


22.03.2023

Learned counsel for appellant present.

Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

Learned Member Judicial (Mrs. Rozina Rehman) is on leave, therefore, case is adjourned to 12.05.2023 for arguments before D.B. Parcha Peshi given to the parties.

  
(Muhammad Akbar Khan)  
Member (E)

SCANNED  
KPST  
Peshawar

30.09.2022

Appellant present through counsel.

Riaz Khan Paindakhel, learned Assistant Advocate General for respondents present.

Request for adjournment was made on behalf of appellant in order to prepare the brief. Adjourned. To come up for arguments on 03.11.2022 before D.B.



(Fareeha Paul)  
Member (E)

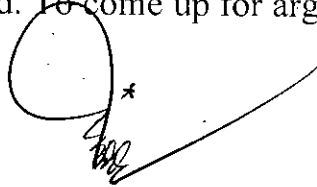


(Rozina Rehman)  
Member (J)

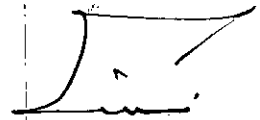
03.11.2022

Learned counsel for the appellant present: Mr. Atta-ur-Rehman, Inspector (Legal) alongwith 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 29.12.2022 before the D.B.




(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

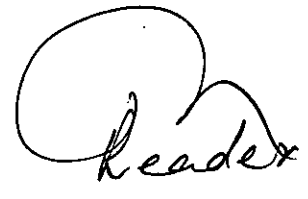
29/12/22

Due to winter vacation, the case adjourned to 22/3/23 for the same.

  
Read:-

8-2-2022

Due to retirement of the Honorable  
Chairman the case is adjourned to come  
up for the same as before on 31-05-2022

  
Reader


31.05.2022


Appellant alongwith his counsel present.

Muhammad Riaz Khan Paindakheil learned Assistant  
Advocate General alongwith Atta ur Rehman Inspector for  
respondents present.

Partial arguments heard. Due to none availability of the  
acquittal order of the appellant in a criminal case, the case is  
adjourned on the <sup>request of</sup> appellant's counsel. He is directed to make  
sure production of the entire record for remaining arguments.

Adjourned to 03.06.2022 for hearing before D.B.


  
(Fareeha Paul)  
Member(E)

  
(Rozina Rehman)  
Member (J)

03.06.2022

Bench is incomplete, therefore, case is  
adjourned to 12.08.2022 for the same as before.

12-8-22

Proper DB not available the case is adjourned  
to 30-9-2022  
  
Reader

11.06.2021

Junior to counsel for the appellant present.  
Preliminary arguments heard.

In term of normal procedure, the appeal appears to be time barred but in view of Section 30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law shall remain frozen. This appeal having been filed after promulgation of the said Act, is not affected by bar of limitation. Points raised need consideration. The appeal is admitted for regular 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 in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 03.11.2021 before the D.B.


  
Chairman

03.11.2021

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Khyal Roz Inspector for respondents present.

Reply on behalf of respondents was submitted. Request for adjournment was made on behalf of appellant. Request is accorded. To come up for arguments on 08.02.2022 before D.B.

  
(Rozina Rehman)  
Member (J)

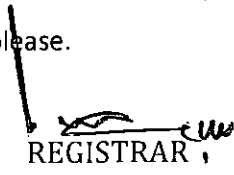

  
Chairman

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 4836 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/04/2021	<p>The appeal of Mr. Sher Shah presented today by Mr. Amin-ur-Rehman Yousafzai 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>
2-	27/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11/06/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

4836

Service Appeal No.\_\_\_\_/2021

Sher Shah..... Appellant

....VERSUS....

Government of Khyber Pakhtunkhwa & 3 others..... Respondents

**I N D E X**

S.No.	Description of documents	Annex	Pages
1.	Grounds of Appeal		1-3
2.	Affidavit		4
3.	Addresses of the parties		5
4.	Copy of enlistment order dated: 04.01.2011	A	6
5.	Copy of order dated: 09.09.2020	B	7
6.	FIR No.338, dated: 09.04.2020	C	8-9
7.	Order dated: 12.10.2020 of Respondent No.3 alongwith Departmental Appeal dated: 27.08.2020	D	10-12
8.	Order dated: 17.03.2021 of Respondent No.2 alongwith revision petition dated: 15.10.2020	E	13-14
9.	Wakalatnama		15

  
Appellant  
Through


Amin ur Rehman Yusufzai

  
Sajjad Mehsud

  
Khalid Khan Mohmand

  
Muaz Ashraf Khalil

&

  
Muhammad Kareem Afridi  
Advocates, Peshawar  
3-A, Park Avenue, Bhattani Plaza,  
University Town, Peshawar  
Cell No.0321-9022964, 0333-9981464

Dated: 14.04.2021

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR**

Service Appeal No.\_\_\_\_/2021

**SHER SHAH S/O PIR SHAH JEHAN**  
Village Piran Manga, Tehsil & District Mardan ..... **Appellant**

.... **V E R S U S** ....

1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Civil Secretariat, Peshawar.
2. Inspector General of Police (IGP), Khyber Pakhtunkhwa, Central Police Office, Peshawar.
3. Regional Police Officer/Deputy Inspector General of Police, Mardan.
4. District Police Officer (DPO), Mardan. .... **Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974, READ WITH ALL ENABLING PROVISIONS OF LAW, GOVERNING THE SUBJECT, AGAINST:**

**OFFICE ORDER OB NO.1536, DATED: 09.09.2020 OF RESPONDENT NO.4, VIDE WHICH APPELLANT HAS BEEN AWARDED MAJOR PENALTY OF DISMISSAL FROM SERVICE, ORDER NO.6304/ES, DATED: 12.10.2020 OF RESPONDENT NO.3, VIDE WHICH DEPARTMENTAL APPEAL DATED: 27.09.2020 OF APPELLANT, AGAINST ORDER DATED: 09.09.2020 IBID HAS BEEN REJECTED AND ORDER NO.S/1159/21, DATED: 17.03.2021 OF RESPONDENT NO.2, VIDE WHICH REVISION PETITION OF APPELLANT, AGAINST BOTH THE AFOREMENTIONED ORDERS OF RESPONDENTS NO.3 & 4, WAS TURNED DOWN.**

