BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

ervice Appeal No. 662/2023

Arif Ex-Constable No. 887, NET	Г, Mardan	Appellant.
	VERSUS	
The Provincial Police Officer, Kl	hyber Pakhtunkhwa, P	eshawar and others.
		Respondents

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Service Appeal No. 662/2023

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Arif Ex-Constable No. 887, NET, Mardan	' A
The stable its of the final dall,	Appellant

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.

Respondents

7086

Para-wise comments by respondents:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

- 1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
- 2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
- 3. That the appellant has got no cause of action or locus standi to file the instant appeal.
- 4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
- 5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
- 6. That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.
- 7. That the appeal is bad for miss-joinder and non-joinder of necessary parties.

REPLY ON FACTS

- 1. Correct, pertains to service record.
- 2. Correct to the extent that the appellant while performing his duties as driver in NET (Narcotics Eradication Team) Mardan was placed under suspension being team member on account of misconduct by arresting and keeping one Wahab resident of Parachinar, presently Gulshan Town Sheikh Maltoon, Mardan in unlawful custody and then demanded Rs. Two Crore as illegal gratification from his (Wahab) family member for his release as the appellant has equally contributed in the commission of offence of abduction by calling a taxi car and shifted the abductee from Gumbat to Rashakai. Moreover, he has also involved in drawing money from ATM account where he remained visible by side of the abductee in the video recorded. Therefore, proper departmental proceedings were initiated against him as Charge Sheet was issued to him and Superintendent of Police Investigation Mardan was appointed as Enquiry Officer (Copy of suspension order is enclosed as annexure-A).
- 3. Incorrect. Departmental and Judicial proceedings go side by side. One does not affect the other. The appellant being involved in illegal gratification had committed a gross misconduct. Therefore, he was proceeded departmentally. (Copies of FIR, Charge Sheet with Statement of allegations, complete Enquiry Papers and dismissal order are attached as annexure B, C, D & E).



- 4. Correct to the extent that the appellant was issued Final Show Cause notice to which he submitted his reply, the same was paid due consideration but found unsatisfactory. However, rest of the para is incorrect because the appellant was also heard in Orderly Room held by the District Police Officer, Mardan but this time too he bitterly failed to produce even a single iota of evidence in his defense. Hence, after fulfillment of all legal and codal formalities the appellant was awarded appropriate punishment of dismissal from service which does commensurate with the gravity of misconduct of the appellant (Copy of Final Show Cause Notice and reply of same is enclosed as annexure-F.
- 5. Correct to the extent that the appellant preferred departmental appeal before the appellate authority and this time too the appellant failed to justify his innocence despite the fact that he was provided full-fledged opportunity of defending himself by calling him in Orderly Room by the appellate authority. Therefore, his departmental appeal, was rejected.
- 6. That the appellant has been dealt accordingly to law/rules. Therefore, the instant appeal of the appellant being devoid of merits, is liable to be dismissed on the following grounds amongst the others;

REPLY ON GROUNDS:

- A. Incorrect the orders passed by the competent as well as appellate authorities are legal, lawful and in accordance with norms of natural justice and material available on record. Therefore, the appeal in hand is worth to be dismissed.
- B. Incorrect. The appellant was heard in Orderly Room on 22.12.2022 by the competent authority during which he could not provide any cogent reason. Therefore, the appellant was issued Final Show Cause Notice to which he submitted his reply but the same was found unsatisfactory. In light of recommendation of the Enquiry Officer, coupled with personal hearing and reply to the Show Cause Notice, he was awarded Major Punishment of Dismissal from Service which does commensurate with gravity of misconduct of appellant. Moreover, the fact of his involvement can also be judged from his voice note/recording of the appellant which can be produced to this Honorable Tribunal in the shape of USB.
- C. Incorrect. Proper Enquiry was conducted during which the appellant was provided every opportunity for his defense. All the codal formalities have been fulfilled before passed the impugned order by the competent authority.
- D. Incorrect. Plea taken by the appellant is totally bereft of any substance. Moreover, criminal and departmental proceedings are two different entities which can run parallel and the fate of criminal case will have no effects on the departmental proceedings. It is added that the involvement of appellant in such like heinous criminal cases is clearly a stigma on the conduct of appellant, being a member of a disciplined Force.
- E. Incorrect. The appellant has been dealt by the competent authority and the appellate authority as per law/rules.



- F. Incorrect. Para already explained above, needs no comments.
- G. Incorrect. The punishment awarded commensurate with the gravity of the misconduct of the appellant.
- H. Incorrect. The appellant has been treated in accordance with law, rules, policy & norms of natural justice.
- I. Incorrect. The appellant has been treated in accordance with law/rules. No provision of the Constitution has been violated.
- J. The respondents may also be allowed to seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

Keeping in view the above narrated facts, it is most humbly prayed that the appeal of the appellant may kindly be dismissed with costs, please.

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

(Respondent No. 01)

Regional Police Officer, Mardan

(Respondent 18-02)

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

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.



Arif Ex-Constable No. 887, NET, Mardan	Appellant.
VERSUS	<u>-</u>
The Provincial Police Officer, Khyber Pakhtunkhwa	a, 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. It is further stated on oath that in this appeal, the answering respondents have neither been placed exparte nor their defense has been struck off. Cost

> Khyber Pakhtunkhway Peshawaj. (Respondent/No. 01)

Regional Police Officer, (Responden No. 02)

District Police Officer, Mardan.

(Respondent No. 03)



OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN



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

ORDER

The following Police Officers of Narcotics Eradication Team (NET) Mardan are hereby placed under suspension and closed to Police Lines Mardan with immediate effect, being involved in illegally arresting and keeping of one Wahab resident of Parachinar, presently Gulshan Town Sheikh Maltoon (Mardan) in unlawful custody and then demanded of Rs. Two Crore as illegal gratification from his (Wahab) family members for his release:-

- 1) Inspector Abdul Baseer No.MR/142.
- 2) IHC Sabir Ali No.945
- 3). Constable Waseem Abbas No.2629
- 4) Constable Raj Wali No.1166
- 5) Driver/Constable Arif No.887
- 6) Constable Jalal No.3236 (Elite Force Mardan)

OB No. :418

Dated 62 8 /2022

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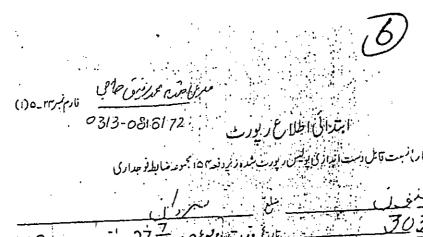
(Irfan Ullah Khan) PSP District Rolice Officer Mardan

No. 4311-18 /EC dated Mardan, the 03-08- /2022

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan, please.
 - 2) The Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar.
 - 3) The SP/Elite Force Mardan.
 - 4) The SP/Operations Mardan.
 - 5) The DSP/HQrs Mardan.
 - 6) The In-charge NET Police Lines Mardan.
 - 7) The PA (DPO Office) Mardan for issuance Charge Sheets to defaulter officers.
 - 8) The OSI (DPO Office) Mardan.

