشن کے ناطے میں نے قانونی اختیار کی۔

اور وزیر المہمان کے پاس گیا۔ اور عبد الحمید کو حاصل ہونے تیلے کیا۔ لیکن وزیر المہمان نے صاف انکار کیا۔ اور یہ سب ساقہ بہ آمان منگواہ ہونے لگا۔ میں جافوسن ہو کر واپس آیا۔

یہ علاقہ ہے کہ میں نے مسیٰ وزیر المہمان سے زخم کا مطالبہ کیا ہے۔

4) یہ کہ عدالت گندہ کا دھواست گھوٹ اور یہ سبھی ہم منی ہے۔ دھواست میں کوئی حقیقت نہیں ہے۔

وزیر المہمان نے میرے خلاف دھواست عبد الحمید کو کارروائی اسناد دی سے جانے کے خاطر وائٹرس ہے۔

(نقد دھواست) (میں نے کیا ہے)

5) یہ کہ بدہ صاحبین نے میری نام لیا ہوا۔ اور تحریر کی مافی نام کا منگواہ ہے۔ دھواست کے گھوٹ کا منگواہ ہونا ثابت ہے۔

جس میں صرف تلخ مکاری اور عدالت منہوں کا ذکر ہے۔



MARDAN

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

FJ/MC

Date: 18/3/2021

No. 1084-87 PA

ORDER ON ENQUIRY OF PASI ASIF AYAZ NO.483/MR

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Police Station Saddar, (now on-loan to P.T.S Swabi), one Wazir Rehman Son of Noor Rehman Resident of Koragh has submitted an application to the Worthy Regional Police Officer Mardan, complaining therein that P/ SI Asif Ayaz had arrested one Abdul Hameed (his brother-in-law) with Ice and later-on, released without any legal action/FIR on illegal gratification of Rs.12000/-, adding that on next day, PASI Asif Ayaz has reached his house and shifted him to Police Station Saddar, where besides torturing, using abusive language, also threatening him for registration of FIR in narcotics against him on the eve of complaint to the Senior Officers.

The Worthy RPO Mardan vide Diary No.2669/C.Cell dated 28-12-220 directed this office to look into the matter and take action, so the issue was initially enquired into through, the then SP Operations Mardan, who after fulfilling necessary process, submitted his findings to this office vide his office letter No. 82/PA/Ops dated 02-01 2021, holding responsible PASI Asif Ayaz of gross misconduct with the following allegations:-

- 1) PASI Asif Ayaz had arrested one Abdul Hameed s/o Abdul Wadood r/o Saleem Khan with about 01 GM Ice without any legal action against him & then released him with one Wazir Rehman on bail, while Abdul Hameed denied giving or signing any bail bond.
- 2) PASI Asif Ayaz kept Abdul Hameed in illegal custody for about 04 or 04.30 hours & took Rs. 12,000/- from Wazir Rehman in lieu of Abdul Hameed's releasing.
- 3) PASI Asif Ayaz arrested Wazir Rehman on 24.12.2020 & kept him in illegal custody for 3/4 hours.
- 4) He also brought a bad name to Police Force, as after submission of complaint by the Complainant, he engaged elders of the locality for compromise with him.

The only ground of sympathy and empathy is that PASI Asif Ayaz is brother of one Shaheed Police official and the lonely son of his father. His father made so many requests to the Complainant for doing kindness and pardons his son as evident from audio recording produced by the applicant.

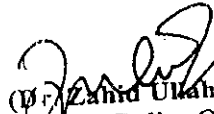
In this connection, the alleged officer was placed under suspension vide this office OB No.11 dated 01-01-2021, issued vide order/endorsement No.58-62/EC dated 04-01-2021, who was later-on re-instated in service provisionally vide this office OB No. 240 dated 01.02.2021, issued vide order/endorsement No. 832-36/EC dated 02.02.2021 & proceeded against departmentally through ASP Muhammad Qais Khan SDPO/Takht-Bhai vide this office Statement of Disciplinary Action/Charge Sheet No.12/PA dated 07-01-2021, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.176/ST dated 19-02-2021, holding responsible the alleged official of misconduct with recommending for major punishment.

Final Order

PASI Asif Ayaz was heard in OR on 10-03-2021 & in the light of his misconduct, he is required to be punished exemplary but being brother of a "Shaheed" Constable, I have taken a lenient view against him by awarding major punishment of reduction in pay by one stage & is reinstated in service from the date of suspension with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 558

Dated 17/03/2021


Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan, please.
- 2) The Principal Police Training School Swabi.
- 3) The P.O. & E.C (Police Office) Mardan.
- 4) The OSI (Police Office) Mardan with () Sheets.



