

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	01.08.2018	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p style="text-align: center;">Service Appeal No. 1357/2017</p> <p style="text-align: center;">Date of Institution ... 07.12.2017 Date of Decision ... 01.08.2018</p> <p>Sub Inspector Ahdul Wahid (Now Head Constable) son of Maghfoor Shah, Posted at District Security Branch, Inside Police Station Nowshera, Khyber Pakhtunkhwa.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. The Regional Police Officer, RPO Office, Mardan. 2. The District Police Officer, DPO Office, Nowshera, Khyber Pakhtunkhwa. 3. The Provincial Police Officer, Central Police Office, Khyber Pakhtunkhwa Peshawar. <p style="text-align: right;">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member Mr. Ahmad Hassan-----Member</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present.</p> <p>2. The appellant is aggrieved against the order dated 10.11.2017 passed by the appellate authority/respondent No.1 whereby the appellate authority modified the penalty of dismissal of appellant from service and converted the same into reduction from his substantive rank of ASI to the rank of Head Constable.</p>

3. Learned counsel for the appellant argued that preliminary inquiry was conducted against the appellant and interim report was submitted, thereafter disciplinary action was initiated against the appellant however during the course of regular inquiry, the inquiry officer has not recorded the statements of witnesses/officials, rather transposed the statements recorded during the course of preliminary inquiry. Further argued that the report of inquiry was not conveyed to the appellant at the stage of issuance of Show Cause Notice. Learned counsel for the appellant argued that though the appellate authority partially accepted the appeal of the appellant by modifying the punishment however the punishment was awarded to the appellant without adhering to the legal requirements and completion of codal formalities. Learned counsel for the appellant vehemently stressed for setting aside the orders whereby punishment was awarded to the appellant.

4. As against that learned Deputy District Attorney while opposing the present service appeal argued that the appellant has committed misconduct and that impugned orders of punishment were issued after fulfillment of all the codal formalities; that charge sheet/statement of allegation was served, regular inquiry was conducted, the appellant joined the inquiry proceedings and that upon issuance of Show Cause Notice the impugned orders of punishment were issued.

5. Arguments heard. File perused.

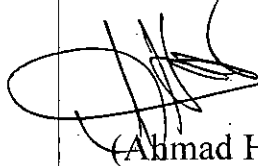
6. SMS complaint was submitted by Mr. Sher Haider against the

appellant for his non co-operation when car lifters^{had} thrown his kid out of the car and took away the car of the complainant.

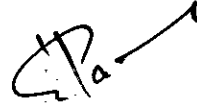
7. It may be mentioned that the inquiry officer stated in his report that the statements of Mr. Luqman Khan SDPO Pabbi Circle, Inspector Shad Ali SHO Pabbi, Muhammad Fayaz MHC PS Pabbi, Mr. Muhammad Ayaz Wireless Operator and Mr. Shehzad Gul Manager PSO Pump Taru were recorded. Statements of the above mentioned officials/witnesses are available on file and perusal of the cut down dates mentioned there on would show that these statements were recorded either on 05.09.2017 or 06.09.2017 whereas the charge sheet/statement of allegation was issued on 07.09.2017. When the learned Deputy District Attorney was confronted with the cut down dates as mentioned below the statements of witnesses, he remained unable to rebut the argument of the learned counsel for the appellant that the statements of officials/witnesses were not recorded after the issuance of charge sheet rather these statements were recorded during the course of preliminary inquiry and that the inquiry officer simply transposed these statements. Learned Deputy District Attorney could not demonstrate from the material on record that the report of inquiry was conveyed to the appellant. In the stated circumstances this Tribunal is of the considered view that the impugned orders of punishment could not withstand. Consequently the impugned orders of punishment are set aside. However the respondent department is at liberty to conduct and conclude the departmental inquiry against

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the appellant in accordance with law. The present appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room after its completion.



(Ahmad Hassan)
Member



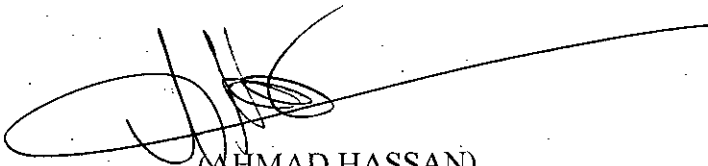
(Muhammad Hamid Mughal)
Member

ANNOUNCED
01.08.2018

01.08.2018

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present.

Vide separate judgment of today of this Tribunal placed on file, the impugned orders of punishment are set aside. However the respondent department is at liberty to conduct and conclude the departmental inquiry against the appellant in accordance with law. The present appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
MEMBER




(MUHAMMAD HAMID MUGHAL)
MEMBER

ANNOUNCED

01.08.2018


26.02.2018

Counsel for the appellant and Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply on 13.03.2018 before S.D.B.


(Ahmad Hassan)
Member(E)


13.03.2018

Counsel for the appellant present. Mr. Riaz Painsdakhel, Assistant AG alongwith Mr. Fayaz Khan, H.C for the respondents present. Written reply submitted. To come up for rejoinder/arguments on 21.05.2018 before D.B.


(M. Hamid Mughal)
Member

21.05.2018

Clerk to counsel for the appellant and Mr. Ziaullah, DDA for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 01.08.2018 before D.B.


(Muhammad Amin Kundi)
Member

08.01.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was imposed major penalty of dismissal from service vide order dated 12.09.2017 on the allegation that one Sher Haider Resident of Ghulshan Abad, Peshawar reported to him regarding the snatching of his Motorcar by the unknown Car Lifters but the appellant being responsible Police Officer, failed to pay due attention and take timely action on the complaint. The appellant also filed departmental appeal which was partially accepted and the dismissal from service was converted into reduction from his substantive rank of ASI to Head Constable vide impugned order dated 10.11.2017 hence, the present service appeal. Learned counsel for the appellant further contended that neither charge sheet was framed nor statement of allegation was served upon the appellant nor proper inquiry was conducted therefore, the impugned order is illegal and liable to be set-aside.

Appellant Deposited
Security & Process Fee

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 26.02.2018 before S.B.





(Muhammad Amin Khan Kundi)
Member

Form-A

FORM OF ORDERSHEET

Court of _____

Case No. 1357/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	07/12/2017	<p>The appeal of Mr. Abdul Wahid presented today by Mr. Hafiz Noor Muhammad Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 7/12/17</p>
2-	11/12/17.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/12/17.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	28.12.2017	<p>Appellant in person present and requested for adjournment due to non availability of his counsel. Adjourned. To come up for preliminary hearing on 18.01.2018 before S.B.</p> <p style="text-align: right;"> (Gul Zeb Khan) Member (E)</p>

BEFORE THE KPK SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 1357 /17

Abdul Wahid

Appellant

VERSUS

The R.P.O, Mardan & Others

Respondents.

APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL
ACT-1974.

INDEX

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4.	DPO Order	12.09.2017	B	8
5.	FIR No.632	04.09.2017	C	9
6.	Copy of DDS No.24	05.09.2017	D	10
7.	Show Cause Notice	11.09.2017	E	11
8.	Reply	12.09.2017	F	12-13
9.	Departmental Appeal	09.10.2017	G	14-15
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11.	Affidavit			17
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APPELLANT

Through



Hafiz Noor Muhammad
Advocate High Court,
CC No.50798
Cell:0331-5533123

HAFIZ NOOR MUHAMMAD
MA. LL.M.
ADVOCATE HIGH COURT
ISLAMABAD
C.C # 50798

- 1 -

BEFORE THE KPK SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 1357 /17

Sub Inspector Abdul Wahid (Now Head Constable) S/o Maghfoor Shah,
Posted at District Security Branch, Inside Police Station Nowshera, KPK.

Appellant

**Khyber Pakhtukhwa
Service Tribunal**

VERSUS

Diary No. 1389

Dated 07-12-2017

1. The Regional Police Officer, RPO Office, Mardan, KPK.
2. The District Police Officer, DPO Office, Police Lines, Nowshera, KPK.
3. The Provincial Police Officer, Central Police Office, Peshawar, KPK.