Designation



ب خلنول المرابع	المرشدا
المان	``
	/F -11
د من الملان در المرام	انداخي
ينيت جري (معدونة) مال اكر أوليا كي مون المرابي المرابي المرابية ال	۳- ایختر
ة وترعة فاصر تمانيات اورمت	_ lo "_ p"
اوا مبرامو بأل قبر	نے۔ ان اس کا مرد انتائی کا
لَ جِرْمَتِينَ مِحْ مَعْلَقِ لَي كُلُ الْمُواطِلِ وَرِينَ كُولِ فِي اللَّهِ مِنْ اللَّهِ مِنْ اللَّهِ اللَّهِ	- אנו
בוולטלוטב	- أ. تعاند.

في مرام وفايت منتزولام بال بالرست ورب بالانهام ما يو ورب بالا سولولين وردى مى عبرس سالى ما الرابع العبالة معاديات الماروط رك رورنا مرنام فرا مرايا كروك الالت مد قد رونا المرا الم المار תני תל לעול לעול או אינו ביילט עם אין איר היפעי الراح ول عاد در شور سل مار ده المتفاقيراكما فذات لغدم لالمناشي لير رو کامر رفه 105 م ومنزل الغزاج بنمانس ببل مرحال بلا سے ررس اسن وله المستحد دلود こい27 ないかりましいましていいていい ومستن حاج المرميق ولايهاب جان لوم الميال المر الما في المترك ما ندعال المن عاول ولد لدستاه كالمن مع حمياء الرص ولد نعر عال من رجان لدوستي لون داريد را الم كراددام الم درد الماليون. المال المارات الم برا في السراري ما الماساع بريد كالاثرى الم سن ما داول له مدارم لله ك المحارك من المراكب لوالب من عاد الم مركب الاعراب الم المركب المرك مر ادر المام من مدان جو المراد المام من مدان جو المراد المام من مدان جو المرد مدرون ما بهر الصمالة بمقارد

ما كان مارك سل المارك المارك المارسي المارسي الم برماران مداره نه مارن ارام صاء الرحن مدره عدمانيل در ١٤٥٥ و١٥٥ و ١١٠ و ١١ و ١١٠ و ١١ و ١١٠ و ١١ و ١١٠ و ١١ שונו נעות יו של כל לעובטום زناب كركن بيون ازكن معند ملى جادت در تعلم الله مركامين ما مران على داري ما لا ما مند و ما من المحل الدون رك ع الالا ما ليد لا وتنوا الروكا وال لوالي وسر لنديا ال المرا المرابعة المراب الارارال سرا

ے یے دہندہ کا دیخط ہوگایاس کی مرشان لگایا ۔ یم کا در الرقوم کنندہ ایتدائی اطلاع کا دستط اطراف مراکب اور السرق درشائی سے ہاتا تل تام پر یا شیم کی الرقب واسلے ہاشدگان علاقہ غیر ہا سے ایشیاریا افغال جال موزوں مون کستا ہا جینے ہائی

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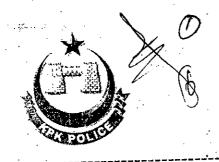


ابتدائی اطلاعی رپورٹ نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ ذیر دفعہ 154 مجموعہ ضابطہ فوجداری

<u>تاريخ ووقت و قومه: 27-07-2022 06:00 PM </u>	نمير: 303/22 تفانه: فيخ ملتون صلع: مردان اى فيك نمبر: 00000
6 تھاندے روانگی کی تاریخ بوقت ب <u>طور سپیش ر پورت</u>	ا تاریخ ووقت رپورٹ کا تاریخ ووقت رپورٹ کا 100-08-20203:00PM
<u>مسمى حابى محمد رفيق ولد گلاب جان، پية: نسته روؤ گلى باغ گلشن ٹائون، موجو ده پية: نسته روؤ گلى باغ</u> گلشن <u>ٹائون،</u> شاختی <u>کارؤ نمبر: 1-4361579-21301 فو</u> ن نمبر: 03130818172	ا (ا : ام و سلونره ، اطا) ح د دينه و سنده . ه
:(.5:	3 مختر کیفیت جرم (معد دفعہ) وہال اگر پچھ تحمد عمیاہ
<u>ت پ 365A</u>	
عقب نادرا د فتر رینگ رود محکشن ٹاؤن	4 جائے و قوعد و فاصلہ تھانہ سے اور سمت
مدی کی رپورٹ پر انکوائری اور قانونی رہنمائی مقدمہ درج رجسٹر کیاجاتا ہے	کاروائی متعلقہ تفتیش اگر اطلاع درج کرنے میں کچھ تو قف ہوا ہو تواس کی وجہ بیان کی حاوے

اله: ALI AFSAR بيلت نمبر: 1249/M عبده: ASI بيلت نمبر: 03459364888 (ابتدائی اطلاع بنج درج کرس)