Annexure D

14

Phone No: 0937-9230113/114
Fax No: 0937-9230115
Email: digmardan@gmail.com

GOVERNMENT OF KHYBER PAKHTUN KHW
OFFICE OF THE
REGIONAL POLICE OFFICER,
MARDAN

Ann
"D"
(15)

No. 2748 /ES, dated, Mardan Region the 3 - 05 - 2021

Show Cause Notice


Whereas, you PASI Asif Ayaz No.483/MR while posted at Police Station Saddar, Mardan arrested one Abdul Hameed s/o Abdu Wadood r/o Saleem Khan, Mardan and recovered 1gm ICE but without taking any legal action he was released with one Wazir Rehman and took Rs. 12000/- from Wazir Rehman as a bribe. Moreover, you also kept Wazir Rehman in illegal custody for about 3/4 hours. On account of the afore-mentioned allegations proper departmental enquiry/proceedings were initiated against you and on conclusion of the same, the District Police Officer, Mardan awarded you major punishment of reduction in pay by one stage vide O.B No 558, dated, 17-03-2021. Feeling aggrieved, you filed departmental appeal and during personal hearing it transpired that the order of punishment does not commensurate with the gravity of your misconduct, rather you deserve not be retained in the force because of unbecoming of an officer.

Therefore, it is proposed that why your punishment shall not be enhanced as envisaged under Rule 11, Sub Rule 4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014.

Hence, I, Yaseen Farooq, PSP Regional Police Officer, Mardan in exercise of the power vested under Rule 11, Sub Rule 4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014 call upon you to Show Cause as to why not impose upon you the enhance punishment of dismissal/removal of service provided in the above mentioned rules.

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

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

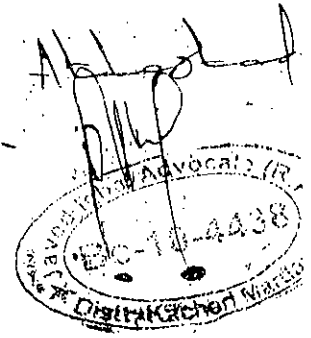

(YASEEN FAROOQ)PSP,
Regional Police Officer,
Mardan

PASI Asif Ayaz No.483/MR
District Mardan
CC

The District Police Officer, Mardan

PA
for information

6005 DPOM/coordination
01/05/21 31/05/21



(15)

ORDER.

This order will dispose of the departmental appeal preferred by PASI Asif Ayaz No. 463/MR of Mardan District against the order of District Police Officer, Mardan, whereby he was awarded major punishment of reduction in pay by one stage vide District Police Officer, Mardan OB No. 558 dated 17.03.2021. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Saddar, Mardan, one Wazir Rehman Son of Noor Rehman Resident of Koragh has submitted an application to this office, complaining therein that the appellant had arrested one Abdul Hamid (his brother-in-law) with Ice and later on, released without any legal action/FIR by taking illegal gratification of Rs.12000/- and on next day, the appellant took him from his house and shifted to Police Station Saddar, Mardan. Besides, the appellant tortured, used abusive language and extended him threats of registration of FIR under the narcotics act, if the applicant made a complaint against him to the high ups.

The said complaint was referred to District Police Officer, Mardan vide this office diary No.2669/C Cell dated 28-12-2020 for looking into the matter. The issue was initially enquired into through, the then SP Operations Mardan, by the District Police Officer, Mardan, who after fulfilling necessary process, submitted his findings to District Police Officer, Mardan, wherein he held responsible the delinquent Officer of gross misconduct.

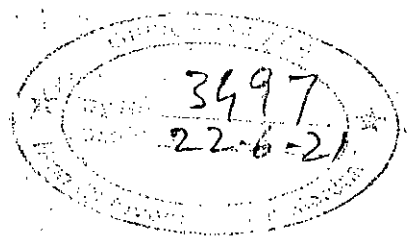
Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, (SDPO) Takht Bhai, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling coda formalities submitted his findings to District Police Officer, Mardan, wherein he held responsible the delinquent Officer of the misconduct and recommended him for awarding major punishment.

The delinquent Officer was heard in Orderly Room on 10-03-2021 and in the light of his misconduct the District Police Officer, Mardan mentioned in the punishment order that he (appellant) is required to be punished exemplary, but being brother of a "Shaheed" Constable, has taken a lenient view against him by awarding major punishment of reduction in pay by one stage & reinstated in to service from the date of suspension with immediate effect.

PA
for infraction

[Signature]
SP/M, Mardan
22/6

[Signature]
Leader
discuss
[Signature]



(17)

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Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Ordinary Room held in this office on 16.06.2021.

From the perusal of the enquiry file coupled with punishment order, it transpired that the punishment does not commensurate with the gravity of misconduct, therefore, the appellant was issued Show Cause Notice under Rule-11, Sub Rule-4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014. Hence, he submitted his reply which was perused and found unsatisfactory. Therefore, the conduct of appellant is required to be probed through de-novo enquiry proceedings.

Keeping in view the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, remand back the issue in question to competent authority and de-novo enquiry proceedings are to be initiated. Superintendent of Police Investigation, Mardan shall be appointed as Enquiry Officer with the direction to complete the same within a period of ten days. Needless to mention here that the order of punishment of reduction in pay by one stage will remain held in abeyance and the same will be subject to outcome of de-novo enquiry proceedings.

Order Announced.


Regional Police Officer,
Mardan.