Respondents

APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT-1974, AGAINST THE ORDER DATED 10.11.2017 (Annex-A), PASSED BY THE RESPONDENT NO. 0 1 & DISMISSAL ORDER DATED 12.09.2017 (Annex-B) PASSED BY RESPONDENT NO.2.

PRAYER

ON ACCEPTANCE OF THIS APPEAL, BOTH THE ORDERS DATED 10.11.2017 & 12.09.2017 PASSED BY RESPONDENTS MAY KINDLY BE SET ASIDE AND THE APPELLANT RESTORED AS S.I WITH ALL BACK & CONSIQUENTIAL BENEFITS.

Respectfully Sheweth:

FACTS:

1. That the appellant was appointed as Constable on 15.07.1999 in KPK Police. The appellant was promoted as Head Constable in due course. Later on, he was promoted as ASI on 25.04.2014 followed by confirmation as ASI. The name of the appellant was also brought on list "E". Later on, on 29.05.2017, the appellant was promoted as SI. All the promotions have been granted to the appellant on the basis of his efficiency, honesty, hard work, professionalism etc after due

Filed to-day

Registrar

7/12/17

qualification of the promotional courses, as prescribed in the Police Rules-1934.

2. That the appellant has always performed his duties with professionalism, efficiency, and honesty, therefore, has been awarded commendation certificates besides on time promotion. The service record of the appellant is neat and clean.
3. That while posted to Police Post Tarujabba, on 04.09.2017, while patrolling in the area, at about 1400hrs, Mr. Sher Haider S/o Eid Akbar, R/o Peshawar met with the appellant and reported the snatching of his car by five unknown accused persons. Immediately, a Marasla to this effect was recorded and sent to P.S Pabbi for registration of F.I.R. Resultantly F.I.R No.632 dated 04.09.2017 U/S 395 PPC P.S Pabbi, District Nowshera (**Annex-C**) was registered. Every effects were made and all the unknown accused were arrested on 05.09.2017, a report to this effect has already been entered vide Sr. No.24 dated 05.09.2017 (**Annex-D**) of the Daily Dairy of P.S Pabbi. The complainant Mr. Sher Haider was insisting that the recovered Pistol and Vehicle be handed over to him without due process while he was requested to approach the competent Court of Law for taking possession of both the moveable property on Sapurdari. This infuriated him and he lodged a false complaint through SMS.
4. That upon the said SMS/ Complaint, a facts finding inquiry was conducted by the D.P.O through acting S.P Investigation. Copy of the said Inquiry Report has not been provided to the Appellant, however, upon the said report, the D.P.O dismissed the Appellant in summary Police proceedings vide Order dated 19.09.2017 (**Annex-B**), after serving the appellant with final Show Cause Notice dated 11.09.2017 (**Annex-E**), the reply dated 12.09.2017 is **Annex-F**.
5. That the appellant filed Departmental Appeal (**Annex-G**) to the respondent No.1 which has partly been accepted and the appellant is re-instated into service however, the major penalty of dismissal has been converted into another major penalty of two steps

reversion to the rank of Head Constable directly from the rank of Sub Inspector, which is not warranted under the law, hence this Appeal inter alia on the following grounds: -

GROUND:

- A. That the major punishment has been awarded on the basis of fact finding inquiry which is not warranted under the law.
- B. That the impugned orders are against law and facts on record, all norms of justice including the principles of natural justice, hence untenable and need to be set aside.
- C. That neither Departmental Inquiry has been conducted nor any witness has been examined nor the opportunity of cross examination of the witnesses is extended to the appellant, nor any witness or record is produced and the appellant confronted, therefore, the order is not sustainable.
- D. That neither copy of the so called Inquiry Report is provided nor any weightage can be given to the findings in view of the arrest of all the five unknown accused on the very next day. Had there been any negligence on part of the Appellant or some other consideration, the accused would not have been arrested rather let off.
- E. That as per Rules, the Inquiry Officer cannot recommend punishments but in the instant case, he did so thus the Inquiry Officer transgressed his legal limits.
- F. That no major penalty can be awarded in summary Police proceedings and as per Rules, proper Departmental Inquiry is necessary for the award of major penalty.
- G. That the Appellant has unblemished service record and has never ever committed any negligence or misconduct in the past.
- H. That the impugned orders are without jurisdiction and in conflict with rule-5 & 6 of the KPK Police Rules-1975 in as much as the respondent No.1 is not vested with the authority to pass an order of demotion in the instant case and the whole action taken against the appellant is therefore, Coram non-judice and of no legal effect.

- I. That the respondents acted illegally and with material irregularity in proceedings against the appellant on the basis of alleged charges of "misconduct" in as much as the appellant never committed any such act which could warrant disciplinary proceedings against him.
- J. That the appellant had an excellent record of service in the department and he was also awarded with commendation certificates for his good performance.
- K. That the respondents even otherwise while proceedings against the appellant under the KPK Police Rules-1975 has failed to adhere to mandatory requirements of rule-5 & 6 of the said rules and not holding of the regular inquiry in the matter was in negation of rule -6 and was in the nature of sham proceedings not approved by law. The non-holding of departmental inquiry in the instant case is apparently against the settled procedure which Omission and Commission go to the root of the case and renders the impugned orders as void ab initio and of no legal effect. The appellant was denied a fair chance of defense. Thus actions of the respondents are not only against the law but also against the principles of natural justice as well, hence untenable.
- L. That the defense version of the appellant as contained in the reply to Show Cause Notice etc and in the departmental appeal in which the appellant specifically dealt with the alleged charge of "Misconduct" has been brushed aside without any just cause and in this manner the appellant has been denied adequate opportunity of defending himself.
- M. That the respondents failed to give meaningful hearing to the appellant. The malafide of the respondents are apparent from the face of the record. It is thus crystal clear that the respondents did not apply their judicious and independent mind before the imposition of major penalty.
- N. That the impugned orders are in negation with the express provisions of law laid down by this Hon' able Tribunal, superior courts of the country including that of Supreme Court of Pakistan

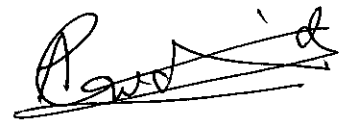
in which it has been ruled unequivocally that in case a major penalty is proposed to be inflicted upon the civil servants then concrete evidence is necessary and regular inquiry is to be held. In the instant case, neither any evidence is available nor any inquiry is conducted.

- O. That the respondent No.1 has demoted the appellant two steps and that too, without adopting proper procedure, examination of record and taking into account the facts and circumstances of the case, hence the punishment awarded is not warranted under the Law.
- P. That the impugned orders are otherwise erroneous and not sustainable in law.
- Q. That the appellant shall urge some more grounds at the time of pre-admission and final hearing of the appeal after the receipt of objections etc. with permission of this Hon' able Tribunal.

PRAYER:

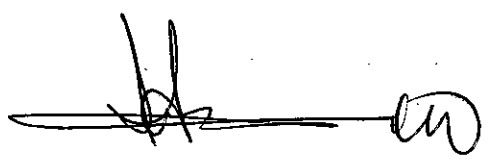
It is, therefore, most humbly prayed that on acceptance of this Appeal, the impugned orders may kindly be set aside and the appellant reinstated to the previous position of S.I w.e.f. 29.05.2017 alongwith all back benefits including seniority with his batch mates.

Any other relief which this Hon' able Tribunal may deem fit and appropriate, may also be granted in the interest of justice.



APPELLANT

Through



Hafiz Noor Muhammad
Advocate High Court,
Islamabad.
CC No.50798
Cell:0331-5533123

6 -

BEFORE THE KPK SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/17

Abdul Wahid

Appellant

VERSUS

The R.P.O, Mansehra & Others.

Respondents.


AFFIDAVIT

AFFIDAVIT OF: I, Sub Inspector Abdul Wahid (Now Head Constable)
S/o Maghfoor Shah, Posted at District Security Branch, Inside Police
Station Nowshera, KPK.

I, the above named deponent do hereby solemnly declare and affirm as
under: -

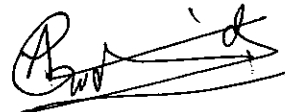
That the contents of the attached Appeal are true and correct to the best
of my knowledge and belief and nothing has been kept concealed from
this Hon' able Court.