**PRAYER-IN-APPEAL:**

**On acceptance of instant appeal, impugned orders dated: 09.09.2020 (of Respondent No.4), 12.10.2020 (of Respondent No.3) and 17.03.2021 (of Respondent No.2) may be set aside and appellant may be re-instated in service with all consequential benefits.**

=====

**Respectfully Sheweth:**

1. That appellant, being qualified, was enlisted as Constable, in the Khyber Pakhtunkhwa Police Department, by the Competent Authority, vide order dated: 04.01.2011 and, since then till issuance of impugned order dated: 09.09.2020, performed duties with zeal/devotion and utmost satisfaction of superiors.  
**(Copy of enlistment order dated: 04.01.2011 is attached as Annexure "A").**
2. That Appellant has unilaterally been dismissed from service by Respondent No.4, vide Order dated: 09.09.2020, without fulfillment legal/codal formalities i.e. Charge Sheet, Regular Inquiry & Show Cause Notice etc., on the sole ground of registration of FIR No.338, dated: 09.04.2020, Under Sections 324, 353, 186, 224, 225, 148, 149 read with 15 AA, Police Station MPS, Saddar Mardan.  
**(Copies of order dated: 09.09.2020 & FIR No.338, dated: 09.04.2020, are attached as Annexures "B" & "C" respectively).**

- 3. That appellant preferred Departmental Appeal, against order dated: 09.09.2020, but was rejected by Respondent No.3, vide order dated: 12.10.2020, eventually he approached Respondent No.2, through revision petition dated: 15.10.2020, however, met the same fate and was rejected, vide order dated: 17.03.2021.  
**(Copies of order dated: 12.10.2020 of Respondent No.3 alongwith Departmental Appeal dated: 27.09.2020 & order dated: 17.03.2021 of Respondent No.2 alongwith revision petition dated: 15.10.2020, are attached as Annexures "D" & "E" respectively).**
- 4. That appellant being aggrieved of orders dated: 09.09.2020 (of Respondent No.4), dated: 12.10.2020 (of Respondent No.3) and dated: 17.03.2021 (of Respondent No.2), approaches this Hon'ble Tribunal for re-instatement in service with all consequential benefits, inter-alia, on the following grounds:

**GROUNDS:**

- A. That impugned orders dated: 09.09.2020, 12.10.2020 & 17.03.2021 of Respondents No.4, 3 & 2 respectively, are against the law and peculiar facts of the case of appellant, hence carry no legal weight.
- B. That the local Police of Police Station MPS Saddar Mardan incarcerated the Appellant in case FIR No. 338, dated: 09.04.2020, Under Sections 324, 353, 186, 224, 225, 148, 149 read with 15 AA and, on the strength whereof, impugned order of dismissal from service of Appellant has been issued, without either affording opportunity of proper hearing or conducting regular inquiry into his guilt, hence has been condemned unheard which attracts the doctrine of *audi alteram partem*.
- C. That Respondent Department has no lawful authority to punish Appellant for no wrong, rather they are duty bound to treat him in accordance with law and to provide him equal protection of law, but the Respondent Department, instead to follow the law/rules on the subject, issued the impugned orders in a clandestine and surreptitious manner, which has caused grave miscarriage of justice.
- D. That major penalty of dismissal from service has been imposed upon Appellant, mare on the basis of presumptions, that too, without adopting proper mode and manner for substantiating the alleged charges, moreover, the Appellate as well as did Revisional Authorities did not appreciate the available record of the case of Appellant in its true perspective, hence erred in jurisdiction.
- E. That Respondent No.4 was duty bound to pass appropriate order in pursuance of recommendations of the Inquiry Officer but astonishingly the impugned order has been passed in utter disregard, not only to the law/rules governing the subject, but also to the recommendations of the inquiry officer, which speaks volumes of malafide on his part.
- F. That any other ground, with the permission of this Hon'ble Tribunal, will be taken at the time of arguments.



3

It is, therefore, most humbly prayed that on acceptance of instant appeal, impugned orders dated: 09.09.2020 (of Respondent No.4), 12.10.2020 (of Respondent No.3) and 17.03.2021 (of Respondent No.2) may be set aside and appellants may be re-instated in service with all consequential benefits.

Any other relief, not specifically prayed for and deemed appropriate by this Hon'ble Tribunal in circumstances of the case, may also be granted.

  
Appellant

Through

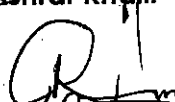
  
Amin ur Rehman Yusufzai

  
Sajjad Mehsud

  
Khalid Khan Mohmand

  
Muaz Ashraf Khalil

&

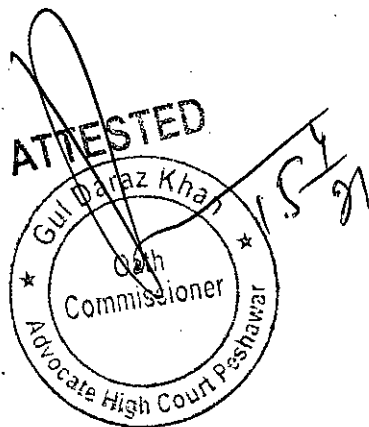
  
Muhammad Kareem Afridi  
Advocates, Peshawar  
3-A, Park Avenue, Bhattani Plaza,  
University Town, Peshawar  
Cell No.0321-9022964, 0333-9981464

Dated: 14.04.2021

**VERIFICATION:**

Verified on oath that the content of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Tribunal.

  
Deponent



4

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR**

Service Appeal No.\_\_\_\_/2021

Sher Shah..... **Appellant**

....**VERSUS**....

Government of Khyber Pakhtunkhwa & 3 others ..... **Respondents**

**ADDRESSES OF THE PARTIES**

**APPELLANT:**

**SHER SHAH S/O PIR SHAH JEHAN**  
Village Piran Manga, Tehsil & District Mardan.

**RESPONDENTS:**

1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Civil Secretariat, Peshawar.
2. Inspector General of Police (IGP), Khyber Pakhtunkhwa, Central Police Office, Peshawar.
3. Regional Police Officer/Deputy Inspector General of Police, Mardan.
4. District Police Officer (DPO), Mardan.

