

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

SERVICE APPEAL NO. 770/2023

Muhammad Ayaz _ (EX- Inspector FSL) (Appellant)

VERSUS

1. The Addl. Inspector General of Police Investigation, Khyber Pakhtunkhwa, Peshawar.
2. The Director Forensic Science Laboratory, Khyber Pakhtunkhwa, Peshawar.

(Respondents)

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A.I.

MUHAMMAD IBRAHIM AZHAR

Acting SP/Legal, Investigation Unit, CPO,
Khyber-Pakhtunkhwa, Peshawar

CNIC: 14301-2070270-7

0333-9617017

Next date - 5/10/23

Peshawar

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

SERVICE APPEAL NO. 770/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7487
Dated 11/09/23

Muhammad Ayaz _ (EX- Inspector FSL) (Appellant)

VERSUS

1. The Addl. Inspector General of Police Investigation, Khyber Pakhtunkhwa, Peshawar.
2. The Director Forensic Science Laboratory, Khyber Pakhtunkhwa, Peshawar.

(Respondents)

Preliminary Objections: -

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. That the appellant has not come to this Honourable Tribunal with clean hands.
- iii. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- iv. That the appeal is bad in its present form, thus it is not maintainable.
- v. That the appeal is liable to be dismissed in limine.

Parawise reply on behalf of respondents:

Respectfully Sheweth: -

It is submitted that appellant Muhammad Ayaz Khan Inspector Fire Arms section FSL Peshawar was charge sheeted by the competent authority to the effect that: -

1. Inspector Muhammad Ayaz Khan of Fire Arms Section FSL Peshawar have a large number of live cartridges and you have not maintained a proper register for inventory and live cartridges despite instruction from seniors previously.
2. When DSP admin FSL asked you for stock register you have told that the register was at your home.
3. That you have never informed your seniors regarding unaccounted live cartridges and inventory.

4. Storing large number of ammunitions in a haphazard and unsafe way could have resulted in accidental mishap at FSL.
5. Upon search of the Fire Arms Section by DSP Admin FSL, 68.5 grams (gross weight) CHARAS was recovered from your cabinet under lock and opened with keys by yourself in the presence of Rahat Ullah (Incharge HR) and Sana Ullah (Line Officer FSL).
6. The above-mentioned allegations show your lack of interest in official duty and attempt to misappropriate govt. property (unused ammunition). It is not clear at this stage that as to how much ammunition you have taken away from FSL for your personal gains.

In order to probe into the matter proper departmental enquiry was conducted which resulted in Compulsory Retirement of the appellant vide order dated 06/01/2023.

The appellant filed departmental appeal before the Addl. Inspector General of Police Investigation, who vide order dated 02/03/2023 was pleased to uphold order of the Compulsory Retirement of the appellant.

Being aggrieved from the impugned order appellant Muhammad Ayaz has filed the instant appeal to which para wise reply from the respondents is submitted as under: -

Reply on Facts:

1. Though Para I of the appeal pertains to record however, it is submitted that the appellant may have served for 31/32 years in the Police department but he reached to the rank of Inspector on his own turn. During service he was an ordinary employee and no outstanding performance was either shown or recorded in his service record.

2. Correct to the extent that the appellant replied to the charge sheet and statement of allegation served upon him before departmental enquiry. Though he denies the allegation levelled against him, however during enquiry the allegations were established beyond any shadow of doubt and he was accordingly awarded one of the major punishment i.e Compulsory Retirement from service vide order dated 06.01.2023.
3. This para of draft appeal is incorrect and mis-reading. After initiation of the departmental enquiry against appellant he was properly charge sheeted and served with statement of allegation to which he submitted reply and subsequently an enquiry committee consisted of Mr. Irshad Khan SSP Inv. and Mr. Janan Habib DSP Admin Investigation Unit, CPO, was appointed by the competent authority who conducted enquiry against appellant. The enquiry committee associated the appellant with the departmental proceedings and also provided opportunity to the appellant to defend himself. The appellant has alleged that he was not provided enquiry report. If his allegation is true, then how he has annexed copy of enquiry report with the draft appeal. From this para one can ascertain that the appellant is trying to gain sympathy of this Honourable Tribunal.
4. That although the appellant had submitted reply to the charge sheet and statement of allegation, wherein he denied the allegations levelled against him, but on the other hand the enquiry committee also collected un rebuttable evidence against the appellant which provided very cogent and solid reasons for awarding major punishment to the appellant.
5. Correct to the extent that the appellant had file departmental appeal before Addl: IGP Investigation, however after examining record thoroughly the appellate authority found no other option except to uphold punishment order of competent authority and turned down appeal filed by the appellant.
6. This para is legal hence, no comments.

Grounds:

- A. Incorrect. The impugned order of the competent authority and the appellate authority dated 06/01/2023 and 02/03/2023 respectively are quite in accordance with law, facts and evidence on record, hence they are tenable in the eyes of law and attract no interference.


- B. Incorrect. Record of the enquiry manifestly shows that the appellant was associated with the enquiry, replies submitted by him were considered at length, he was questioned in light of the office record by the enquiry committee and at the time of conclusion of departmental enquiry he was served with Final Show Cause Notice and was also heard by the competent authority in person. Furthermore, he was also heard in person by the appellate authority. Hence his allegation that he was condemned unheard and not treated in accordance with law and rule is false and unfounded.
- C. Incorrect. Under the law/rules the enquiry committee may record statements of witnesses necessary for just decision of the enquiry. Appellant cannot force the enquiry committee to record prosecution witnesses in accordance with his wishes. The enquiry committee has performed in accordance with law and strictly followed the due process of law. Record shows that the enquiry committee during office inspection of the appellant found different bore rounds and Charas from his cupboard, which was exclusively under his use and thus he was responsible to respond queries of the enquiry committee. The enquiry committee did its job in accordance with law and no violation of rules took place thereby.
- D. Incorrect. The departmental proceeding against the appellant were purely based on bonafide. The competent authority was having no reason to have mala fide or ill will against the appellant. The entire departmental proceedings were quite in accordance with law, merits and were impartial/transparent. Hence neither law nor principles of justice and fair play were violated.
- E. Incorrect. The enquiry report itself reflects that different bore live rounds excessive from stock and contraband Charas was recovered under the possession of appellant from his office. Thus, it denies the stance taken by the appellant that no incriminating material was recovered. The recovery of the contraband items from possession of appellant prima facie connects the appellant with the allegations levelled against him and thus was rightly punished by the competent authority.
- F. Incorrect. Neither allegations against the appellant nor punishment awarded to appellant is based on surmises and conjectures. The charge levelled against him was specific and clear, which the appellant badly failed to rebut and thus after satisfying all codal formalities appellant accordingly punished in accordance with law and rules.
- G. Incorrect. The appellant was strictly treated in accordance with law and rules and thus it needs no interference.