مستعیث مندرجہ نمبر 2 نے مور خہ 2022/7/20 کو علی افسر خان ASI کو اپنے برادر وہاب بعمر 25/24 سال کی بوقت و قوعہ بالابمقام جائے و قوعہ بالاسے یولیس وردی میں ملبوس کسان کا آکر اپنے ساتھ لے جانے کی ربورٹ کرکے جسکوبشکل بمنزل اندراج روزنامیہ تھانہ ہذا بجھوایا جاکر جسکو بخوالہ مد 22روزنامیہ 2022/7/28 تھانہ شیخ ملتون درج کرکے جس پر انکوائزی شروع ہو کر بعد انکوائزی و قانوني ربنمائي مقدمه بجرم بالابرخلاف ملزمان انسيكر عبد البعير 142/MR ، صابر على 1HC/945 ، كنستيبل وسيم عباس 2629 ، كنستيبل راج ولي 1166 ورائيور كنستيبل عارف 887 كنستيبل جلال 3236/Elite درج ہو کر نقول پرچہ جات بمہ انگوائری کاغذات بغرض تغییش حوالہ شعبہ تفیش کئے جاتے ہیں پرچہ گزارش ہے نقلمد ذیل ہے۔ رپورٹ بمنزل اندراج روزنامچہ سید علی شاہ ASI بوقت صدر بچہ مور ند 28/7/2022 ایک تحریری رپورٹ بمنزل اندراج منجانب علی افسر خان ASI سے بدست کنسٹیبل شاہ زیب 58سے موصول ہوکر جسکا متن ذیل ہے رپورٹ بمنزل اندراج روزناميه تاريخوت و تومه 2/7/272 وقت 18:00 بجه تاريخ وقت ريورك 202/7/28 وقت 30:30 بجه جائے و توعه عقب نادراد فتر نز درينگ روز گلشن ٹاؤن بخد مت جناب افسر انجارج تھاند شیخ ملتون حسب اطلاع بمقام جائے و قومہ بالا پر آکر مسمی حاجی محمد رفیق ولد گلاب جان قوم افعان بعمر 38 /39 سال سکنه نسته رود گلی باغ کلشن ٹاؤن بشمول ساتھیان اش کامر ان ولد محمد شاہ سکنہ شاہ کلے ضیاء الر لحن ولد فقیر خان سکنہ فاطمہ ملاتی ہو کر حاجی محمد رفیق یوں رپورٹ کر تاہے کہ براد رام وہاب 24/25 سال جو کہ بیر ونی ملک سعودی غرب میں تھیکداری کاکام کر تا تھا آج ہے تقریباً 6/7 ماہ قبل پاکستان آیا ہوا تھا آج برادر ام مسمی کامر ان ولد عمر شاہ کلے کے ساتھ بوقت 18:00 بجہ گلشن ٹاون آیا ہوا تھا اور بسواری گاڑی Rivo برنگ کالانمبری 99 مین بازار کی طرف آرہے تھے کہ جب بمقام جائے و قومہ بالا پر پینچے تو ایک موٹر کار XLI برنگ کالانمبر ی KGF/648 آکر رک کر جس میں سے ایک شخص جو کہ کالی وردی میں ملبوس تھانیچے آترا در بقایا تین کسان جو گاڑی میں بیٹے ہوئے ستھے یولیس کی وردی میں ملبوس ہو کررینگ لگائے تھےنے براور وہاب مذکورہ بالا کواپنے ساتھ بٹھا کر جبکہ گاڑی متذکرہ بالا کو کامر ان کوحوالہ کرکے بتلایا کہ آپ کے ساتھ گاڑی میں ہماراایک پولیس اہلار بیٹھے گا جس پر کامر ان ند کورہ نے گاڑی فتیم Rivo کولے کر بھاگ آیااس دوران برادرام وہاب نے اپنے موبائیل نمبر 03495482187 سے مسمی ضیاءالر کھن ند کورہ کے موبائیل نمبر Rivo و 03495482187 پر کال کر کے بتلایا کہ آپ آگرمیری گاڑیRivo نہ کورہ بالالے جائے کیونکہ ضیاءالرحن نہ کورہ بالااس وقت گلثن ٹاؤن کے حدود میں موجود تھامیں نے تاحال برادرام کی نسبت معلومات دیتہ براری جاری ر کھی کیونکہ ہماراکسی کے ساتھ کوئی د شمنی یادلبدی موجود شہیں ہے مجھے معلوم نہیں کہ براورام دہاب کو کون کیوں اور کس مقصد کیلئے گئے گئے ہیں برائے رپورٹ آیا ہوں میری رپورٹ لکھی جادے دستخط ا گریزی میں کامران ولد محمد شاہ سکنہ شاہ کلے رپورٹ بالا کی تائید کی تائید کر تاہوں وستخط اگریزی ضیاء الرلحن ولد فقیر خان سکنہ فاطمہ نے رپورٹ بالا کی تائید کی دستخط اردو کاروئی پولیس حسب گفته سائل رپورٹ درج بالاہو کر پردھکر سنایا سمجھایا جاکر ورست تسلیم کرکے زیر رپورٹ خو و وستخطافیت کئے جسکی میں تصدیق کر تاہوں سریدست جملہ حالات واقعات کی اصل حقیقت معلومات کرنا مسلوب ہے جملہ حالات واقعات جناب SHO صاحب کے نوٹس میں لائے گئے اور وہاب مذکورہ کی نسبت معلومات کی عرض سے کنفر ول روم مر دان کو مطلع کیا گیا سریدست رپورٹ بمنزل اندراج روزنامچہ بدست منسٹیبل شاہ زیب 58 ارسال تھانہ ہے نقلد بغرض اکلوائری من ASI ارسال کیا جائے تاکہ مجاز عدالت سے بروقت اجازت حاصل کرکے اصلیت معلوم کی جائے دستھ انگریزی علی افسر ASI تھاند شیخ ملون مور خد 28/7/2022 کاروائی تھاند پس آمدہ رپورٹ بمنزل اندراج روزنامیہ حرف درج بالاناؤ کررپورٹ کی اصلیت معلوم کرنے کی حاطر انکوائری کا محتاج ہے اور رپورٹ نظلمد علمیدہ مرتب کرے بغرض اکلوائری حاصل کرنے اجازت 56 1 (3) کے لئے نقلمہ حوالہ ہیٹ افسر علی انسر خان ASI بجھوایا جاتا ہے۔ جناب عالی! نقل بمطابق اصل ہے۔



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

No. 497 /PA / Inv:

Dated 12 / 08/2022.

To:

The District Police Officer,

Mardan.

Subject:

DEPARTMENTAL ENQUIRY AGAINST CONSTABLE

ARIF NO. 887.

Memo:

man and the state of the state

Kindly refer to you office Charge Sheet No. 208/PA dated 03.08.2022.

It is submitted that preliminary enquiry into the matter has already been conducted by the undersigned therefore it is requested that the matter may kindly be scrutinize through another officer, please.

Superintendent of Police, Investigation, Mardan.

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PH 15/8

19/1/83



ICE OF THE DISTRICT POLICE OFFICER,





109 & Fax No. 0937-9230111 Tel No. 0937-923 Email: dpomdn@gmail.com

/PA

Dated <u>03 / 8 /2022</u>

DISCIPLINARY ACTION

I, IRFAN ULLAH KHAN (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable/driver Arif, 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 Arif No.887, while posted as driver at NET Mardan (now under suspension Police Lines Mardan) has been found of misconduct by arresting and keeping one Wahab resident of Parachinar, presently Gulshan Town Sheikh Maltoon (Mardan) in unlawful custody and then demanded of Rs. two Crore as illegal gratification from his (Wahab) family members for his release, bringing a bad name for entire Police Force in the eyes of general public.

To dig-out facts, a regular departmental enquiry is required to be conducted into the allegations through a competent officer.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Sana Ullah Bettani SP/Investigation Mardan is nominated as Enquiry Officer.

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

Constable/driver Arif is directed to appear before the Enquiry Officer on the

date + time and place fixed by the Enquiry Officer.

(Irfan Ullan Khan) PSI

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OFFICE OF THE STATE OF THE STAT



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

CHARGE SHEET

I, <u>IRFAN ULLAH KHAN (PSP)</u>, District Police Officer Mardan, as competent authority, hereby charge <u>Constable Arif No.887</u>, while posted as driver at NET Mardan (now under suspension Police Lines Mardan), as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

2. You are, therefore, required to submit your written defense within <u>07 days</u> of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.

3. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.

Intimate whether you desired to be heard in person.

(Irfan Urakikhan) PSP District Police Officer Mardan

Maru coal

OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE HEADQUARTERS MARDAN

thing reports of departmental enquiry against Driver/constable Arif No 887 vide No. 8/PA, dated 03.08.2022.