No. 3177-78 JES, Dated Mardan the 18-06-2021.
Copy forwarded for information and necessary action to the:-

1. District Police Officer, Mardan w/r to his office Memo: No. 106/LB dated 27.04.2021. His service record is returned herewith.
2. Superintendent of Police Investigation, Mardan

(****)

PA



1807
5-8-21

Amirul 'E' (1)

OFFICE OF THE
SUPERINTENDENT OF POLICE
INVESTIGATION MARDAN
Phone No. 0937-9230121
Fax No. 0937-9230321
Email: invmdn@gmail.com

No. 385 /PA / inv:

Dated 03/08/2020.

To: The Regional Police Officer,
Mardan.

Subject: DENOVO DEPARTMENTAL ENQUIRY AGAINST PASI ASIF
AYAZ NO. 483/MR.

Memo:

Kindly refer to your office order No. 3177-78/ES, dated 18.06.2021,
on the subject noted above.

Enclosed kindly find herewith finding report in De-novo Departmental
Enquiry Pasi Asif Ayaz No. 483/MR for further necessary action, please.

(Enclosure: 14 pages)

Siv,
PPs attached.
AEC
3/8

Superintendent of Police,
Investigation Mardan.

Sir,
Submitted for perusal &
further order, please
I am in hand
OS
04/8/21

ADIG
3-4/8

Call in ok
7/8/21

(19)

ALLEGATIONS:

It was alleged that P/ASI Asif Ayaz No. 483/MR while posted at Police Station Saddar, Mardan, one Wazir Rehman s/o Noor Rehman r/o Koragh has submitted an application to worthy RPO Mardan, complaining therein that the appellant arrested one Abdul Hameed (his brother-in-law) with ice and later-on, released him without any legal action/FIR by taking illegal gratification of Rs. 12000/- but on next day, the appellant arrested him in his house and took him to Police Station Saddar, Mardan. Besides, the appellant tortured him, used abusive language and extended him threats of registration of FIR under the narcotics act, if the applicant made a complaint against him to the high ups.

The said complaint was referred to District Police Officer, Mardan vide RPO office diary No. 2669/C.Cell dated 28.12.2020 for looking into the matter. The issue was initially enquired into through the then SP Operations Mardan who after fulfilling necessary process submitted his findings to District Police Officer, Mardan, wherein the delinquent officer was held responsible for gross misconduct.

In this regard, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet along with Statement of Allegations and Sub-Divisional Police Officer, (SDPO) Takht Bhai, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Mardan wherein he held responsible the delinquent Officer of the misconduct and recommended him for awarding major punishment. After perusal of the enquiry reports, the honorable District Police Officer, Mardan awarded him major punishment of reduction in pay by one stage vide OB: No. 558 dated 17.03.2021.

The above named official submitted an appeal in response of the order of District Police Officer, Mardan to the worthy Regional Police Officer, Mardan. The appellate authority did not accept his appeal and issued Show Cause Notice to him. The appellant submitted reply in response to the Show Cause Notice issued by worthy Regional Police Officer, Mardan, which was found unsatisfactory and the undersign was nominated to conduct De-novo Enquiry into the matter.

PROCEEDINGS:-

Inquiry proceedings were initiated. Appellant PASI Asif Ayaz No. 483/MR and complainant Wazir Rehman s/o Noor Rehman were called, heard at length, cross examined and their statements were recorded. Besides, relevant record requisitioned, perused and placed on enquiry file.

STATEMENT OF PASI ASIF AYAZ NO.483/MR:

He stated that on 23.12.2020 at 15:00 hours he along-with FC Wasim Shah No. 35 and FC Roban No. 1396 performed Naka Bandi at Chamtar Road near Railway Pahtak in meanwhile he stopped a Rickshaw, body search of Rickshaw driver was made but nothing illegal was recovered from him but he was kept in custody being doubtful, he disclosed his name as Abdul Hamid s/o Abdul Wadood r/o Saleem Khan Mardan. Thereafter, Wazir Rehman was called who is brother-in-law of Abdul Hamid, he came and after identification the person in custody (Abdul Hamid) was released with him on surety bonds with the direction to produce him on 24.12.2020 (next day) for preventive action u/s 107/151 CrPC. On next day he (Asif Ayaz) called Wazir Rehman to produce Abdul Hamid for preventive action but he (Wazir Rehman) got frustrated used abusive language and refused to produce Abdul Hamid. Later on, 28.12.2020 applicant (Wazir Rehman) submitted an application/complaint against him to the high ups. He further negated the above allegations leveled against him and stated that he did not take bribe money nor demanded from applicant/complainant.

STATEMENT OF APPLICANT WAZIR REHMAN:

He stated that his complaint is based on facts but they requested that lenient view may be taken against the delinquent official as they have pardoned him and during compromise father of PASI Asif Ayaz had offered the money back but Wazir Rehman did not take the money from his father on sympathy grounds.