- H. This para is not relevant with the merits of the impugned orders and as well as to the instant appeal. The Police department has nothing to do with the family status of the appellant. Hence no sympathetic consideration towards appellant is attracted.
- I. Incorrect. The competent authority and as well as the appellate authority use to treat subordinate employees on equal footing. Employees who performed well are appreciated and rewarded while those who are guilty of misconduct, negligence and un becoming of a good officer are awarded punishment commensurate with their guilt. Thus, under the circumstances the question of having personnel grudges against the appellant by the respondents does not arise.
- J. Incorrect. The enquiry committee collected sufficient incriminating material against the appellant which attracted the punishment, so awarded to the appellant.
- K. Incorrect. The enquiry proceedings were strictly conducted under the Police Rules 1975 (amended 2014) and the appellant was accordingly afforded opportunity to defend himself.
- L. Incorrect. The impugned orders are quite in accordance with law, just, legal, maintainable and tenable in the eyes of law. Hence it deserves to be up-held in the great interest of law and justice.
- M. Incorrect. Guilt of the appellant has been established beyond any shadow of doubt and he was rightly punished in accordance with law and rules.
- N. Incorrect. Perusal of both the punishment orders will transpire that both authorities i.e the competent and the appellate authority heard the appellant in person. Hence the objection raised by the appellant is absolutely incorrect, false and unfounded.
- O. Incorrect. The finding report consists of direct and in-direct incriminating evidence against the appellant which prima facie called for awarding major punishment to appellant.
- P. Incorrect. The appellant was accordingly associated with enquiry proceedings.
- Q. Incorrect. As stated in the above paras the appellant reached to the rank of Inspector at his own turn instead of in recognition of his alleged efficient working.
- R. Incorrect. The enquiry committee being consisted of mature and experienced officers have performed their role during the enquiry in accordance with law and rules. It is not open for appellant to call in question their fair and impartial role in conducting enquiry against appellant.


- S. Incorrect. The enquiry committee has not violated any law or rules while conducting enquiry against the appellant. The enquiry committee has furnished cogent reasons which formed basis of the punishment to the appellant. Moreover, the enquiry report also indicate that the appellant is very much connected with the allegations against him.
- T. Incorrect. Stock register is very much present in the laboratory. If it was not available as alleged by the appellant than he was supposed to raise this question at the time of enquiry, but it appears that the appellant kept silent. The findings of the enquiry committee are very much valid, legal, just and fair. Hence in accordance with law, just, legal, maintainable and tenable in the eyes of law. Hence such an important material cannot be brushed aside and the competent authority rightly based the punishment and the finding of the enquiry committee.
- U. Incorrect. Action against the appellant in quite legal. Un-doubtedly Police is a discipline force and whoever is found indulging in negligence/misconduct in his duty he is awarded punishment commensurate with the guilt. The allegation that the appellant was singled-out in isolation is unjustified and exaggerated.
- V. Incorrect. The enquiry committee thoroughly checked all the stocks and after due satisfaction found the appellant guilty and recommended him for punishment.
- W. Incorrect. The appellant is reminded that the enquiry is not conducted only for the loss to the public exchequer but it is also conducted regarding misconduct, indiscipline and other criminal activities. The stance taken by the appellant regarding conducting enquiry only in respect of loss to Govt. property is incorrect, false and misleading.
- X. Incorrect. Act of the appellant was not only falling in preview of negligence but also within the domain of misconduct, indiscipline and criminal act for which he has been accordingly punished.
- Y. The respondents seek permission of this Honourable Tribunal to rebut the other grounds being raised by the time of hearing of the appeal before the Honourable Tribunal.

Prayers:

It is therefore, humbly prayed that the point^s raised by the appellant in the instant appeal are based on surmises, presumptions and the same are unsubstantiated which have no force in the eyes of law. Against the appellant a proper, legal, transparent and fair enquiry was conducted and both the competent and appellate authorities have applied their judicial minds and thereafter awarded punishment of "Compulsory Retirement" to the appellant over and above the appellant is well connected with the guilt as levelled against him and there is ample proof of his guilt, therefore, in the great interest of law, justice and fair play the impugned order may please be upheld while the appeal filed by the appellant may graciously be dismissed with costs.


 Director FSL
 Khyber Pakhtunkhwa
 Peshawar

Respondent No 2


 Addl: Inspector General of Police,
 Investigation, Khyber Pakhtunkhwa,
 Peshawar

Respondent No. 1



Forensic Science Laboratory
29, Sector B-1 Phase-V Hayatabad
Khyber Pakhtunkhwa Peshawar
Tel. 091-9217394 / Fax. 091-9217251
No 561 /FSL Dated 26/07/2022

CHARGE SHEET

I, Waqar Ahmad Director FSL, Khyber Pakhtunkhwa Peshawar as competent authority, hereby charge you Inspector Muhammad Ayaz Incharge Firearms Section FSL as follows:-

1. That you Inspector Muhammad Ayaz Khan of Fire Arms Section FSL Peshawar have a large number of live cartridges and you have not maintained a proper register for inventory and live cartridges despite instruction from seniors previously.
2. When DSP Admin FSL asked you for stock register you have told that the register was at your home.
3. That you have never informed your seniors regarding unaccounted live cartridges and inventory.
4. Storing large number of ammunition in a haphazard and unsafe way could have resulted in accidental mishap at FSL.
5. Upon search of the Fire Arms Section by DSP Admin FSL, 68.5 grams (gross weight) CHARAS was recovered from your cabinet under lock & key was opened with keys by yourself in the presence of Rahat Ullah (incharge HR) and Sana Ullah (Line Officer FSL).
6. The above mentioned allegations shows your lack of interest in official duty and attempt to misappropriate govt. property (unused ammunition). It is not clear at this stage as to how much ammunition you have taken away from FSL for your personal gains.


By reasons above, you appear to be guilty of misconduct under Rule-3 of Police Rules 1975 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.


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

You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.

Intimate whether you desire to be heard in person or otherwise.

A statement of allegations is enclosed.


(WAQAR AHMAD) PSP
Director
Forensic Science Laboratory
Khyber Pakhtunkhwa
Peshawar


26/7/22



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Forensic Science Laboratory
29, Sector B-1 Phase-V Hayatabad
Khyber Pakhtunkhwa Peshawar
Tel. 091-9217394 / Fax. 091-9217251
No 562-64/FSL Dated 26/07/2022


DISCIPLINARY ACTION

I Waqar Ahmad Director FSL, Khyber Pakhtunkhwa Peshawar being competent authority am of the opinion that you Inspector Muhammad Ayaz Khan of Firearms Section FSL have rendered yourself liable to be proceeded against departmentally, as you have committed the following acts of omissions/commissions within the meaning of Rule-3 of Police Rules 1975.