  
Appellant

Through

  
**Amin ur Rehman Yusufzai**

  
**Sajjad Mehsud**

  
**Khalid Khan Mahmand**

  
**Muaz Ashraf Khalil**

&

  
**Muhammad Kareem Afridi**

Advocates, Peshawar  
3-A, Park Avenue, Bhattani Plaza,  
University Town, Peshawar  
Cell No.0321-9022964, 0333-9981464

Dated: 14.04.2021

5

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR**

Service Appeal No.\_\_\_\_/2021

Sher Shah..... **Appellant**

....**VERSUS**....

Government of Khyber Pakhtunkhwa & 3 others ..... **Respondents**

**AFFIDAVIT**

I, **SHER SHAH** S/O PIR SHAH JEHAN Village Piran Manga, Tehsil & District Mardan, do hereby solemnly affirm declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief, and that nothing has been kept concealed from this Hon'ble Tribunal.

Identified By:

*Sh*  
DEPONENT  
CNIC #: 16101-200 9454-9  
mobile: 0345-9539565

**Amin ur Rehman Yusufzai**  
Advocate, Peshawar

*Amin ur Rehman Yusufzai*

**ATTESTED**  
*Gul Daraz Khan*  
Oath  
Commissioner  
Advocate High Court Peshawar  
15/4/21

110/2

Annex "A"

(6)

ENLISTMENT ORDER.

Mr. Sher Shah s/o Shah Jehan

R/o Pirana Manga

PS Saddar Distt: Mardan is hereby

Enlisted as Constable in BPS (5) with effect from \_\_\_\_\_


And allotted Constabulary No. 953

Height: 6-1 Chest: 34x36 ✓

Age: 10<sup>th</sup> B.D. Birth: 02-02-1992

Year: \_\_\_\_\_ Months: \_\_\_\_\_ Days: \_\_\_\_\_

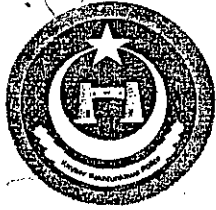
This service is purely on temporary basis and liable for termination at any time without any notice.

  
DEPUTY COMMANDANT  
POLICEMAN RESERVE POLICE  
S.P.K, PESHAWAR.

Sl. No. 10

Date: 04-01-2011

*Attested*  

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

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

Amr Khan B 3



7

No. 3401-03 /PA

Dated 11/18/2020

**ORDER ON ENQUIRY OF CONSTABLE SHER SHAH NO.3580**

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at PS Saro Shah (Now under suspension Police Lines), was placed under suspension and closed to Police Lines vide this office OB No.632 dated 10-04-2020, issued vide order/endorsement No. 2199-2203/OSI dated 15-04-2020, on account of charging in a case vide FIR No.338 dated 09-04-2020 U/S 324/353/186/224/225/148/149 PPC/15AA Police Station Saddar and proceeded against departmentally through Mr. Waqar Azeem SP/Operations Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.232/PA dated 22-04-2020, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.99/PA,(Ops) dated 15-06-2020, recommending the alleged official for Minor Punishment.

**Final Order**

Constable Sher Shah was heard in O.R on 09-09-2020, but failed to present any plausible reasons in his defense, therefore, awarded him Major Punishment of Dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 1536

Dated 9/10/2020.

(Dr. Zahid Ullah) PSP  
District Police Officer  
Mardan

Copy forwarded for information & n/action to:-

- 1) The DSP/HQrs Mardan.
- 2) The P.O & E.C (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with ( ) Sheets.

Sir

for w/ded  
reight  
Office Superintendent  
District Police Office  
Mardan.



مندرجہ ذیل کیلئے کیا ملزومات مندرجہ بالا کا بارحقہ کیوں میرے عمل اور ہو کر کارسکر نامہ میں فراہم  
 کرنا پڑتا ہے؟ ملزومات فراہم کرنا پڑتا ہے اس سبب اس سبب 2 افریقہ میں کرنا پڑتا ہے اور اس کی کئی کئی من  
 تقریباً 1000 سے زیادہ ہے جو کہ بہت سے ملزومات مندرجہ ذیل میں فراہم کرنا پڑتا ہے اور اس کی کئی کئی من  
 فراہم کرنا پڑتا ہے اور اس کی کئی کئی من فراہم کرنا پڑتا ہے اور اس کی کئی کئی من فراہم کرنا پڑتا ہے اور اس کی کئی کئی من  
 فراہم کرنا پڑتا ہے اور اس کی کئی کئی من فراہم کرنا پڑتا ہے اور اس کی کئی کئی من فراہم کرنا پڑتا ہے اور اس کی کئی کئی من  
 فراہم کرنا پڑتا ہے اور اس کی کئی کئی من فراہم کرنا پڑتا ہے اور اس کی کئی کئی من فراہم کرنا پڑتا ہے اور اس کی کئی کئی من

SI-PS-SD12  
 09-04-2020  
 22-7-20  
 16643

ردیف	تعداد	قیمت	مبلغ
1	338	94	338
2	286	94	286
3	500	94	500
4	20	94	20
5	19	94	19
6	15	94	15
7	28	94	28
8	4	94	4

اطلاع کے لیے درجہ ذیل کا خط ہو گا یا اس کی سرکھانہ لگا یا جائے گا۔ اور اگر فرجیر کتبہ ابتدائی اطلاع کا خط لکھ کر فرجیر کتبہ کے پاس بھیج دیا جائے گا۔  
 ایک لازم یا مشترکہ علی الترتیب واسطے باشندگان علاقہ فرجیر یا وسط ایشیا یا افغانستان جہاں سوزوں ہوں لکھتا ہے۔  
 P.SDR  
 20.9.20

Amir "D" 10 17

**ORDER.**

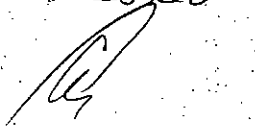
This order will dispose-off the departmental appeal preferred by Ex-Constable Sher Shah No. 3580 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 1635 dated 09.09.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Saro Shah, was placed under suspension and closed to Police Lines, Mardan on account of involvement in a case FIR No. 338 dated 09.04.2020 u/s 324/353/186/224/225/148/149-PPC/15AA Police Station Saddar, Mardan.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Superintendent of Police Operation, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he found the delinquent Official guilty of misconduct and recommended him for minor punishment.

