

5th July, 2023

1. Appellant in person present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Atta Ur Rehman, Inspector for the respondents present.

2. Appellant requested for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 30.10.2023

before D.B. P.P given to the parties.

SCANNED
KPST
Peshawar

Adnan Shah



(Rashida Bano)
Member (J)



(Kalim Arshad Khan)
Chairman

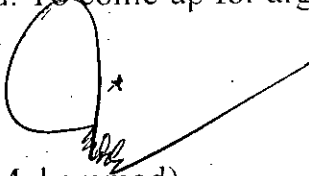
23.11.2022

Mr. Amjid Ali Khan, Advocate for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant requested that as the brief of the appeal was misplaced, therefore, he could not made preparation.

Adjourned. To come up for arguments on 11.01.2023 before D.B.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

11.01.2023

SCANNED
KPST
Peshawar

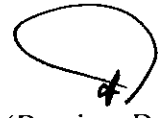
Appellant present in person.

Muhammad Adeel Butt learned Additional Advocate General for the respondents present.

Former made a request for adjournment on the ground that his counsel is busy in Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 24.04.2023 before D.B.



(Fareeha Paul)*
Member (E)



(Rozina Rehman)
Member (J)

24th April, 2023

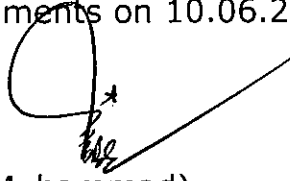
24th April has been declared as public holiday on account of Eid-Ul-Fitr, therefore, the case is adjourned. To come up for the same on 05.07.2023.


Reader

14.04.2022

Appellant in person present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Para-wise comments on behalf of respondents submitted, which are placed on file and copy of the same is handed over to the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 10.06.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

10-6-2022

Bench is incomplete. Therefore the same is adjourned to 30.8.2022 before the same.

AM
READER.

30.08.2022

Appellant in person present. Mr. Atta Ur Rehman Inspector alongwith Mr. Naseer Ud Din Shah, Assistant Advocate General for the respondents present.

Learned Member (Judicial) Mrs. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 23.11.2022 before the D.B.



(Salah-Ud-Din)
Member(J)

SA 7959/2020

11.08.2021

Appellant present in person. Preliminary arguments heard.

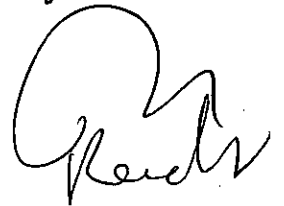
Points raised need consideration. The appeal is admitted for full hearing, subject to all just and legal objections including that of limitation to be determined during full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 27.12.2021 before the D.B.

Appellant Deposited
Security & Process Fee

11/8/21


Chairman

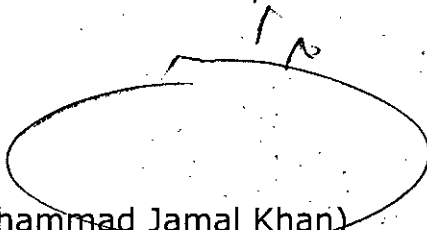
Due to winter vacation
the case is adjourned to
come up for the same on 14-4-22



05.11.2020

Appellant is present in person.


Since the Members of the High Court as well as of the District Bar Association, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 21.01.2021 on which date to come up for preliminary hearing before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

21.01.2021

Nemo for appellant.

Notice be issued to appellant/counsel for 27.04.2021 for preliminary hearing, before S.B.


(Rozina Rehman)
Member (J)

27.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 11.08.2021 for the same as before.


READER



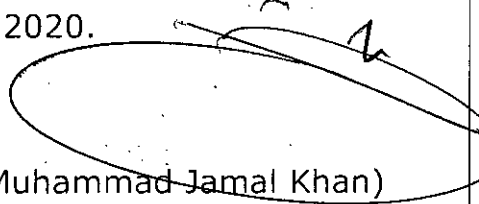
Noted
10/2/21
[Signature]

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 2959 /2020


1S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	16/07/2020	<p>The appeal of Mian Shah Faisal resubmitted today by Mr. Amjid Ali Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p>	04.09.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>04/09/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant himself or anyone else representing him are not in attendance. The appeal is fresh, therefore, appellant and his counsel be noticed for 05.11.2020.</p> <p style="text-align: right;"> (Muhammad Jamal Khan) Member (Judicial)</p>

The appeal of Mr. Mian Shah Faisal Sub-Inspector Police No. 129 MR Police Lines Mardan received today i.e. on 26.02.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓ 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- ④- Copy of departmental appeal mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- ⑤- Copies of order dated 11/12/2019 and 11/10/2019 of the appeal are illegible which may be replaced by legible/better one.
- 6- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 7- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 497 /S.T.

Dt. 27-02 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Amjid Ali Adv. Pesh.

Note

Resubmitted after completion of
and removing all objections, further
submitted that time was lapsed in
re submission of the case due to Covid-19
hence the instant case may kindly
be entertained.

copy of charge sheet - statement of allegations
Reply of show cause notice
and Departmental Appeal
are available with
petitioner kindly put up before the


ADVOCATE
SUPREME COURT

15/7/2020
Before the

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 7959/2020

Mian Shah Faisal.....Appellant

VERSUS

Govt. of KP through Secretary Home and others..Respondents

I N D E X

S.No.	Description of documents.	Annexure	Page
1.	Memo of appeal with affidavit.		1-4
2.	Addresses of parties		5
3.	Copy of charge sheet	A	6
4.	Copy of reply to charge sheet	B	7
5.	Copy of charge sheet	C	8
6.	Copy of Enquiry Report	D	9-10
7.	Copy of Show cause notice	E	11
9.	Copy of order dated 10.12.2019	G	12
11.	Copy of order dated 29.01.2020	I	13
12.	Wakalatnama		14

Through


Appellant


Anjad Ali (Mardan)

Advocate

Supreme Court of Pakistan

Cell: 0321-9882434

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Case No. 15/20

Dated 26/12/2020

Service Appeal No. _____/2020

Mian Shah Faisal,
Sub-Inspector Police No.129/
MR Police Lines Mardan.....Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Home, Civil Secretariat, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Inspector General of Police, Mardan.
4. District Police Officer, Mardan.