Identified by



HAFIZ NOOR MUHAMMAD
MA. LL.M.
ADVOCATE HIGH COURT
ISLAMABAD
C.C # 50798

HAFIZ NOOR MUHAMMAD
MA. LL.M.
ADVOCATE HIGH COURT
ISLAMABAD
C.C # 50798



Deponent


ORDER.

This order will dispose-off the appeal preferred by Ex-SI Abdul Wahid Khan of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded Major Punishment of dismissal from service vide OB No. 1420 dated 12.09.2017.

Brief facts are that the appellant while posted as Incharge of Police post Taru one Sher Haider resident of Gulshan Abad, Peshawar, reported to him regarding the snatching of his Motorcar by the unknown Car Lifters but being a responsible Police Officer he failed to pay due attention and take timely action on the compliant. Later on a case vide FIR No. 632 dated 04.09.2017 u/s 395PPC was registered at Police Station Pabbi. The above role of the defaulting Officer was highly objectionable and against the norm and discipline of the Police Force. Consequently he was proceeded against departmentally through SP Investigation, Nowshera, who after fulfillment of legal formalities, submitted his report, wherein the allegations leveled against him were proved and suggested him for appropriate punishment. He was issued Final Show Cause Notice, to which his reply was found unsatisfactory. Therefore he was awarded Major Punishment of dismissal from service by the District Police Officer, Nowshera.

He was called in orderly room held in this office on 08.11.2017 and heard him in person. He produced a compromise deed, whereby he was excused by the opponent party and requested for apology. Since the punishment of dismissal from service is too harsh, therefore, keeping in view his long service the penalty of dismissal from service is converted into Major Punishment of reduction from his substantive rank of ASI to the rank of Head Constable as he is officiating Sub Inspector He is kept under special report for three months.

ORDER ANNOUNCED.


(Muhammad Alam Shinwari)PSP
Regional Police Officer,
Mardan

No. 8329-30/ES; Dated Mardan the 11 /11 /2017.

Copy forwarded for information and necessary action to the:-

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar w/r to his office Memo: No. 1231-32/E&I dated 25.09.2017 please.
2. District Police Officer, Nowshera for information and necessary action w/r to his office Memo: No. 8190/PA, dated 12.10.2017. The Service Record is returned herewith.

(*****)

CTC


DISMISSAL ORDER

This order will dispose off a departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules, 1975 against SI Abdul Wahid, under the allegations that he while posted as I/C PP Taru. SMS complaint submitted by Sher Haider and thereafter a case vide FIR No. 632 dated 04.09.2017 u/s 395 PPC PS, Pabbi was registered on his complaint. To ascertain facts, preliminary enquiry has been conducted by SP Investigation Nowshera, who after doing the needful submitted his report to undersigned vide his office No. 1414/GC dated 07.09.2017, wherein he was found guilty of the misconduct.

On account of which he was proceeded against departmentally through SP Investigation, Nowshera vide this office Endst: No. 22/PA, dated 07.09.2017, who after fulfillment of legal formalities, submitted his report, wherein the allegations leveled against him were proved and suggested him for appropriate punishment.

Therefore, he was issued Final Show Cause Notice, to which, he submitted his reply and found unsatisfactory.

He was heard in Orderly Room on 12.09.2017, wherein he failed to produce any cogent reason in his defense, therefore, he is hereby awarded major punishment of dismissal from service with immediate effect, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975.

OB 1420

Dated 12/09/2017.

(Wahid Mehmood)PSP,
District Police Officer,
Nowshera.

No. 7151-55/PA, dated Nowshera, the 12/9/2017.

Copy for information and necessary action to the:-

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar w/r to this office Memo: No. 6831/PA, dated 06.09.2017 & Endst: No. 6918-19/PA 06.09.2017.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan w/r to this office letter No. 6917/PA, dated 06.09.2017.
3. Pay Officer.
4. Establishment Clerk.
5. FMC with relevant papers.

CTC

8

ابتدائی اطلاع رپورٹ

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

تھانہ _____ ضلع _____

نمبر _____ تاریخ _____ وقت _____

1	تاریخ وقت رپورٹ	4 9/11 وقت 14:00
2	نام و سکونت اطلاع دہندہ مستفید	3-2990052-17301 شہر صدر ولد عبد الباقی عمر 33 سال کی ملین آبادی اور علاقہ حویلی اور رپورٹ نمبر
3	مختصر کیفیت جرم (معرّفہ) حال اگر کچھ لیا گیا ہو۔	333 553580 9120319-6336
4	جائے وقوعہ - علاقہ دست اور دست	395/4
5	نام و سکونت نام	تارو اور باب شہر حویلی حویلی
6	کارروائی جو تعلق کے مطلق کی گئی اگر اطلاع درج کرنے میں توقف آواہو تو وجہ بیان کرو	رہنما گھر میں سر پرانہ جتنے درج کر کے جانے
7	تھانہ سے روانہ کی تاریخ وقت	

ابتدائی اطلاع نیچے درج کرو۔

موصوفہ درج ذیل ہے۔

مختصہ صاحبہ SH صاحبہ تھانہ میں مہلک سے ملنے میں رہائش نہیں ہوگی۔

مختصہ صاحبہ نے 4 مارچ 2011ء کو 33 سال کی ملین آبادی اور علاقہ حویلی اور رپورٹ نمبر 333 553580 میں 395/4 کے نام سے اطلاع دی ہے۔

مختصہ صاحبہ نے 4 مارچ 2011ء کو 33 سال کی ملین آبادی اور علاقہ حویلی اور رپورٹ نمبر 333 553580 میں 395/4 کے نام سے اطلاع دی ہے۔

مختصہ صاحبہ نے 4 مارچ 2011ء کو 33 سال کی ملین آبادی اور علاقہ حویلی اور رپورٹ نمبر 333 553580 میں 395/4 کے نام سے اطلاع دی ہے۔

si - Pabbh
4-9-17

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فدلع لوتہ

تعلیم 24 اور تاریخ 5/17

قد 24 آفد / مندرشن علیرخان / روانگی عبدالواحد خان کی وقت 1615 کے
 صفحہ 5/17 میں ہے کہ بلال خفیل حوالہ HC حاصر 227 ذیلیان 291 تھانہ پڑا کر
 دوران گنیت بازار تارو جیم میں موجود تھا کہ اس دوران ایک پولیس آفیسر کل رحمان خان کی
 آکر بازار میں ہم سے ملائی ہو کر کہا کہ سودا سلف خریدنے کے وقت ایک شخص آکر اور چند ہینڈل
 ایم کرنے چھو کہا تم نوادہ پولیس رحمان کی نے فوراً ملزم کو قابو کر کے ہم پولیس والوں کو مع
 لسٹول 30 بور پٹیس کرنے سفین مذکورہ نے اپنا نام خادم شاہ ملنگ ولد سرور شاہ ملنگ
 بالو اکبر پورہ بتلایا جس کو سرسری انٹارولنگ کرنے بتلایا کہ کل بھی میں نے خوشگاری نہیں کی
 سرقہ کی ہے فوراً تھانہ پڑا سے مسلوم کرنے مقدمہ عد 338 صفحہ 9/17 باجم 395 تھانہ پڑا
 میں خوشگاری نہیں کی 6338 سرقہ ہو گیا تھا ملزم کو باریک پٹی سے انٹارولنگ کرنے بعدوں نے بتلایا
 میرے چار ساتھی اور سرقہ شدہ خوشگاری نہیں کی 6338 PSC پٹی روڈ ونر میں کھڑا ہے فوراً
 عمران نفری پولیس آکر سب نشاندہی خادم شاہ اور ساقد سرقہ شدہ خوشگاری نہیں کی 6338 پٹی
 گرفتار ہو کر میر جاگسٹران نے اپنے اسمائے بالتسلیب بتلائے 1 رافی حمد صفدر خان 2 حواد اللہ
 ولد مطیع اللہ 3 مشتاق احمد ولد عبد حسین 4 فیدل ولد رحمان گل ساکنان درگئی مندر پڑا
 جس کے ساتھ ایک اور خوشگاری نہیں کی 3556 XL1 برنگ کالا بھی مقدمہ پڑا میں گرفتار کر کے پڑا
 کان کی جانب تلاش کی جا کر کوئی اور غیر قانونی سے ہر آدرن ہو کر البتہ ملزم خادم شاہ کے مقدمہ سے
 کل رحمان کی نے سرقہ شدہ لسٹول 30 بور پٹیر 3636 A مجہ چار عدد میگزین کاسٹ ڈری
 پڑا کر دیا تھا جو ہم کو کل رحمان کی نے حوالہ کیا خوشگاری نہیں کی 6338 حال مسرقہ حوالہ پانچم اور لسٹول
 3636 A مجہ 4 عدد میگزین ہر دو کے فرو قبضہ پولیس کی گئی جبکہ خوشگاری نہیں کی 3556 پٹی بغیر کاغذات
 قبضہ پولیس کی گئی جملہ ملزمان ہمراہ حوالہ لاکر بندہ حوالات تھانہ کیا گیا دونوں خوشگاری نہیں کی
 6338 - 3556 تھانہ میں زیر نگرانی منتری کھڑے تھے کہ کھلیات حوالہ حشر ہوئے میں والوں
 علاقہ رحمان ہوں۔