STATEMENT OF ALLEGATIONS

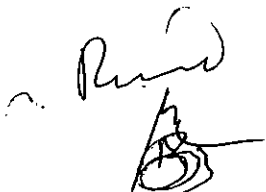
1. That you Inspector Muhammad Ayaz Khan of Fire Arms Section FSL Peshawar have a large number of live cartridges and you have not maintained a proper register for inventory and live cartridges despite instruction from seniors previously.
2. When DSP Admin FSL asked you for stock register you have told that the register was at your home.
3. That you have never informed your seniors regarding unaccounted live cartridges and inventory.
4. Storing large number of ammunition in a haphazard and unsafe way could have resulted in accidental mishap at FSL.
5. Upon search of the Fire Arms Section by DSP Admin FSL, 68.5 grams (gross weight) CHARAS was recovered from your cabinet under lock & key was opened with keys by yourself in the presence of Rahat Ullah (incharge HR) and Sana Ullah (Line Officer FSL).
6. The above mentioned allegations shows your lack of interest in official duty and attempt to misappropriate govt. property (unused ammunition). It is not clear at this stage as to how much ammunition you have taken away from FSL for your personal gains.

For the purpose of scrutinizing with reference to above allegations Enquiry Committee comprising of Mr. Irshad Khan SSP Investigation and Mr. Janan Habib DSP Investigation has already been constituted.


(WAQAR AHMAD) PSP
Director
Forensic Science Laboratory
Khyber Pakhtunkhwa
Peshawar

Copy of above is forwarded to the:-

1. Addl: Inspector General of Police, Investigation, Khyber Pakhtunkhwa Peshawar for kind information.
2. Mr. Irshad Khan SSP Investigation CPO, Peshawar.
3. Mr. Janan Habib DSP Investigation, CPO, Peshawar.


26/7/22



Forensic Science Laboratory
29, Sector B-1 Phase 5 Hayatabad
Khyber Pakhtunkhwa Peshawar
Tel & Fax. 091-9217394

No 359 /FSL, Date 06/09/2022

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FINAL SHOW CAUSE NOTICE

WHEREAS, you, Inspector Muhammad Ayaz of Firearms Section FSL Peshawar committed the gross misconduct, as defined in Rule 3 of Police Rules 1975. The following is the statement of allegations:

1. That you Inspector Muhammad Ayaz Khan of Fire Arms Section FSL Peshawar have a large number of live cartridges and you have not maintained a proper register for inventory and live cartridges despite instruction from seniors previously.
2. When DSP Admin FSL asked you for stock register you have told that the register was at your home.
3. That you have never informed your seniors regarding unaccounted live cartridges and inventory.
4. Storing large number of ammunition in a haphazard and unsafe way could have resulted in accidental mishap at FSL.
5. Upon search of the Fire Arms Section by DSP Admin FSL, 68.5 grams (gross weight) CHARAS was recovered from your cabinet under lock & key was opened with keys by yourself in the presence of Rahat Ullah (Incharge HR) and Sana Ullah (Line Officer FSL).
6. The above mentioned allegations shows your lack of interest in official duty and attempt to misappropriate govt. property (unused ammunition). It is not clear at this stage as to how much ammunition you have taken away from FSL for your personal gains.

Resultantly you were issued charge sheet with the summary of allegations. Enquiry Committee consisting of Mr. Muhammad Irshad SSP Investigation CPO and Mr. Janan Habib DSP Admin was constituted to conduct Departmental Enquiry into the matter.

WHEREAS, the enquiry officers finalized the enquiry proceeding by giving you full opportunity of defense as well as cross examination and the statements of all PWs have been recorded. Consequent upon completion of enquiry proceedings, the Enquiry Committee has communicated its findings.

WHEREAS, going through the findings and recommendation of the Enquiry Committee, material placed on record and other relevant papers including your defense before the Enquiry Committee. I Waqar Ahmad, PSP, Director FSL, Khyber Pakhtunkhwa, Peshawar issue you this final show cause notice to offer you full opportunity to come up with satisfactory reply supported by evidence in your defense.

You are therefore, required to submit reply to this Final Show Cause Notice within Seven Days of the receipt of this notice.

Appointed as per true copy

(WAQAR AHMAD) PSP
DIRECTOR

Forensic Science Laboratory
KP, Peshawar

انکوائری رپورٹ

بنام: انچارج فائر آرمز سیکشن محمد آیاز خان انسپکٹر FSL پشاور

بحوالہ چارج شیٹ نمبری FSL/56 مورخہ 26.07.2022 بحاریہ ڈائریکٹر FSL پشاور

جناب عالی!

۱- انکوائری ہذا منجانب افسران بالا SSP/Investigation و ڈی ایس پی ایڈمن انوسٹی گیشن یونٹ سی پی او پشاور کو حوالہ ہوئی۔

۲- ایک قطعہ چارج شیٹ FSL/56 مورخہ 26.07.2022 بنام انچارج فائر آرمز سیکشن محمد آیاز خان انسپکٹر FSL پشاور پر تقسیم کیا گیا ہے۔

۳- 06 روز نامچہ 01.07.2022 ایف ایل پشاور متن رپورٹ ذیل ہے:-

اس وقت جناب ڈی ایس پی ایڈمن صاحب بمع لائن آفیسر اور راحت اللہ HR بحکم افسران بالا فائر آرمز سیکشن کی چیکنگ بابت سٹاک رجسٹر کی گئی تو مذکورہ سیکشن میں بھاری مقدار میں مختلف بور کے زندہ کارتوس پائے گئے۔ جس کی نسبت انچارج سے پوچھا گیا تو اس نے بجواب بتلایا کہ اسٹاک رجسٹر گھر پر ہے۔ سٹاک رجسٹر کی نسبت تسلی بخش جواب نہ دے سکا۔ اسٹاک رجسٹر کے بارے میں مذکورہ انچارج نے افسران بالا کو بے خبر رکھا تھا۔ جبکہ مذکورہ بالا سیکشن انچارج کا یہ فعل اپنی جائز ڈیوٹی میں عدم دلچسپی ہے۔ مذکورہ سیکشن میں سٹور فائل دیکھ کر الماری خالی کیا گیا اور زندہ کارتوس کی گنتی کے لیے اس کے بعد کمیٹی بنا کر تفصیل کو تحریری طور پر سامنے لائیں گے۔ بعد میں انچارج فائر آرمز سیکشن کو بتلایا گیا کہ پرسنل لا کر کھولا گیا تو لا کر سے پلاسٹک میں بند چھ عدد دشا پر میں چرس برآمد ہوئی۔ موقع پر وزن ہو کر مجموعی وزن 68.5 گرام نکلی جب انچارج سے منشیات کی نسبت دریافت کیا گیا تو کوئی تسلی بخش جواب نہ دے سکا۔ انچارج نے منشیات غیر قانونی طور پر اپنی لا کر میں رکھے تھے۔ برآمد شدہ چرس بند پہ پارسل کیا گیا۔ تمام کارروائی کی ویڈیو ریکارڈنگ کی گئی۔ جس کے خلاف رپورٹ درج روز نامچہ کر کے افسران بالا کو ارسال کی گئی۔