He was also provided opportunity of self defense by summoning him in the Orderly Room held in the office of District Police Officer, Mardan on 09.09.2020. But he failed to advance any cogent reason in his defense. Hence, he was awarded major punishment of dismissal from Service vide OB: No. 1536 dated 09.09.2020.

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 06.10.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Besides, the appellant is directly charged in the above mentioned case. It is added that the involvement of appellant in an assault of Police is clearly a stigma on his conduct. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. He could not present any cogent justification to warrant interference in the order passed by the competent authority.

*Altestad*  




11

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

Order Announced.

  
Regional Police Officer,  
Mardan.

No. 6304 /ES, Dated Mardan the 12-10-2020.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 289/LB dated 01.10.2020. His service record is returned herewith.

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

*Attested*  


مکتبہ خیریت - دہلی اور پندرہ جیلوں پر لیا گیا

12

روزانہ تیار ہونے والی ہے اور ہر طالب کو ملے گا

ضابطہ

تدریس کے واسطے ہر مہینہ دو بار تیس دنوں کے لیے لیا جائے گا۔ 4 ماہوں کے بعد۔

ہیں۔ یہ 1885ء کا ہے۔ دہلی اور پندرہ جیلوں پر لیا گیا۔ 1885ء

برائے مہینہ

درست لکھ کر دینا

کچھ مہینوں کے بعد منشاء کے لیے لیا گیا۔ یہ مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔  
میں مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔ یہ مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔  
وہ مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔ یہ مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔

وہ مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔ یہ مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔  
وہ مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔ یہ مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔  
وہ مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔ یہ مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔

مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔

مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔

مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔

مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔

مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔

مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔

مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔

مہینوں کے لیے لیا گیا اور ہر مہینہ ایک بار لیا جائے گا۔

Attested

[Signature]



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. S/ 1159 /21, dated Peshawar the 17/03/2021.

**ORDER**

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Sher Shah No. 3580. The petitioner was dismissed from by District Police Officer, Mardan vide OB No. 1536, dated 09.09.2020 on the allegations that he while posted at Police Station Saro Shah, Mardan was involved in a case FIR No. 338, dated 09.04.2020 u/s 324/353/186/224/225/148/149-PPC/15AA Police Station Saddar Mardan. His appeal was rejected by Regional Police Officer, Mardan vide order Endst: No. 6304/ES, dated 12.10.2020.

Meeting of Appellate Board was held on 02.03.2021 wherein petitioner was heard in person. Petitioner denied the allegation leveled against him.

The Board examined the enquiry papers which reveals that the allegations against the petitioner has been proved. Besides, he was directly charged in the above mentioned case. His case is under trial in the court. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-

**KASHIF ALAM, PSP**  
Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 1160-69 /21,

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 7184/ES, dated 20.11.2020 is returned herewith for your office record.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

*Attached*  
*[Signature]*

**(IRFAN ULLAH KHAN) PSP**  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.



وکالت نامہ

بعدالت صاحب فیروز خان کوٹلی صاحب  
 شہزادہ نام  
 دعویٰ اجرم سرحدی  
 تھانہ ایف آئی آر تاریخ

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام سرحدی کے لئے  
**امین الرحمن یوسفزئی ایڈووکیٹ ہائی کورٹ فیڈرل شریعت کورٹ آف پاکستان اینڈ سجاد احمد مسعود ایڈووکیٹ ہائی کورٹ**  
 کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ  
 وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر من مظهر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور  
 میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے کسی  
 اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بزور تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام کچہری  
 کے کسی اور جگہ سماعت ہونے یا بزور تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار  
 یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ  
 پرداختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجرائے  
 ڈگری و نظر ثانی اپیل و گرائی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرانے اور ہر قسم کا  
 روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد ثالثی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ  
 دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کطرفہ درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از اجراء  
 ڈگری بھی موصوف کو بشرط ادا ایگی علیحدہ مختار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ  
 مذکورہ یا اس کے کسی جزوی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ  
 مقرر کریں۔ اور ایسے مشیر قانون کو ہر اس میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور  
 دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے  
 پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب  
 موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا کہ سند رہے مورخہ 14/6/2021 مضمون مختار نامہ سن لیا ہے اور  
 اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ATTESTED & ACCEPTED:

Amin ur Rehman Yusufzai  
 Advocate High Court  
 &  
 Federal Shariat Court of Pakistan  
 CNIC: 17301-5813582-3  
 Cell No. 0321-9022964  
 BC-10-7562

Sajjad Ahmad Mehsood  
 Advocate High Court  
 Peshawar

Muhammad Khalid Khan  
 Be-18-1115

M. Kaveem Afvidi Adv  
 BC: 10-3389

Mauz Ashraf Khalid  
 Advocate Peshawar  
 Be.

**Order**

30.04.2022

SPP for state present. Accused Jamshed on bail present, while co-accused are on exemption.

Witnesses of the prosecution are once again not in attendance.

Keeping in view the available record notice Under Section 249-A Cr.PC given to prosecution for today.

Arguments heard and record perused.

Succinct facts of the case are that on the day of occurrence complainant during his patrolling duty received information with regard to the quarrel of two parties over the land whereby in connection of cross firing some persons were injured. Upon the said information complainant alongwith other police personnel rushed to the spot wherein he was informed that the injured persons have already <sup>been</sup> shifted to hospital. On search of the accused two accused were arrested by the complainant and from <sup>their</sup> ~~wherein~~ possession he recovered 9 mm pistol with fixed charger, 05 live rounds from one of the accused while from the other he also recovered 12 bore rifle. Besides these two the complainant also arrested 7/8 persons out of which one was Constable Adnan and one constable Sher Shah, who ~~are~~ were rescued by Ex PTI member namely Azam Khan, as constable Adnan had snatched 12 bore rifle from the police party and decamped from the spot. That said person were chased by the police party, but both the constable named above fired at the police party with intent to kill them. On query names of other accused were disclosed as Waqar Ahmad, Masood, Shakeel and Muhammad Nawaz.