ضابطہ عالی!
 تعلیم مطابقت اصل سے
 Umar
 MHC-MV-pab1
 05-09-017

27C
 2

FINAL SHOW CAUSE NOTICE

Whereas, you **SI Abdul Wahid**, while posted as **I/C PP Taru, now suspended Police Lines, Nowshera** as a result of preliminary enquiry conducted by SP Investigation, Nowshera stating therein that analyzing of footage of CCTV Camera installed at PSO Pump Taru, the response towards apprehension of car lifter and checking of Motor Car in such like occasion being a responsible Police Officer, (I/C of the PP) and the occurrence happened in your territorial jurisdiction, your non cooperation and making no efforts in the arrest of accused speaks volume of irresponsible and strange behavior on your part. The SP Investigation, Nowshera during the course of enquiry found you guilty:

On account of which you were proceeded against departmentally through SP Investigation, Nowshera, who after fulfillment of legal formalities submitted his report, wherein the allegations leveled against you were proved and suggested you for appropriate punishment.

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

Hence, I, Wahid Mehmood, PSP, District Police Officer Nowshera, in exercise of the powers 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 the receipt of this notice, failing which; it will be presumed that you have no defense to offer.

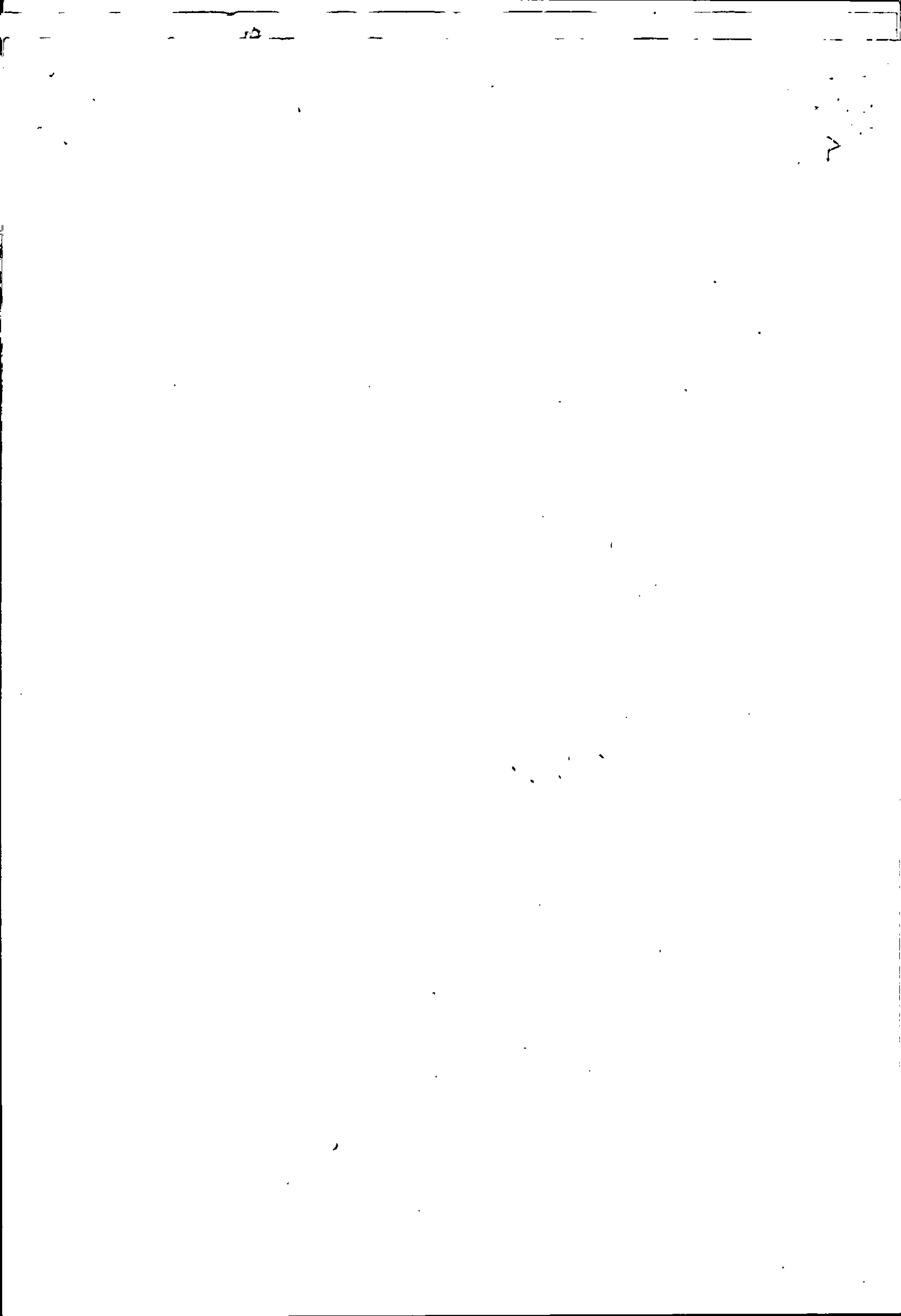
You are liberty to appear for personal hearing before the undersigned.

etc
[Signature]

(Wahid Mehmood)PSP
District Police Officer,
Nowshera.

No. 606 /PA,

Date-11-09-2017



The Regional Police Officer,
Mardan.

Subject: APPEAL AGAINST DISMISSAL ORDER O.B NO.1426 DATED 12.09.2017 PASSED BY THE DISTRICT POLICE OFFICER, NOWSHERA.

Respected Sir,

It is submitted: -

1. That on 04.09.2017, while patrolling in the area, at about 1400hrs, Mr. Sher Haider S/o Eid Akbar, R/o Peshawar met with the appellant and reported the snatching of his car by five unknown accused persons. A Marasla to this effect was recorded and sent to P.S Pabbi for registration of F.I.R and resultantly F.I.R No.632 dated 04.09.2017 U/S 395 PPC P.S Pabbi, District Nowshera was registered. Every effects were made and all the unknown accused were arrested on 05.09.2017, a report to this effect has already been entered vide Sr. No.24 dated 05.09.2017 of the Daily Dairy of P.S Pabbi. The complainant Mr. Sher Haider was insisting that the recovered Pistol and Vehicle be handed over to him without due process while he was requested to approach the competent Court of Law for taking possession of both the moveable property on Sapurdari. This infuriated him and he lodged a false complaint through SMS.
2. That upon the said SMS/ Complaint, a facts finding inquiry was conducted by the D.P.O through acting S.P Investigation. Copy of the said Inquiry Report has not been provided to the Appellant, however, upon the said report, the D.P.O dismissed the Appellant in summary Police proceedings, hence this appeal on the following grounds: -

GROUND: -

1. That the major punishment has been awarded on the basis of fact finding inquiry which is not warranted under the law.

Received
Today.

09-10-2017
12:50pm.