....Respondents

Filed to-day

Registrar

26/12/2020

SERVICE APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER OF RESPONDENT NO.3 DATED 29.01.2020, WHEREIN DEPARTMENTAL APPEAL HAS BEEN REJECTED AND ORDER DATED 10.12.2019 PASSED BY RESPONDENT NO.4, WHEREIN MINOR PUNISHMENT OF STOPPAGE OF ONE INCREMENT WITH CUMULATIVE EFFECT WITH IMMEDIATE EFFECT HAS BEEN IMPOSED, WHICH ARE ILLEGAL AGAINST LAW AND FACTS.

PRAYER

(2)

On acceptance of this appeal, the impugned order dated 29.01.2020 passed by respondent No.3 and order dated 10.12.2019 passed by respondent No.4 may please be set-aside and appellant may please be exonerated of the charges leveled against him.

RESPECTFULLY SHEWETH:-

Appellant humbly submits as under:-

- 1) That appellant has performed his duty to the entire satisfaction of his superiors and there is no complaint against the appellant in his entire service career.
- 2) That appellant was issued a charge sheet alongwith a statement of allegation, which the appellant properly replied. (Copy of charge sheet is Annex "A", while statement of allegations is Annex "B")
- 3) That appellant properly replied to the charge sheet. (Copy of the reply to the charge sheet is Annex "C")
- 4) That appellant was not associated with the enquiry proceedings and appellant was not afforded opportunity to cross-examine the witnesses and a one-sided arbitrary enquiry report was framed against the appellant, which is illegal, against law and facts. (Copy of the Enquiry Report is Annex "D")
- 5) That show cause notice was issued to the appellant to which the appellant properly replied. (Copy of the

show cause notice is Annex "E"

(3)

- 6) That respondent No.4 imposed the minor punishment of stoppage of one increment with cumulative effect vide order dated 10.12.2019, which is illegal against the law and facts. (Copy of the order dated 10.12.2019 is Annex "G")
- 7) That feeling aggrieved, appellant filed departmental appeal before respondent No.3, which is dismissed vide order dated 29.01.2020.
copy of order dated 29.01.2020 are Annex "H")
- 8) That being aggrieved the appellant approaches this Hon'ble Tribunal on the following grounds:-

GROUND.

- A. Because the impugned order is against the Fr-29 as no time has been specified for stoppage of increment and is further passed with cumulative effect, which means that it has become a major penalty and not a minor penalty.
- B. Because appellant is innocent and falsely charged.
- C. Because appellant has neither been associated with the enquiry proceedings nor statement of any witness has been recorded in his presence and appellant has not been associated with any enquiry.
- D. Because appellant has not been dealt with in accordance with law and Article 4 of Constitution of Pakistan has been violated.

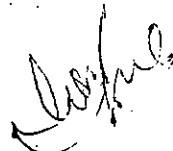
(4)
E. Because FIR has been lodged against the accused after completion of codal formalities like proceedings u/s 156(3) Cr.PC.

F. Because appellant has been condemned unheard.

It is therefore, humbly prayed that on acceptance of this appeal, the impugned order dated 29.01.2020 passed by respondent No.3 and order dated 10.12.2019 passed by respondent No.4 may please be set-aside and appellant may please be exonerated of the charges leveled against him.

Any other relief which this hon'ble court deems appropriate in the circumstances of the case though not specifically asked for may kindly also be granted.

Dated: 25.02.2020



Appellant

Through



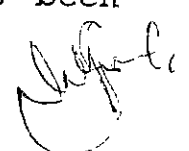
Amjad Ali (Madan)

Advocate

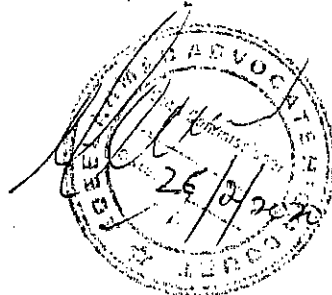
Supreme Court of Pakistan

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.



Deponent



(5)

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

Service Appeal No. _____/2020

Mian Shah Faisal.....Appellant

VERSUS

Govt. of KP through Secretary Home and others..Respondents

ADDRESSES OF PARTIES

APPELLANT

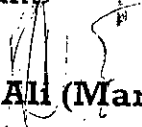
Mian Shah Faisal,
Sub-Inspector Police No.129/
MR Police Lines Mardan
(Cell # 0300-5712815)

RESPONDENTS

1. Govt. of Khyber Pakhtunkhwa through Secretary Home, Civil Secretariat, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Inspector General of Police, Mardan.
4. District Police Officer, Mardan.


Appellant

Through


Amjad Ali (Mardan)
Advocate
Supreme Court of Pakistan



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

Annex A


2019

(6)

CHARGE SHEET

I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority, hereby charge SI Mian Shah Faisal, while posted as SHO PS SMT (Now District Nowshera), as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
3. Your written defense, if any, should reach the Enquiry Officers within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.


(SAJJAD KHAN) PSP
District Police Officer
Mardan

Sajjad Ali
ADVOCATE
SUPREME COURT

A r-B D
32
2019



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

417 /PA

Dated 18/8/2019

DISCIPLINARY ACTION

I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority am of the opinion that SI Mian Shah Faisal, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS


Whereas, SI Mian Shah Faisal, while posted as SHO PS SMT (Now District Nowshera), was served with an Explanation, issued vide this office No.4845/PA dated 16-08-2019 on account of snatching away two Mobile Phones from one Adnan by unknown (02) culprits, who reported the issue at Police Station Sheikh Maltoon, but instead to register proper FIR, SI Mian Shah Faisal taken the issue lightly by entering the report in the Roznamcha vide DD No.34 dated 16-06-2019 with no progress, resultantly the applicant has no other option and submitted applications to the high ups.

