

Sr.
No

Date of
order/
proceeding

Order or other proceedings with signature of Judge or Magistrate

1

2

3

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL**

Service Appeal No. 1228/2015

Date of Institution ... 07.10.2015
Date of Decision ... 28.03.2018

Siraj Khan son of Aman Ullah, resident of Mian Jan Killey Tehsil & District Mardan. Constable No.996, District Police Mardan.

Versus

1. Deputy Inspector General of Police Mardan Region-I, Mardan.
2. District Police Officer, Mardan.
3. Provincial Police Officer, Khyber Pakhtunkhwa Police Lines Peshawar.

JUDGMENT

28.03.2018

MUHAMMAD HAMID MUGHAL, MEMBER: - Learned

counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General on behalf of the respondents present.

2. The appellant has filed the present appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 06.05.2015 of the respondent No.2 whereby the appellant was awarded minor punishment of forfeiture of two (02) years service and against the order dated 07.09.2015 of respondent No.1 whereby the departmental appeal of the appellant was rejected.

3. Learned counsel for the appellant mainly argued that disciplinary action was initiated against the appellant, however the inquiry officer without recording the statement of any person from

D.A.W.

the public or Police Department gave findings against the appellant. Further argued that the impugned orders are liable to be set aside as the inquiry officer has based his findings merely on the secret investigation, not confronted to the appellant.

4. As against that learned AAG resisted the present service appeal and argued that that the appellant was awarded punishment after adhering to all the legal requirements and fulfillment of codal formalities.

5. Arguments heard. File perused.

6. Charge against the appellant was inefficiency, corrupt practices and involvement with smugglers of NCP vehicles.

7. Perusal of the inquiry report would show that the inquiry officer has given the findings that the appellant has obeyed unlawful order of Incharge which is an unlawful act on the part of appellant and he should have brought this into the notice of the police high-ups.

8. It is not disputed that the inquiry officer has not brought on record statement of any person either from the public or Police Department against the appellant. The inquiry officer has recorded the statement of appellant, wherein the appellant has not made any admission. Perusal of the inquiry report would also show that the inquiry officer has solely relied upon secret investigation.

9. In the light of above discussion this Tribunal is of the considered view that the impugned punishment awarded to the appellant is not sustainable in the eyes of law. Consequently the

Perusal

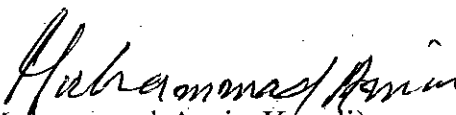
present appeal is accepted and the impugned orders are set aside.


The respondent department is at liberty to conduct denovo inquiry against the appellant in accordance with law/rules on the subject.

Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

28.03.2018



(Muhammad Amin Kundi)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

28.03.2018

Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General for the respondents present. Vide separate judgment of today of this Tribunal placed on file, the present appeal is accepted and the impugned orders are set aside. The respondent department is at liberty to conduct denovo inquiry against the appellant in accordance with law/rules on the subject. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Amin Kundi)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

27.07.2017

Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant seeks adjournment to file rejoinder. Adjourned. To come up for arguments on 20.11.2017 before D.B.


(Ahmad/Hassan)
Member


(M. Hamid Mughal)
Member

20.11.2017

Learned Counsel for the appellant present. Mr. Zia Ullah, Deputy District Attorney alongwith Alta Ur Rehman Inspector for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 24.01.2018 before D.B.

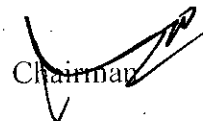

(Gul Zeb Khan)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

24.01.2018

Counsel for the appellant present and Assistant AG for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 28.03.2018 before D.B.


Member


Chairman

29.08.2016

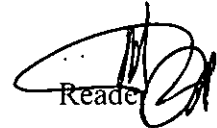
Counsel for the appellant and Mr. Muhammad Ghani, S.I alongwith Additional AG for respondents present. Rejoinder not submitted. Learned counsel for the appellant seeks adjournment. Adjourned for rejoinder and final hearing to 12.12.2016 before D.B.


Member


Chairman

12.12.2016

Since 12th December, 2016 has been declared as a public holiday an account of 12th Rabi-ul-awal. Case is adjourned to 13.04.2017 before D.B.