[Signature]
AEC 9-10-17

[Signature]

فہرست نامی

میں نے قانون کارروائی نیک نہیں ہے کیا ہے جو کارروائی میں
 DSP صاحب اور صاحب صاحب کے نوٹس میں لیا ہے چند چیزیں
 انکو نوٹس دیے گئے ہیں کہ انکو نوٹس لیا گیا ہے کہ نوٹس میں
 نے جو نوٹس دیے گئے ہیں انکو نوٹس لیا گیا ہے کہ نوٹس میں
 لیا گیا ہے کہ نوٹس لیا گیا ہے۔ میں نے نوٹس لیا گیا ہے
 (Bad Entry) انکو نوٹس لیا گیا ہے جو نوٹس لیا گیا ہے
 نوٹس لیا گیا ہے کہ نوٹس لیا گیا ہے کہ نوٹس لیا گیا ہے

وی جی جی
~~Signature~~
 31-12-4-2017

Dismissed from service
 as suggested by
 inspecting officer
 of Aecom member
 of NDR

12/9/17
 CTC
 Signature

بیان اذان عبدالقادر si چوکی اخبار 2 مارچ

اقرار کر کے لکھتا ہوں کہ دوران نشت مذکور مقدمہ شہید صدر اپنی عورت کا

ممبری 6338 اور پتول 30 فور نمبر A3636 کا سر قیدی کا دیپورٹ کرنے کے

دونوں کے درمیان ہر مسئلہ پر خلاف ہی تصرف ممکن نامعلوم اور تیار رہتا تھا یہی وجہ تھی

مذکور مقدمہ کو اپنی گاڑی میں بیٹھا ڈرائیونگ شروع کر کے نشت اول کو بند رہے

جو بائیل فون اطلاع دیکر DSP ہی کے نوٹس میں لا کر جبکہ متعلقہ محکمہ انچارج

میں تھانہ چھٹی کے جو بائیل کھڑا ہوا اور جسکو سرفہ شدہ گاڑی کے بارے میں اطلاع دیکر

اس دوران مذکور مقدمہ ہمیں چھوڑ کر فورٹ روے گاڑی میں بیٹھ کر پشاور چلا گیا

یہ گاڑی گاڑی میں معروف تھا جس سے اطلاع پاکر چوکی اڈا صدری مقدمہ سے ملکر

موقعہ کے بارے میں بات کر رہا تھا کہ اس دوران میں رحمان نے جمعہ ساغونہ ایف شخص

کو جمعہ پتول 30 اور لا کر بیٹا لیا کہ اس شخص نے تارو بازار میں پتول نکال کر

مجھے دھمکیاں دیں جو کہ لو کر کے چوکی اڈا لایا جسکو فوراً حوالات میں بند کر

کے DSP کے نوٹس میں لا کر تھانہ سے جو بائیل منگوا کر ملزم کو بند حوالات تھانہ

کے لیا گیا اس دوران ملزم فادم شاہ کو کمری انڈسٹریٹس کے جس نے تیار کیا رہتا رہا

گاڑی DSP کے چھٹی کے چوکی اڈا میں سے تھی اور مری مقدمہ کو تیار کیا گیا

سے کہ تیار شدہ گاڑی ہر قدر کہ اور گاڑی سے ملزم حادثہ کا جو بائیل تیار کر کے

جو بائیل ہر قدر یا ملزمان اور گاڑی تیار کر کے ملزمان سے موقعہ فورٹ خارا اور پتول

کے متعلقہ کے بغیر قانونی کارروائی تھانہ میں لے جا کر تھانہ کو حوالہ لیا جس

جبکہ ملزمان کو گرفتار کر کے فوراً بعد DSP ہی کے موقعہ نہیں تھا حملہ کاروں کی

کارروائی کا غلط نیک نہیں سے عمل میں لایا ہے ملزمان کا گرفتاری میں صدری

مقدمہ اور لہذا ان لوگوں سے تعاون حاصل کر رہا ہے یہی بیان ہے

si 12-09-2017

۷۱

The Regional Police Officer,
Mardan.

Subject: APPEAL AGAINST DISMISSAL ORDER O.B NO.1426 DATED 12.09.2017 PASSED BY THE DISTRICT POLICE OFFICER, NOWSHERA.

Respected Sir,

It is submitted: -

1. That on 04.09.2017, while patrolling in the area, at about 1400hrs, Mr. Sher Haider S/o Eid Akbar, R/o Peshawar met with the appellant and reported the snatching of his car by five unknown accused persons. A Marasla to this effect was recorded and sent to P.S Pabbi for registration of F.I.R and resultantly F.I.R No.632 dated 04.09.2017 U/S 395 PPC P.S Pabbi, District Nowshera was registered. Every effects were made and all the unknown accused were arrested on 05.09.2017, a report to this effect has already been entered vide Sr. No.24 dated 05.09.2017 of the Daily Dairy of P.S Pabbi. The complainant Mr. Sher Haider was insisting that the recovered Pistol and Vehicle be handed over to him without due process while he was requested to approach the competent Court of Law for taking possession of both the moveable property on Sapurdari. This infuriated him and he lodged a false complaint through SMS.
2. That upon the said SMS/ Complaint, a facts finding inquiry was conducted by the D.P.O through acting S.P Investigation. Copy of the said Inquiry Report has not been provided to the Appellant, however, upon the said report, the D.P.O dismissed the Appellant in summary Police proceedings, hence this appeal on the following grounds: -

GROUND: -

1. That the major punishment has been awarded on the basis of fact finding inquiry which is not warranted under the law.

Received
Today.

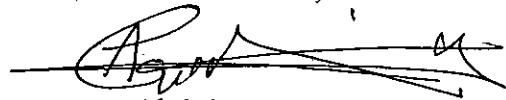
09-10-2017
12:50pm.

[Signature]
AEC 9-10-17

[Signature]

2. That neither Departmental Inquiry has been conducted nor any witness has been examined nor the opportunity of cross examination of the witnesses is extended to the appellant, therefore, the order is not sustainable.
 3. That neither copy of the so called Inquiry Report is provided nor any weightage can be given to the findings in view of the arrest of all the five unknown accused on the very next day. Had there been any negligence on part of the Appellant or some other consideration, the accused would not have been arrested rather let off.
 4. That as per Rules, the Inquiry Officer cannot recommend punishments but in the instant case, he did so thus the Inquiry Officer transgressed his legal limits.
 5. That no major penalty can be awarded in summary Police proceedings and as per Rules, proper Departmental Inquiry is necessary for the award of major penalty.
 6. That the Appellant has unblemished service record and has never ever committed any negligence or misconduct in the past.
- It is, therefore, prayed that on acceptance of this Appeal, the Order passed by the D.P.O may very kindly be set aside and the Appellant reinstated in service with all back and consequential benefits.


Yours obediently,



Abdul Wahid

S.I, R/o Adam zai Nowshera

Contact No. 0333-9033143
Dated: 09-10-2017

CTC


BEFORE THE KPK SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/17

Abdul Wahid

Appellant

VERSUS

The R.P.O, Mansehra & Others.

Respondents.

SERVICE APPEAL

APPLICATION UNDER SECTION-151 OF CPC FOR DISPENSING
WITH FROM PRODUCTION OF CERTIFIED COPIES OF ALL
ANNEXURE.

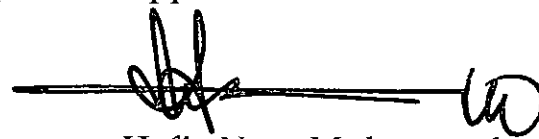
Respectfully Sheweth:

1. That the Appellant has filed the accompanying Appeal before this Hon' able Tribunal. This application may kindly be read and considered as an integral part thereof.
2. That at this stage, it is impossible for the Appellant to produce certified copies of all the annexure, however, I undertake to produce the same subsequently as per directions of this Hon' able Tribunal.
3. That it is in the best interest of law and justice to allow this Appeal. Under the circumstances, it is therefore, humbly and respectfully prayed that this Hon' able Tribunal may kindly be pleased to allow this Appeal and the Appellant may be exempted from the production of certified copies of all annexure.



Appellant

Through



Hafiz Noor Muhammad
Advocate High Court,
CC No.50798
Cell:0331-5533123

BEFORE THE KPK SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/17

Abdul Wahid

Appellant

VERSUS

The R.P.O, Mansehra & Others.