STATEMENT OF CONSTABLE WASIM SHAH NO. 35:

He stated that on 23.12.2020 at 15:00 hours he along-with PASI Asif Ayaz and FC Roban No. 1396 performed Naka Bandi at Chamtar Road near Railway Pahtak in meanwhile he stopped a Rickshaw, body search of Rickshaw driver was made but nothing illegal was recovered from him but he was kept in custody being doubtful, he disclosed his name as Abdul Hamid s/o Abdul Wadood

(21)

r/o Saleem Khan Mardan. Thereafter Wazir Rehman was called who is brother-in-law of Abdul Hamid, he came and after identification the person in custody (Abdul Hamid) was released with him on bail bonds with the direction to produce him on 24.12.2020 (next day) for preventive action u/s 107/151 CrPC. On next day he called Wazir Rehman to produce Abdul Hamid for preventive action but he (Wazir Rehman) used abusive language and refused to produce Abdul Hamid. He denied seeing or receiving any money from any person.

STATEMENT OF CONSTABLE ROBAN NO. 1396:

He stated that on 23.12.2020 at 15:00 hours he along-with PASI Asif Ayaz and Wasim Shah No.35 performed Naka Bandi at Chamtar Road near Railway Pahlak in meanwhile he stopped a Rickshaw, body search of Rickshaw driver was taken but nothing illegal was recovered from him but he was kept in custody being doubtful, he disclosed his name as Abdul Hamid s/o Abdul Wadood r/o Saleem Khan Mardan. Thereafter Wazir Rehman was called who is brother-in-law of Abdul Hamid, he came and after identification the person in custody (Abdul Hamid) was released with him on bail bonds with the direction to produce him on 24.12.2020 (next day) for preventive action u/s 107/151 CrPC. On next day he called Wazir Rehman to produce Abdul Hamid for preventive action but he (Wazir Rehman) used abusive language and refused to produce Abdul Hamid. He also denied seeing or receiving any money from any person.

STATEMENT OF SAMAND ROZ FATHER OF PASI ASIF AYAZ.

He stated that allegations of taking bribe Rs.12000/- leveled against his son are based on lie. He further added that he indeed called the complainant and told him to take Rs. 20,000/- from him in return of the alleged amount of Rs. 12,000/- but not to defame police department and his son. He stated that he served in police department for 25 years and is father of a martyred. He added that how the complainant returned to him 20000/- instead of 12000/- while no one gives 100/- to anyone. Later on he also inquired the issue from his son, who (his son) kept his hands on the Holy Quran and said that he (alleged official) did not take any bribe nor he demanded from complainant. He declared the instant complaint as reprisal as transferring of harsh words between both complainant and his Asif Ayaz.

(22)

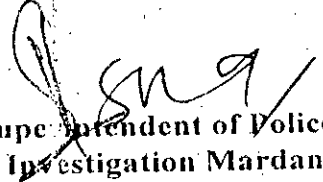
FINDING:

During enquiry record was requisitioned the officials were personally heard, cross examined and their statements were taken, which revealed that:-

1. The delinquent official arrested one Abdul Hamid s/o Abdul Wadood r/o Salim Khan on suspicion but nothing illegal was recovered from his body search.
2. He took the suspect to police post Ring Road for verification.
3. Later on he released the said Abdul Hamid with his brother-in-law namely Wazir Rehman on surety bonds with the direction to produce him on 24.12.2020 (next day) for preventive action u/s 107/151 CrPC, but did not sign surety bond from Wazir Rehman.
4. Next day he called Wazir Rehman to produce Abdul Hamid for preventive action but he (Wazir Rehman) used abusive language and refused to produce Abdul Hamid.

RECOMMENDATION:

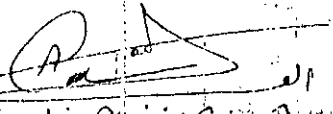
PASI Asif Ayaz is found guilty in the above-mentioned circumstances and he is recommended for major punishment (already awarded to him by the DPO Mardan) for his carelessness and casual attitude toward his official work, be kept intact, if agreed.


Superintendent of Police,
Investigation Mardan.