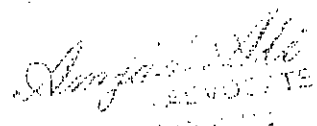
In compliance, his reply was received and found un-satisfactory, meaning that he is guilty of burking.

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

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

SI Mian Shah Faisal is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.


(SAJJAD KHAN) PSP
District Police Officer
Mardan


ADVOCATE
SUPREME COURT

11.10
Ann - C
(8)
2019

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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

CHARGE SHEET


I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent
Officer, hereby charge SI Mian Shah Faisal, while posted as SHO PS SMT (Now District Nowshera),
with the offenses mentioned in the attached Statement of Allegations.

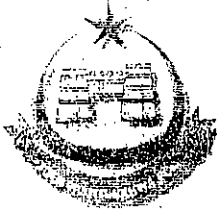
By reasons of above, you appear to be guilty of misconduct under Police Rules,
1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

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

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

Intimate whether you desired to be heard in person.


(SAJJAD KHAN) PSP
District Police Officer
Mardan



OFFICE OF THE
SUPERINTENDENT OF POLICE
OPERATIONS & HEADQUARTERS
MARDAN

Tell: 0937-9230117

Fax: 0937-9230111

E.Mail: Spops1506@gmail.com

Ann-D

(9)

No. 4845/PA.(Ops)

Dated 11/10/2019.

To The District Police Officer,
Mardan.

Subject: DEPARTMENTAL ENQUIRY AGAINST SI MIAN SHAHFAISAL
KHAN THE THEN SHO PS SHEIKH MALTOON.

Memo:

Kindly refer to your office Memo: No. 417/PA dated 18.09.2019 on the subject noted above.

The subject enquiry proceeding against SI Mian Shah Faisal, was initiated under the allegations that he while posted as SHO PS Sheikh Maltoon (Now District Nowshera) was served with an Explanation, issued vide office Memo: No. 4845/PA dated 16.08.2019 on account of snatching away two mobile phones from one Adnan by unknown accused (02) culprits who reported the issue to police station Sheikh Maltoon, but instead to register proper FIR SI Mian Shah Faisal taken the issue lightly by entering the report in the Roznamcha vide DD No. 34 dated 16.06.2019 with no progress resultantly the applicant has no other option and submitted application to the High-Ups.

PROCEEDING:

Enquiry proceeding was initiated. A copy of charge sheet along-with statement of allegation duly served upon the defaulter official. In light of which he submitted detailed reply, placed on file as annex-A. He was questioned and counter questioned. During the course of enquiry the defaulter official was asked to present any evidence in his defense. He produced his written statement stating therein that one Adnan lodged report in PS Sheikh Maltoon to the effect that two unknown accused snatched two mobile phones from his brother namely Imran. Report was entered vide DD No. 34 dated 16.06.2019 PS SMT and an enquiry u/s 156(iii) was initiated and entrusted to SI Israr Khan of PS SMT. The enquiry officer obtained IMEI numbers and send for analysis whereby it was found that various number are activate on the same IMEI numbers. To this effect I/C computer Lab reported that the same is result of technical faults in system. The defaulter official further added that he time and again met the complainant of the case and shared updates of the case with him and tried his best for tracing out the case and accused behind the occurrence. However, a case vide FIR No. 417 dated 20.08.2019 u/s 392 PPC PS Sheikh Maltoon has been registered and efforts are underway for the recovery of mobile phones and tracing out of the real accused. (statement of SHO is placed on file)

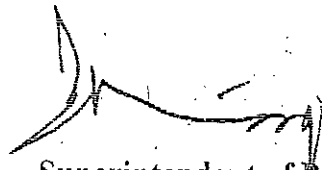
Abdul Qadir
ADVOCATE
SUPREME COURT

Conclusion/Recommendations:

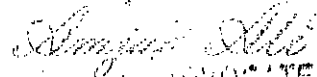
From enquiry, statement of defaulter official and circumstances it transpires that since the occurrence took place whereby two unknown accused snatched mobile phones from one Imran, the defaulter official remained a silent spectator. He took the issue as routine matter and police action was confined to initiating enquires and recording statements. So far no solid progress has been made indicating negligence and lack of interest in discharge of official duty. It was SHO who bears the burden of responsibility to a great extent he was supposed to immediately lodge FIR instead of burking. However, a proper case vide FIR No. 417 dated 20.08.2019 u/s 392 PPC PS Sheikh Maltoon has been registered against unknown accused.

Forgoing in view of the above the allegations levelled against SI Shah faisal Khan the then SHO PS Sheikh Maltoon is proved. Hence he is recommended for Major Punishment.

Submitted please.


Superintendent of Police
Operations & Headquarters
Mardan

Issue F.SCN
M
DP/MAN
15/X
P


ADVOCATE
SUPREME COURT



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2019

No. 300 /PA

Dated 18 /10 /2019

FINAL SHOW CAUSE NOTICE

Whereas, you SI Mian Shah Faisal, while posted as SHO PS SMT (Now District Nowshera), was served with an Explanation, issued vide this office No.4845/PA dated 16-08-2019 on account of snatching away two Mobile Phones from one Adnan by unknown (02) culprits. who reported the issue at Police Station Sheikh Maltoon, but instead to register proper FIR, you have taken the issue lightly by entering the report in the Roznamcha vide DD No.34 dated 16-06-2019 with no progress, resultantly the applicant has no other option and submitted applications to the high ups.

In compliance, your reply was received and found un-satisfactory, meaning that you were guilty of burking.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Mushtaq Ahmad SP/Operations Mardan vide his office letter No.506/PA (Ops) dated 11-10-2019, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.417/PA dated 18-09-2019, holding responsible you of misconduct & recommended for major punishment.

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

Hence, I Sajjad Khan (PSP) District Police Officer Mardan, in exercise 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.

Received by [Signature]

Dated: 18/10/2019

(SAJJAD KHAN) PSP
District Police Officer
Mardan

Copy to DPO Nowshera & with a request to deliver this Notice upon the alleged official & the receipt thereof may be returned to this office for onward necessary action, please.