Reader

13.04.2017

Counsel for the appellant and Mr. Khalid Mehmood, HC alongwith Mr. Ziaullah GP for the respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for rejoinder/arguments on 27/07/2017 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

23.11.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Constable when subjected to inquiry on the allegations of involvement in corrupt practices and dealing in NCP vehicles and vide impugned order dated 6.5.2015 two years service of the appellant was forfeited where against he preferred department appeal which was rejected on 7.9.2015 and hence the instant service appeal on 7.10.2015.

That neither the inquiry was conducted in the prescribed manners nor opportunity of hearing was extended to the appellant.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 2.3.2016 before S.B.

Appellant Deposited
Security & Process Fee




Chairman

02.03.2016

None present for appellant. Mr. Khalid Mehmood, Constable alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 10.5.2016 before S.B.


Chairman

10.5.2016




Counsel for the appellant and Mr. Muhammad Ghani, SI alongwith Addl. AG for the respondents present. Written reply by the respondents submitted. The appeal is assigned to D.B for rejoinder and final hearing for 29.08.2016.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1228/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	05.11.2015	<p style="text-align: center;">The appeal of Mr. Siraj Khan resubmitted today by Mr. Daris Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>23.11.2015</u></p> <p style="text-align: right;"> CHAIRMAN</p> 

The appeal of Mr. Siraj Khan son of Aman Ullah R/O Mian Jan Killey Mardan received to-day i.e. on 07.10.2015 is incomplete on the following score which is returned to his counsel for completion and resubmission within 15 days.

1. The appeal may be got signed from the appellant.
2. Affidavit is also incomplete, which may be completed.
3. The appeal may be pagewise/annexurewise and may also be attested by the appellant or his counsel.
4. Departmental appeal may be placed on file.
5. Five more copies/sets of the appeal complete in all respect may also be submitted with the appeal.

No. 1541 /ST,

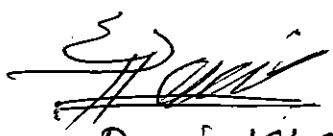
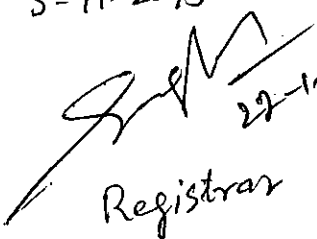
Dated 7/10 /2015


REGISTRAR
KPK SERVICE TRIBUNAL,
PESHAWAR.

MR. DARIS KHAN, ADVOCATE, PESHAWAR..

22/10/15 - It is requested to extend time further for completion of file.

Time is extended up to 5-11-2015


Daris Khan Adv

Registrar

Note.
05/11/15

That appeal copy is not with copy of appeal is not taken by appellant and submitted original copy, while rejection order is place on file. This resubmitted with request to direct respondent to place on file copy of appeal with record.


Daris Khan
Adv

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

IN RE:

Service Appeal No. 1228 / of 2015

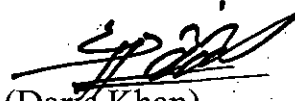
Siraj Khan son of Aman Ullah Appellant

VERSUS

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

INDEX

S.No	Description of documents	Annexure	Page
1.	Body of Service Appeal		1 - 3
2.	Affidavit		0 - 4
3.	Copy of the order dated 06.05.2015	'A'	0 - 5
4.	Copy of Departmental Appeal of the Appellant	'B'	Nil
5.	Copy of the order dated 08.09.2015	'C'	0 - 6
6.	Vakalat Nama		0 - 7

Appellant
Through: 
(Daris Khan)
Advocate High Court
1-C, Haroon Mansion
Khyber Bazar Peshawar
Cell # 0343-9664100

Dated: 06 .10.2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1228 / of 2015

S.W.F. Province
Service Tribunal
Diary No. 1154
dated 07/10/2015

Siraj Khan son of Aman Ullah, resident of
Mian Jan Killey Tehsil and District Mardan.
Constable No. 996, District Police Mardan...

... Appellant

VERSUS

1. Deputy Inspector General of Police
Mardan Region-I, Mardan.
2. District Police Officer, Mardan.
3. Provincial Police Officer,
Khyber Pakhtunkhwa, Police Lines
Peshawar...

... Respondents

APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974 AGAINST THE OFFICE ORDER No.
5380/ES DATED 07.09.2015 OF RESPONDENT
NO.1 WHEREBY REPRESENTATION AGAINST
THE ORDER OB No. 838 DATED 06.05.2015 OF
RESPONDENT NO.2 FORFEITING OF 2 YEARS
APPROVED SERVICE, WAS REJECTED FOR NO
LEGAL REASONS.