بیان آراء اصف آیار پاسی لا انستریٹمز پی ایس سی

اصف آیار میم 483 نے دریافت بیان کیا کہ مورخ 20/23 میں ممبر نے کہا کہ
 صوبہ مملوک موٹا لکھتے ہیں کہ جو وقت قریب 5000 مقام شمار روڈ پر
 دیوے کے چائے پر ناگہ بندی کے کہ طرف شمار سے ایک ہزار شمار (مجموعی آئے ہوتے ہیں
 حکمت علی ساہو کھڑا کے ہزار شمار ڈرائیور کے لیے نیچے انہوں نے سے عام ٹراپی
 کے دوران کوئی غیر قانونی سے ہر آواز ہوئی لیکن سٹیٹس و خوردہ مشکوٹ سے
 کالک دیا تھا اور اسے بھیجے کی بات ہے اور وغیرہ ہی ہیں کہ تاکہ اس سے اسکی
 دلچسپی ہو سکتا ہے نام دریافت کرتے دریافت ہر انسا نام عبد الحمید ولد عبد اللہ و درساں
 سلیم خان نکلا یا اور کیا کہ میرا سالہ وزیر الرحمان کو مال کرتے تاکہ اسکو تہہ چلا کہ
 عبد الحمید پولیس سٹیشن پہنچا ہے ہم نے مال کی وزیر الرحمان تاکہ بندی کے پوائنٹ پر آیا تھا
 لیکن ہم نے پولیس فصل سے جا کر وہاں پر کچھ وقت تک تاکہ بندی کی اور عبد الحمید پرورد
 کو روک روک جوئی میں بندی جب بعد فصل سے جا کر اسے اور عبد الحمید کو گاڑی
 سہاری میں بھٹا کر رکھا کی طرف روانہ ہو کر جب سٹریٹ آباد میں پہنچے تو
 وزیر الرحمان وہاں پر تھمے تھے اس نے عبد الحمید کی بھانجی کی سٹریٹ سے اس کے
 اسے ساتھ لے کر بھوڑ کر ساتھ ہی نکلا تاکہ عبد الحمید کو 157 صف کی خاطر بل ہو کر
 24/20 کو سٹریٹ جمع اسے ساتھ صوبہ موٹا لکھتے ہیں تاکہ پوری تو عائشہ وزیر الرحمان
 میں ہونے سے انکار کیا گیا ہم نے پولیس عائشہ کے گھر جا کر جب وہ گھر سے باہر
 نکلا تو ہم نے پولیس کیا کہ ہاتھ پاؤں میں لگے ہوئے عبد الحمید وزیر الرحمان نے سہارا
 خلاف مورخ 28/20 کو انستریٹ مان درخواست دی درخواست میں تھوٹ اور
 منگھٹ لگائی ہے تو تھوٹ پر یہی ہے لیکن میں بیان حلفاً دیتا ہوں
 کہ میں نے صوبہ عبد الحمید پرورد کو وزیر الرحمان کیا تو کھڑا ہر چھوڑ دیا تھا اسی
 دوران میں عبد الحمید وزیر الرحمان سے بیٹے لگی ہے اور ہم ہی بیٹوں کا مطالبہ کی ہے
 میں میرے خلاف تو درخواست لگا ہوئی ہے وہ پولیس فورس اور ایک
 شہید کے گھر پر یہ غلطی گواہ ہیں اور ہم نے منع حلفاً دیتے تو تیار ہوں
 اور وہ ان بات پر باہر ہی رکھتا ہوں اس قدر میں بیان ہے

0342-7000259
 0348-9234846



اصف آیار پاسی لا انستریٹمز پی ایس سی

جان آڈال حاجی سکندرز خان (رہنما ترقی پوئیس ڈرائیور)