The record would show that though the accused facing trial have directly been charged and nominated by the complainant for the commission of offence but neither they <sup>have</sup> ~~have~~ been arrested on the spot nor



Contd: Order  
3/9/2022

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any recovery whatsoever has been effected from their direct possession. Further the complainant in his report alleged that some persons were injured but failed to mention their name in the FIR. Further the complainant had failed to disclose his source of satisfaction that the persons <sup>صاحب</sup> decamped from the spot were actually the accused facing trial. No impartial eye witness is associated by the complainant.

Besides the above to some of the accused specific role of firing upon police party had been attributed but in this regard statement of a single independent person has not been recorded. Further some of the accused <sup>ان</sup> charged for attempt a murder but not a single person received a single injury or bruise in the whole episode nor there is any medical report available on record to support the prosecution version. There is no independent eye witness to the occurrence, which apprehends the suppression of real fact.

Further from the last two/three dates despite of repeated directions prosecution failed to produce even a single witness for recording his statement and even the complainant did not bother to appear despite repeated directions. As stated above there is no eye impartial witness of the occurrence and except the bare allegation there is nothing on records which could connect the accused with the commission of offence. Further neither the accused had confessed their guilt nor anything whatsoever available against the accused facing trial in the present file.

In view of the above discussion, there appears no prospect of the conviction of the accused facing trial and the charge certainly appears to be groundless, hence by invoking the Section 249-A Cr.PC accused facing trial are acquitted from the charges leveled against

Contd: Order  
30/4/2022

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them in the present case. They are on bail, therefore, they and their sureties are discharged from the liability of bail bonds.

Case property be dealt in accordance with law.

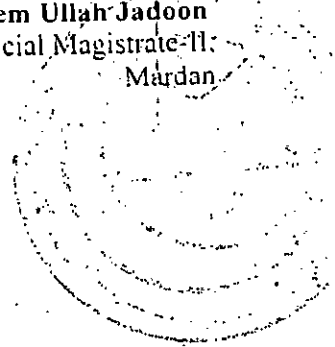
File be consigned to record room, after its completion and compilation.

**Order Announced:**

Dated: 30.04.2022



**Naeem Ullah Jadoon**  
Judicial Magistrate-II  
Mardan







C      B/S

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

**Service Appeal No. 4836/2021**

Sher Shah Ex Constable No. 3580 s/o Pir Shah Jehan Village Piran Manga Tehsil  
and District Mardan.....Appellant

**VERSUS**

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

.....Respondents

**INDEX**

<b>S. No.</b>	<b>Description of Documents</b>	<b>Annexure</b>	<b>Pages.</b>
1.	Written Reply.	----	1-3
2.	Affidavit.	----	4
3.	Copy of bad entries	A	5-11
4.	Copy of charge sheet with statement of allegations	B	12-22
5.	Copy of Authority Letter.	----	23

①

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

**Service Appeal No. 4836/2021.**

Sher Shah Ex Constable No. 3580 s/o Pir Shah Jehan Village Piran Manga Tehsil  
and District Mardan.....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 appeal is barred by law & limitation.

**REPLY ON FACTS**

1. Para to the extent of enlistment in Police Department of appellant pertains to record needs no comments, while rest of para is not plausible because every police officer / official is under obligation to perform his duty regularly and with devotion because in this department no room lies for lethargy. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries (Copy of list of bad entries is attached as Annexure "A").
2. Incorrect. Stance taken by the appellant is totally devoid of merit because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of allegations, which were duly served upon the appellant, who submitted his reply. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense but in fiasco. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for awarding punishment. In the light of above, the appellant was called in orderly room, but this time too, the appellant

- D
- failed to justify his innocence therefore, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant (Copies of charge sheet with statement of allegations are attached as annexure "B").
3. Correct to the extent that the appellant preferred departmental appeal as well as revision petition which were also decided on merit because the appellant was provided full-fledged opportunity of defending himself by the appellate authorities but he bitterly failed to produce any cogent reasons in his defense. Therefore, the same were rejected and filed being devoid of any merits.
  4. That appeal of the appellant is not maintainable and liable to be dismissed on the following grounds amongst the others.

**REPLY ON GROUNDS:**

- A. Incorrect. Orders passed by the competent authority as well as appellate authority are legal, lawful hence, liable to be maintained.
- B. para to the extent that the appellant was placed under suspension on account of involvement in a case vide FIR No. 338 dated 09-04-2020 u/s 324/353/186/224/225/148/149 PPC /15AA Police Station Saddar District Mardan. while rest of para is incorrect, because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of allegations, which were duly served upon the appellant, who submitted his reply. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense but in fiasco. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for awarding punishment. In the light of above, the appellant was called in orderly room, but this time too, the appellant failed to justify his innocence therefore, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant.
- C. Incorrect the appellant has been treated in accordance with law, rules, policy & norms of natural justice, besides, the respondents have no grudges against the appellant , hence, stance of the appellant is totally ill-founded.
- D. Incorrect. Para explained earlier, because his departmental appeal as well as revision petition were decided on merit because the appellant was provided full-fledged opportunity of defending himself by the appellate authorities but he bitterly failed to produce any cogent reasons in his defense. Therefore, the same were rejected and filed being devoid of any merits.
- E. Incorrect. Stance taken by the appellant is not plausible because the appellant was summoned and heard in orderly room on 09.09.2020, but

the appellant failed to produce any plausible explanation in his defence, therefore, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant.

F. That the respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

**PRAYER:-**

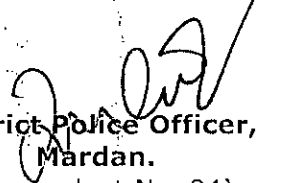
It is therefore, most humbly prayed that on acceptance of above submissions, appeal of the appellant being not maintainable and devoid of merits may very kindly be dismissed with costs.



**Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.**  
(Respondent No. 02)



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



**District Police Officer,  
Mardan.**  
(Respondent No. 04)

4

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

**Service Appeal No. 4836/2021**

Sher Shah Ex Constable No. 3580 s/o Pir Shah Jehan Village Piran Manga Tehsil  
and District Mardan.....Appellant

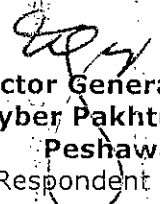
**VERSUS**

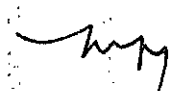
The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others

.....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. 02)

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

  
**District Police Officer,**  
**Mardan.**  
(Respondent No. 04)

Serial No.

