

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

SERVICE APPEAL NO.

Shahzeb s/o Alamzeb Khan (Ex-Constable No. 885, District Police Haripur) r/o Sector
No. 01, Street-7, KTS Tehsil & District Haripur.

..... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.

..... (Respondents)

Parawise/comments on behalf of respondents No.1,2 & 3.

Respectfully Sheweth that the respondent submit as under.

PRELIMINARY OBJECTIONS:-

1. That the instant Service Appeal is not maintainable in the present form.
2. That the appellant is estopped by his own conduct.
3. That the appellant has not come to the Honorable Tribunal with clean hands.
4. That the appellant has suppressed the material facts from the Honorable Tribunal.
5. That the instant Service Appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
6. That the instant Service Appeal is badly barred by law and limitation.
7. That the appellant has filed the instant service appeal just to pressurize the respondents.
8. That the order passed by the authorities are based on facts & rules, after fulfilling all the codal formalities, hence, the appeal is liable to be dismissed without any further proceeding.

REPLY ON FACTS:-

1. In reply to this para it is submitted that the appellant FC Shahzeb No.885 while posted at Police Station Ghazi Haripur, alongwith other police officials of PS Ghazi picked up an innocent citizen namely Muhammad Tariq s/o Fazal Ghani r/o Charsadda from Haripur bypass near Panian and implicated him in a heinous case FIR No.304 dated 19.06.2021 u/s 9-C CNSA Police Station Ghazi. The appellant and other police officials also extracted illegal gratification from the complainant Tariq. The acts and omissions of the appellant were gross misconduct under Khyber Pakhtunkhwa, police efficiency and discipline Rules 1975. Therefore, the appellant

was served with charge sheet and statement of allegations vide this office Endst: No.275-76/PA dated 09.12.2021. (Copy of charge sheet and statement of allegation is attached as annexure "A"). Deputy Superintendent of Police, Circle HQrs Mr. Fida Muhammad was appointed as enquiry officer, who conducted proper departmental enquiry and submitted his findings vide his office memo No. 1977 dated: 30.12.2021. In which the enquiry officer held the charges proved and recommended the appellant for minor punishment of stoppage of 02 years increments. (Copy of enquiry findings is attached as annexure "B"). Therefore, the appellant was awarded punishment of stoppage of 02 years increments with cumulative effect, vide OB No. 10 dated: 04.01.2022 by the then District Police Officer, Haripur. (Copy of order is attached as annexure "C"). Your good office in exercise of lawful powers, under Khyber Pakhtunkhwa Police Efficiency & Discipline Rules 1975, issued the appellant Show Cause Notice vide No.1731-32/PA dated 27.01.2022, to which the appellant could not give satisfactory reply. (Copy of Show Cause Notice is attached as annexure "D") He was called and was heard in person, being held guilty of gross misconduct the appellant was awarded major punishment of dismissal from service vide order No.3160/PA dated 11.02.2022. The order of punishment is quite legal and maintainable. (Copy of order is attached as annexure "E").

2. Incorrect, the appellant is generating concocted stories, the appellant alongwith other police officials picked up an innocent citizen from Haripur Bypass near Panian and implicated him in a heinous narcotic case at PS Ghazi. He was held guilty of misconduct in the departmental enquiry, therefore the punishment awarded to the appellant is quite legal in accordance with law and maintainable. There was sufficient evidence against the appellant in the departmental enquiry, which held the appellant guilty of misconduct.
3. Incorrect, the appellant wants to get undue advantage in his favor by adducing such unsubstantiated plea. His conduct was thoroughly probed in departmental inquiry, in which he was held guilty of gross misconduct. Being found guilty he was awarded major punishment of dismissal from service by the then Regional Police Officer Hazara Region Abbottabad on lawful grounds, evidence and justification. Hence, the punishment is lawful and maintainable.
4. Incorrect, the appellant could not give satisfactory reply of charge sheet and he was held guilty by the enquiry officer. The appellant abused his lawful authority and took the law in his hands. His acts were offensive in nature which could not be tolerated.
5. Incorrect, proper departmental enquiry was conducted the appellant was given right of personal hearing, however, he could not prove his innocence in the departmental

proceedings. Therefore, the punishment awarded to the appellant is maintainable under the law.