حاجی سکندرز خان ولد لطیف خان قوم افغان تلم 58/59 سال سال ساکن

شیخ و قائل قلع عرفان کے بددیانت ہیں کیا کہ میرے پاس

اصف آیار ASI کے خلاف وزیر اہل خانہ نے بیوی کے الزام سے مطلع

12000 روپے کی جو درخواست میں لکھی ہے وہ اس میں بیوی اور

میر جو آڈیو ریکارڈنگ ہے وہ میں نے وزیر اہل خانہ کو بے شک قال کی ہے

کہ اب میرے پاس 12000 روپے کا الزام لگانا ہے۔ اسکی جانے میں

آب و 20000 روپے دو گنا لکھیں پوئیس فورس اور میرے پاس اصف آیار

پر بددیانتی ہے اور آف بیٹا ہی پوئیس میں سید ہو چکا ہے یہ نوڈس

بڑی بددیانتی والی نوڈس ہے۔ آڈیو ریکارڈنگ ہے 12000 روپے اس کا

نوٹوں کی بھی کسی کو 1000 روپے لیں دیتے ہو وزیر اہل خانہ نے 12000

کی جانے 20000 روپے سطح و اس دی ہے اس سے معلوم ہوتا ہے کہ یہ

گھوٹ ہے۔ لہذا میں نے اپنے پاس اصف آیار سے اطلاع بنا کر پوئیس سے

میرا کتاب اس سے میں ہے اس پر میرے پاس ہے وزیر اہل خانہ کے دل میں

ایک دوسرا ہے نہ لکھی ہے اور نہ مطالبہ کی ہے میں نے وزیر اہل خانہ سے یہ ہے

کافی لوگوں سے پوچھ کر لوگوں نے بتلایا کہ وزیر اہل خانہ سے یہ ہے میرے پاس

مگر ASI نے ایسا سا جو رہائی نکال کر ہے تو وزیر اہل خانہ نے اپنے بھرتی سگار

کر میرے پاس بیوی بیوی کے الزام لگایا درخواست ملی میں اپنے پاس

0344-8472270

خانہ نیو نیو

حاجی سکندرز خان رہنما ترقی پوئیس ایس

بیان اذات کیشل و سیم شاہ نمبر 35

کیشل و سیم شاہ 35 سے دریافت بیان کیا کہ مورخ 23/12/2012 میں ہم نے کیشل روایت آصف ایاز PAB81 صاحب کیساہ توپاٹل گھٹ پرچہ کہ وقت قریب 15:00 بجے محل مقام ہزار روڈ نزد ریلوے سٹیشن پر تاکہ بنی کہ ہم نے طرف ہزار سے ایک تیز رفتار گاڑی آ رہی تھی کہ نہایت جلت علی کیا ڈھک کر تیز رفتار گاڑی میں سوار شخص نے اپنے اندر کار جامہ تلاشی دوران جام تلاشی کوئی غیر قانونی سے ہم آہ نہ ہوئی لیکن کیشل سے فوریہ شخص منگول قسم کال رہا تھا جس سے کہ ہم نے تاک میں ہی معلوم کرتے کوئی دستاویز ثابت ہو گیا کیشل پرچہ کیشل PAB81 صاحب نے شخص مذکورہ سے ہم دریافت کرے ایسا نام عبدالحمید ولد عبدالودود عرفی سلیمان بنایا اور ساتھ ہی آیا کہ وزیرالرحمان میں سالہین اسکول کال کے تاکہ ہم کال کے کہ اسی عبدالحمید ٹول سے ساتھ ہے PAB81 صاحب نے عبدالحمید کو جونی روڈ میں بند کی اور نقل مکانی طرف جاکر وہاں پر کچھ وقت کیشل تاکہ بند کی کہ وہ عبدالحمید کو جونی سے نقل مکانی طرف روانہ ہوئے کہ شریف آباد علی پر وزیرالرحمان نامی شخص ہم آہا PAB81 صاحب وزیرالرحمان عبدالحمید کی منت رہا ہے اور اسکے عبدالحمید مذکورہ کو بلکہ ہم چھوڑ دیا لیکن اسی دوران PAB81 صاحب نے وزیرالرحمان سے یہی ہے اور ہم ہی دسیوں کا مطالبہ کی ہے چھوڑنے پر بتلایا کہ اسکول مورخ 12/24 کو تھا میں حاضر کر کے لیج یعنی آئی روز صبح PAB81 صاحب نے وزیرالرحمان کیساتھ توپاٹل بہت ہی تو عثمانی وزیرالرحمان عبدالحمید کے پیش ہونے سے انکار کی ہم اور PAB81 صاحب اسکے ہم جاکر وزیرالرحمان سے دہر ہی میں ہونے سے انکار اور قانونی باقوں میں PAB81 سے ساتھ گم ہوئی ہیں یہ بیان حلفاً دینا سوچا اور ہم حلفاً دیتے تو بھی تیار ہوں

Mobile: 033-5755735

Signature

کیشل و سیم شاہ نمبر 35

date: 25-06-21

بیان اذکار و زیارات جمال و لدنہ رحمان سرکن گڈمان کورخ
بتلا پاکم دوران سالقہ انکو انری میں ۲ جو بیان دیا ہے
وہی میرا بیان ہے جو سچ ہے وہی ہے

الفریحہ

۲۸-۵۵-۲۰۹۱

فون نمبر ۸۷۸۰۶۴۱-۰۳۴

CNIC # 16109-8528059-9

۱۔ آپ کی کیا خدمت ہے؟ آپ کو کون سا شعبہ علم ہے؟
 ۲۔ روزِ قیامت میں آپ کو کون سا اجر ملے گا؟
 ۳۔ آپ کی زندگی میں کون سا لمحہ سب سے زیادہ یادگار رہا؟
 ۴۔ آپ کی زندگی میں کون سا لمحہ سب سے زیادہ دکھنا سہاگنا رہا؟
 ۵۔ آپ کی زندگی میں کون سا لمحہ سب سے زیادہ خوشی کا باعث بنا؟

۱۔ آپ کی کیا خدمت ہے؟
 ۲۔ آپ کی زندگی میں کون سا لمحہ سب سے زیادہ یادگار رہا؟

۱۔ آپ کی کیا خدمت ہے؟
 ۲۔ آپ کی زندگی میں کون سا لمحہ سب سے زیادہ یادگار رہا؟

۱۔ آپ کی کیا خدمت ہے؟
 ۲۔ آپ کی زندگی میں کون سا لمحہ سب سے زیادہ یادگار رہا؟

۱۔ آپ کی کیا خدمت ہے؟
 ۲۔ آپ کی زندگی میں کون سا لمحہ سب سے زیادہ یادگار رہا؟

۱۔ آپ کی کیا خدمت ہے؟
 ۲۔ آپ کی زندگی میں کون سا لمحہ سب سے زیادہ یادگار رہا؟



فردوس الہی

بہار ازان درہ زمان واد نور رحمان - انجمن اصلاح و ترقی خواتین

(حصہ ۱)



۶. آپ جو وراثت کنندہ اگر ASI آصف آباد نے کیا اور کہاں سے رقم لیا گیا ہے
۷. مورخہ ۱۲/۵/۸۴ کو جمع رقم تقریباً ۷۸ بجے آصف آباد جمع دیگر کمیٹیوں سے سہ ماہی
واقعہ فضل، حق کالج گلی سے رقم لیا گیا تھا۔ ۱۸۲ سے آئی اور وراثت
میں لیا گیا تھا۔