[Signature]
ADDITIONAL
SUPERINTENDENT

ALLSD

Better copy

BETTER COPY

12

OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No.0937-9230109 & Fax No.0937-9230111

Email: dpo_mardan@yahoo.com

No.2533-26/PA

Dated: 11.12.2019

ORDER ON ENQUIRY OF SI MIAN SHAH FAISAL

This order will dispose-off a Departmental Enquiry under Police Rules, 1975, initiated against the subject official, under the allegations that while posted as SHO Police Station Sheikh Maltoon (now District Nowshera), Proceeded against departmentally through Mr. Mushtaq Ahmad SP Operation Mardan vide this office Statement of Disciplinary Action/ Charge Sheet No.417/PA dated 18.09.2019 on account of that he was served with an Explanation, issued vide this office No.4845/PA dated 16.08.2019 on account of snatching away two Mobile Phones from one Adnan by unknown (02) culprits, who reported the issue at Police Station Sheikh Maltoon, but instead to register proper Fir, SI Mian Shah Faisal taken the issue lightly by entering the report in the Roznamcha vide DD No.34 dated 16.06.2019 with no progress, resultantly the applicant has no other option and submitted applications to the high-ups. In compliance his reply was received and found un-satisfactory, meaning that he is guilty of barking, who (EO) after fulfilling necessary process, submitted his Finding Report to this office vide its office letter No.506/PA (Ops) dated 11.10.2019, recommending the alleged official for major punishment.

In this connection, he was served with a Final Show Cause Notice, under KP Police Rules-1975, issued vide this office No.300/PA dated 18.10.2019, to which his reply was received and found un-satisfactory.

Final Order

SI Mian Shah Faisal was heard in O.R on 10.12.2019 and awarded him a minor punishment by stoppage his one increment with cumulative effect with immediate effect in exercise of the power vested in me under Police Rules, 1975.

OB No.2667

Dated 10.12.2019

Sd/-
Sajjad Khan PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

1. The Inspector General of Police KP Peshawar with reference to his good office letter No.PPO/PAS/2019/06-2587 dated 17.06.2019, please.
2. The Regional Police Officer Mardan, please
3. The District Police Officer Nowshera with enquiry file.
4. The Incharge PAS Branch Mardan with reference to his office diary No.(not visible) dated 20.06.2019.

OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@pab60.com

2019

Am-G

(10)

100-116/PA

Dated 11/12/2019

ORDER ON ENQUIRY OF SI MIAN SHAH FAISAL

This order will dispose-off a Departmental Enquiry under Police Rules-1975, initiated against the subject official, under the allegations that while posted as SHO Police Station Sheikh Maltoon (Now District Nowshera). Proceeded against departmentally through the Assistant Alumnal SP Operations Mardan vide this office Statement of Disciplinary Charge Sheet No.417/PA dated 18-09-2019 on account of that he was served with a Final Show Cause Notice vide this office No 4845/PA dated 16-08-2019 on account of snatching away of 02 mobile phones from one Adnan by unknown (02) culprits, who reported the issue at Police Station Sheikh Maltoon, but instead to register proper FIR, SI Mian Shah Faisal taken the issue in hand by entering the report in the Roznamcha vide DD No.34 dated 16-06-2019 with no progress, resultantly the applicant has no other option and submitted applications to the high court in compliance his reply was received and found un-satisfactory, meaning that he is guilty of Exemption (who (F.O) after fulfilling necessary process, submitted his Finding Report to this office vide this office letter No.306/PA (Ops) dated 11-10-2019, recommending the alleged official for final punishment.

In this connection, he was served with a Final Show Cause Notice under Police Rules-1975, issued vide this office No.300/PA dated 18-10-2019, to which, his reply was received and found un-satisfactory.

Final Order

SI Mian Shah Faisal was heard in Q.R on 10-12-2019 and awarded final punishment by stopping his one increment with cumulative effect with immediate effect. Exercise of the power vested in me under Police Rules-1975.

On 10/12/2019
Dated 11/12/2019

Aslam
ADVOCATE
SUPREME COURT

(SALJAD KHAN) PSP
District Police Officer
Mardan

Copy forwarded for information & action to:-

1. The Inspector General of Police K.P Peshawar with reference to his prod. order letter No. I.P.O.PAS-2019/06-2587 dated 17-06-2019, please.
2. The Regional Police Officer Mardan, please.
3. The District Police Officer Nowshera with enquiry file.
4. The in-charge PAS Branch Mardan with reference to his office letter No. 100-116/PA dated 11-12-2019.

ORDER.

(13) Annex-I

This order will dispose-off the departmental appeal preferred by **Officiating Sub Inspector Mian Shah Faisal No. 129/MR** of Nowshera District Police against the order of District Police Officer, Mardan, whereby he was awarded Minor punishment of Stoppage of one increment with cumulative effect vide District Police Officer, Mardan OB No. 2667 dated 10.12.2019. The appellant was proceeded against departmentally on the allegations that, he while posted as SHO Police Station Sheikh Maltoon (Now District Nowshera) was approached by one Adnan regarding snatching of Mobiles from him (applicants) by 02 unknown accused. But instead of registering FIR he penned the said report into daily diary vide serial No. 34 dated 16.06.2019. Resultantly, the said applicant filed application before the District Police Officer, Mardan, whereupon the appellant was issued explanation. He submitted his reply to the explanation which was found unsatisfactory.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Mr. Mushtaq Ahmad SP Operations Mardan was nominated to conduct enquiry into the matter, who submitted his findings wherein he recommended the delinquent official for major punishment.

In this connection, he was served with a Final Show Cause Notice to which, his reply was received and found un-satisfactory

Keeping in view the recommendations of enquiry officer and other material available on record, the delinquent Officer was heard in Orderly Room held in the office of District Police Officer, Mardan on 10-12-2019, but he failed to justify his misconduct. Therefore, the delinquent Officer was awarded minor punishment of stoppage of one increment with cumulative effect vide OB: No. 2667 dated 10.12.2019.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 28.01.2020

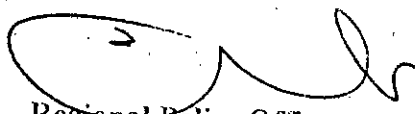
From the perusal of the enquiry file and personal hearing of appellant, it came to light that the delinquent Officer was under obligations to register FIR as enunciated in Section 154 CrPc 1908, because the issue in question was a cognizable offence. But he did not bother to register FIR rather entered a cognizable offence in daily diary which shows his incompetence and lethargic attitude towards his official duties.