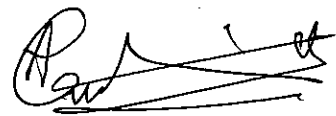
Respondents.

AFFIDAVIT


AFFIDAVIT OF: I, Sub Inspector Abdul Wahid (Now Head Constable)
S/o Maghfoor Shah, Posted at District Security Branch, Inside Police
Station Nowshera, KPK.

I, the above named deponent do hereby solemnly declare and affirm as
under: -

That the contents of the attached Application are true and correct to the
best of my knowledge and belief and nothing has been kept concealed
from this Hon' able Court.



Deponent

1 drafted by


HAFIZ NOOR MUHAMMAD
MA. LL. B.
ADVOCATE HIGH COURT
ISLAMABAD
C.C # 50798

WAKALATNAMA

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

VERSUS

I, Si Abdul Wahid hereby appoint Hafiz Noor Muhammad, Advocate in the above mentioned case, to do all or any of the following acts, deeds and things: -

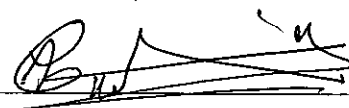
3. To appear, act and plead for me/ us in the above mentioned case in the Court/ Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected herewith.
4. To sign, verify and file appeals, petitions, suits, affidavits and applications etc for compromise or withdrawal or for referring to arbitration of the said case as may be deemed necessary or advisable by him for the conduct, prosecution or defense of the said case at all its stages.

AND hereby agree: -

- b. That the advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remained unpaid.

In witness whereof I/ we have signed this Wakalatnama hereunder, the contents of which have been read/ explained to me/ us and fully understood by me/ us.

Signature of executant



Accepted by:



Hafiz Noor Muhammad

Advocate High Court,

Islamabad.

CC: 50798

Cell: 0331-5533123

HAFIZ NOOR MUHAMMAD
MA. LL.M.
ADVOCATE HIGH COURT
ISLAMABAD
C.C # 50798

MIR AND YOUSAF ZAI LAW CHAMBER

House No.9, Street No.3, Islamabad Homes, H-15, Near M-2 Link Road, Islamabad. Ph: 051-5139055, Cell: 0331-5533123, 0345-5550699

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1357/2017

Sub Inspector Abdul Wahid (Now Head Constable) s/o Maghfoor Shah,
Posted at District Security Branch, Inside, Police Station, Nowshera KPK.

.....Appellant

V E R S U S

1. The Regional Police Officer, Mardan-I, Mardan.
2. The District Police Officer, Nowshera.
3. The Provincial Police Officer, khyber Pakhtunkhwa, Peshawar.

.....Respondents

REPLY ON BEHALF OF RESPONDENTS No. 1,2&3

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action or locus standi.
2. That the appeal is badly time-barred.
3. That the appellant has been estopped by his own conduct to file the appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to the Honourable Tribunal with clean hands.

On Facts

1. Para to the extent of joining Police department pertains to record hence, no comments while rest of the para is incorrect. Because every Police Officer/Official is under obligation to discharge his duties with zeal and zest therefore, plea of the appellant is not plausible.
2. Para not related, as outstanding performance, courses and subsequent promotions do not exonerate any official from his future wrong deeds. Therefore, stance of the appellant is not tenable.
3. Incorrect. The appellant while posted as Incharge Police Post Taru, Police Station, Pabbi was approached by complainant namely Sher Haider r/o Gulshan Abad, Peshawar regarding his motorcar lifting, which he parked near G.T road. The appellant instead of helping him asked the said person to report the same to the local Police of Police Station, Chamkani as the area where the incident had taken

place come within the territorial jurisdiction of Police Station, Chamkani. The aforementioned complainant approached Police Station, Chamkani but to no avail hence, he came back to Police Post, Taru met with the appellant and he noticed that another SI of Police Station, Sarband, Peshawar entered Police Post, Taru alongwith car lifter namely Malang duly armed with pistol. The appellant provided protocol to the said car lifter and when the complainant asked the appellant that he is the person who has lifted his motorcar because he was carrying pistol of the complainant in his hand but the appellant turned a deaf ear over the complaint of Sher Haider (Complainant). Resultantly, colleague of the complainant called SDPO Pabbi who asked them to come to his office. Moreover, the pistol carrying by the accused Malang was checked with the license of Sher Haider and found correct. Therefore, the above named accused was interrogated who revealed that the motorcar in question is parked in PSO Pump at Taru and he was trying to snatch another car. The complainant alongwith Police Officers/Officials rushed to PSO Pump for recovery of his motorcar in question when in the meantime 04 other car lifters/colleagues of the accused Malang arrived to PSO Pump. The local Police did not bother to arrest the aforementioned car lifters hence, with the help of nearby people, the complainant arrested all of them and handed over to Police. Therefore, the complainant made a complaint through SMS whereupon, enquiry was conducted through Superintendent of Police, Investigation, Nowshera who after thorough probe and fulfillment of all legal and codal formalities recommended the defaulter Police Officer for appropriate punishment. After the said enquiry, he was issued final Show Cause Notice to which he submitted his reply but the same was found unsatisfactory hence, he was awarded major punishment of dismissal from service. (Copy of charge sheet is Annexure "A", copy of statement of allegation is Annexure "B" and Copy of reply is Annexure "C").

4. Correct to the extent that the appellant made SMS complaint whereupon full-fledged enquiry was conducted and after fulfillment of all legal and codal formalities, he was awarded major punishment of dismissal from service. (Copy of enquiry report is Annexure "D", copy of Final Show Cause Notice is Annexure "E" and copy of reply is Annexure "F").

5. Correct to the extent that the appellant filed departmental appeal against the order of dismissal and the appellate authority i.e Deputy Inspector General of Police, Mardan Region-I, Mardan while taking lenient view converted the punishment of dismissal into punishment of reduction in rank i.e from officiating rank of SI to his substantive rank of Head Constable.
6. That the appeal of the appellant is liable to be dismissed on the following grounds: -

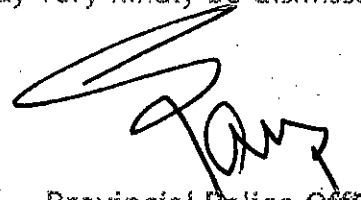
GROUNDS

- A. The para is correct upto the extent of punishment and rest of the para is denied as wrong and incorrect, the impugn order is in accordance with law.
- B. Para is incorrect as orders passed by the competent authority are in accordance with law and rules.
- C. The para is consisting of false allegation in fact all the legal and codal formalities were fulfilled and proper opportunity has been given to the appellant. (Statement of the witness is Annexure "G").
- D. Para incorrect needs no comments.
- E. The para is incorrect as per law. The enquiry office can suggest the punishment keeping in view all the available evidence recorded by him.
- F. Para is incorrect, detail reply has been given above.
- G. The para is incorrect. As the appellant failed to fulfill his duty as to protect the deprived people from the clutches of criminal.
- H. Para is incorrect hence, no comments.
- I. The para is incorrect. After proper enquiry, the enquiry officer has found the appellant guilty. It is pertinent to note here that the enquiry officer has no ill will with the appellant.
- J. Good service record and commendation certificates do not exonerate someone from his further wrong deeds.
- K. Para has already been explained.
- L. The para is already explained.
- M. Para is incorrect. The appellant was given reasonable opportunity for production of oral as well as documentary proof and he was


given opportunity to be heard in person not before the enquiry officer rather the officer who has imposed the punishment and similarly he was heard by the appellate forum as well and reasonable relief, to appellant in service, was given.

- N. Para is incorrect and the detail explanation has been given in para "M" of the ground.
- O. Para is incorrect and after the fulfillment of legal proceeding according to law, the punishment as well as the relief was given to the appellant.
- P. Para is incorrect needs no comment.
- Q. That the respondents will also urge more grounds at the time of arguments with the permission of this Honourable Tribunal.

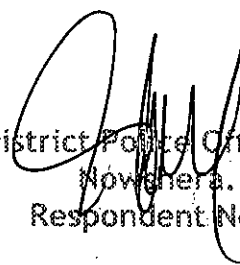
It is, therefore, most humbly prayed that on acceptance of above submissions the appeal of the appellant may very kindly be dismissed with cost.



Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No.3



Regional Police Officer,
Mardan.
Respondent No. 01



District Police Officer,
Nowshera.
Respondent No.02

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1357/2017

Sub Inspector Abdul Wahid (Now Head Constable) s/o Maghfoor Shah,
Posted at District Security Branch, Inside, Police Station, Nowshera KPK.

.....Appellant


V E R S U S


1. The Regional Police Officer, Mardan-I, Mardan.
2. The District Police Officer, Nowshera.
3. The Provincial Police Officer, khyber Pakhtunkhwa, Peshawar.

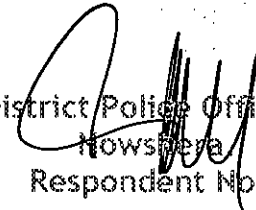
.....Respondents

AFFIDAVIT

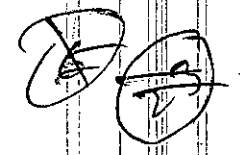
We the respondents No. 1,2 &3 do hereby solemnly affirm and declare on Oath that the contents of reply to the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No.3


Regional Police Officer,
Mardan.
Respondent No. 01


District Police Officer,
Nowshera
Respondent No.02

(A)



CHARGE SHEET

1. I, **WAHID MEHMOOD, PSP** District Police Officer, Nowshera, as competent authority, hereby charge **SI Abdul Wahid I/C PP Taru** as per Statement of Allegations enclosed.
2. 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.
3. 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.
4. Your written defense, if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
5. Intimate whether you desire to be heard in persons.


(Wahid Mehmood) PSP
District Police Officer,
Nowshera.

D.B. (21)

DISCIPLINARY ACTION

I, **Wahid Mehmood, PSP**, District Police Officer, Nowshera as competent authority am of the opinion that **SI Abdul Wahid** has rendered 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 Abdul Wahid**, while posted as **I/C PP Taru now suspended Police Lines**. As a result of preliminary enquiry & analyzing of footage of CCTV Camera installed at PSO Pump Taru, the response towards apprehension of accused and checking of the Motor Car in such like occasion being a responsible Police Officer, I/C PP Taru and the occurrence happened in his jurisdictional territory, his non cooperation and making no efforts in the arrest of accused speaks volume of irresponsible and strange behavior on his part.

For the purpose of scrutinizing the conduct of the said accused Officer with reference to above allegations, **Mr. Sanaullah Khan, Superintendent of Police, Investigation, Nowshera** is hereby nominated as Enquiry Officer.

The Enquiry Officer shall in accordance with the provision of Police Rules, 1975, provides reasonable opportunity of hearing to the defaulter official, record his findings and make immediate recommendations as to punish or other appropriate action against the defaulter official.

SI Abdul Wahid is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.


(Wahid Mehmood) PSP
District Police Officer,
Nowshera.

No. 22 /PA,

Dated 07.09 /2017.

No 4356/PA

Dt: 11/9/2017

DEPARTMENTAL ENQUIRY AGAINST SI ABDUL WAHID THE THEN I/C P.P TARU
DISTRICT NOWSHERA

Charge Sheet/Statement of Allegations issued by the DPO Nowshera against SI Abdul Wahid the then I/C P.P Taru now suspended Police Lines Nowshera vide his office No. 22/PA, dated 07.09.2017 wherein the undersigned has been appointed as enquiry officer to conduct departmental enquiry against the above named delinquent Sub Inspector: -

Brief of Allegations: -

SMS complaint submitted by Sher Haider r/o Gulshan Abad Peshawar alleging therein that on 04.09.2017 at about 11:00 hours he alongwith his kid traveling towards Taru, parked his motorcar near G.T road in order to purchase house items. In the meanwhile, some unknown car lifter thrown his child from the car and took away his car. It is further alleged that the mobile Police post Taru was present near the spot, who decamp silent spectator and made no efforts to overpower the culprits. I forthwith rushed to SI Abdul Wahid incharge Police Post, Taru, who also present there, requested him for taking action, in response to which he replied that this not our jurisdiction while this is Police Station Chamkani jurisdiction and I also requested him to convey message regarding motorcar lifting on wireless but he refused and departed me towards Police Station, Chamkani when I reached there, the concerned Police station also refused regarding the jurisdiction. He came back to Police Post, Taru met with incharge and the same time another SI Police Station, Sarband Peshawar entered Police Post alongwith car lifter namely Malang duly armed with pistol. The car lifter embraced the incharge Police Post, Taru, he was provided protocol. The SI Police Station Sarband Peshawar who was in plain clothes introduce himself with incharge Police Post, Taru, stated that he is Malang who try to his motorcar, but he did not succeeded and arrested him with the help of other Police. Upon which SI Abdul Wahid replied to SI Police Station, Sarband that he is notable citizen of the area and he invited him for lunch. Subsequently, one colleague of the complainant called SDPO Pabbi on his mobile and informed about the incident who asked to come to Police Station, Pabbi all the persons. The pistol carrying by Malang (car lifter) was checked with the complainant license and found correct on the name of complainant which evident that his motorcar also snatched by Malang. Malang was confined in Police Station, Pabbi lockup where he stated that the stolen motorcar parked in PSO pump Taru and was trying to snatch another car but was caught on spot. SDPO Pabbi sent him alongwith Police Officials to PSO Pump for recovery of his car where the car was parked. In the meanwhile, four another car lifters colleagues of accused Malang arrived to PSO pump.

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 (75)

He requested to Police officials present with him to overpower/arrest the car lifters, but they refused and at last he arrested all the car lifters with the help of nearby peoples and handed over to Police. The whole incident is duly recorded and the CCTV cameras of PSO pump. They were taken to Police Station, Pabbi where he requested for lodging FIR against them but SDPO Pabbi and his staff turned deaf ear to same. He (complainant) requesting for taking action against defaulter Police Officers.

Registration of FIR: -

On the Murassila written by SI Abdul Wahid the then I/C PP Taru a case vide FIR No. 632 dated 04.09.2017 u/s 395 PPC P.S Pabbi has been registered as per report of the complainant whereas it was noticed that in the aforementioned Murassila written by SI Abdul Wahid, the accused have been shown as unknown, while recovery of pistol has been made.

Proceeding: -

On 11.09.2017, the delinquent Police official i.e SI Abdul Wahid was called to the office of the undersigned and Charge Sheet/statement of allegations were served upon him to which his reply received to the undersigned. He has stated in his reply that on the day of occurrence he was on mobile gusht in the meanwhile complainant Sher Haider alongwith his kid met him stating that his Motorcar bearing No.6338/XLI white Colour parked at Taru Stop by leaving his kid in it and he went to the nearby shops to buy some food items, on return he found his kid standing and stated that someone thrown him from the Motorcar and they have stolen away the said Motorcar. He has further mentioned in his statement that the complainant Sher Haider and his son were boarded in the vehicle and they rushed towards Peshawar to search the stolen vehicle. He has further stated that in the meanwhile he has passed on the said information to Nowshera Control Room regarding the aforementioned stolen vehicle. When they reached to Jagrha Chowk Peshawar wherein a mobile vehicle of Peshawar Police parked therein was also informed regarding the said incident. In the meanwhile the complainant alighted from the Police vehicle and boarded in the vehicle of Motorway Police and told them about the said occurrence. SI Abdul Wahid has further mentioned in his statement that in the meantime he received a phone call from PP Taru that complainant Sher Haider has come up to the PP Taru, therefore he rushed to the PP, in the meanwhile Sub Inspector Gul Rehman alongwith other companions visited Taru having another person and stated that in Taru Bazar the same person aimed pistol at him and attempted to snatch his vehicle but the said person was overpowered hence brought up to the Police Post Taru. SI Abdul Wahid further stated that the accused in question was arrested and in the meanwhile the pistol possessed by the said accused was owned by complainant Sher Haider and stance of the complainant was found genuine when the said pistol was matched with license having by the complainant. The accused was interrogated wherein he stated that the stolen vehicle has been parked at PSO Pump Taru. As per pointation of

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the accused the stolen vehicle was found parked in PSO Pump Taru which was properly taken into Police custody. A mobile phone was also recovered from the stolen vehicle, an incoming call on the said mobile phone was received from unknown accused to whom it was told that Malang is waiting for at PSO Pump Taru and they were invited to come, subsequently in a vehicle bearing No. 3556/Lahore in which four young men came to PSO Pump Taru and they were also arrested and confined in the lock up of P.S Pabbi hence the aforementioned FIR has been registered and investigation entrusted to the investigation staff.