14. COMMENDATORY ENTRIES - Contd.

ORDER

Being charged in Case vide FIR No. 338  
 dt. 9-4-2020 U/S 324/353/186/224/225/148/149 IPC  
 15AA PS Saddam. He is hereby placed under suspension  
 and closed to P. Lines with immediate effect.  
OR No. 632

dt. 10-4-2020.

[Signature]  
 DPO/Mardan

Warned to be careful in future

OR No. 747

05/05/2020

[Signature]  
 DPO/Tork

ORDER:

He was heard in O-R on 02-9-2020,  
 but failed to present any plausible reasons  
 in his defence, therefore awarded him minor  
 punishment of forfeiture his (02) years approved  
 service with counting his (36) days as leave  
 without pay with immediate effect

OR No. 1486

03/09/2020

[Signature]  
 DPO/Mardan

ORDER:

Awarded minor punishment of forfeiture his  
 (06) Months approved service with counting  
 his (07) days as leave without pay

OR No. 1490

03/08/2020

[Signature]  
 DPO/Mardan

Serial No.

## 14. COMMENDATORY ENTRIES - Contd.

ORDER

He was heard in OR held on 08-10-2019. The punishment of dismissal from service being too harsh for absence of 19 days. Hence, reinstated into service, and awarded punishment of forfeiture of one year approved service and absence + intervening period are treated as leave without pay, vide Dig/Mardan order Endst: No. 12085/Es, dt: 14-10-19, and Pay fixed Rs:- 14040ppm.

OBNO 2231

On 14-10-19. Verified  
in 11/20/19

Distt. Comptroller of Accounts  
Mardan

District Police Officer  
Mardan



Serial No.

15. CENSURES AND PUNISHMENT

④ days Absent From duty  
vide this office O.B.no 337 dt 2/4/2011

1  
COMMANDANT  
Frontier Reserve Police  
Nishe, Pachtoon I.  
Peshawar

⑤ days Absent From duty vide  
this office O.B.no 646 dt 26-7-12

2  
COMMANDANT  
Frontier Reserve Police  
Nishe, Pachtoon I.  
Peshawar

Two days Absent From duty vide  
this office O.B.no 644 dt 26-7-12

3  
COMMANDANT  
Frontier Reserve Police  
Nishe, Pachtoon I.  
Peshawar

Two days Absent From duty vide  
this office O.B.no 335 dt

①-106  
G.P.A.C  
MS 28000/- dt No 158  
18 5/1/18  
3  
9/1/18

24.5.12

COMMANDANT  
Frontier Reserve Police  
Nishe, Pachtoon I.  
Peshawar

## 15. CENSURES AND PUNISHMENTS - Contd.

① day extra drill for his absence

OB No - 115  
19-1-15 DPO/MR

① day extra drill for his absence

OB No - 175  
27-1-15 DPO/MR

ORDER:

36 days absence period is counted as leave w/o pay and stoppage of one increment with cumulative effect.

OB No 424  
22-2-19

DPO/MRD

ORDER:-

Ex parte action is taken against him by dismissing from police force w.e.f from 25-01-19 (last absence's date) with counting his 19 days absence period as leave w/o pay.

OB No 870  
22-4-19

DPO/Marden

Serial No.

## 15. CENSURES AND PUNISHMENTS - Contd.

97 days extra drill for his absence.

CB No. 1689  
21-7-17

  
District Police Officer  
Mardai

Awarded a minor punishment of censure, instead of major punishment with immediate effect.

CB No. 2226


date 27/9/17

DPo/Mardai

Awarded minor punishment of censure, while his 47 days absence period counted as leave without pay

CB No. 1389

date 26.7.18

  
DPo/Mardai

warned to be careful in future

CB No. 300

7/2/09

  
DPo/Mardai

LEAVE, ABSENCE AND BREAKS IN SERVICE

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

1		2			3	4
DATE		EXTENT			No. of District Order	Description of leave, i.e. Privilege, hospital, sick leave, or furlough of or of absence, or forfeiture of approved service. All entries to be initialed by Superintendent of Police.
From	To	Years	Months	Days		
				(8)	282 12-2-15	Leave w/o pay - DPOT/MR
				(6)	552 26-3-15	do - DPOT/MR
				(3)	215 12-11-15	do - DPOT/MR
				(3)	674 14-3-16	do - DPOT/MR
				(13)	1689 21-7-17	do - District Police Officer Mardan
				(01)	2601 8/11/17	do - DPOT/MR
				(30)	154 22-1-18	E/leave - DPOT/MR
				(08)	1091 22/5/18	leave w/o pay - DPOT/MR
				(01)	300 7/2/19	do - DPOT/MR
				(01)	435 27/02/2020	do - DPOT/MR
				(01)	449 03/03/2020	do - DPOT/MR
				(01)	501 11/03/2020	do - DPOT/MR

ORDER

(11)

He was heard in OR on 9/9/2020, but failed to present any plausible reasons in his defense. Therefore, awarded him Major punishment of Dismissal from service with immediate effect.

OR NO 1536  
9/9/2020

SMG  
DPO Mardan

ORDER

Appeal is Rejected vide A.G Establishment  
Peshawar vide order no. 1159/21 dt 17/3/2021 -

✓  
DPO MRP

ORDER

Appeal is Rejected vide DIG Mardan  
vide order NO. 6304/Es dt. 12-10-2020

✓  
DPO MRP



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

Annex B



19

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com

232 /PA

Dated 22/4/2020

**DISCIPLINARY ACTION**

I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Sher Shah No.3580, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.


**STATEMENT OF ALLEGATIONS**

Whereas, Constable Sher Shah No.3580, while posted at PS Saro Shah (Now under suspension Police Lines), has been charged in a case vide FIR No.338 dated 09-04-2020 U/S 324/353/186/224/225/148/149 PPC/15AA PS Saddar.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Waqar Azeem SP/Operations Mardan is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Sher Shah is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

  
(SAJJAD KHAN) PSP  
District Police Officer  
Mardan



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com

2020

13

CHARGE SHEET

I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority, hereby charge Constable Sher Shah No.3580, while posted at PS Safo Shah (Now under suspension Police Lines), 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 Officers 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.