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

Order Announced.


ADVOCATE

SUPREME COURT
No. 1075 /ES,


Regional Police Officer,
Mardan.

Dated Mardan the 29 - 1 - /2020.

Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo: No. 7802/PA dated 31.12.2019. His Service Record is returned herewith.

بعد الت سروس ٹریڈنگ لاہور

117

2020ء منجانب ایسٹرن

26/2/2020

مورخہ:

بنام:

میان سٹاٹ فیصل

مقدمہ:

حکومت / I-G-P

دعویٰ:

جرم:

باہر سے تحریر آئی

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

آپ کے لیے امجد علی ایڈووکیٹ، سپریم کورٹ آف پاکستان (لاہور)

مقرر کر کے اتر لیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ

برخلاف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر

دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانہ و نظر ثانی و پیروی کرنے کا

اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا دوران مقدمہ میں جو خرچہ و جانہ

التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سنڈ رہے۔

المزقوم:

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26

2020

العبد

گواہ

العبد

مقام کے لیے منظور ہے۔

Amjad Ali
ADVOCATE
SUPREME COURT

Be-105506

امجد علی ایڈووکیٹ سپریم کورٹ آف پاکستان، ڈسٹرکٹ کورٹس، مردان

0321-9882434 0321-9870175

C 505 ①

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 7959/2020

Mian Shah Faisal, Sub-Inspector Police No. 129/MR Police Lines

Mardan.....Appellant

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa and others

.....Respondents

Para-wise comments by respondents:-

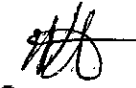
Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That the appellant has not approached to 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.
8. That the appeal is barred by law and limitation.

REPLY ON FACTS

1. Incorrect. Stance taken by the appellant is not plausible because every Police Officer is under obligation to perform his duty upto the entire satisfaction of his superiors. Moreover, non receipt of complaint against the appellant does not mean a clean chit for the future wrong deeds (**Copy of Complaint is attached as annexure "A"**).
2. Correct to the extent after receipt of charge sheet with statement of allegations, the appellant submitted reply but the same was found unsatisfactory.
3. Para explained in the preceding para needs no comments.
4. Incorrect. Plea taken by the appellant is baseless, because the appellant while posted as SHO Sheikh Maltoon failed to register case on the report of complainant regarding snatching of mobile phone by unknown accused. But instead of registering FIR, the appellant took the same lightly and penned the report in daily diary by depriving the complainant from his vested right i.e registration of case. Therefore, he was issued charge sheet with statement of allegations. After issuance of charge sheet with statement of allegations, proper departmental enquiry was conducted and enquiry was entrusted to Mr. Mushtaq Ahmad the then SP/Operations Mardan. During the course of enquiry, the enquiry officer recorded statements of all concerned and fulfilled all legal and codal formalities by extending right of self defense to the appellant to produce evidence/grounds in his defense, and he was also questioned and counter questioned at length, but he failed. However, the Enquiry Officer


M. S. Legal
Mardan

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recommended the appellant for awarding major punishment. In light of enquiry proceedings, he was issued Final Show Cause Notice to which his reply was received and the same was paid due consideration but found unsatisfactory. Besides, the appellant was summoned & heard in Orderly Room on 10.12.2019, but this time too he failed to justify his innocence, therefore he was awarded minor punishment of stoppage of one annual increment with cumulative effect, which does commensurate with the gravity of misconduct of the appellant (**Copy charge sheet with statement allegations are and enquiry report are attached as annexure "B & C"**).

5. Correct to the extent after receipt of Final Show Cause Notice the appellant submitted reply, which was found unsatisfactory.
6. Incorrect. Order imposed by the respondent No. 04 is legal, lawful according to law and based on facts, hence, liable to be maintained.
7. Correct to the extent that the appellant preferred departmental appeal to the respondent No. 03, which was decided on merit because he was provided full-fledged opportunity of defending himself by the appellate authority but he bitterly failed to produce any cogent reason in his defense. Therefore, the same was rejected and filed being devoid of merit.
8. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

REPLY ON GROUNDS:


- A. Incorrect. Plea taken by the appellant plausible rather the order passed by the competent authority is in accordance with law.
- B. Incorrect hence, denied as stated above appellant has committed gross misconduct which was established during probe.
- C. Incorrect. Plea taken by the appellant is baseless, because after issuance of charge sheet with statement of allegations proper departmental enquiry was conducted and enquiry was entrusted to Mr. Mushtaq Ahmad the then SP/Operations Mardan. During the course of enquiry recorded statements of all concerned and fulfilled all legal and codal formalities by extending right of self defense to the appellant to produce evidence/grounds in his defense, and he was also questioned and counter questioned at length, but he failed. However, the Enquiry Officer recommended the appellant for awarding major punishment. After the conclusion of enquiry proceedings he was issued Final Show Cause Notice to which his reply was received and the same was paid due consideration but found unsatisfactory. Besides, the appellant was summoned & heard in Orderly Room on 10.12.2019, but this time too he failed to justify his innocence, therefore he was awarded minor punishment of stoppage his one increment with cumulative effect, which does commensurate with the gravity of misconduct of the appellant.


Mushtaq Ahmad
Mardan

- D. Incorrect. Stance of the appellant is totally ill-based, because he has been treated in accordance with law/rules and never violated any Article of the Constitution of Pakistan.
- E. Incorrect. Stance taken by the appellant is totally devoid of merit because the bald reading of section 154 Cr.P.C negates the version of appellant.
- F. Incorrect. Para already explained needs no comments.