HISTORY:

Whereas, you Constable driver Arif No.887, while posted as driver NET. Mardan (now under suspension in Police lines Mardan) has been found of misconduct by arresting and keeping one namely. Wahab r/o of Para chinar, presently Gulshan Town Shekh-Maltoon, Mardan in unlawful custody and demanded Rs. Two Crore (20 million) as illegal-gratification from his family members i-e brother Haji Rafiq for his release and thereby bringing a bad name for the entire Police force in eyes of the general public.

OCEEDINGS:-

An enquiry was conducted into the matter on account of above allegations leveled against the defaulter official named above. To probe into the matter statements of the defaulter Officials, Oll PS SMT and I/C PP Behram Khan kali were recorded. Relevant documents including audio/video recordings were also obtained and placed on file. Names of the defaulter officials (S.N0.1-6) and others enquiry concerned are listed below:

- 1. Inspector Abdul Baseer
- 2. IHC Sabir Ali No.945
- 3. FC WascemAbbass No.2629
- 4. FC Rajwali No.1166
- 5. Driver FC Arif No.887
- 6. FC Jaial No.3236(Elite Force)
- 7. OII/SI Munir Khan PS Sheikh Maltoon
- ASI Ali Afsar Khan I/C PP Behram Khan Kali
- 9. Recruit Zeeshan No.2620 deputed in police lines

10.Taxi driver Asif Ali s/o Azizullah r/o Jamal Gharai, Mardau

11 Farhad Ali s/o Rahcem Dad r/o Toru as security guard BOK

a. Inspector Abdul Baseer Khan recorded in his statement that the performed duty as incharge Narcotics Eradication Team (NET) since 27th july 2022 where he carried routine raids against drug-dealers/peddlers throughout the district. He squarely negated the altegations of abduction and the amount demanded in lieu thereof. He declared the criminal case registered vide FIR No. 303 dated 04.08.2022 u/s 365A PPC PS Sheikh- Maltoon as baseless and a planted exercise against him and his team (NET). Further added that they were produced before the ATC Court on 22.08.2022 wherein the petitioner/abductee clearly denied the allegations leveled against them (officials) in awritten statement before the court. Resultantly, their bail was confirmed while the case is under trial therefore, the court decision will be honored.

IHC Sabir Ali No. 945 stated that he was deputed in NET team with Inspector Abdul Baseer In-charge NET. On the day of occurrence he left for official duty where he was asked for launching Naka-Bandi on the ring road. He added that they made the proposed Naka-bandi where he neither noticed the alleged abduction nor demanded alleged amount for release of abductee in lieu thereof. He performed his duty and carried out the orders of his senior officers.

c. The defaulter Constables Waseem Abbas No. 2629, Raj Wali No. 1166, Jalal No.3236 (Elite) & Arif No. 88 were summoned, heard and cross-examined. They narrated unanimously the same story as recorded above by IHC Sabir Ali No.945 which is reproduced as follows, "on the day of occurrence they left for official duty where they were asked for launching Naka-Bandi on the ring road. They added that they made the proposed Naka-Bandi where they neither noticed the alleged abduction nor demanded any amount in lieu thereof from any one. They performed their duty and carried out the orders of their senior officers".

d. ASI ALI AFSAR in-charge police post Behram Khan Kali in his statement revealed that on 28-07-2022 at about 08:30 Hours he was approached near NADRA office Ring-Road. Guishau Town by Haji Rafiq r/o Nisata Guli Bagh and Kamran r/o Shah Kali where the later reported that he along with his brother namely. Wahab were on the way towards main bazaar in their private vehicle black color Rivo No. 99. Meanwhile a black car No. KGF-648 stopped them and deboarded Wahab. They were in official uniform and took him (wahab) away in their car. He added that the matter was reported vide DD No. 22 dated 28-07-2022 and



marked to him (ation along with local-elders. Their statements u/s 161 Crpc was approached by Abbas No.2629, Raj Wali No.1166, Jalal No.3236. Arif (driver) No.887 Constable dated:04-08-2022 u/s 365-A PPC PS Sheikh-Maltoon and marked to SI/OII vide Fig further Investigation.

Munifie KHAN PS SMT submitted his progress report and narrated version of FIR.

8 SI/Nas prepared at the pointation of complainant and eye-witness Kamran and their Sints were recorded u/s 161 Crpc. He added that one 9 MM pistol and two mobiless, belonging to abductee, were recovered from possession of the accused party and pared a recovery-memo thereof. Accused were arrested accordingly and their statements were recorded u/s 161 Crpc. Statement of recruit constable Zeeshan No.2026 s/o Mohammad Islam r/o Gumbad was also recorded u/s 164 Crpc against the accused police party. Besides, audio call-record was also obtained wherein allegedly the accused inspector Abdul Baseer had demanded Rs.02 cror from the family of abductee in lieu of his release from illegal-custody. The Case file has been submitted before the Anti-Terrorism Court-Mardan, however, the accused are released on bail vide order No.02 dated: 22-08-2022. (Copy of bail order annexed as 'A')

STATEMENT OF RECRUIT ZEESHAN NO.2620 recorded in his statement that he was deputed as orderly to defaulter inspector Abdul Baseer and on the day of incident i-e 27-07-2022 he was present in his home. In the eveninghe was called on his mobile phone (0347-1194365)) by the defaulter inspector and asked to manage dinner for 04/05 persons. After 30 minutes, the defaulter inspector along with IHC Sabir Ali and constables Wseem Abbas, Mohammad Jalal, Arif and an unknown person (handcuffed) arrived in his huira. They were served with dinner where-after the defaulter inspector and IHC Sabir Ali left the Huira while FCs Waseem Abbas, Mohammad Jalal, Arif and the unknown person (Handcuffed) stayed for night at Huira. The next day i-e on 28-07-2022 at about 1300 hours a white Corolla Motor car arrived in his huira and the unknown person (still hand-cuffed) was boarded in the car and they all left the huira. Further added that he did not know the person handcuffed and had no information about their next destination. (Copy of statement annexed as 'B')