(SAJJAD KHAN) PSP  
District Police Officer  
Mardan

ضامی 1

Handwritten signature or initials.

حجراتہ چارج شیٹ نمبری PA/32/2 مورخہ 22/4/2020

سردار صاحب خورشید سولہ کمرے نقدہ ملک 338 مورخہ

نمبر 225/224/186/353/324 رقم صدر میں چارج کیا گیا ہے

148/149 PPC/15AA

سراسر علقہ اور بے بنیاد ہے۔ بحیثیت پولیس ملازم نہ تو میں ایسا

فصل کر سکتا ہوں جس سے پولیس ڈیپارٹمنٹ کا بدنامی ہو۔

اس دن میرے ماموں کا ایک رشتہ داروں کے ساتھ میں

کے ساتھ میرے چھٹے اشرفیہ شروع تھا میں اپنے بھائیوں اور دیگر سرداروں

کے ساتھ اپنے کھنوں میں کام کر رہا تھا۔ کام ختم کرنے کے بعد اپنے گھر

والدین چارے تھے کہ راستے میں ہمیں پتہ چلا کہ ایک درمیاں

رٹرائی شروع ہے جب ہم موقع پہنچ گئے تو لڑائی ختم ہو چکی تھی

اور پولیس بھی موقع پر آئی ہوئی تھی پولیس فریڈین میں چند افراد

کو گرفتار کر کے لے گئے تھے پتہ چلا کہ میرے ماموں زاد یا سسر کو

بدوران لڑائی گولی لگ چکی ہے اور اسے ہسپتال لے گئے ہیں

میں بھی ہسپتال آسکے تھے جلا گیا۔ میں ہسپتال میں اپنے رخصتی

ماموں زاد یا سسر کے پاس موجود تھا کہ پولیس آئی اور مجھے گرفتار کر کے

تھانہ صدر لے گئے اور حوالہ میں بند کیا اور میرے اوپر مقدمہ بالا

درجہ رخصت کیا گیا جو کہ میرے ساتھ سراسر زیادتی اور ناانصافی ہوئی

یہ کیونکہ میرے ساتھ گواہان موجود ہیں جو یہ قسم کھائی گئی ہے

تیار ہے۔ ڈیڑھ کہ آپ صاحبان کو بھی صفحہ طور پر معلومات

کہیں۔ میں بے تباہ ہوں۔ استدعا ہے کہ تمہیں اطلاع دیا جائے

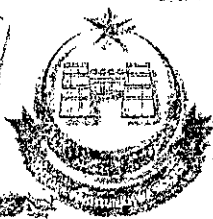
اور مقدمہ ختم سے تمہیں استغاثہ دیکھانے میں نے التماس



جتنی بھی ڈکیتی کی ہے نہایت امانداری اور لاش سے کی ہے کہیں بھی  
پولیس یا فٹ پاتھ کے ساتھ کوئی نقصان نہیں پہنچا ہے۔ لیکن آؤ یہاں سے  
سے سزا دینے کے لیے سزا کو اصراف کیا جائے

15

کونسل شہر شاہ نمبر 3580  
ڈپٹی سوشل سروس افسر  
میرٹھ  
01-05-2020



OFFICE OF THE  
SUPERINTENDENT OF POLICE  
OPERATIONS & HEADQUARTERS  
MARDAN

Tell: 0937-9230117

Fax: 0937-9230111

E.Mail: [Spops1506@gmail.com](mailto:Spops1506@gmail.com)

No. 99 /PA,(Ops)

Dated 15/06/2020

To The District Police Officer,  
Mardan.

Subject: DEPARTMENTAL ENQUIRY AGAINST CONSTABLE Sher Shah  
NO. 3580.

Memo:

Kindly refer to your office memo: No. 232/PA dated 22.04.2020 on the subject noted above.

The subject enquiry proceeding against constable Sher Shah No. 3580 was initiated under the allegations that he while posted at PS Saro Shah (now under suspension Police Lines has been charged in case vide FIR No. 338 dated 09.04.2020 u/s 324/353/186/224/225/148/149/15AA PPC PS Saddar.

PROCEEDING:

Enquiry proceedings were initiated. A copy of charge sheet along-with statement of allegations was duly served upon the defaulter official. In light of which he submitted detailed reply which is placed on file as annex-A. He was questioned and counter questioned at length. In order to further probe into the matter, HO PS Saddar, I/C PP Manga and IO alongwith all concerned were called and cross examined about the issue. The accused official was asked to present evidence (if any) in his defense. He produced written statement wherein he pleaded innocence and contended mala-fide/falsely implication in the instant case. He further showed complete ignorance about his presence at the time of occurrence and requested to file instant proceedings against him.

CONCLUSION:

As per attached DD reports, ASI Abdul Wahab I/C PP Manga received information through ASI Rahman Gul I/C Special Mobile Manga that a volleyball match was being held in open ground in the area of PP Manga. Due to outbreak of Covid-19 whole village was under lockdown and large numbers of public are present/gathered. Consequent upon this information, I/C PP Manga rushed to the spot whereby volleyball match was still going on. During the course of legal proceedings he (I/C PP Manga) made announcement to disperse the public. In the meanwhile constable Sher Shah and Mukaram Shah (Both brothers) became violent and impeded in discharge of duty. Both the aforementioned constables used derogatory remarks against police department and also instigate the public for rioting against police. Accordingly, accused were arrested and a proper case vide FIR No. 338 dated 09.04.2020 u/s 324/353/186/224/225/148/149/15AA PPC PS Saddar was registered against the alleged officials alongwith other accused as mentioned in FIR.

RECOMMENDATIONS:

From perusal of available record and circumstances, it transpired that the alleged official along-with his brother Mukaram Shah misbenaved, abused and physically harassed the local police officials who were trying to enforce lockdown. Hence, constable Sher Shah No. 3580 is recommended for Minor Punishment to remain careful in future.

Submitted please.