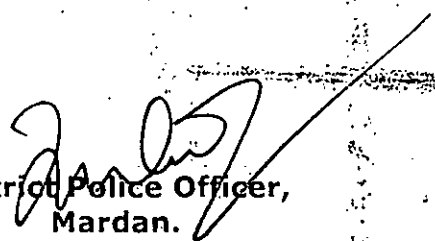
PRAYER:-

Keeping in view the above stated facts and rules, it is most humbly prayed that the appeal of the appellant being barred by law and limitation, may very kindly be dismissed with costs please.


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


**Deputy Inspector General of Police,
 Mardan Region-I, Mardan.**
 (Respondent No. 03)


**DSP Legal
 Mardan**


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

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

Service Appeal No. 7959/2020

Mian Shah Faisal, Sub-Inspector Police No. 129/MR Police Lines

Mardan.....Appellant

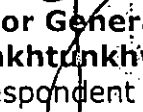
VERSUS


Inspector General of Police, Khyber Pakhtunkhwa and others

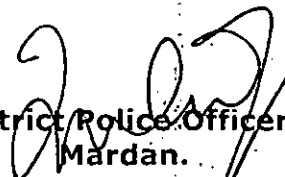
.....Respondents

COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.


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


**Deputy Inspector General of Police,
Mardan Region-I, Mardan.
(Respondent No. 03)**


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


**DSP Legal
Mardan**

دفعہ نمبر 14-6-19

عزیزان خان، برادر ام جہرم انصاف
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دو ملر انصاف

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اساترا

DSP Legal Warden

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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2019

16

6

No. 417 /PA

Dated 18/8/2019

DISCIPLINARY ACTION

I, SAJJAD KHAN (PSP), District Police Officer, Mardan, as competent authority am of the opinion that SI Mian Shah Faisal, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975:

STATEMENT OF ALLEGATIONS


Whereas, SI Mian Shah Faisal, while posted as SHO PS SMT (Now District Nowshera), was served with an Explanation, issued vide this office No.4845/PA dated 16-08-2019 on account of snatching away two Mobile.Phones from one Adnan by unknown (02) culprits, who repoted the issue at Police Station Sheikh Maltoon, but instead to register proper FIR, SI Mian Shah Faisal taken the issue lightly by entering the report in the Roznamcha vide DD No.34 dated 16-06-2019 with no progress, resultantly the applicant has no other option and submitted applications to the high ups.

In compliance, his reply was received and found un-satisfactory, meaning that he is guilty of burking.


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

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

SI Mian Shah Faisal is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.


(SAJJAD KHAN) PSP
District Police Officer
Mardan

*Steno
Proceed.*


PSP Legal
Mardan

Service ...

OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

NO. 19

7

CHARGE SHEET

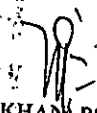
I, SAJJAD KHAN (PSP), District Police Officer, Mardan, as competent authority, hereby charge SI Mian Shah Faisal, while posted as SHO PS SMT (Now District Nowshera), attached Statement of Allegations.

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

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

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

Intimate whether you desired to be heard in person.


(SAJJAD KHAN) PSP
District Police Officer
Mardan


DSP Legal
Mardan



OFFICE OF THE
SUPERINTENDENT OF POLICE
OPERATIONS & HEADQUARTERS
MARDAN

Tell: 0937-9230117
Fax: 0937-9230111
E.Mail: Spops1:06@gmail.com

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No. 506/PA,(Ops)
To The District Police Officer,
Mardan.

Dated 11/10/2019.

Subject: **DEPARTMENTAL ENQUIRY AGAINST SI MIAN SHAHFAISAL KHAN THE THEN SHO PS SHEIKH MALTOON.**

Memo:

Kindly refer to your office Memo: No. 417/PA dated 18.09.2019 on the subject noted above.

The subject enquiry proceeding against SI Mian Shah Faisal, was initiated under the allegations that he while posted as SHO PS Sheikh Maltoon (Now District Nowshera) was served with an Explanation, issued vide office Memo: No. 4845/PA dated 16.08.2019 on account of snatching away two mobile phones from one Adnan by unknown accused (02) culprits who reported the issue to police station Sheikh Maltoon, but instead to register proper FIR SI Mian Shah Faisal taken the issue lightly by entering the report in the Roznamcha vide DD No. 34 dated 16.06.2019 with no progress resultantly the applicant has no other option and submitted application to the High-Ups.

PROCEEDING:

Enquiry proceeding was initiated. A copy of charge sheet along-with statement of allegation duly served upon the defaulter official. In light of which he submitted detailed reply, placed on file as annex-A. He was questioned and counter questioned. During the course of enquiry the defaulter official was asked to present any evidence in his defense. He produced his written statement stating therein that one Adnan lodged report in PS Sheikh Maltoon to the effect that two unknown accused snatched two mobile phones from his brother namely Imran. Report was entered vide DD No. 34 dated 16.06.2019. PS SMT and an enquiry u/s 156(iii) was initiated and entrusted to SI Israr Khan of PS SMT. The enquiry officer obtained IMEI numbers and send for analysis whereby it was found that various number are activate on the same IMEI numbers. To this effect I/C computer Lab reported that the same is result of technical faults in system. The defaulter official further added that he time and again met the complainant of the case and shared updates of the case with him and tried his best for tracing out the case and accused behind the occurrence. However, a case vide FIR No. 417 dated 20.08.2019 u/s 392 PPC PS Sheikh Maltoon has been registered and efforts are underway for the recovery of mobile phones and tracing out of the real accused. (statement of SHO is placed on file)

[Handwritten signature]
District Police Officer
Mardan

[Handwritten initials]

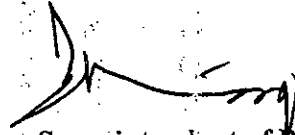
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His Service

Recommendation:


From enquiry, statement of defaulter official and circumstances it res that since the occurrence took place whereby two unknown accused snatched the phones from one Imran, the defaulter official remained a silent spectator. He took the issue as routine matter and police action was confined to initiating enquires and recording statements. So far no solid progress has been made indicating negligence and lack of interest in discharge of official duty. It was SHO who bears the burden of responsibility to a great extent he was supposed to immediately lodge FIR instead of burking. However, a proper case vide FIR No. 417 dated 20.08.2019 u/s 392 PPC PS Sheikh Maltoon has been registered against unknown accused.