- g. TAXI DRIVER ASIF ALI recorded in his statement that on 28-07-2022 at 12:00 O'clock he was called on his mobile phone (0341-9062543) by accused/defaulter constable driver Arif and asked him to come in the locality of Gumbat to drop/shift their colleague to Rashakai. He arrived soon thereafter in the locality where accused/defaulter constable Arif and two other unknown persons in plain clothes boarded another person in his car who was blind-folded. He along-with defaulter constables left the hujra and dropped the blind-folded person in Rashakai bazaar. They returned there from and was paid car rent Rs.3000/-.
- h. FARHAD ALI SECURITY GUARD BOK, Rashakai in his statement recorded that on 28-07-2022 at 15:22 hrs while on duty in front of the bank he was approached by a man in a state, of fear and asked for a call on his mobile but he refused. Later on the person who demanded mobile phone from him was identified as the abductee. Wahab.
- i. THE COMPLAINANT & ABDUCTEE in their joint statement u/s 164 Crpc stated that they compromised the matter with defaulter/accused officials and to that effect on 22-08-2022 a joint statement of both was recorded in the court of ATC-2 Matta, Swat at Mardan. They have shown satisfaction regarding innocence and non-involvement of the defaulter/accused officials in the ibid case. They also shown no objection on their being acquitted and pardoned them in the name of Almighty Allah. (copy annexed as 'C')
- j. That a compromise deed affected between the accused and complainant/abductee was produced before the competent court. Consequently they (accused) were released on bail vide order No. 02 dated: 22-08-2022 in the case.(Copies of compromise deed & bail order annexed as 'D' & 'E')
- k. That Performa-B was issued by the prosecution branch, Mardan on the subject," DECISION IN ANTI-TERRORISM CASES WHETHER TO PROSECUTE OR NOT TO PROSECUTE" for seeking opinion of Investigation Head/IO in the ibid case which was properly commented upon and negated in to. The superintendent investigation, Mardan

DSP Legal Mardan

ecommended the case for put in court i-e proper trial by making strong supporting remarks on the subject case. (Copies of Performa-B & comments of SP invest: are annexed as 'F' & 'G')

TRY OFFICER'S OBSERVATIONS:

The undersigned as enquiry officer examined the relevant case file, cross-examined the defaulter officials and their statements were recorded. Other relevant persons/officials were also heard and recorded their statements. The audio-call/video footage ATM recordings were produced which were heard/viewed properly. The undersigned, however, observed as follows:

- 1. That a criminal case vide FIR, cited above, was registered after proper enquiry where the complainant and abductee, after being satisfied, had charged the accused officials.
- 2. That one 9MM pistol and two mobile phones were recovered from possession of the defaulter/accused inspector Abdul Baseer khan and placed on case file vide a recovery memo.
- 3. That the recorded audio-call, made by the defaulter Inspector via his mobile to abductee's brother, was heard which, though not sent for forensic analysis yet but, apparently match with voice of the defaulter inspector.
- That taxi driver Asif Ali admitted the alleged mobile-call made by the accused/defaulter Constable Driver Arif and also confessed the alleged shifting of abductee from Gumbat to Rashakai.
- 5. That Farhad Ali, security guard BOK, in his statement affirmed presence of abducteein the premises of the alleged Bank on 28-07-2022 at 15:22 hrs where the later requested for making a call on his (SG) mobile which he refused,
- 6. That Recruit Constable Zeeshan No.2620 has admitted the fact that he was called by the defaulter/accused inspector on his mobile to manage dinner for them (accused officials) where they, along with a handcuffed person (abductee), stayed for night at his Hujra. He also admitted arrival of a taxi car in the Hujra on next day and taking away of abductee to an unknown place.
 - 7. That a joint statement u/s 164 Crpc was recorded by the complainant & abductee where they showed satisfaction about innocence and non-involvement of the defaulter officer/accused in the matter. They also marked no objection on their bail release/acquittal in the ibid case.
 - 8. That on the ground of compromise/joint statement, cited in the preceding Para, a proforma-B was drafted by DPP office on the ground "to prosecute or not prosecute the case "which was properly responded with steady observations by the Head of Investigation, Mardan.
 - That the other defaulter officials worked as a team (NET) who remained under immediate command of the defaulter Inspector and contributed proportionally in commission of the alleged offence of abduction.
 - 10. That defaulter official driver/constable Arif has contributed equally in the commission of offence of abduction by calling a taxi car and shifting the abductee from Gumbat to Rashakai. He has also been involved in drawing money from ATM account where he remained visible by side of the abductee in the video recorded.

RECOMMENDATION:

In light of the foregoing observations I, the undersigned as enquiry officer, am of the view that the defaulter official Driver/Constable Arif No.887 has been actively engaged in the commission of alleged offence of abduction.

He being accomplice and an active character in the whole episode of abduction)s hereby held guilty of misconduct and, therefore, recommended for major penalty under the 1975, if agreed.

The and the transfer of the second

(Muhammad Shafiq) Deputy Superintendent of Police, HQrs, Mardan.



OFFICE OF THE DISTRICT PULICE OFFICER, MARDAN



Tel No. 0937-9230109 & Fax No. 0937-9230111 Email: <u>dp</u>omdn@gmail.വേന

No 97-10/PA

Dated / /2023

ORDER ON ENQUIRY OF CONSTABLE ARIF KHAN NO.887

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against Constable Arif Khan, under the allegations that while posted as driver at NET Mardan (now under suspension Police Lines Mardan), was placed under suspension vide this office OB No.1618 dated 02-08-2022, issued vide order/endorsement No. 4311-18/EC dated 03-08-2022 on account of illegal arrest and keeping one Wahab resident of Parachinar, presently Gulshan Town Sheikh Maltoon (Mardan) in unlawful custody and then demanded of Rs. two Crore as illegal gratification from his (Wahab) family member i.e. brother namely Haji Rafiq for his release. Subsequently, a case vide FIR No.303 dated 04-08-2022 U S 365-A-PPC 15-AA has also been registered against the delinquent officer at Police Station Sheikh Maltoon.

To ascertain facts. Constable driver Arif Khan was proceeded against departmentally through Mr. Muhammad Shafiq DSP/HQrs Mardan. (nominated in place of Mr. Sana Ullah Bettani SP/Investigation Mardan/E.O vide his office letter No.497/PA/Inv: dated 12-08-2022 on the basis of already conducting preliminary enquiry into the allegations) vide this office Statement of Disciplinary Action/Charge Sheet No.208/PA dated 03-08-2022, who (E.O) after fulfillment necessary process, submitted his Finding Report to this office vide his office letter No.385/HQrs dated 29-11-2022, concluding that the allegations regarding keeping the abductee namely Wahab in unlawful custody and thereafter demanding of Rs. two Crore as illegal gratification from his (Wahab) brother on the part of Constable Arif Khan have been established on the basis of engaging in commission of abduction, therefore recommended him for major penalty.

Constable/driver Arif Khan was heard in OR on 22-12-2021, during which, he couldn't provide any cogent/plausible defense against the allegations leveled against him, therefore, served him with a Final Show Cause Notice, under Khyber Pakhtunkhwa Police Rules-1975, issued vide this office No.13054/PA dated 23-12-2022, to which, his reply was received and found un-satisfactory.

Final Order

In the light of above discussion. I am of the considered opinion that Constable/driver Arif Khan, has been found of gross misconduct by involving in illegal activities of corruption, which brings a bad name to entire Police force in the eyes of general public, therefore, awarded him major punjshment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 34 Dated 64/2/ 2023

Hardon Rashid Khan) T.ST/ PSP District Police Officer, Mardan.

Copy forwarded for information & maction to:- 😕

- 1) The Regional Police Officer Murdan, please.
- 2) The DSP/HQrs Mardan.
- 3) The P.O & Electory Markin.
- The In-charge Lab (HRMIS) DPO Office Mardon.



OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

MARDAN

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



No	/PA	-		Dated_	/	/2023

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OB No.	Dated	1 / 1	2023

(Haroon Rashid Khan) T.ST/ PSP District Police Officer, Mardan.

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan, please.
- 2) The DSP/HQrs Mardan.
- 3) The P.O & E.C (DPO Office) Mardan.
- 4) The In-charge Lab (HRMIS) DPO Office Mardan.
- 5) The OSI (DPO Office) Mardan with () Sheets.

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ورمقل ساه فرم انقال بغير 27/22 سال الان ي وردا طالله طاق والرقل ررط منت ابنا ما ما مرا ما ساء دار قرساه ما س شاه روا من مل سے روائے کو اللہ میں اللہ اللہ اللہ اللہ اللہ

Mardan

هر البيدث بمنزل اندياج روزناي اسرعلشاه Asi الموقت مدر بم مورف 37 28 ايك ا يدى المنك الدياج معمامت على إنسطان ٨٤٨ سع بويت كالثبان شاه زيب ٥٥ س موصل بغر الرجاسا من ديل سا دادر ف منزل ا فرياج روزيا في مارخ وتت وثوي مر من من 18:00 من المرام المر نَادِرا رَفَشَ يَلْكِ رَبِيكُ رَوْدُ مَلِشَ يُادُن كَيْمِتُ مِنَائِبً إِنْسِ لِيُلْرِح ثَمَانَشُغُ مِلْمِن الْ مساطلاع بمقاً حائر وتوسي بالا بيريم كرسم حافي جيد لينبق ولد علا ب حان قوم افدان لعبر 38/39 سال كذ للسمرو و والله الع ملسن الحاون لبسمرك سا وفيان الس كامرار ا وللرمير سناه سكنه نشاه كلي مناء الرفان وللرنقير خاب كله نا لمير ملاتي بوكر حآجي محزار رنیق لیرب رب کراید که بطردر از وهاب کل/۱۵ سال جوکه بدر ون مانسین مرب میں محصکاری کا کا کوا تھا ہے سے تقریب مراک ماہ عبل پاکتان آیا سراقعا ج برادر أي مسمول مران ولد معمر شاه سكن ينها في كل سائه بريت ٥٥٠ ١٤٠ عبر كلش ما في ا سے بسواری گائیاہ Rivo برنگ کالالمرف او میں بازاری طرف آ و جا بھا اور کی طرف آ و جا بھا اور کی طرف آ و جا بھا ا جار تو قوم المالا بر بہنے تو ایک مورس کار اسلا اور گان کالا بڑی اور وک کر جسائیں اسر ایک اور دک کر جسائیں اسر ایک اور دک کر جسائیں کر جسائیں اور دک کر جسائیں اور دک کر جسائیں کر دک کر جسائیں اور دک کر دک کر جسائیں کر دک کر دک کر جسائیں کر دک کر د سے ایک شعبی جو کہ کمانی وردی میں ملویس تعانیع آترا ور نظایا تین کسان جرگازیا سى بيفت بين تع إد ليس كى وروى مين ملويس بيوك دينك لقائد تع ف دروهاب مذكوره بالاكويني ساتع بمقاكر جبكه كانيما متذكرة بالاكوكامران كوحوالكرك بالايا مرة ب كوساتع ما رئيس بهال ايك بولس العار بسيق ما ص در كامران مركوره م مارس ۱۱ مارس ما جا کوم کر که کی میان مورس برادم می و واب ندا منے مربائیل عزی ا عسى منادارض مركده كعما الله 1818 مركان كرك على المالة 1818 مركان كرك المركان كرك بتلایا من الرساما و من مور رس سرمر مرس سرم من ادا روان مرکوره ال کار اس وقت گان کا کون کے حرووسی مرحور تعاش نے کا حالے برادر آم کی کست ب معلرمات وسیراری جاری مکمی کیرینم جمارا سی کے ساتھ کوئی دشمنی یا دلسری مدور بني سے معد سام بن كم درادرام و معار كون كيون اوركس مقد كيا ألى س برائع ے د مربور مي والمران معي والمورث معي طوي دستيل الكريزي مين كامران وارق راه كندشاه كا بورك بالاك ما ليركرنا بيون دسخوا الريخ صادا برفان وليرفعروان 7-سكته ما لمدني دلورك الرك ما فيرك دستخط أردد كاردال لي لين حسب كفتها دارد في درج الابوكر الخرعكر سايا تعماما جاكر درست نشد كرك ديور لورث و. درست نشد كرك ديور لورث و. درست نشد كرك ديور لورث و. درست المسلك بين الماس بين المسلك بين كرناس بي مرسم بين المرسمين المرس مفینت ملی (معلوں سے جلم مالاث وافعات جناب SHo مالان اور انعات جناب کا کولئس میں لائے گئے '(مو 包

ر بور طفیمنی حصددهم (اندرونی) می اندرونی اندر

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عنعاط نزر كا حرس كا. في اع ند برران براي كا عرف عدد الله الله الله كالمران المران المرا المن الله الراريك المريد - جزيه بي المنت كادن سي المريد المريد من المريد والمركب فالديك والمركب فاله شرى في من المحال والول والول من ولي والول من المالة والمر توجد وفرة الحاساني المراح المرا الم رجات عن ١٢١٤ ما ما كانفا العراق منه مع مع الرود الدرس الم الما الماء (الله الماد المرابع الدرس الماء الم وتعد بنيد ما فه ركع الى اور جد ابن كلك ك الحاد ابن كلك ك الحرب ابن كالك من كالم ادر المحت بيسما با نره لى الحريد كالمي من للأو كالمعربية المعربية صارانده ركا- حي 'بازبار بيد 'مراز باي نوجها دعا- سي فروسه الماء عم كادون روز العالم المعالم الله المعالم الود ه سيا مرم سي تعالى العربي كبين عود ع حد العالم العربية والمعنى المعنى ا المعامد من الوسعا - أور آجف لنا ور الحالية على المعاملة على المعاملة المعام الرها الماع ولي الماع والمعالم ريكا - ارسط مومالك في بنعرس سن عمله طاق رضع بحمالك ١٠٠١ عَـــ الاله مـــ دور وحرا ديالا عام مــ وعرصه ئ الله معلى عد ماس ريفارون بها حرفير وهي- اور ليعرفي وي من جا وبد تع يط ربعا مع عا- الم بح تهرايا- ح ١ و تع يعالى الم