۸. آپ کو پھر کہا اور کہاں چھوڑا گیا؟ ستاخی کارڈ اور ۲ ٹکسٹ وغیرہ جو
آپ نے ASI آصف آباد کو دیئے تھے اس کا کیا ہوا؟

۹. جی تھے ایسا ستاخی کارڈ اور ۲ ٹکسٹ والہ کے حیدر دوست البرا ولد
نور احمد رکنہ کو روح چھوڑا گیا تھا کیا تھے جی جیلا بر چھوڑا گیا۔

۱۰. آپ نے ایسا اس کو اور کتنے دیئے تھے؟
۱۱. جی میں نے آصف آباد ASI کو ۱۲۵۵۵ روپے دیگر اپنے بیٹوں عبدالحمید کو
بولسوں سے چھوڑا یا تھا۔ تمام گھر میں وہی ۱۲۵۵۵ روپے تھے آصف آباد
کے والد صاحب کا نام یاد نہیں دوران (۱۹۵۱-۱۹۵۲) جو اصل میں
والسین دار پتے تھے مگر میں نے ایسا والسین لینے لے

ادف نور رحمان

N

رہنما - سید سید احمد - سید سید احمد

31
(31) 2

ORDER.

This order will dispose-of the departmental appeal preferred by **PASI Asif Ayaz No. 483/MR** of Mardan District against the order of District Police Officer, Mardan, whereby he was awarded major punishment of reduction in pay by one stage wide District Police Officer, Mardan OB: No. 558 dated 17.03.2021. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Saddar, Mardan, one Wazir Rehman Son of Noor Rehman Resident of Koragh has submitted an application to this office, complaining therein that the appellant had arrested one Abdul Hameed (his brother-in-law) with Ice and later-on, released without any legal action/FIR by taking illegal gratification of Rs.12000/- and on next day, the appellant took him from his house and shifted to Police Station Saddar, Mardan. Besides, the appellant tortured, used abusive language and extended him threats of registration of FIR under the narcotics act, if the applicant made a complaint against him to the high ups.

The said complaint was referred to District Police Officer, Mardan vide this office diary No:2669/C.Cell dated 28-12-20 for looking into the matter. The issue was initially enquired into through, the then SP Operations Mardan, by the District Police Officer, Mardan, who after fulfilling necessary process, submitted his findings to District Police Officer, Mardan, wherein he held responsible the delinquent Officer of gross misconduct.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, (SDPO) Takht Bhai, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Mardan, wherein he held responsible the delinquent Officer of the misconduct and recommended him for awarding major punishment.

The delinquent Officer was heard in Orderly Room on 10-03-2021 and in the light of his misconduct the District Police Officer, Mardan mentioned in the punishment order that he (appellant) is required to be punished exemplary, but being brother of a "Shaheed" Constable, has taken a lenient view against him by awarding major punishment of reduction in pay by one stage & reinstated in to service from the date of suspension with immediate effect.

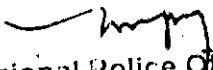
Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 16.06.2021.

From the perusal of the enquiry file coupled with punishment order, it transpired that the punishment does not commensurate with the gravity of misconduct, therefore, the appellant was issued Show Cause Notice under Rule-11, Sub Rule-4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014. Hence, he submitted his reply which was perused and found unsatisfactory. Therefore, the conduct of appellant is required to be probed through de-novo enquiry proceedings.

Therefore, de-novo enquiry proceedings were entrusted to Superintendent of Police Investigation, Mardan vide this office order endorsement No. 3177-78/ES dated 18.06.2021, who after conducting de-novo enquiry proceedings submitted his report vide his office letter No. 385/PA/Inv. dated 03.08.2020 stated therein that the appellant is found guilty and recommended to keep intact the already awarded punishment.

Based on the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, finds no substance in the appeal, therefore, the same is rejected and filed.

Order Announced.


Regional Police Officer,
Mardan.

No. 5186-97 /ES, Dated Mardan the 20-09 = /2021.

Copy forwarded for information and necessary action to the:-

1. District Police Officer Mardan w/r to his office Memo: No. 106/LB dated 27.04.2021. His service record is returned herewith.
2. Superintendent of Police Investigation, Mardan w/r to his office Memo: No. quoted above.

(*****)

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

Service Appeal No. 7738/2021

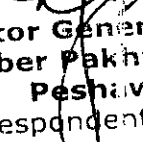
Asif Ayaz Assistant Sub Inspector No. 483/MR posted at recruitment Center P.T.S
District Swabi.....Appellant.

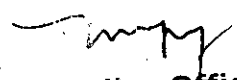
VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa Peshawar 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.


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


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


**District Police Officer,
Mardan.**
(Respondent No. 03)

BEFORE THE HONOURABLE CHAIRMAN SERVICE TRIBUNAL
KHYBER PUKHTOON KHWA, PESHAWAR.

In Service Appeal NO. 7738/2021.

Assistant Sub Inspector Asif Ayaz NO.483/MR of Police
Department posted at recruitment Centre P.T.S. District
Swabi.Appellant).

Versus.

Inspector General of Police Khyber Pukhtoon Khwa etc.
..... Respondents.