۴- رپورٹ پر ڈائریکٹر FSL نے ثناء اللہ لائن آفسر، ظہور خان انسپکٹر کیمیکل سیکشن، صفدر خان انسپکٹر FPB سیکشن، 2022-08-31 و تصدیق کنندہ خالد انور خان ڈی ایس پی ایڈمن پر مشتمل کمیٹی بنا کر بحوالہ آرڈر نمبر FSL/63-460

مورخہ 01.07.2022 مقرر ہوئی۔ کمیٹی نے فائر آرمز سیکشن کے آفس میں موجود کیبنٹ الماری سے ذیل زندہ کارتوس مختلف بورہائے پائے گئے جس کی تفصیل ذیل ہے۔

File Rex Locker No. 01			
Bore	Quantity	Bore	Quantity
303	84	7.62	115
12	83	44	27
7.62 G-3	30	.223	56
7.92	4	.222	89
30	219	9mm	123
8mm	11	7mm	23
38	14	32	19
7.65	66	2.2	2
25	5		
File Rex Locker No. 03			
Bore	Quantity	Bore	Quantity
12	125	30	175
9mm	25	7.62	112
.223	1	.222	11
File Rex Locker No. 04			
Bore	Quantity	Bore	Quantity
12	680	303	336
7.62 G-3	23	7.62	28
8mm	42	.223	11
.222	12	44	3
7mm	38	7.92	56
30.6	19	30	22
7.65	3		

[Handwritten Signature]
SSP-INV-
31-08-2022

sd/-Member
Insp: Safdar Khan
Incharge FPB Section

sd/-Member
Sanaullah LO FSL

sd/-Member
Insp: Zahoor Khan
Incharge Chemical Section

verified by
sd/-
Khalid Khan DSP/Admn
FSL, Peshawar

[Handwritten Signature]

Detail of live cartridges for the period from 01.01.2021 to 30.06.2022, (18 months Fire Arms Section FSL)				
S.No.	Caliber	Received	Available in Rex (Locker)	Difference
1	SMG 7.62 Bore	8410	255	8155
2	12 Bore	2185	888	1297
3	303 Bore	660	420	240
4	.223 Bore	375	68	307
5	.222 Bore	195	112	83
6	7mm	130	61	69
7	8mm	100	53	47
8	44 Bore	15	30	15
9	7.92 Bore	20	60	40
10	G-3	10	53	43
11	30 Bore	19685	416	19269
12	9 mm	2350	148	2202
13	25 Bore	5	5	0
14	32 Bore	55	19	36
	Total	34195	2588	31607
Sd/ by DSP/Admn FSL				

۵۔ درج بالا شیٹمنٹ کے بارے میں کمیٹی ممبران صفدر خان انسپکٹر، ظہور اسلام انسپکٹر، ثناء اللہ لائن آفیسر کے بیانات لیے گئے جنہوں نے تصدیق کی۔ اور شیٹمنٹ اور کمیٹی ممبران کے بیانات کی تصدیق ڈی ایس پی ایڈمن فسل نے کی ہے۔ جو کہ لف انکوائری ہے۔ الزامات کی تفصیل ذیل ہے۔

31-08-2022
That you Inspector Muhammad Ayaz Khan of Fire Arms Section FSL Peshawar have a large number of live cartridges and you have not maintained a proper register for inventory and live cartridges despite instruction from seniors previously.

2. When DSP Admin FSL asked you for stock register your have told that the register was at your home.

3. That you have never informed your seniors regarding unaccounted live cartridges and inventory.

4. Storing large number of ammunition in a haphazard and unsafe way could have resulted in accidental mishap at FSL.

5. Upon search of the Fire Arms Section by DSP Admin FSL,

(Handwritten signature)

68.5 grams (gross weight) Charas was recovered from your cabinet under lock and key was opened with keys by yourself in the presence of Rahat Ullah (Incharge HR) and Sana Ullah (Line Officer FSL)

6. The above mentioned allegations shows your lack of interest in official duty and attempt to misappropriate govt. property (unused ammunition). It is not clear at this stage as to how much ammunition you have taken away from FSL for your personal gains.

چارج شیٹ میں درج الزامات کی انکوائری کی خاطر دفتر ڈی ایس پی ایڈمن FSL پشاور جا کر موجودگی ڈی ایس پی ایڈمن FSL الزام علیہ دفتر طلب کر کے ذاتی طور پر سنا گیا۔ مزید یہ کہ الزام علیہ کا تحریری بیان بھی لیا گیا جس کا متن ذیل ہے۔

جناب عالی!

بحوالہ الزامات چارج شیٹ نمبری FSL/64-562 مورخہ 26.07.2022 مجاریہ ڈائریکٹر صاحب FSL پشاور معروض ہوں کہ:-

1- 1976 سے لیکر اب تک کوئی اسٹاک رجسٹر کسی بھی انچارج صاحب نے قائم نہیں کیا ہے اور نہ افسران بالا سے

اس بارے میں ہدایات جاری ہوئے ہیں۔ جو کارتوس ٹیسٹ کے لیے آتے ہیں وہ سارے کے سارے ختم ہو جاتے ہیں جو بیچ جاتے ہیں وہ ریکس میں محفوظ کیے جاتے ہیں۔ یہ طریقہ FSL کے قیام سے جاری دوسری دہر قرار ہے۔

2- ڈی ایس پی صاحب ایڈمن کو اس نے کسی بھی اسٹاک رجسٹر کے بارے میں نہ کوئی بات کی ہے کہ اسٹاک رجسٹر اسکے گھر میں موجود ہے جس کی وہ تردید کرتا ہے۔