6. Incorrect, the appellant is leveling frivolous acquisitions. The fact is that he was involved in offensive nature activities and committed gross misconduct in the instant case. Therefore, the competent authority i.e. the then Regional Police Officer, Hazara Region Abbottabad exercised his lawful powers and awarded the appellant major punishment of dismissal from service. Therefore, the punishment is quite legal and maintainable under the law.
7. Incorrect, the appellant could not give satisfactory reply of Show Cause Notice issued by the then Regional Police Officer, Hazara Region Abbottabad vide No. 1731-32/PA dated 27.01.2022, therefore, he was awarded lawful punishment of dismissal from service.
8. Incorrect, the appellant wants to cheat the public authorities. He abused his lawful powers and positions in implicating a citizen in a heinous narcotic case with ulterior motives and gains. Hence, he does not deserve any leniency in the instant matter. The appellant could not be let free to play with the lives and liberties of the citizens.
9. Incorrect, the appellant was aware and in knowledge of departmental punishment. The instant service appeal is badly time barred and not maintainable under the law/rules.


REPLY ON GROUNDS:-

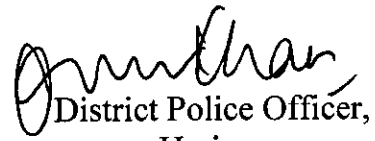
- A) Incorrect, the order of respondents dated 04.01.2022 and 11.02.2022 are quite legal, in accordance with Khyber Pakhtunkhwa, Police Efficiency & Discipline Rules 1975 (amended 2014) based on facts, evidence and principles of natural justice, hence, the orders are lawful and maintainable.
- B) Incorrect, proper departmental inquiry was conducted. The appellant was given right of personal hearing and self defense. He was awarded lawful punishment on proved misconduct.
- C) Incorrect, the appellant was accomplice and associate in the matter. He played active role in implicating a citizen in a heinous case. Therefore, departmental action was taken and the appellant was awarded appropriate punishment which is maintainable under the law/rules.
- D) Incorrect, the appellate authority abode by the law /rules and took into consideration all facts, circumstances and relevant evidence while passing/maintaining the punishment. Therefore, the order of punishment is lawful and maintainable.
- E) Incorrect, the instant service appeal is badly time barred and not maintainable under the law.

PRAYER:-

In view of above stated facts it is most humbly prayed that the instant service appeal does not hold any legal force, may kindly be dismissed with costs, please.


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


Regional Police Officer,
Hazara Region,
Abbottabad
(Respondent No.2)


District Police Officer,
Haripur
(Respondent No.3)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP COURT ABBOTTABAD

SERVICE APPEAL NO _____.

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No. 01, Street-7, KTS Tehsil & District Haripur.

..... (Appellant)

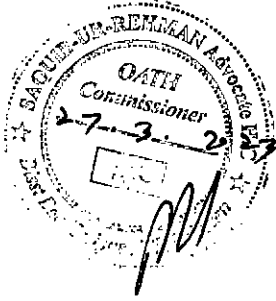
VERSUS

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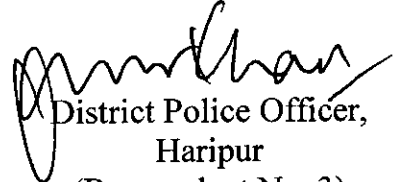
..... (Respondents)

COUNTER AFFIDAVIT

I, do hereby solemnly affirm and declare that the contents of comments/reply are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



Deponent


District Police Officer,
Haripur
(Respondent No. 3)

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Amir 'A'

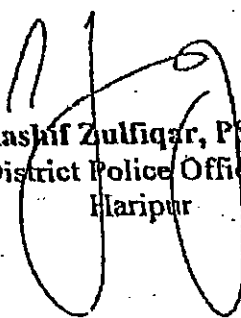
~~Amir 'F'~~

CHARGE SHEET

I, Kashif Zulfiqar, PSP, District Police Officer, Haripur as competent authority, hereby charge you FC Shahzeb No.885 as enclosed statement of allegations.