Forgoing in view of the above the allegations levelled against SI Shah faisal Khan the then SHO PS Sheikh Maltoon is proved. Hence he is recommended for Major Punishment.

Submitted please.


Superintendent of Police
Operations & Headquarters
Mardan

Issue F-SCN


DSP Mardan
15/8/19


DSP Legal
Mardan

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جناب عالی

معمولہ چار شیٹ نمبری 417 مورخہ 18/09/2019 مجاہد صاحب DPPO صاحب
 خدمت میں کہ منسلق عدنان عزیز کورہ نے بحوالہ ورد 34 روزنامہ 06/06/2019 کا بیان میں
 رپورٹ کی کہ برادر اس عمر ان سے دو عدد موبائل فون موٹر سائیکل سوار دو اشخاص
 چھین کر گئے تھے یہیں رپورٹ ددم روزنامہ سوسر لفر کن انٹو انٹری (3) کا صفحہ 15 اسرار خان
 حوالہ سوسر جسے فوراً بر دو موبائل فون می IMEI نمبر حاصل کر کے سرچ کیلئے بھیجا یا CDR فون
 پر ہے پھر معلقہ سوال موبائل فون IMEI پر مختلف نمبرات زیر اسمال میں جن سے معلقہ موبائل
 لیب انچارج سے معلومات کر کے معلقہ سوال کے کھوے فون سے مسلم کی فراہمی کی وجہ سے الیا
 سورا ہے۔ من 845 کے اپنی ٹوری کو سٹیشن می ہے کہ موبائل فون منڈمرہ جلد از جلد سٹیشن
 پر جائے تاکہ اصل ملزمان کے خلاف مقدمہ ددم رجسٹر کر کے منسلق عدنان کی قانونی مدد اور
 ملزمان کے خلاف حدت عطا بط کاروائی عمل میں لائی جائے۔ مقرر رپورٹ کنندہ نے صبر مادیات چھوڑ
 کر چند شرکینہ لوگوں کی باتوں پر عمل کر رہا تھا جبکہ من 845 نے خود ذاتی طور پر کسی مرتبہ
 عدنان عزیز کورہ سے مل اپ ڈیٹ کر مارا۔ اور CDR پر موبائل فون IMEI سرچ کے معلقہ معلومات
 بھی دی گئی اور رپورٹ بذمہ بحوالہ مقدمہ عدالت 417 مورخہ 20/08/2019 سٹیشن 392 کا SMT ددم رجسٹرر صاحب

سند افند ان بالا سے الزام کی اسد عا ہے۔ من 845 نے قانون کے
 عدنان عزیز کورہ کی ٹوری ورد کی ہے۔ میرا یہی بیان ہے جو کہ درست ہے

09 SMO. PS. SMT
 20/09/2019

DSP Legal
 Mardan

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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

11
2019

No. 300 /PA

Dated 18 / 10 / 2019

FINAL SHOW CAUSE NOTICE

Whereas, you SI Mian Shah Faisal, while posted as SHO PS SMT (Now District Nowshera), was served with an Explanation, issued vide this office No.4845/PA dated 16-08-2019 on account of snatching away two Mobile Phones from one Adnan by unknown (02) culprits, who reported the issue at Police Station Sheikh Maltoon, but instead to register proper FIR, you have taken the issue lightly by entering the report in the Roznamcha vide DD No.34 dated 16-06-2019 with no progress, resultantly the applicant has no other option and submitted applications to the high ups.

In compliance, your reply was received and found un-satisfactory, meaning that you were guilty of burking.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Mushtaq Ahmad SP/Operations Mardan vide his office letter No.506/PA (Ops) dated 11-10-2019, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.417/PA dated 18-09-2019, holding responsible you of misconduct & recommended for major punishment.

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

Hence, I Sajjad Khan (PSP) District Police Officer Mardan, in exercise 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.

Received by _____

Dated: ___ / ___ / 2019

(SAJJAD KHAN) PSP
District Police Officer
Mardan

**DSP Legal
Mardan**

Copy to DPO Nowshera & with a request to deliver this Notice upon the alleged official & the receipt thereof may be returned to this office for onward necessary action, please.

11
2019
against him: J
Mushtaq Ahmad
who submitted
punishment.
Show Cause:
inquiry officer
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No. No. 2667
District Police
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Dated Ma
Forwarded to Dis
Office Memo: N

صنایع

مستمر لے فائنل شوکارز انٹرنس ملٹری 300 ورثہ 18.10.2019 تاریخ 07:00

حردان احمد فریڈرکس پورا کہ مستغنیف عبداللہ احمد کورہ نے بحالہ قدر 39 روز نامہ
 16⁰⁶/₂₀₁₉ تھانہ شیخ سلوٹون رپورٹ کی کہ برادر اسٹراٹس سے ڈیڈ انڈر ریٹس خول فریڈرکس
 سوار ڈی اسٹاٹہ پانے بزور چھین کر لے گئے ہیں۔ رپورٹ درج روز نامہ پورے حقیقت طلب
 ایک دلچسپ انٹرویو (3) IS6 صاف اگر صیضان ای سی 39 الہ پورے پورے خول
 ڈیڈ خول خول ای ME ملے حاصل کر کے دیکھ لیا۔ CDR خول پورے خول پورے
 خول خول ME مختلف خبرات زیر استعمال ہے۔ دونوں خول خول خول خول خول
 ظاری کر کے پورے میں SHO نے قمر کرہ عدنان کو ڈیڈ کمان خول خول خول خول
 پورے خول کے مستحق بنایا کہ نشانہ لیا کر لیا جو کہ Smadela ہے۔ بعد از اس مقدمہ
 عدنان کو خول خول خول خول خول خول خول خول خول خول خول خول خول خول خول خول خول
 نکرایا کہ میں لوگ خول خول خول خول خول خول خول خول خول خول خول خول خول خول
 بلدیہ کو صاف السادہ پورے خول خول خول خول خول خول خول خول خول خول خول خول
 کے خلاف تھانہ پورے میں 20.08.2019 کی 392 PP کے FIR خول خول خول خول خول
 میں SHO نے پچھلے دنوں کے ساتھ بار بار رابطہ کر کے اور صحیح ملزمان پورے اور قانون کے ساتھ
 پورے کے خول خول خول خول خول خول خول خول خول خول خول خول خول خول خول خول خول

پسند استغنیف عبداللہ سے انصاف کیا آتد ہے جس میں SHO قانون کے مطابق
 عدنان مذکورہ کی پوری صورت ہے۔ مسائل کا یہی بیان ہے جو کہ درج ہے

440 P.S.MT
 29.10.2019

Now Now Sheer

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 steps with C.E.