REJOINDER ON BEHALF OF APPELLANT.

Respectfully Sheweth.

It is submitted as under:-

Preliminary Objection:-

All the preliminary objections raised by the respondents are incorrect, baseless and not accordance to the law and rules rather the respondents are estopped due to their own conduct to raise any objection at the stage of appeal.

FACTS.

1. Para 1 needs no comments as it relates to the record.
2. Para 2 is not correct .All the allegations levelled against appellant are false, untrue and baseless. The departmental enquiry carried out against the appellant is contrary rules and regulations. The rules and regulations has been not followed during the departmental enquiry and it is not sustainable in the eyes of law.
3. Para 3 requires no comments.



4. Para 4 is not correct. The departmental appeal has not been decided on merits.
5. Para 5 is incorrect. The de novo enquiry has been made without observing the prescribed rules and it is just repetition of the first enquiry and has got no importance under the law.
6. Para 6 needs no comments.
7. Para 7 is not correct. The order passed by respondent NO.2 and 3 are discretionary and are not based on judicial mind.

REJOINDERS ON GROUNDS.

1. Para 1 is not correct. The orders passed by respondents 2 and 3 are discretionary and no judicial mind has been applied while passing these orders.
2. Para 2 is untrue. No opportunity has been provided to the appellant. All the proceeding of the departmental enquiry has been made at the back and absence of the appellant. Similarly, no opportunity has been given to the appellant to cross-examine the witness.
3. Para 3 is not admitted correct. The appellant has provided the true picture about the occurrence but ~~the~~ it has been ignored without any reasons.
4. Para 4 requires no comments.
5. Para 5 is incorrect. The stane of the appellant is

reasonable and according to the facts. The departmental and denove enquiry has been carried out in the absence of appellant which is against the dispensation of Natural justice.

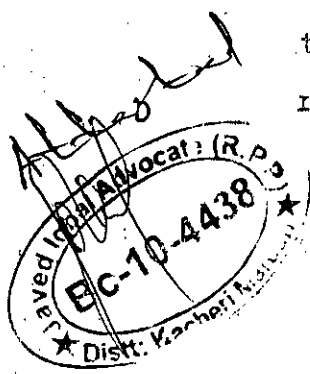
- 6. Para 6 is not admitted correct. The departmental enquiry has been made in absence of the appellant and as such it has got no evidentiary value.
- 7. Para 7 is incorrect and it has explained in detail in above paras.
- 8. Para 8 requires no comments as it has been already explained.
- 9. Para 9 also needs no comments.
- 10. Para 10 has been already explained and it needs no further comments.

It is therefore, prayed that on acceptance of this appeal, this honourable tribunal may graciously be pleased to set aside the order of respondent 3 dated 17.03.2021 and respondent 2 dated 20.09.2021 in greater interest of justice.

Dated: 11/8/2022

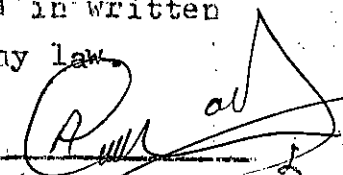
Appellant. 
(Asif Ayaz)


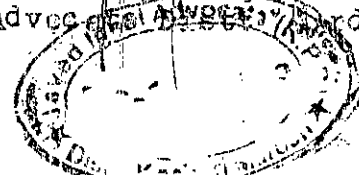
Through: 
Advocate District Garden.



AFFIDAVIT.

I, Asif Ayaz ASI, the appellant do hereby state and affirm and declare that the contents of appeal and this rejoinder are true and correct while the objection raised in written statement of reply are incorrect and without any law.

Appellant 
(Asif Ayaz)
A. S. I.

Through Counsel: 
Advocate District Garden.


BEFORE THE HONOURABLE CHAIRMAN SERVICE TRIBUNAL
KHYBER PUKHTOON KHWA PESHAWAR.

Service appeal NO. 7738/2022.

Asif Ayaz Assistant Sub-Inspector NO. 483/MR posted at
Recruitment Center P.T.C. Swabi.
.....Appellant.

versus.

The Inspector General of Police Khyber Pukhtoon Khwa & Others.
.....Respondents.

REJOINDER TO THE REPLY FOR CONDONATION OF DELAY.

Respectfully Sheweth:-

The preliminary objections raised by the respondents
are incorrect and no limitation run against a void and illegal
order.

REJOINDER ON FACTS.

1. That it is incorrect. No delay on the part of appellant
has been caused.
2. That the rejection of appeal by respondent 2 has been
not communicated properly at the place of appointment at
PTC Distt: Swabi rather the appellant obtained the copy
of judgment at its own effort as soon as he came to know
about the said judgment.
3. It needs no comments.
4. It is not true. After obtaining of judgement of copy the
appeal was made without any delay.

In view of the above it is humbly prayed that delay if
any may kindly be condoned and the case may be decided on
merit in greater interest of Justice.

Dated 11/8/2022.

Appellant (Asif Ayaz)
ASI, NO. 483/MR

Through Counsel:

(Javed Iqbal)
Advocate District Court, Mardan