- (1) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.
- (2) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.
- (3) Your written defense, if any, should reach the Enquiry Officer/Committee 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 desire to be heard in person or otherwise.
- (5) A statement of allegations is enclosed.

Attested
[Signature]


Kashif Zulfiqar, PSP
District Police Officer
Haripur

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DISCIPLINARY ACTION

1. Kashif Zulfiqar, PSP, District Police Officer, Haripur as competent authority of the opinion that you FC Shahzeb No.885 have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

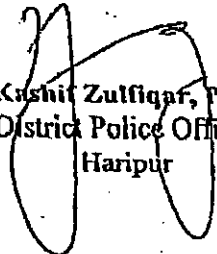
"A preliminary enquiry was conducted by DSP Circle Ghazi vide his office Memo No.458 dated 03.12.2021, on the complaint of a citizen namely Muhammad Tariq. You while posted at PS Ghazi you picked up an innocent citizen namely Muhammad Tariq s/o Fazal Ghani, r/o Charsadda at Haripur By-pass near Panian, implicated in a heinous case vide FIR No. 304 dated 19.06-2021 u/s 9-C/N.S.A, PS Ghazi. These acts earned bad name for Police department in general public. Your this act is a gross misconduct in terms of KPK Police E&D Rules 1975" hence, charge sheeted".

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Committee consisting of the following is constituted.

Mr. Fida Muhammad SDPO Circle HQrs, Haripur

(3) The Enquiry Officer/Committee shall in accordance with the provision of this Ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against the accused.

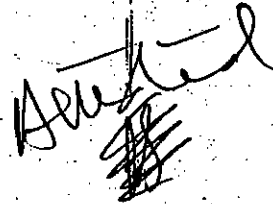
(4) The accused and a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

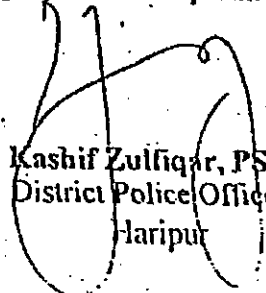

Kashif Zulfiqar, PSP
District Police Officer
Haripur

No: 275-76 /PA dated Haripur the 09/12/2021.

Copy of above is submitted to the: -

- 1) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 2) FC Shahzeb No.885 with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.




Kashif Zulfiqar, PSP
District Police Officer
Haripur

مختاب: ڈپٹی سپرنٹنڈنٹ آف پولیس سرکل ہیڈ کوارٹر
مختاب: جناب ڈسٹرکٹ پولیس آفیسر صاحب ضلع ہری پور
مضمون: انکوائری بر خلاف کنسٹیبل شاہزیب بیگ نمبر 885

نمبر: 11977 مورخہ 30/12/2021

الزام:

مذکورہ کنسٹیبل پر الزام ہے کہ اس نے محمد طارق ولد فضل غنی سکنہ چارسدہ کو ہائی پاس پل نزدیکیاں سے گرفتار کر کے غازی لے گئے اور وہاں تھانہ غازی میں مقدمہ علت 304 مورخہ 19.06.2021 جرم 9C/CNSA درج رجسٹر کروایا۔ اور حکملہ پولیس کے لیے آپ بدنامی کا باعث بنے۔ آپ کے اس اقدام کی وجہ سے حکملہ پولیس کی بدنامی ہوئی۔