10/12

OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2019

13

No. 8523-26/PA

Date: 11/12/2019

ORDER ON ENQUIRY OF SI MIAN SHAH FAISA

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted as SHO Police Station Sheikh Maltoon (Now District Nowshera), Proceeded against departmentally through Mr. Mushtaq Ahmad SP Operations Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.417/PA dated 18-09-2019 on account of that he was served with an Explanation, issued vide this office No.4845/PA dated 16-08-2019 on account of snatching away two Mobile Phones from one Adnan by unknown (02) culprits, who reported the issue at Police Station Sheikh Maltoon, but instead to register proper FIR, SI Mian Shah Faisal taken the issue lightly by entering the report in the Roznamcha vide DC No.34 dated 16-06-2019 with no progress, resultantly the applicant has no other option and submitted applications to the high ups. In compliance, his reply was received and found un-satisfactory, meaning that he is guilty of burking; who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.506/PA (Ops) dated 11-10-2019, recommending the alleged official for major punishment.

In this connection, he was served with a Final Show Cause Notice, under K.P Police Rules-1975, issued vide this office No.300/PA dated 18-10-2019, to which, his reply was received and found un-satisfactory.

Final Order

SI Mian Shah Faisal was heard in O.R on 10-12-2019 and awarded him a minor punishment by stoppage his one increment with cumulative effect with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 2667
Dated 10/12/2019

*REC/FMC
For n. action*

[Signature]
13/12/19

(SA. JAD KHAN) PSP
District Police Officer
Mardan

No. 2343/PA
dt 16/12/19

Copy forwarded for information & n/action to:-

- 1) The Inspector General of Police K.P Peshawar with reference to his good office letter No.PPO/PAS/2019/06-2587 dated 17-06-2019, please.
- 2) The Regional Police Officer Mardan, please.
- 3) The District Police Officer Nowshera with enquiry file.
- 4) The In-charge PAS Branch Mardan with reference to his office diary No.271/PAS dated 20-06-2019.

12

14

ORDER.

This order will dispose-off the departmental appeal preferred by Officiating Sub Inspector Mian Shah Faisal No. 129/MR of Nowshera District Police against the order of District Police Officer, Mardan, whereby he was awarded Minor punishment of Stoppage of one increment with cumulative effect vide District Police Officer, Mardan O/B No. 2667 dated 10.12.2019. The appellant was proceeded against departmentally on the allegations that, he while posted as SHO Police Station Sheik Maltoon (Now District Nowshera) was approached by one Adnan regarding snatching of Mobiles from him (applicants) by 02 unknown accused. But instead of registering FIR he penned the said report into daily diary vide serial No. 34 dated 16.06.2019. Resultant the said applicant filed application before the District Police Officer, Mardan, whereupon the appellant was issued explanation. He submitted his reply to the explanation which was found unsatisfactory.

Proper departmental enquiry proceedings were initiated against him. A Charge Sheet was issued alongwith Statement of Allegations and Mr. Mushtaq Ahmad of Operations Mardan, was nominated to conduct enquiry into the matter, who submitted findings wherein he recommended the delinquent official for major punishment.

In this connection, he was served with a Final Show Cause Notice which, his reply was received and found unsatisfactory.

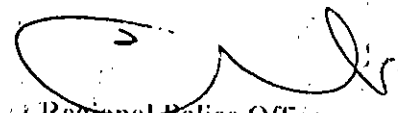
Keeping in view the recommendations of enquiry officer and other material available on record, the delinquent Officer was heard in Orderly Room held in the office of District Police Officer, Mardan on 10.12.2019, but he failed to justify his misconduct. Therefore, the delinquent Officer was awarded minor punishment of stoppage of one increment with cumulative effect vide O/B No. 2667 dated 10.12.2019.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 28.01.2020.

From the perusal of the enquiry file and personal hearing of appellant, it came to light that the delinquent Officer was under obligations to register FIR as enunciated in Section 154 CrPc 1908, because the issue in question was a cognizable offence. But he did not bother to register FIR rather entered a non-cognizable offence in daily diary which shows his incompetence and lethargic attitude towards his official duties.

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

Order Announced.


Regional Police Officer,
Mardan.


No. 1078/PA /ES, Dated Mardan the 29 - 1 - 2020.

Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo: No. 7802/PA dated 31.12.2019. His Service Record is...


**DSP Legal
Mardan**

NO. 180/PA
dt 29/1/2020

EC/AME

For action

No. 1078/PA

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 7959/2020

Mian Shah Faisal, Sub-Inspector Police No. 129/MR Police Lines

Mardan.....Appellant


VERSUS

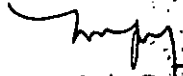
Inspector General of Police, Khyber Pakhtunkhwa and others

.....Respondents

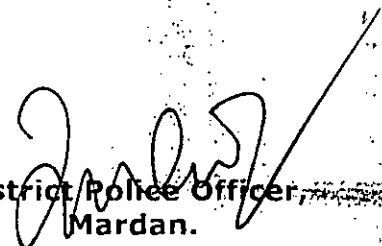
AUTHORITY LETTER.

Mr. Noor Daraz Sub-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.


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


Deputy Inspector General of Police,
Mardan Region-I, Mardan.
(Respondent No. 03)


SP Legal
Mardan


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