Filed to-day
Registrar
7/10/15

Respectfully Sheweth:

1. That the appellant was enlisted as Constable and since then he is performing his official duties upto the mark.
2. That on 06.05.2015 the appellant was awarded with punishment of forfeiture of 2 years approved service on the allegation that he was

as-submitted to-day
and filed;

Registrar
5/11/15

corrupt and involved with smuggler of NCP Vehicles, by respondent No.2. (Copy of the order dated 06.05.2015 is attached as annexure 'A').

3. That thereafter the appellant submitted Departmental Appeal before respondent No.1 (Deputy Inspector General of Police) to washout the punishment but the same was rejected on 07.09.2015 for no legal reasons. (Copies of the Departmental Appeal and order dated 08.09.2015 are attached as annexures 'B' & 'C').
4. That feeling aggrieved with the said impugned order the appellant now approaches this Honourable Tribunal on the following grounds amongst others:-

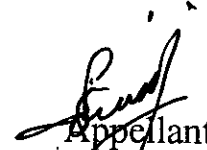
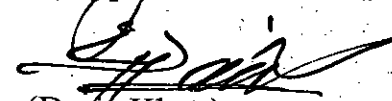
GROUND:

- a. That the allegations levelled against the appellant were baseless and he has neither involved in any corrupt practices nor with smugglers of NCP vehicles.
- b. That the appellant was served with a charge sheet which was duly replied and the appellant denied all the baseless allegations levelled against him.
- c. That inquiring into the matter was mandatory which was not conducted as per the requirements, so the impugned punishment becomes null and void in the eyes of law.
- d. That neither any statement of any witness was recorded in the presence of the appellant nor he was afforded any opportunity of cross examination, therefore, the impugned orders are of no legal effect.
- e. That in the aforesaid circumstances when the appellant was not served with final show cause notice nor any opportunity of personal hearing or self defence was afforded then in such affairs of state the impugned orders are not only illegal, based on malafide but are void abinitio.

It is, therefore, respectfully prayed that on acceptance of this Service Appeal the impugned order dated 07.09.2015 of respondent No.1 and order dated 06.05.2015 of respondent No.2 may very graciously be set aside by waiving the punishment of forfeiture of 2 years approved service.

Any other relief though not specifically asked for to which the appellant is found entitled in the circumstances of the case may also be granted to the appellant.

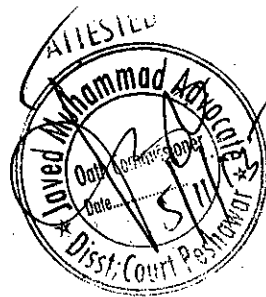
Through:

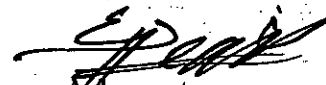

Appellant

(Daris Khan)
Advocate High Court
I-C, Haroon Mansion
Khyber Bazar Peshawar
Cell # 0343-9664100

Dated: .10.2015

CERTIFICATE:

Certified that as per instructions of my client no such Service Appeal on behalf of the appellant has earlier been filed in this Honourable Tribunal on the subject matter.




Advocate.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

IN RE:

Service Appeal No. _____ / of 2015

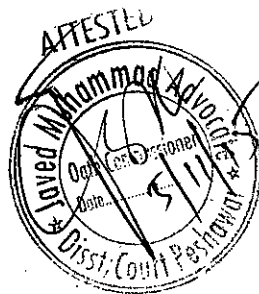
Siraj Khan son of Aman Ullah Appellant

VERSUS

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

AFFIDAVIT

I, Siraj Khan son of Aman Ullah, resident of Mian Jan Killey Tehsil and District Mardan, Constable No. 996, District Police Mardan, do hereby solemnly affirm and declare that the contents of the Accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.



[Signature]
Deponent

IDENTIFIED BY:

[Signature]

(Daris Khan)
Advocate, Peshawar.

ORDER

This order will dispose of departmental inquiry, which has been conducted against Constable Siraj Khan No. 996, on the allegation that he, while posted at PP Shago Naka Police Station Sher Garh, was recommended for departmental proceeding for his inefficiency, corrupt practices, and involvement with smugglers of NCP vehicles. His this attitude adversely reflected on his performance which is an indiscipline act and gross misconduct on his part as defined in rule 2(iii) of Police Rules 1975.