کارروائی: بحوالہ چارج شیٹ نمبر 76PA-275 مورخہ 09.12.2021 آدہ جناب ڈسٹرکٹ پولیس آفیسر صاحب ضلع ہری پور کی نسبت معروض خدمت ہوں کہ انکوائری کا آغاز کرتے ہوئے کنسٹیبل شاہزیب نمبر 885 سے چارج شیٹ کی نسبت جواب حاصل کیا گیا۔ جس نے اپنے جواب میں بتلایا کہ وہ SHO تھانہ غازی کے ساتھ بطور گنر ڈیوٹی کرتا ہے۔ مورخہ 19.06.2021 کو SHO صاحب کے ہمراہ میراج چیک پوسٹ پر پہنچے وہاں پہلے سے LHC راشد اور کنسٹیبل قاسم چانڈیو موجود تھے۔ SHO صاحب کی قیادت میں گاڑیوں کی چیکنگ شروع کر دی۔ ایک شخص سفید واڈھی رکھے ہوئے مشکوک حالت میں ٹوپی کی طرف سے پیدل پیٹ پر ہاتھ باندھے ہوئے آیا۔ جس کو SHO صاحب شفیق الرحمان نے ٹک کی بناء پر روک کر جامع تلاشی کی۔ جس سے چرس برآمد ہوئی۔ جو وزن کرنے پر 986 گرام نکلی۔ جو مرسلہ تحریر کر کے اسکے حوالہ کیا گیا۔ اس نے لا کر عمر تھانہ غازی کے حوالہ کیا۔ اس وقت طارق عزیز ایڈیشنل SHO غازی نے مقدمہ علت 304 مورخہ 19.06.2021 جرم 9C/CNSA پر مقدمہ درج رجسٹر کیا۔ اسکے سامنے محمد طارق سے چرس برآمد ہوئی تھی۔

انکوائری کو جاری رکھتے ہوئے مذکورہ کنسٹیبل پر سوالات کیے گئے۔

سوال: آپ نے مورخہ 19.06.2021 کو محمد طارق ولد فضل غنی کو گرفتار کیا تھا یا نہیں؟ جس نے جواب میں بتلایا کہ دو دیگر ساتھیوں کے ہمراہ SHO صاحب تھانہ غازی کے میراج چیک پوسٹ پر موجود تھے کہ ایک شخص پیدل ٹوپی صوبالی روڈ کی طرف سے آیا جسے روکا۔ جس سے چرس برآمد ہوئی تھی۔ SHO صاحب نے گرفتار کیا تھا۔

سوال: دوران تلاشی محمد طارق کی جیب سے رقم مبلغ 247380 روپے برآمد ہوئے تھے؟

اسکے سامنے چرس برآمد ہوئی تھی رقم نہیں ہوئی اور نہ ہی اس نے تلاشی لی تھی۔ محمد طارق کو SHO صاحب نے گرفتار کیا تھا۔

سوال: کیا آپ سفید پارچات میں کنسٹیبل ظہیر کے ساتھ بائی پاس میں نزدیکیاں آئے تھے؟ اور محمد طارق کو وہاں سے گرفتار کیا تھا؟ وہ بطور گنر ڈیوٹی SHO صاحب کے ہمراہ کرتا ہے۔ محمد طارق کو بیراج چیک پوسٹ گرفتار کیا تھا اس نے کبھی سفید پارچات میں ڈیوٹی نہیں کی۔

سوال: آپ کے سامنے محمد طارق سے چرس برآمد ہوئی۔ بوقت گرفتاری اسکے پاس رقم مبلغ 247380 روپے بھی برآمد ہوئے؟

وہ فرد کا گواہ نہیں ہے۔ اسکے سامنے چرس برآمد ہوئی تھی۔ اس نے جامع تلاشی نہیں کی اور اس نے نہ ہی رقم برآمد ہونے کا سنا ہے کہ اسکے پاس اتنی رقم موجود تھی۔ محمد طارق نے SHO صاحب کے سامنے بھی بتلایا تھا کہ مذکورہ نے اس کے ساتھ ہاتھ تک لگایا ہے۔ وہ ہر جگہ تسلی کرنے کو تیار ہے۔ نہ اس نے رقم نکالی نہ اسکے سامنے نکالی گئی۔