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بليس فارم (۱) مرم (۱) مرم ر لورط منی حصددم (اندردنی) اسكيد عدالنصر ولم عدا عموف فوي إنغان لعبر 42/ وبا سال را بن برا, تور و هد مله جراف برمانت بولي بنان ما عمين بنيك يد بولاري بر سف يديم ما رنيارج تفا - مين مع سف يديم منشيات مي روب نفا) بولا جمل دي فَعَلَقَ عِلْمُولَ مِيرِ فَعَلَقَ أُوفَاتَ نَامَ مَثْمِ قَالَ مِعْمِ الْمُعِينِ مُورِمُ عِلَيْهِ مِلْمَا سك سر المرا مان ولا مراي المراي المراي المراي المرابي المرابية فان نادن زور مرنای منبری سے میرے مرحور تف الراع ملا آمي بيت بيرا سمقله عيراكس خارجا رومار وماسط ريف روز بيراريا-مع ما دم ميرايد عارى أرضى Rivo بنرى 99 من روك ل مرايد بذر رسي أرا نفاجما تو بوش عينت روعا جا برعا بران عامريان في المرار دو المول م حامد ملائ كا ، هو بن هم مي على على الموق المرام المرام برق - عارُق ه جما صيب برا على براط بت برايي ارى ابنان) ويا مان ستررور على ماغ بثراد ما جري رويدات اين فاع كار ولر عمر شاه ما مناول وسات سوها عمل مرا بريما معاديد رجر روسرا ارى عارى سيت چعرار رويال چارايا - الانوعارى من استاراتيك رك مرب سوم- دات بشروع بيرف والاعل توساف الا رسفا و ليف ما نين وات ع جومي كار ريا له براس شعوا و ره مي سرات سات الم المان الم المان الم

عارف مواطراع ری می کس سے خاری متعوالی- ارزان سوعی موخاری میں سیکھا ر اندا خاسارا ساخان اس فرقول رے ضلع فر سروہ میں کس

المعرور - من على من موسول في ديا را بين في - ين ميرا سال ع

بوليس فارم ١٥ مره (١) ر لورط می صددم (اندرونی) / post of serial objects وُرا رُور را عف على ولم عمر مر الاموم انقال ليم 22/ 33سال سان 28 07 10 by de July and July July 6000 روس عص سنال دُرا در عارف نے مرازم ساره برا درا عدا ملوس عجا- ا وراس في انعول در يي ما بروا بري ع المرا و المرا المرون على المراب على المراب الله ملك دارًا در من من در در فور فالح را نعي يداؤ را ما في من روسم مول-

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ر لورط می حدوم (اندون) ر لورط می حدوم (اندون)

سفی داجه کی مار امر حدین فی افعال لیم 9 20 و سال ما من بشر حاری استرای کا کا کندے برما است بیم می البقام ما استرای کا کا مرف کا برما می می البقام ما استرای کا کا برخ برم وجود تھا۔ یا افعالی میں البقام المرا سفی حدید البقام المرا میں کا حار برق حلی میں اور مرفول میں اور مرفول میں اور مرفول میں اور مرفول میں مرفول میں مرفول میں مرفول میں مرفول میں اور مرفول مرفول مرفول میں م

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بوليس فارم٢٥-١٥(١)

ر لورسط منی حصددم (اندرونی)

وي طال مارسول ما في انقال فيم 12/8 يسال ما من روس ومان لور 65 ت*ھا۔ مرز<u>ہ ک</u>ے 27 کو مفید* نا ر سرطان سا تو ناى بنرما بي سرئ مرجورتا - عاملا دودان اس ساله مان وراب حان دام على ب جا ف كاس ت را کانا) کامران شاه ولم فارشاه ساین شاه ی ریندرور عافي جريم ووسم الروط عارف ع وزد نع مورثم محمد العبرانيو مع حروص عامات و مدرالبعمون رجانتانا على مرون بركها ما تعاما مدالبعير ما في تولق ل وي وي محميا - مِن مرسع مياس) اورعارة وا ده بع - عيم مناري منهوار درول ساس ان خوا (وا حاق) م بها ر صلى تر سرو من العورود مر المعلم عان ما فال بر عارف ندایک ملکی و فارتور او بوران ی المعلى مراس را به ما و سبعا ر رساى ما دار مه ما و رسال فارْ إسلان و عفر رفا - فاق عصم بن سے سی مدا بنان مر

34574364*888* الروجي وي 8 و عنه ما را و و عربر و رس رود من الول مع ما ما و و عربر و رس رود من الول مع ما ما الله و المعربي الله رنين در تلايمان سنة لسير دود مكل ما مي شو (ساعي) رش ما مرون دلا شاه ~ 200 m 20 0 8 1810 20 (26) 20 00 181 6 1/1/ 2016 10 m Eliver of whom his Rivo Con 18 in O you on سے بی بینا علی اور وقتر ورونس رود مان کاول بر محف نورس اور والله المراق الرام المراق المراق الموالي الموالي المراق ال سًا لم سن كان مو كالرى من بعيد مو و فيد و > ولي كا موى اس ماسوس في ال 3 En pro out the secon word in sie con Wardan سره مع زیکو دیم فی وسی کی رفتی کی روشی سی سی سی کی تسکید 13.1166 B. 79 R. 2629 V. W. J. 945 Chorup. 142 7 4032 Por 303 M (De 3 236 14 1 887 14 265 A 265 A STILL STORY OF STORY OF STORY OF STORY

(35) (24)

پلیس فارم۱۵۰۰ (۱) ر لور رط همری حصدودم (ازرونی)

ولم فيراس في / نقال لعم 12/21 سال ما الرا كم Miles Con Marin Color Co wind our les 1,51- Wood of Job - who wing العام حال مدقع المرابع حرفائل فول طال وسه الما وساعيد 16,00,00 2 000 00 10 1 ming pin 6 2 60 100 100 طاركان كا تعالم يعلى تعاماً بعائد كوكما نقريبًا ا وتعا كعن ديه المعارض عمر رسم عمامل - في والل - عارف ا دراند بعقال من ما معارے یاں ار دینائے این حرف کسٹ معول ان کو مِن سِمُواتِ ا مُفَوِل مِن قُوا مَا مُعَا فِي مَعَا فَ مِن الْمِيرِ الْسَلِيرِ الْمِيرِ الْسَلِيرِ الْمِيرِ الْمُ وولون عمار عالي - ا درجار كا ن ويع تيان جرجال عارف اوراد کا جرا کا عالی کھے یا و اس میرے فرے میں ر روات رازی می تامید بی الااران و میدادی توان کول مرد رواج مرنت و مع-113 العامول طرار الروه جازون ا مام سى سول بر سے بعد میں رہے جرے می کس کروں مائی الى مرا سال عرف رسال عرف المارق (منون) وسالداء يرنسان رُسكامين _