3- افسران بالا وقتاً فوقتاً ویزٹ کرتے رہے اور تمام افسران بالا اس سے مکمل طور پر باخبر رکھے جاتے ہیں۔ اور تمام تفصیل زندہ کارتوس افسران بالا کے نوٹس میں بار بار لاپچکا ہے۔ کوئی بھی حقیقت افسران بالا سے پوشیدہ نہیں رکھا گیا ہے۔

4- جب تک ایمنیشن کی الگ جگہ کی منظوری نہیں ہوتی یا متبادل انتظام نہیں کیا جاسکتا یہ طریقہ کار اسی طرح چلتا رہا اور آج تک چل رہا ہے۔

5- جہاں تک چرس کی برآمدگی کا تعلق ہے وہ انتہائی کم مقدار پرانے اور ناقابل استعمال ہے اس کے بارے میں اسے

558-111
31-08-2022

کوئی علم نہیں ہے۔ چرس کی عمر دیکھتے ہوئے شاید اسے جنوری 2021 سے چارج ملنے سے پہلے کے ہو لیکن وہ حلفاً کہتا ہے کہ نہ وہ چرس پیتا ہے اور نہ اسے علم ہے کہ یہ چرس ریکس میں کیسے آئے۔

6- جنوری 2021 سے کوئی مقدمہ تاخیر اپینڈنگ نہ ہونے اور کافی مقدار میں زندہ کارتوس بمعہ خول ہر دو الماری ریکارڈ اور انچارج آفس کے جملہ ریکس میں محفوظ رکھنا اسکی ایمانداری، سخت محنت اور دلچسپی کا منہ بولتا ثبوت ہے۔
دستخط محمد آیاز خان انسپکٹر آرمز سیکشن FSL پشاور

کر اس :-

سوال نمبر 1- آپ کا عرصہ ملازمت کتنا ہے؟ اور کب سے آرمز سیکشن FSL میں تعینات ہو؟
جواب: 32 سال نوکری ہے۔ صرف ایک سال فوٹو گرافی سیکشن میں گزارا ہے باقی 31 سال آرمز سیکشن میں رہا ہوں۔

سوال نمبر 2- کتنے کارتوس انگریزی ساخت کے برائے ٹیسٹ منگوائے جاتے ہیں؟
جواب: ایک ٹیسٹ کے لیے 05 عدد زندہ کارتوس انگریزی ساخت کے منگوائے جاتے ہیں۔ جو ریسپشن میں موصول ہو کر بعد میں اسکی سکیشن بھجوائے جاتے ہیں۔

سوال نمبر 3- ایک ٹیسٹ کے لیے کتنے فائر کرتے ہو؟

جواب: کیسز کی نوعیت مختلف ہوتی ہے۔ بعض میں ایک فائر کیا جاتا ہے بعض میں دو اور کبھی کبھی پانچ یا دس ٹیسٹ۔
فائر بھی کرتے ہیں تاکہ درست موازنہ ہو۔

سوال نمبر 4- موصول شدہ پانچ عدد انگریزی کارتوس کا کوئی اندازہ اور وغیرہ کرتے ہو؟
جواب: نہیں۔

سوال نمبر 5- بچے ہوئے کارتوس کا کیا ڈسپوزل ہوتا ہے؟

جواب: سٹور میں پڑے رہتے ہیں۔ کوئی میکنزم نہیں ہے۔ مزید وضاحت کی کمی کی صورت میں متعلقہ میک یا میڈ ٹیسٹ کے لیے چلائے جاتے ہیں۔

سوال نمبر 6- اگر زندہ پڑے کارتوس حادثاتی طور پر فائر ہو جائے تو نقصان نہیں ہوگا؟
جواب: اب تک ایسا نہیں ہوا ہے۔

سوال نمبر 7- آپ کے پاس ریکس میں کافی تعداد میں زندہ کارتوس پڑے ہیں۔ کوئی اسٹاک رجسٹر وغیرہ ہے؟
جواب: کوئی اسٹاک رجسٹر نہیں ہے۔

سوال نمبر 8- جب ڈی ایس پی ایڈمن صاحب نے آپ کے سیکشن کا دورہ کیا تو اس دوران آپ سے سٹاک رجسٹر کے

بارے میں دریافت کیا تو آپ نے بتلایا کہ وہ گھر پر ہے کہاں ہے؟

جواب بلکل موجود نہیں ہے۔

سوال نمبر 09- آپ کے ریکس میں پڑے چرس وزنی 68.5 گرام کے بارے میں کیا جواز پیش کرتے ہو؟

جواب اسکا ذکر اس نے اپنی بیان میں کیا ہے اسے کوئی علم نہیں۔ از خود بتلایا کہ تقریباً 2400 خول کارتوس مختلف

بور کے پڑے ہیں جس کا ذکر کمیٹی رپورٹ میں نہیں کیا گیا ہے۔

سوال نمبر 10- آپ کونسے خول واپس بھجاتے ہیں؟

جواب ٹیسٹ اسلحہ کے ساتھ یا پارسل میں بھجاتے ہیں۔ آئے ہوئے پارسل میں واپس بند کرتے ہیں۔

نتیجہ:

1- دوران انکوائری / انکوائری ٹیم اس نتیجہ پر پہنچی کہ الزام علیہ پر لگائے گئے الزامات کی نسبت جب اس سے سٹاک

رجسٹر کی نسبت پوچھا گیا تو مناسب جواب نہیں دیا۔

2- زندہ انگریزی ساخت 05 عدد کارتوس کے رولز اریگولیشن کے بارے میں دریافت پر بھی کوئی ریکارڈ پیش نہ

کر سکا۔ علاوہ ازیں سٹاک رجسٹر کا نہ ہونا کسی بھی رولز اریگولیشن یا میکنزم کا نہ ہونا اور یہ کہنا کہ روٹین میں اس طرح

چلا آ رہا ہے۔

3- علاوہ ازیں الزام علیہ سے چرس کی موجودگی کی نسبت لاعلمی مضحکہ خیز ہے۔ معلوم ہوتا ہے کہ مرضی کے مطابق بغیر

کسی رولز وغیرہ کے خود ساختہ نظام مرضی کے تحت اس طرح چلایا جا رہا ہے۔

انکوائری سے الزام علیہ غفلت ولا پرواہی کا مرتکب پایا جا کر مناسب سزا کی سفارش کی جاتی ہے۔

مزید یہ کہ باقاعدہ SOP میکنزم عمل میں لا کر اسکے مطابق عمل ہو۔



(محمد ارشاد خان)

SSP انوسٹی گیشن یونٹ سی پی او پشاور

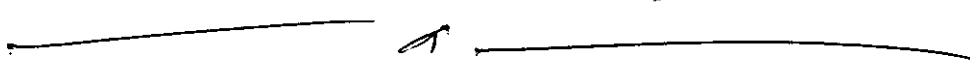
(جانان حبیب الرحمن)