Superintendent of Police  
Operations & Headquarters  
Mardan

*Shah Shah C/3580  
was heard in O.R.  
He could not produce  
any plausible explanation  
in his defence. OK  
He is not fit  
to be part of  
KP Police. Above in view,  
he is awarded major  
punishment of dismissal from  
service.*

D/E 01/01/2011

G.E. NH

B.F. 22

*9.9.2010*

Amexa گزشتہ روز کے مقصد کے لئے

ایجنٹ جرنل پولیس KPK نام رقم ۳۷۲

نام نمبر ۲۳-۵

شعبہ خانا آس

ابتدائی اطلاع رپورٹ

ابتدائی اطلاع نسبت قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۳ مجموعہ ضابطہ فوجداری

ATTENDED PI

08/09/2010

تھانہ 1st MP ضلع گوردین نمبر 20 عدد 338

1-	تاریخ و وقت رپورٹ	09:09:00 بجے و وقت 09:20:20
2-	نام و سکونت اطلاع دہندہ	عبدالکوجاب
3-	شخصی کارڈ نمبر / سول / فوج	324-353-186-224-225-148-149-150
4-	تعمیراتی وجوہات / حادثہ / اور دست	نزدکیں اذیت اور کھدائی کے لئے
5-	نام و سکونت ملزم	
6-	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	
7-	تھانہ سے روانگی کی تاریخ و وقت	

کونسل عبداللہ 292 کی اطلاع کے بعد ابتدائی اطلاع کے دوران کوئی کچھ نہ ہوا تھا۔ اطلاع دہندہ نے کہا کہ وہ ایک عوامی مقام پر موجود تھا اور وہاں پر کئی لوگ جمع ہوئے۔ وہ نے کہا کہ وہاں پر کئی لوگ جمع ہوئے اور ان میں سے کئی لوگ کوئی کچھ نہ ہوا تھا۔ اطلاع دہندہ نے کہا کہ وہ ایک عوامی مقام پر موجود تھا اور وہاں پر کئی لوگ جمع ہوئے۔ وہ نے کہا کہ وہاں پر کئی لوگ جمع ہوئے اور ان میں سے کئی لوگ کوئی کچھ نہ ہوا تھا۔

Station Master  
Mardan  
Model Kumbhar

میں نے بلز کا نوٹڈ کر کے بلا کا نام جوڑا اور میں نے یہ قلم اور پیکر کا ریسرچ کر کے لکھا  
بلز کا نام لکھا ہے۔ یہ ان کی سٹیڈی اسٹیٹ کے ساتھ ہے۔ یہ ایک کامیاب اور ایسی گریڈنگ ہے جس  
جو کہ مہلک ہو اور وہ جو کہ بہت سی بلزوں کے ساتھ ہے۔ یہ ایک کامیاب اور ایسی گریڈنگ ہے جس  
جو کہ مہلک ہو اور وہ جو کہ بہت سی بلزوں کے ساتھ ہے۔ یہ ایک کامیاب اور ایسی گریڈنگ ہے جس

اس کا نام ہے بلز کا نوٹڈ کر کے بلا کا نام جوڑا اور میں نے یہ قلم اور پیکر کا ریسرچ کر کے لکھا  
بلز کا نام لکھا ہے۔ یہ ان کی سٹیڈی اسٹیٹ کے ساتھ ہے۔ یہ ایک کامیاب اور ایسی گریڈنگ ہے جس  
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جو کہ مہلک ہو اور وہ جو کہ بہت سی بلزوں کے ساتھ ہے۔ یہ ایک کامیاب اور ایسی گریڈنگ ہے جس

09-04-2020

(4) **OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN**

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



(80)  
3580  
(15)

No. 3401-03 /PA

Dated 19/09/2020

**ORDER ON ENQUIRY OF CONSTABLE SHER SHAH NO.3580**


This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at PS Sarw Shah (Now under suspension Police Lines), was placed under suspension and closed to Police Lines vide this office OB No.632 dated 10-04-2020, issued vide order/endorsement No. 2199-2203/OSI dated 15-04-2020, on account of charging in a case vide FIR No.338 dated 09-04-2020 U/S 324/353/186/224/225/148/149 PPC/15AA Police Station Saddar and proceeded against departmentally through Mr. Waqar Azeem SP/Operations Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.232/PA dated 22-04-2020, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.99/PA,(Ops) dated 15-06-2020, recommending the alleged official for Minor Punishment.

**Final Order**

Constable Sher Shah was heard in O.R on 09-09-2020, but failed to present any plausible reasons in his defense, therefore, awarded him Major Punishment of Dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 1536

Dated 29/09/2020

  
(Dr. Zahid Ullah) PSP  
District Police Officer  
Mardan

Copy forwarded for information & n/action to:-

- 1) The DSP/HQrs Mardan.
- 2) The P.O & E.C (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with (11) Sheets.

Amir Khan "D" 91 AP

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Sher Shah No. 3580 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 1635 dated 09.09.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Saro Shah, was placed under suspension and closed to Police Lines, Mardan on account of involvement in a case FIR No. 338 dated 09.04.2020 u/s 324/353/186/224/225/148/149-PPC/15AA Police Station Saddar, Mardan.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Superintendent of Police Operation, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he found the delinquent Official guilty of misconduct and recommended him for minor punishment.

He was also provided opportunity of self defense by summoning him in the Orderly Room held in the office of District Police Officer, Mardan on 09.09.2020. But he failed to advance any cogent reason in his defense. Hence, he was awarded major punishment of dismissal from Service vide OB: No. 1536 dated 09.09.2020.

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 06.10.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Besides, the appellant is directly charged in the above mentioned case. It is added that the involvement of appellant in an assault of Police is clearly a stigma on his conduct. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. He could not present any cogent justification to warrant interference in the order passed by the competent authority.


*Attested*  
*[Signature]*

99

RIN

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

Order Announced.




Regional Police Officer,  
Mardan.

No. 8304 JES, Dated Mardan the 12-10-2020.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 289/LB dated 01.10.2020. His service record is returned herewith.

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

*Attested*





813

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

**Service Appeal No. 4836/2021**

Sher Shah Ex Constable No: 3580 s/o Pir Shah Jehan Village Piran Manga Tehsil  
and District Mardan.....Appellant


**VERSUS**

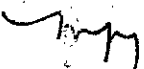
The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others


.....Respondents

**AUTHORITY LETTER.**

Mr. Khyal Roz 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.

  
**Inspector General of Police,**  
**Khyber Pakhtunkhwa,**  
**Peshawar.**  
(Respondent No. 02)

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

  
**District Police Officer,**  
**Mardan.**  
(Respondent No. 04)