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الورط مي حددوم (اقدرونی) ع ما مرس ولا عمر رَفان مُعم انغان لغبر 38/9 قسال سائل و العامل رق رفع موره في برياف لول بيان على من يف في الله الم من لقينا عرب من عمام 27 عنوس الجارج س ف شم عبد البعيران ے سا قو افران کا مفری لوس لوس لاس سے اسا کا مفری کا مفری لوس لوس لاس سے اسا کا مفری کا نا درا ملؤنَّف نترر عَكُنْ نامِنَ وبَنْكُ لُولُ وبِنَّكُ مِنْ اللَّهُ مِنْ اللَّهُ اللَّهُ اللَّهُ اللَّهُ الله الم بعدان العَدِ عَالَ وَمَا أَرْضَعَ مَ Rivo برنس مالا بنرى 99 أنا موا يوس حيان عوا رے ما زعة دوران سوار تھے اس ورامون رمط نفا ووسرا ابنات ما تحور تدف سوت بالرب عا بوانا دولوراً وعا رُي على تحف إمار رجام الله تال عن المراط من وقالور ث المانا) وياب عان المروسرا جوانا الفرائه عاد الما عامل مَلائے - وُوالْبُورُ وَما بِ حَالَ وَلَمْ طَلْ سَا مِنَ سَالِي الْمَالِيَ سَالِي اللَّهِ وَوَالْبُورُ مَّلَى مَاعَ , حَرِورِ هِمَ مَ عَلَى عَنَى فَعَامُ خَيْرِ رُوصِدِ الحَلِّي عَيْرالِيعِيرِانَ اسكيته اسكيرها مبت باسل في العراس في براس ت سا قد مرام ارس سفا رجس اسافا زوس اساقع ا درخاری وال ير حور ريم ريان سيرها يون لوان جار من بول خلا با ال السيد حاصيت الماسعو) ومرفر في النف ما فق ش المراق ورا ما في يع بن ولا - يما نيل بنا لي على ولا لو

(210)

بوليس فارم ٢٥ م٥ (١) ر لورط مي حصدوم (اندروني) وامان وريد ما وي مرايا مد لوان سال سال من الاسلام من مرالاهما ما نَ بِعَيْدِ مَا دِلْ المراثَ رَفَا مُعْرِلُ عَلَى مُعْرِلُ عِلَى الْعِيمِ الْعِيمِ الْعِيمِ الْعِيمِ الْعَلَم سائف مقيد فاردا المراثَ رَفْكَ الْمِرْ الْعَرِيمُ وَالْمَا الْمُؤْمِدُ لِلْعَالِمُ اللَّهِ اللَّهِ اللَّهِ اللّ ص عن سے اسمان کا کی مراب مان تھا۔ اورووسرے کان کا مران سا ہد عريسة ما فقط أو من المنا وجرم روس طال زن عارف کال در منکی ورد مور ارجی داری Micu de ples es ATM este - by OP) وموركار مع يحداثر (عمله جل ما اورج روال مع والال ووال ما في يحق على بيل والل - ربي عهر البالي يد

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This order will dispose-off the departmental appeal preferred by Ex-Constable Arif Khan No. 887 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. 34 dated 04.01.2023. The appellant was proceeded against departmentally on the allegations he while posted as Driver at Narcotics Eradication Team, Mardan was placed under suspension on account of illegal arrest and keeping one Wahab resident of Parachinar, presently Gulshan Town Sheikh Maltoon (Mardan) in unlawful custody and then demanded Rs. two Crore as illegal gratification from his (Wahab) brother namely Haji Rafiq for his release. Subsequently, a case vide FIR No. 303 dated 04.08.2022 U/S 365-A-PPC/15-AA has also been registered against the delinquent officer at Police Station Sheikh Maltoon.

To ascertain the real facts, Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Acting Deputy Superintendent of Police, Headquarters, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings report to District Police Officer, Mardan concluded therein that the allegations regarding keeping the abductee namely Wahab in unlawful custody and thereafter demanding Rs. two Crore as illegal gratification from his "(Wahab) brother on the part of delinquent officer have been established, therefore, recommended him for major punishment.

The delinquent Officer was heard in Orderly Room on 22.12.2022 by the District Police Officer, Mardan during which he couldn't provide any cogent reason in his defense, therefore, issued him a Final Show Cause Notice to which his reply was received and found unsatisfactory.

In the light of above, the District Police Officer, Mardan awarded him major punishment of dismissal from service as he also remained involved in illegal activities of corruption, which brought a bad name to entire Police force in the eyes of general public.

Feeling aggrieved from the order of the 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 09.02.2023.

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. Moreover, the involvement of appellant in these heinous

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criminal case 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. Moreover, he could not present any cogent justification to warrant interference in the order passed by the competent authority.

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

Order Announced.

Regional Police Officer,
Mardan

No. 1009 /ES, Dated Mardan the 21 02 ... /2023.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 25/LB dated 08.02.2023. His service record is

returned herewith.

For plachon

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FINAL SHOW CAUSE NOTICE

Constable/driver Arif No.887, while posted at NET Police Lines Mardan (now under suspension Police Lines Mardan), has been found of misconduct by arresting and keeping one Wahab resident of Parachinar, presently Gulshan Town Sheikh Maltoon (Mardan) in unlawful custody and then demanded of Rs. two Crore as illegal gratification from his (Wahab) family members for his release.

To ascertain facts, a proper departmental enquiry against you was conducted through Mr. Muhammad Shafiq DSP/HQrs Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.208/PA dated 03-08-2022, who (EO) after doing the needful, submitted his findings to this office vide his office letter No.385/HQrs dated 29-11-2022, holding responsible you of gross misconduct & recommended for major punishment.

In this connection, you were heard in O'R on 22-12-2022, during which, syou have failed to highlight any plausible reasons in your defense.

Therefore, it is proposed to impose Major/Minor penalty as envisaged under Rules 4 (b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I Haroon Rashid Khan (PSP) District Police Officer Mardan, in cise of the power vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

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

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

(Harodi Rashid Khan) T.ST/PS? District Police Officer, Mardan.

13054/PA 150 De 160 1 13 روال مورس ما ما کار کر سام کے طارد ؟ 3 mg/s / 3 we is 1 - 6/1/2/ 10 03 = 08 287 (w - 6) 15 6,3 8/15 m 130/11/6 1) bollow in NET 2, bis 3- VILVIS e 15th was 5/2 0 10 2 - 2 de - w 13/3/3/2/3 Suc U. 0,3 by of U. The 3i was 15 و المراد مهم اسل الله المراج المريم ا الله الم ما من مواند (در طال کرے شمریا سیکر وه والموسی محال حل معلى عدم من سرسا - س كورمال سا نفالو ١٥١ ١٥٠ - توي عاكر وجال بر 3 ورو - تويم . فيت طفت ا دول ما كا نعمل كر عرف - در نوس عوا ما كوره كو الما المحاردان ولي العراب العاملة 1. 20215 LN B 5 15 L 2 20 10' نران کی طاف کا مانو کی کا رازوار تھا۔ اس かしりにしいけららからりしんしい ام كا بعال كرا مادى it of which is with the state of يو را سرا کاردالا ک درا ا دفیر فرخای مای

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 662/2023

Arif Ex-Constable No. 887, NET, Mardan......Appellant.

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.

Respondents

AUTHORITY LETTER.

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

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

(Respondent No. 01)

Regional Police Officer, Mardan

(Respondent No. 02)

District Police Officer, Mardan

(Respondent No. 03)