ڈی ایس پی ایڈمن انوسٹی گیشن یونٹ سی پی او پشاور۔

Ume F. S. C. 00

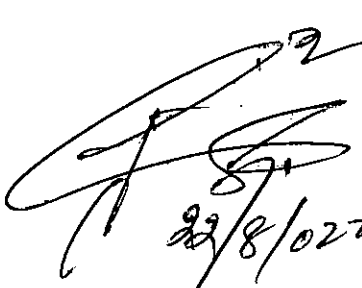
02/09

۱۷ بیان اذلال البکر المفرد من شاه بسلطه گنج کارنوس واقعه خاثر الامن سکنه بوم



جای عالی

کارنوس آن گنج صحرای موجودی میان کس شیخ او اوله ش مرتب صفحه

در دست

22/8/022



بیان ان کے لیے درخواست

جدید عالی

کارتھوس کی گنسہ عیروں جو چوڑی میں پوری ہے۔
جولسٹ مرتب ہوا ہے۔ وہ درست ہے۔

ان کے لیے درخواست
22/08/2022

Handwritten signature or mark at the bottom left.

حبیب عالی!

سلسلہ گنتی کارتوس فائر آرمز سیکشن PSAL لیٹاور بیانی ہوں کہ
کارتوس کی گنتی میری موجودگی میں ہو چکی ہے اور لیسٹ جو تیار کیا گیا ہے
درست ہے۔

22/8
22

ثناء اللہ
لائن آفس PSAL
22-8-02
لیٹاور
20. MTO. 152

اس کا

بیان اذکار خالد انور DSP ایڈمن فسل

جنا چالی!

فائل آرمرز سیکشن فسل کے حوالہ سے بنائی گئی ہے
جملہ گنتی کارٹوس میری موجودگی میں ہوئی ہے
اور لیٹ کے مطابق درست ہے۔

←
خالد انور DSP/Admn
FSL
سیناڈر مورف 22-8-22

سیناڈر





21
Forensic Science Laboratory
29, Sector B-1, Phase-V, Hayatabad,
Khyber Pakhtunkhwa, Peshawar.
Tel. 091-9217394 / Fax. 091-9217251

ORDER

This order will dispose off the departmental enquiry against Inspector Muhammad Ayaz of Firearms Section FSL Peshawar who committed the following acts of omission/commission:

1. That you Inspector Muhammad Ayaz Khan of Fire Arms Section FSL Peshawar have a large number of live cartridges and you have not maintained a proper register for inventory and live cartridges despite instruction from seniors previously.
2. When DSP Admin FSL asked you for stock register you have told that the register was at your home.
3. That you have never informed your seniors regarding unaccounted live cartridges and inventory.
4. Storing large number of ammunition in a haphazard and unsafe way could have resulted in accidental mishap at FSL.
5. Upon search of the Fire Arms Section by DSP Admin FSL, 68.5 grams (gross weight) CHARAS was recovered from your cabinet under lock & key was opened with keys by yourself in the presence of Rahat Ullah (incharge HR) and Sana Ullah (Line Officer FSL).
6. The above mentioned allegations shows your lack of interest in official duty and attempt to misappropriate govt. property (unused ammunition). It is not clear at this stage as to how much ammunition you have taken away from FSL for your personal gains.

Inspector Muhammad Ayaz was placed under suspension and charge sheet and summary of allegations were issued to him while an enquiry committee comprising SSP Investigation Unit CPO Mr. Muhammad Irshad Khan and DSP Admn Investigation Mr. Janan Habib was constituted to conduct the departmental enquiry against the above named official.

Findings of the enquiry committee were received wherein Inspector Muhammad Ayaz was found guilty. Final Show Cause Notice was issued to the defaulter Inspector and reply of the same was received which was found to be unsatisfactory.

He was heard in person and was given ample opportunity but he could not present any plausible justification regarding allegations leveled against him.




22
Forensic Science Laboratory
29, Sector B-1, Phase-V, Hayatabad,
Khyber Pakhtunkhwa, Peshawar.
Tel. 091-9217394 / Fax. 091-9217251

I have gone through the available material placed on file and has found Inspector Muhammad Ayaz of Firearms Section FSL guilty of the charges leveled against him.

Keeping in view the above facts and his 31 years' of service I, the undersigned being competent authority, hereby award him major punishment of "Compulsory Retirement from Service" under Police Rules 1975 (Amended 2014 KP Police E&D Rules 2014), with immediate effect.

Order announced.



(WAQAR AHMAD) PSP
Director
Forensic Science Laboratory,
K.P, Peshawar.

No. 22-27 /FSL,

Dated Peshawar, the 06/01/2023

Copy of above is forwarded for information and necessary action to the:

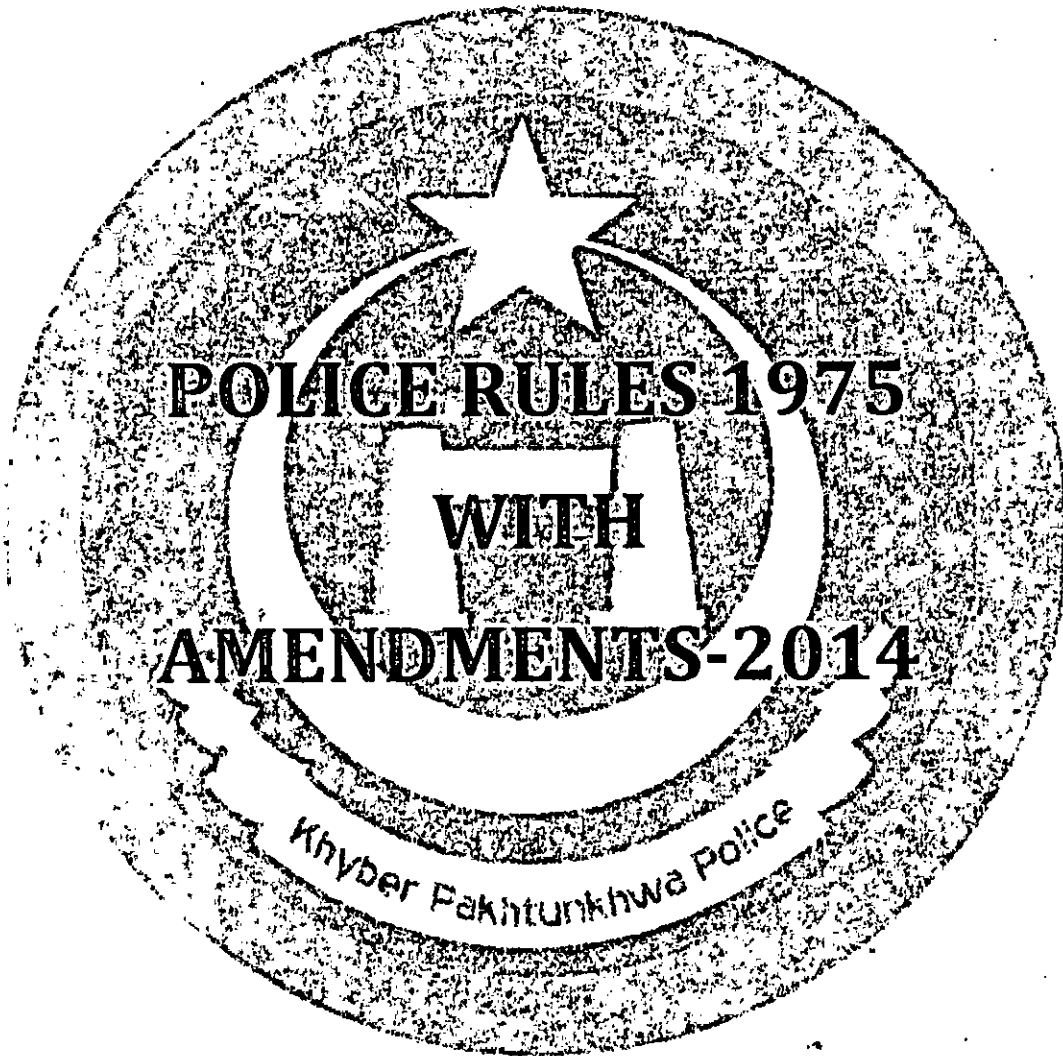
1. Addl. Inspector General of Police, Investigation Khyber Pakhtunkhwa, Peshawar for kind information, please.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. SSP Investigation Unit, CPO Peshawar w/r to his office letter No.527/PA/SSP, dated 31.08.2022.
4. Accountant, FSL, Peshawar.
5. Line Officer, FSL, Peshawar.
6. Official concerned.


6/1/2023
محمد ایاز

**POLICE DEPARTMENT
KHYBER PAKHTUNKHWA
EFFICIENCY & DISCIPLINARY RULES**

No 3411-3505/650

05/09/2014





Aib/Legal

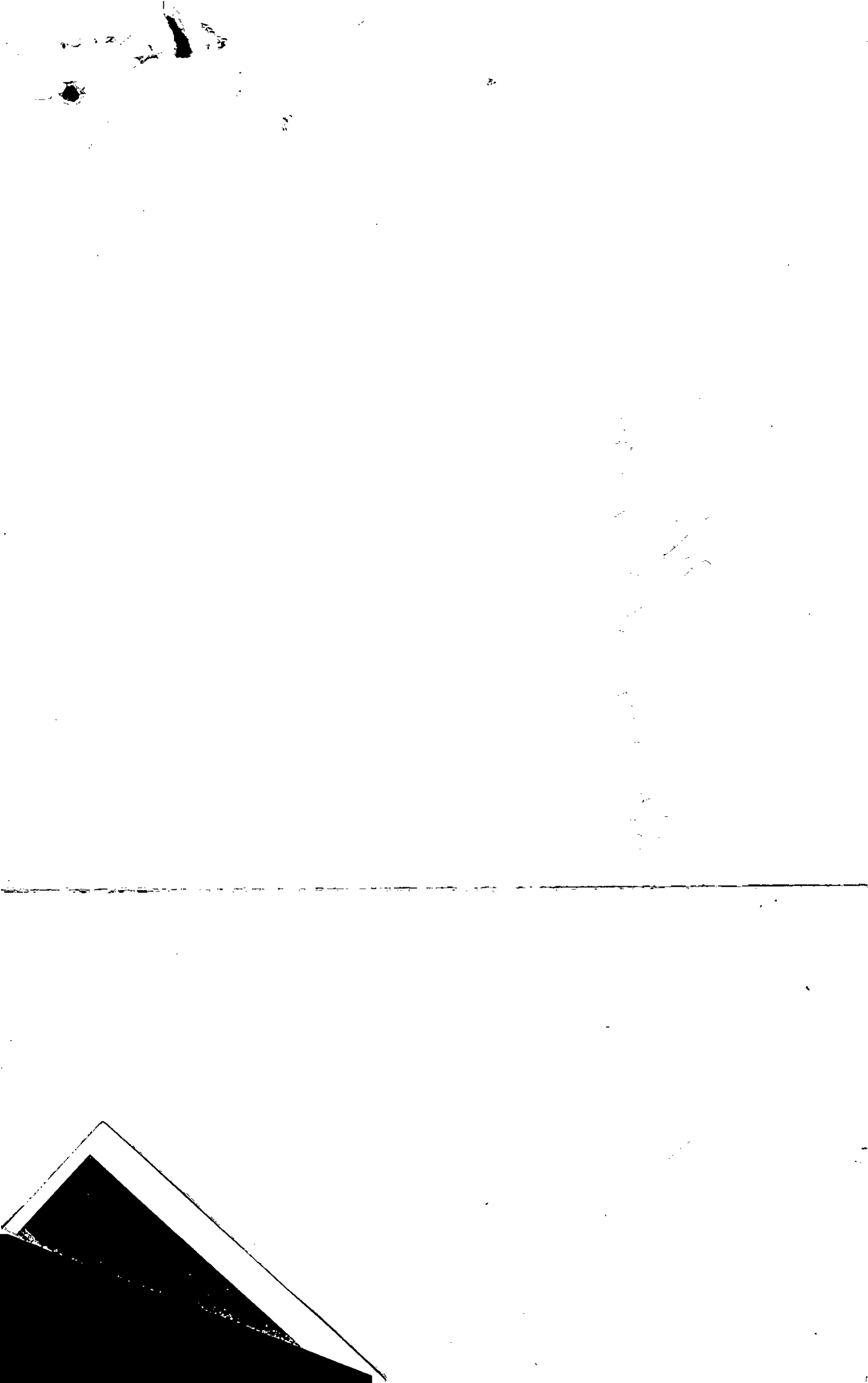
**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA,
PESHAWAR.**