انکوائری کو جاری رکھتے ہوئے سپینٹ کنندہ محمد طارق ولد فضل غنی کو دفتر زیر دستخطی میں طلب کر کے سنا گیا۔ جس نے اپنے سابقہ بیان جو کہ اس نے DSP صاحب غازی کو دیے تھے پر اتفاق کیا۔ محمد طارق کے ہمراہ اسکی بیوی مسماۃ نائلہ بھی موجود تھی۔ جس نے بھی اپنا بیان ریکارڈ کرانے کے لیے کہا جس کا بیان لیا گیا جس نے اپنے بیان میں بتلایا کہ وہ ہری پور سے چار سمدہ جا رہے تھے۔ بنیاں بائی پاس ہل کے پاس 3/4 اشخاص سفید پارچات میں کھڑے تھے۔ جنہوں نے انکی گاڑی روکی۔ اور اسکے خاوند محمد طارق کو گاڑی سے نیچے اتارا۔ اور اسکو دوسری گاڑی میں بٹھالیا۔ جنہوں نے کہا کہ وہ پولیس والے ہیں۔ اور دو آدمی ہماری گاڑی میں بیٹھ گئے۔ دونوں گاڑیاں بطرف غازی لے گئے۔ غازی میں انہیں ایک مکان میں بٹھا دیا گیا۔ اور اسکے خاوند کا دن بھرا انکو پتہ نہ چل سکا۔ بعد میں اسے علم ہوا کہ پولیس والوں نے اس سے چرس برآمد کر لی ہے۔ اسکے خاوند نے ظہیر پولیس ملازم کے موبائل سے اپنے ہم زلف ثار احمد سے رابطہ کیا اور کہا وہ پھنس گیا ہے اسکو چھوڑانے کے لیے فوری طور پر ایک لاکھ روپے کا بندوبست کرو۔ ثار ایک لاکھ روپے لے کر آیا۔ اور پولیس والوں کو دے کر انہیں اپنے گھر بکے میں لے آیا۔ چونکہ ثار اسکا بہنوئی ہے۔ بعد میں ثار احمد نے محمد طارق اور اسکے خاوند کو ضمانت پر ہری پور جیل سے رہا کر دیا۔ ثار احمد اگلے دن اسکے گھر چار سمدہ آ گیا۔ اور کہا کہ اسکی ضمانت کروانے پر اور پولیس کے ساتھ کھمکارنے پر اسکا ٹوٹل خرچ ایک لاکھ 73 ہزار روپے ہوا ہے۔ جب اسکے خاوند کو پولیس والوں نے گرفتار کیا تھا۔ اس وقت بھی اسکے جیب میں تقریباً ۱۵۰ روپے لاکھ روپے موجود تھے۔ انہوں نے ایک لاکھ 73 ہزار روپے ثار احمد کو دینے کے لیے اپنا لوڈنگ رکش فروخت کیا۔ طلاق میں انکی چرس کے مقدمہ ملوث ہونے کی وجہ سے بہت بدنامی ہوئی اس بدنامی کی وجہ سے اسکی بیٹی کو طلاق بھی ہو چکی ہے۔

طارق نے مزید دوران انکوائری اپنے سابقہ دیے گئے بیان میں اضافہ کرتے ہوئے بتلایا کہ ثار احمد جو کہ اسکا ہم زلف ہے اسکے نمبر پر بار بار موبائل کالیں کر کے اسکو بتلاتا ہے کہ وہ ہری پور بکے کا مقامی رہائشی ہے۔ آپ پولیس والوں کے خلاف کوئی کارروائی نہ کریں۔ چونکہ وہ مقامی ہری پور بکے کا رہائشی ہے پولیس والے اسکے لیے مسائل پیدا کریں گے۔ اگر آپ نے ایسا نہ کیا تو وہ پھر اپنے بیان سے منحرف ہو جائے گا۔ بیانات محمد طارق اور مسماۃ نائلہ بی بی ہمراہ لے لیے۔

تاکیدیں:

انگوائری سے پایا گیا ہے کہ کنسٹیبل شاہ زبیر نمبر 885 دیگر دو کنسٹیبلان قاسم چانڈیو نمبر 732 اور ظہیر نمبر 4792 ایف آر پی پلانٹون نمبر 100 تینوں نے مل کر سفید پارچات محمد طارق کوپٹیاں بائی پاس میں سے گرفتار کر کے تھانہ غازی لے گئے۔ اس سے بوقت گرفتاری برآمد شدہ رقم مبلغ 247380 روپے برآمد ہونے کا کوئی ٹھوس ثبوت پیش نہ کر سکا۔ میری دانست کے مطابق جو ایک لاکھ روپے بطور رشوت بذریعہ نثار احمد وصول کیے اور نثار کے ساتھ طے پایا کہ جرم 9D کے بجائے 9C لگوائیں گے اور موٹر کار بھی قبضہ پولیس نہیں کریں گے۔ اس بات کا ثبوت مقدمہ نلت 304 مورخہ 19.06.2021 جرم 9C/CNSA سے بھی عیاں ہوتا ہے کہ مذکورہ محمد طارق پر 986 گرام کا پرچہ دیا گیا۔ چونکہ 1000 گرام سے کم پر 9C جرم لگتا ہے جو انہوں نے 14 گرام کم کی اور موٹر کار بھی قبضہ پولیس نہ کی۔ مذکورہ پر لگایا گیا الزام درست ہے۔ رقم مبلغ ایک لاکھ رشوت وصولی کنسٹیبل ظہیر نمبر 4792 ایف آر پی کا وصول کرنا تصدیق ہوا جبکہ کنسٹیبل شاہ زبیر نمبر 885 بھی اس معاملہ میں ساتھ ہونا پایا گیا۔ جسکے سالانہ (2) اینکرمنٹ (Increment) سٹاپ کرنے کی سفارش کی جاتی ہے۔

-sd
ٹپنی سپرنٹنڈنٹ آف پولیس

سرکل ہیڈ کوارٹر

22

Ammed 'C' (17)

ORDER

FC Shahzeb No.885, "A preliminary enquiry was conducted by DSP Circle Ghazi vide his office Memo No.458 dated 03.12.2021, on the complaint of a citizen namely Muhammad Tariq. He while posted at PS Ghazi he picked up an innocent citizen namely Muhammad Tariq s/o Fazal Ghani, r/o Charsadda at Haripur By-pass near Panian, implicated in a heinous case vide FIR No. 304 dated 19.06-2021 u/s 9-C/CNSA, PS Ghazi. His act is a severe violation of discipline, a professional dishonesty and a gross misconduct in terms Police E&D Rules 1975. Therefore, he was served with charge sheet and statement of allegations vides this office Endst No.275-76/PA, dated 09-12-2021.

To probe the allegations Deputy Superintendent of Police, HQrs., was appointed as Enquiry Officer, who conducted proper enquiry and submitted his findings, vide his office Memo No. 977 dated 30-12-2021. The enquiry officer held the charges of misconduct against the defaulter officer proved and recommended him for minor punishment "Stoppage of two year increment". On receiving the enquiry papers and recommendations of the enquiry officer the defaulter police official was called in Orderly Room and was heard in person.

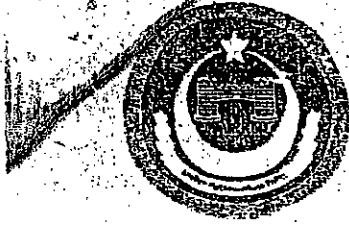
Having perused the finding of the enquiry officer, relevant record, and personal hearing of the above mentioned officer, I, am fully satisfied that the charges of misconduct are proved against the defaulter police officer. Therefore, I, Kashif Zulficar (PSP), District Police Officer, Haripur being competent authority under the Khyber Pakhtunkhwa, Police Efficiency and Discipline Rule 1975, awarded minor punishment of "Stoppage of two year increment with cumulative effect", with immediate effect.

Order announced in his presence.

Order Book No. 10
Dated. 04-01-2022

Kashif Zulficar, PSP
District Police Officer,
Haripur

Attested



18

FBI

18

18

OFFICE OF THE REGIONAL POLICE OFFICER

HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 1731 /PA DATED 27/1/2022

SHOW CAUSE NOTICE

(Under Rule 5 (3) of KPK Police Rules, 1975)

1. WHEREAS You Mr. FC Shahzeb No. 885, Haripur were accused of having committed the following acts which constitute misconduct under Rule 5. (3) of the Khyber Pakhtunkhwa Police Rules, 1975 for following act of misconduct.