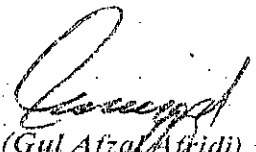
In this connection, Constable Siraj Khan No. 996, was charge sheeted vide this office No. 852/R, dated 30.03.2015 and also proceeded against departmentally through Mr. Shamraiz Khan DSP/City Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 662/S dated 25.04.2015, as the allegation have been established against him.

The undersigned agreed with the findings of enquiry officer and the alleged Constable Siraj Khan No. 996, is hereby awarded minor punishment Forfeiture of 02 year service and he is reinstated in service from the date of suspension with immediate effect under Police Rules-1975.

Order announced

O.B No. 938

Dated 6/5 /2015


(Gul Afzal Afridi)
District Police Officer,
Mardan

No. 1173-7718, dated Mardan the 6/5 /2015

Copy for information and necessary action to:-

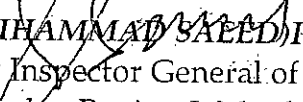
1. The S.P Operations, Mardan.
2. The DSP/HQrs Mardan.
3. The Pay Officer (DPO) Mardan.
4. The E.C (DPO) Mardan.
5. The OASI (DPO) Mardan.

ORDER.

This order will dispose-off the appeal preferred by Constable Siraj Khan No. 996 of Mardan District Police against the order of District Police Officer, Mardan, wherein he was awarded minor punishment of Forfeiture of 02 years' service vide District Police Officer, Mardan OB No. 838 dated 06.05.2015.

I have perused the record and comments furnished by District Police Officer, Mardan in this case. The reply submitted by Constable Siraj Khan No. 996 is unsatisfactory and stance taken to prove his innocence is unacceptable. Therefore, I MUHAMMAD SAEED Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers under rule 11(4)(a) Khyber Pakhtunkhwa Rules, 1975, upheld the order of penalty and reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed forthwith.

ORDER ANNOUNCED.


(MUHAMMAD SAEED) PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

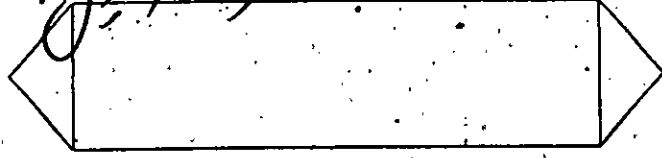
No. 5380 /ES

Dated Mardan the 7/9 /2015.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 957/LB dated 18.08.2015. His service roll is returned herewith for record in your office.

(*****)

بعدالت صفا بہ سر دس کم ایجنٹ ۴۴ سالہ



۲ مخائب سائل اسلام آباد
بنام

سراج حبان ولد امان اللہ صاحب
صاحبان کل عسکری و منظم مدران
پولیس گلشن ایبٹ

موردہ
مقدمہ
دینی
جرم

۱۷/۱۱/۲۰۱۵

سر دس اصل مع
باعث تحریر آنکہ

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

آن مقام لکھنؤ وکیلے داریس حبان ام کوٹھری

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

Accepted
by

2015

Davis Khan
Advocate
High Court

۸ ماہ اکتوبر
المرقوم

کے لئے منظور ہے۔

مقام لکھنؤ

C

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 1228/2015

Siraj Khan Ex- Constable No. 996Appellant.

VERSUS.

District Police Officer, Mardan
& others.....Respondents.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:-

1. That the appellant has not come to this Honourable Tribunal with clean hands.
2. That the appellant has got no cause of action.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct, by law to bring the instant appeal.
5. That the present appeal is bad in its present form hence not maintainable and liable to be dismissed.
6. That the appeal is bad due to non-joinder of necessary parties and mis-joinder of unnecessary parties.
7. That the instant appeal is barred by law & limitation.

REPLY ON FACTS.

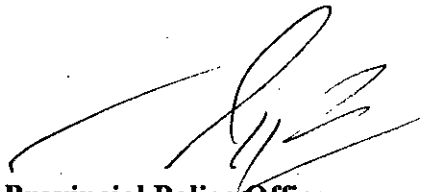
1. Pertains to record, hence, no comments.
2. Correct, as appellant was issued charge sheet, statement of allegation and after proper departmental enquiry and fulfillment of all codal formalities the impugned order was issued. **(Copies of charge sheet, statement of allegation and Departmental Enquiry report are attached as Annexure-A, B & C).**
3. Correct to the extent of rejection of departmental appeal, however, for valid reasons as the appellant could not justify his stance before the respondent No. 1 and hence, filed.
4. Incorrect. The appellant was found guilty after proper departmental enquiry and his instant appeal holds no legal grounds to stand on.