❖ SCHEDULE-I

S. #	DEPARTMENTAL PUNISHMENTS	POWER OF PUNISHMENT TABLE					
		AUTHORITIES COMPETENT TO AWARD PUNISHMENT TO:					
		Deputy Superintendent of Police/Deputy Superintendent of Police (Legal)	Inspector/Inspector (Legal)	Sub Inspector/Sub Inspector Legal	Assistant Sub Inspector	Head Constable	Constable
1.	A-Major Punishments:						
	(i) Dismissal, removal from service, compulsory retirement.	Provincial Police Officer	DPO/SSP	DPO/SSP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP
	(ii) Reduction from substantive rank to lower rank or from higher stage to lower stage in the same time scale of pay.	Provincial Police Officer	DPO/SSP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP
2.	B-Minor Punishments: Withholding of promotion for one year or less.	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
3.	(i) Fine up to rupees Fifteen thousand (15000/-)	Provincial Police Officer	---	---	---	---	---
	(ii) Fine up to rupees Ten thousand (10000/-)	Addl: IGP/CCPO	---	---	---	---	---
	(iii) Fine up to rupees Ten thousand (10000/-)	RPO/DIG	---	---	---	---	---
	(iv) Fine up to rupees Five thousand (5000/-)	---	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP
	(v) Fine up to rupees one thousand (1000/-)	---	---	---	ASP/DSP	ASP/DSP	ASP/DSP
4.	Stoppage of increments for a period not exceeding three (3) years with or without cumulative effect.	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
5.	Censure	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
6.	Forfeiture of approved service up to two (2) years	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
7.	Confinement to quarters guard up to fifteen (15) days of Constables and Head constables.	---	---	---	---	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP

Attended as per true copy



 NASIR KHAN DURRANI (PSP)
 Inspector General of Police,
 Provincial Police Officer,
 Khyber Pakhtunkhwa, Peshawar.



**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 770/2023

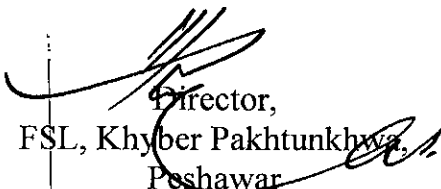
Muhammad Ayaz (Ex-Inspector FSL)(Appellant)


Versus

Additional Inspector General of Police, Investigation etc.....(Respondents)

AUTHORITY LETTER

Mr. Muhammad Ibrahim Azhar, Acting SP/ Legal, Investigation Unit, Khyber Pakhtunkhwa, CPO Peshawar is authorized to submit Para-wise Comments/ reply and defend above captioned Service Appeal on behalf of respondents in Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar.


Director,
FSL, Khyber Pakhtunkhwa,
Peshawar
(Respondent No. 2)

1

Additional Inspector General of Police,
Investigation, Khyber Pakhtunkhwa,
Peshawar
(Respondent No.1)

24

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 770/2023

Muhammad Ayaz (Ex-Inspector FSL)(Appellant)

Versus

Additional Inspector General of Police, Investigation etc.....(Respondents)

AFFIDAVIT

I, Muhammad Ibrahim Azhar, Acting SP/ Legal, Investigation Unit, Khyber Pakhtunkhwa, CPO Peshawar do hereby solemnly affirm on oath that the contents of Para-wise comments/ reply in above captioned Service Appeal on behalf of Respondents are correct to the best my knowledge and belief. Nothing has been concealed from this Honorable Tribunal.

It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense has been struck off.

DEPONENT

M.A.

MUHAMMAD IBRAHIM AZHAR
Acting SP/ Legal, Investigation Unit,
Khyber Pakhtunkhwa, CPO Peshawar

CNIC - 14301-2070270-7

0333-9617017

Superintendent of Police
Investigation CPO
Khyber Pakhtunkhwa Peshawar



04 SEP 2023



OFFICE OF THE ADDITIONAL INSPECTOR GENERAL OF POLICE,
INVESTIGATION - KHYBER PAKHTUNKHWA, PESHAWAR.

Ph: 091-9210024

Fax: 091-9210052

ORDER

This order will dispose-off the departmental appeal of the then Inspector Muhammad Ayaz of Forensic Science Laboratory (FSL), Khyber Pakhtunkhwa under 11 KP Police Rules 1975 (amended 2014) against the impugned order, passed by Director FSL, bearing Endst: No.22-27/FSL, dated 06.01.2023, whereby the appellant was compulsorily retired from Service on the following charges levelled against him:-

1. That he while posted as Incharge Fire Arms Section, FSL has a large number of live cartridges and he did not maintain proper register for inventory and live cartridges despite instructions from seniors issued in this regard earlier.
2. When DSP Admin FSL asked him for stock register, he replied that the register was at his home.
3. That he neither informed his seniors regarding unaccounted live cartridges and inventory nor produced any cogent reason.
4. Storing large number of ammunition in a haphazard and unsafe manner could have resulted in accidental mishap at FSL.
5. Upon search of the Fire Arms Section by DSP Admin FSL, 68.5 grams (gross weight) CHARAS was recovered from his cabinet in the presence of Rahat Ullah (Incharge HR) and Sana Ullah (Line Officer FSL)
6. The above mentioned allegations show his lack of interest in official duty and attempt to misappropriate Govt: property (unused ammunition). It is not clear at this stage as to how much ammunition he has been taken away from FSL for his personal gains.

Proper departmental enquiry against him was conducted by a committee consisting of DSP Admin Khalid Anwar & Inspector Syed Amarat Ali Shah of FSL, KP.

Upon the finding of enquiry committee he was issued Final Show Cause Notice to which he replied. His reply to the Final Show Cause Notice was perused and found unsatisfactory. He was given an opportunity of personal hearing and heard in person by Director FSL, KP, but again he failed in producing any cogent reason in support of his self-defence.



Forensic Science Laboratory 2

Diary No: 297 / FSL

Date: 03-03-2023

INVESTIGATION WING
Khyber Pakhtunkhwa, Peshawar

On receipt of his appeal, the undersigned called all the relevant record & perused. He was called, heard and given full opportunity, but again failed in producing any plausible justification regarding the allegations levelled against him.

Hence, being found guilty of the gross misconduct and the charges levelled against him being proved beyond any shadow of doubt, therefore, the undersigned being competent authority came to the conclusion that the punishment of compulsorily retirement is just and commensurate with his misconduct and his appeal is hereby rejected.

Order announced.

(DR. ISHTIAG AHMED MARWAT)
PSP/PPM

Additional Inspector General of Police,
Investigation, Khyber Pakhtunkhwa,
Peshawar

No. 2437-40/EC / Invest: dated Peshawar the 02 / 03 / 2023.

Copy of the above is forwarded for information and necessary action to the:-

1. DIG/Admin: Investigation HQrs: CPO, Peshawar.
2. Director/FSL, Khyber Pakhtunkhwa, Peshawar.
3. SSP/ Investigation HQrs:, CPO.
4. PA to Addl: IGP/Investigation, KP, Peshawar.

Director
Forensic Science Laboratory
Khyber Pakhtunkhwa, Peshawar