"You while posted at PS Ghazi picked up an innocent citizen namely Muhammad Tariq s/o Fazal Ghani r/o Charsadda from Haripur bypass near Panian and implicated him in a heinous case vide FIR No. 304 dated 19-06-2021 u/s 9C CNSA PS Ghazi. Your this act defamed the image of Police department"

2. That by reason of above, as sufficient material is placed before the undersigned; therefore it has been decided to proceed against you in General Police Proceedings and issue this Show Cause Notice.

3. Whereas District Police Officer, Haripur after necessary departmental proceedings, held you guilty of misconduct and awarded minor punishment of "stoppage of two years increments with commutative effect" vide OB No. 10 dated 04-01-2022. However, the undersigned in not satisfied by the minor punishment awarded by the competent authority as misconduct perpetrated by you is gross one and punishment needs to be enhanced as provided in Rule 11-A of Police Rules 1975 (with amendments 2014).

4. That by taking cognizance of the matter, the undersigned as competent authority under the said rules, has decided to take action against you by awarding one or more of the kind punishments as provided in the rules.

4. Now, you are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with Rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred above.

5. You should submit reply to this Show Cause Notice within 07 days of the receipt of the notice failing which an *ex-parte* action shall be taken against you.

6. You are further directed to inform the undersigned whether you would like to be heard in person or not.

Mirvais Niaz (PSP)
REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No: 1737 /PA, dated Abbottabad the 27/1/2022

Copy of above (in duplicate) is forwarded to the DPO Haripur with the direction to serve the original copy upon the official and duplicate copy of the same after obtaining proper signature may be returned to this office as a token of receipt.

Accepted



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Amma "E"

15

~~Amma "E"~~

OFFICE OF THE REGIONAL POLICE OFFICER
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0992-9310023
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0345-9560687
NO: 3160 /PA DATED 11/02/2022

ORDER

This order relates to disciplinary proceedings initiated vide this office Memo No: 1731-32/PA dated 27-01-2022 against *Constable Shazeb No. 885* of District Haripur under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975. Brief of allegations is as under:

"He while posted at PS Ghazi picked up an innocent citizen namely Muhammad Tariq s/o Fazal Ghani r/o Charsadda from Haripur bypass near Panian and implicated him in a heinous case vide FIR No. 304 dated 19-06-2021 w/s 9C CNSA PS Ghazi. His this act defamed the image of Police department."

In order to scrutinize the allegations and conduct of the delinquent officer, a charge sheet alongwith statement of allegations were issued by the District Police Officer, Haripur vide Endst. No. 275-76/PA dated 09-12-2021 and he deputed SDPO Circle Hqrs, Haripur to conduct departmental enquiry against the official.

The Enquiry Officer went through the statements and other relevant record and ultimately concluded vide Memo No. 1977 dated 30-12-2021 that the official remained involved in the whole episode along with his fellow Police officials. Consequently, District Police Officer Haripur awarded him minor punishment of "stoppage of two years increments with cumulative effect" vide OB No. 10 dated 04-01-2022.

Nevertheless, to undersigned misconduct perpetrated by the official seemed gross one and minor punishment awarded by the competent authority did not commensurate the gravity of offence. Hence, taking cognizance of the misconduct, the undersigned issued show cause notice to the official under Rule 11-A of KP Police Rules, 1975 vide letter No. 1731-32/PA dated 27-01-2022. In response he submitted his written reply however, it was not unsatisfactory. He was called in orderly room on 09-02-22 and heard in person and provided reasonable opportunity however, he failed to advance any cogent reason in his defense. It is therefore, concluded that he willfully and with mala fide intention implicated an innocent person in a heinous offence for ulterior motives. Such actions, if left unnoticed tarnish the image of Police department and are unacceptable in a disciplined force. Therefore, keeping in view the findings of enquiry officer and in exercise of the powers conferred upon the undersigned under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975, the undersigned is constraint to enhance the punishment of the delinquent official to major punishment of *dismissal from service* with immediate effect.

Mirvais Niaz (PSP)

REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 3161 /PA, dated Abbottabad the 11/02/2022.

CC.

District Police Officer, Haripur for information and necessary action.