REPLY ON GROUNDS:-

- a. Incorrect. The appellant was found guilty of corrupt practices & of malafide affiliations with the smugglers of Non-Custom-Paid Vehicles.
- b. Correct, however, his reply to the charge-sheet was found un-satisfactory.
- c. Incorrect. The enquiry was conducted as per rules/law & the impugned orders were just & tenable in the eyes of law.
- d. Incorrect. Proper departmental enquiry was conducted after codal formalities. **Besides**, the appellant was provided with all opportunities of defence, in particular during departmental enquiry. Hence, the impugned orders are legal.
- e. Incorrect. There is no provision of Final Show Cause Notice in the rules/law and the appellant was afforded opportunity of defence, in particular during departmental enquiry. The impugned orders are, therefore, legal & valid.

PRAYER:-

It is, therefore, prayed that the appellant was found guilty of the allegations, during proper departmental enquiry, leveled against him and was punished as such he deserved under rules/law. His prayer stands baseless and may be filed with costs.


**Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.**
(Respondent No. 03)


**Dy: Inspector General of Police,
Mardan Region-I, Mardan.**
(Respondent No. 01)


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

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

Service Appeal No. 1228/2015

Siraj Khan Ex- Constable No. 996Appellant.


VERSUS.


District Police Officer, Mardan

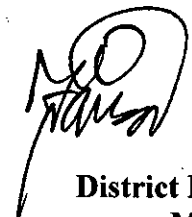
& others.....Respondents.

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.


**Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 03)**


**Dy: Inspector General of Police,
Mardan Region-I, Mardan.
(Respondent No. 01)**


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

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

Service Appeal No. 1228/2015

Siraj Khan Ex- Constable No. 996Appellant.

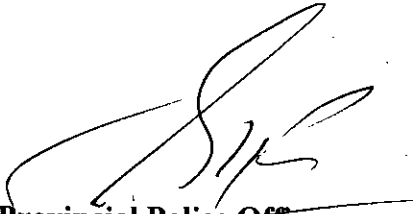
VERSUS.

District Police Officer, Mardan

& others.....Respondents.

AUTHORITY LETTER.

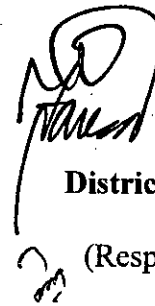
Mr. Muhammad Shafiq Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative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



**Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 03)**



**Dy: Inspector General of Police,
Mardan Region-I, Mardan.
(Respondent No. 01)**



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

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 852 /R/D.A-P.R-1975.

Dated 30-3- /2015

DISCIPLINARY ACTION UNDER KPK POLICE RULES - 1975

I, **Gul Afzal Khan** District Police Officer, Mardan as competent authority am of the opinion that **Constable Siraj No. 996**, himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of KPK Police Rules 1975.

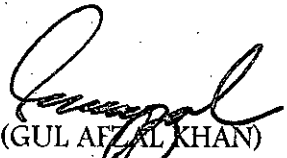
STATEMENT OF ALLEGATIONS

That **Constable Siraj No. 996**, while posted at PP Shago Naka Police Station Sher Garh, is recommended for departmental proceeding for his inefficiency, corrupt practices, and involvement with smugglers of NCP vehicles.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Mr: **Shamreez Khan DSP/City Mardan** is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(GUL AFZAL KHAN)
District Police Officer,
Mardan.


OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN.

No. 852 /R, dated Mardan the 30-3- /2015.

Copy of above is forwarded to the:

1. DSP/City Mardan for initiating proceedings against the accused official / Officer namely **Constable Siraj No. 996**, Police Rules, 1975.
2. **Constable Siraj No. 996**, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

***** !!! *****

Steno/Reader
Shamreez Khan

Deputy Sup. of Police

City Circle Mardan

2/4/15

ORDER

This order will dispose of departmental inquiry, which has been conducted against Constable Siraj Khan No. 996, on the allegation that he, while posted at PP Shago Naka Police Station Sher Garh, was recommended for departmental proceeding for his inefficiency, corrupt practices, and involvement with smugglers of NCP vehicles. His this attitude adversely reflected on his performance which is an indiscipline act and gross misconduct on his part as defined in rule 2(iii) of Police Rules 1975.


In this connection, Constable Siraj Khan No. 996, was charge sheeted vide this office No. 852/R, dated 30.03.2015 and also proceeded against departmentally through Mr: Shamraiz Khan DSP/City Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 662/S dated 25.04.2015, as the allegation have been established against him.

The undersigned agreed with the findings of enquiry officer and the alleged Constable Siraj Khan No. 996, is hereby awarded minor punishment **Forfeiture of 02 year service** and he is **reinstated** in service from the date of suspension with immediate effect under Police Rules-1975.

Order announced

O.B No. 838

Dated 6 / 5 /2015


(Gul Afzal Afridi)
District Police Officer,
Mardan

No. 4473-771R, dated Mardan the 6/5 /2015

Copy for information and necessary action to:-

1. The S.P Operations, Mardan.
2. The DSP/HQrs Mardan.
3. The Pay Officer (DPO) Mardan.
4. The E.C (DPO) Mardan.
5. The OASI (DPO) Mardan.

ENQUIRY REPORT OF CONSTABLE SIRAJ NO. 996

The Undersigned was deputed to conduct Enquiry of Constable Siraj No. 996 by the Worthy District Police Officer Mardan through office Letter No.852 / R/D.A.P.R/1975, Dated 30/3/2015.

BRIEF FACTS.

That Constable Siraj No. 996, while posted at PP Shago Naka Police Station Sher Garh, is recommended for departmental proceeding for his inefficiency, corrupt practices, and involvement with smugglers of NCP vehicles.

PROCEEDINGS.

The proceedings of the enquiry have been conducted strictly in accordance with the NWFP Police Rules 1975.

STATEMENT OF CONSTABLE SIRAJ NO. 996.

The alleged constable was summoned to appear before the undersigned, This he appeared and heard in person, wherein he stated that during his entire service neither he has received bribes nor he demand for bribes. Statement of the alleged constable is attached for your kind perusal please.

Besides this the undersigned conducted secret investigation to get actual facts where it is transpired that the posting period of the alleged constable at Police Post Shago Naka is about 23/24 months and his involvement in corruption is, that he only obey unlawful order of his incharge.

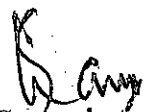
FINDINGS.

From the core of oral statement and secret investigation, it is noted by the undersigned that official in the rank of constable only care order of his incharge, otherwise it seems that the alleged constable himself not involved in the same practice, so obeying the unlawful order of the incharge is an unlawful act on the part of allege constable, through which he was found guilty. The alleged constable should have brought this into the notice of police high Ups but he didn't.

CONCLUSION.

Therefore if agreed, the alleged constable maybe given minor punishment please.

No: 662 IS
Dt: 25-04-2015


Deputy Superintendent of Police,
City Circle, Mardan

Two year service forfeited



4.5

بیان آزان کنٹریل سرائے : ۹۹۶ قریبہ جوگی شگونناکر حال سندھ لائن

۲۰۰۷
نے بیان کیا۔ کہ بحوالہ انکوائری حصہ میں خدمت ہوں۔ کہ سائل سال ۲۰۰۷
کا ہجرتی شدہ ہے۔ چلے عمر ۴۴ توکری تقریباً ۹۰% سال قریب
تعمیرات جان میں اپنے طریقہ سے، دہری سے، ایمانداری سے، اور اس
طریقہ سے انجام دی ہے۔ تقریباً ۲۳/۲۴ واہ پہنچتے کہ جوگی شگونناکر
نیادام ہوا ہے۔ بدوران ڈیوٹی ہے انچارج کا یہ جائز حکم ماننا ہے۔
اور اگر ایسا نہ ہو مہاجر سرکاری کام سے کہیں شہادت ہاتھ آئے، یا ہوتا تھا۔
تو اگر کوئی بینر قانونی سے تیار ہو گا تو NCP گاڑوں بکڑے تو
صرف انچارج کے نوٹس میں لائے۔ بلکہ SHO صاحب کے نوٹس میں
نہ لائے تھے۔ اخلاقی خدانے انہیں کسی بھی شخص نے ہمارے خلاف
کسی قسم کی شہادت، زبانی شکایت نہیں کی ہے۔ اور افسران بالا
ہا جان کو بھی کسی قسم کی شکایت کا موقع نہیں دیا ہے۔ جبکہ انہوں
سائل کا اعتراف ہے۔

اسی عمر ۴۴ توکری میں کسی شخص سے کسی قسم کا رشتہ نہیں ہے۔ لہذا یہ
اور نہ ایسا تصور کر سکتا ہو۔ اور نہ ہی کسی NCP واسطے سے رقم لیا ہے
اور نہ اس سے ملا ہے۔ یہ شک آپ ہا جان علاقہ میں دفعہ
معلومات کر سکتے ہیں۔ اگر ثابت ہوئی۔ تو سائل کے خلاف فی کمانڈ کا وارڈ
کے شک عمل میں لائیں۔

اسد شاہیکہ جہا بالا ضلع کوئٹہ نظر رکھو سائل کی انکوائری لپیر کسی کارروائی
کے داخل دفتر کیے جا رہے ہیں۔ ہمارے دفتر میں انچارج

۸/۱۵

سائل سرائے : ۹۹۶ قریبہ جوگی شگونناکر حال سندھ لائن

0345-9151623

0345-9151623


CHARGE SHEET UNDER KPK POLICE RULES 1975

I, **Gul Afzal Khan** District Police Officer, Mardan as competent authority hereby charge you **Constable Siraj No. 996**, as follows.

That you Constable, while posted at PP Shago Naka Police Station Sher Garh, is recommended for departmental proceeding for your inefficiency, corrupt practices, and involvement with smugglers of NCP vehicles

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the KPK Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
2. You are therefore, directed to submit your written defense **within seven days** of the receipt of this charge sheet to the enquiry officer.
3. Your written defence if any, should reach to 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, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.

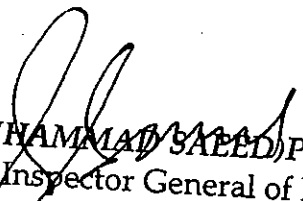

(GUL AFZAL KHAN)
District Police Officer,
Mardan.

ORDER

This order will dispose-off the appeal preferred by Constable Siraj Khan No. 996 of Mardan District Police against the order of District Police Officer, Mardan, wherein he was awarded minor punishment of Forfeiture of 02 years' service of District Police Officer, Mardan OB No. 838 dated 06.05.2015.

I have perused the record and comments furnished by District Police Officer, Mardan in this case. The reply submitted by Constable Siraj Khan No. 996 is unsatisfactory and stance taken to prove his innocence is unacceptable. Therefore, I have exercised the powers under rule 11(4) (a) Khyber Pakhtunkhwa Rules, 1975, upheld the order of penalty and reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed forthwith.

ORDER ANNOUNCED


(MUHAMMAD SAEED) PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.


No. 5387 /ES

Dated Mardan the 7/9 /2015.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 957/LB dated 18.08.2015. His service roll is returned herewith for record in your office.

(*****)

Re
in action.


DPO Mardan
at 08/9/15.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 724 /ST

Dated 11 /04/2018

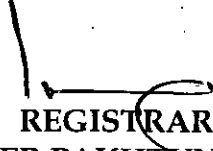
To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Mardan.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 1228/2015, MR. SIRAJ KHAN**

I am directed to forward herewith a certified copy of Judgment/Order dated 28/03/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


**REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.**

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1228 / of 2015

K.P.S.T. Tribunal
Service Tribunal
Diary No. 1154
dated 07/10/2015

Siraj Khan son of Aman Ullah, resident of
Mian Jan Killey Tehsil and District Mardan.
Constable No. 996, District Police Mardan... Appellant

VERSUS

1. Deputy Inspector General of Police
Mardan Region-I, Mardan.
2. District Police Officer, Mardan.
3. Provincial Police Officer,
Khyber Pakhtunkhwa, Police Lines
Peshawar... Respondents

APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974 AGAINST THE OFFICE ORDER No.
5380/ES DATED 07.09.2015 OF RESPONDENT
NO.1 WHEREBY REPRESENTATION AGAINST
THE ORDER OB No. 838 DATED 06.05.2015 OF
RESPONDENT NO.2 FORFEITING OF 2 YEARS
APPROVED SERVICE, WAS REJECTED FOR NO
LEGAL REASONS.

Respectfully Sheweth:

1. That the appellant was enlisted as Constable and since then he is performing his official duties upto the mark.
2. That on 06.05.2015 the appellant was awarded with punishment of forfeiture of 2 years approved service on the allegation that he was

re-submitted to-day
and filed.

Registrar
5/11/15