Besides, statements of the following have been recorded: -

Mr. Luqman Khan SDPO Pabbi Circle.

Inspector Shad Ali SHO Pabbi

Muhammad Fayaz MHC PS Pabbi

Mr. Muhammad Ayaz wireless operator.

Mr. Shehzad Gul Manager PSO Pump Taru.

The spot of occurrence as well as other relevant places have been inspected by the undersigned alongwith the following officers: -

Mr. Shehanshah Gohar DSP Hqrs: Nowshera.

Mr. Luqman Khan SDPO Pabbi Circle.

Mr. Shad Ali SHO Pabbi.

SI Abdul Wahid Incharge PP Taru.

Finding: -

Enquiry in the aforementioned matter conducted so far by the undersigned and watching footage of the CCTV camera installed in the PSO Pump Taru which revealed that: -

1. Proper FIR in the said matter has been registered.
2. Recovery of stolen motorcar and pistol have been made.
3. All the accused involved in the case have been arrested.

Whereas

4. The footage revealed that SI Abdul Wahid being I/C of PP Taru failed to cooperate with the complainant Sher Haider in arrest of accused at PSO Pump Taru hence the allegation of non-cooperation leveled by the complainant Sher Haider against SI Abdul Wahid the then I/C PP Taru is correct prima facie.
5. The footage/statement of SI Abdul Wahid revealed that the accused were arrested soon after the occurrence, while SI Abdul Wahid has not shown the accused arrested in the Murassila written by him.

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Recommendations: -

From the enquiry conducted so far by the undersigned and the available record revealed that the allegations of non-cooperation with the complainant Sher Haider by SI Abdul Wahid the then I/C PP Taru and not mentioning arrest of the accused in the Murassila, the aforementioned allegations against SI Abdul Wahid have been proved therefore, he is recommended for appropriate punishment if agreed please.

(Signature)
(SANAULLAH)
Superintendent of Police,
Investigation, Nowshera.

W/DPO Nowshera

Final
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SSN

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FINAL SHOW CAUSE NOTICE

Whereas, you **SI Abdul Wahid**, while posted as **I/C PP Taru, now suspended Police Lines, Nowshera** as a result of preliminary enquiry conducted by SP Investigation, Nowshera stating therein that analyzing of footage of CCTV Camera installed at PSO Pump Taru, the response towards apprehension of car lifter and checking of Motor Car in such like occasion being a responsible Police Officer, (I/C of the PP) and the occurrence happened in your territorial jurisdiction, your non cooperation and making no efforts in the arrest of accused speaks volume of irresponsible and strange behavior on your part. The SP Investigation, Nowshera during the course of enquiry found you guilty.

On account of which you were proceeded against departmentally through SP Investigation, Nowshera, who after fulfillment of legal formalities submitted his report, wherein the allegations leveled against you were proved and suggested you for appropriate punishment.

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


Hence, I, Wahid Mehmood, PSP, District Police Officer Nowshera, in exercise of the powers 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 the receipt of this notice, failing which; it will be presumed that you have no defense to offer.

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


(Wahid Mehmood) PSP
District Police Officer,
Nowshera.

No. 606 /PA,
Dated 11-9 /2017.



«F»



ذات جالی :

میں نے قانون کارروائی نیک نہیں ہے لکھا ہے چند میں نے
 اس کا جواب اور اس کا جواب کہ نوٹس میں لکھا ہے چند میں نے
 ایک نوٹس دیگا نوٹس لکھا کہ جاری ہے اور اس میں
 نے جو ایک نوٹس لکھا کہ اس میں کیا ہے کہ یوں نہ ہو کہ
 ایک نوٹس لکھا ہے ۔ میں نے اس کا جواب لکھا ہے
 (Bad Entry) اس میں اس سے جو اس کے بارے میں اس کی
 کو اس میں اس کے بارے میں اس کے بارے میں اس کے بارے میں

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~~وی جاوی~~
~~[Signature]~~

31-12-9-2017

Dismissed from service
 suggested Action amended
 by infirm officer of Inv. NSR

~~[Signature]~~
 12/9/17

میں اس تحریر کی رو سے اقرار کرتا ہوں کہ میں روز جمعہ ۱۰ شب پر کھانا کھا کر

شام میں عدلی شہر صدر ولایت لہور گیا تھا اور وہاں دیندار علی صاحب

حضور سے کھانا کھا کر جمعہ ۱۱ بجے تک عدلی شہر میں رہا اور پھر

۱۱ بجے عدلی شہر سے نکلا اور ۱۲ بجے تک عدلی شہر میں رہا اور پھر

۱۲ بجے عدلی شہر سے نکلا اور ۱۳ بجے تک عدلی شہر میں رہا اور پھر

۱۳ بجے عدلی شہر سے نکلا اور ۱۴ بجے تک عدلی شہر میں رہا اور پھر

۱۴ بجے عدلی شہر سے نکلا اور ۱۵ بجے تک عدلی شہر میں رہا اور پھر

۱۵ بجے عدلی شہر سے نکلا اور ۱۶ بجے تک عدلی شہر میں رہا اور پھر

۱۶ بجے عدلی شہر سے نکلا اور ۱۷ بجے تک عدلی شہر میں رہا اور پھر

۱۷ بجے عدلی شہر سے نکلا اور ۱۸ بجے تک عدلی شہر میں رہا اور پھر

۱۸ بجے عدلی شہر سے نکلا اور ۱۹ بجے تک عدلی شہر میں رہا اور پھر

۱۹ بجے عدلی شہر سے نکلا اور ۲۰ بجے تک عدلی شہر میں رہا اور پھر

۲۰ بجے عدلی شہر سے نکلا اور ۲۱ بجے تک عدلی شہر میں رہا اور پھر

۲۱ بجے عدلی شہر سے نکلا اور ۲۲ بجے تک عدلی شہر میں رہا اور پھر

۲۲ بجے عدلی شہر سے نکلا اور ۲۳ بجے تک عدلی شہر میں رہا اور پھر

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1.

بیان ازالہ شریعت علیٰ حق و سادگی

میں اس کو لکھ کر ہے اور اس میں
 یہ فصل شریعت اور شریعت کے اصول و ضوابط کے تحت لکھ کر
 جو خیال نہ ہو وہ لکھ کر ہے اور اس میں دیکھ ہے اور اس میں لکھ کر ہے
 ہے اس میں لکھ کر ہے اور اس میں لکھ کر ہے اور اس میں لکھ کر ہے
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 اور اس میں لکھ کر ہے اور اس میں لکھ کر ہے اور اس میں لکھ کر ہے

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 11-9-2017

بیان انان شیہ زاد علی صبح ۲۵۰ P50 زود وینر

الشیہ زاد علی

4 ستمبر 2017 کو تقریباً 11.30 بجے

فرد سجد کے وقت اور وہ اپنے سر پر چھوڑ کر چلا گیا
پھر ماری کی سی طرح لڑائی لڑا کرتا تھا

تقریباً 10.30 بجے لڑائی لڑ کر کھڑے ہوئے
پھر اس میں کئی اور لوگ شامل ہوئے اور کئی دھرت

میں آئے تھے۔ تقریباً (5) بجے فریڈ (4) سیاہ
رنگ کی ماری میں کئی لوگ شامل ہوئے اور ان کے والوں

کے من کو لہو لہا کر کے دم میں چھٹا دیا گیا اور وہیں سے
پھر اس میں آئے تھے اور ان کو لے کر آئے تھے

العروب
شہزاد گل
ولہ فرزند گل

CNIC 17501-145786-9

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آپ نے جو بیان دیا ہے۔ کیا اس کی تصدیق کر لیں گے آپ کو
جی 450 ATV کمرہ میں رکھا گیا جو خود دیا گیا
کیا آپ کو پولیس کے کسی بھی عملے نے اغوش سے انکار ڈینگ کو صاف کر کے
کئی کوئی ہدایت کی ہے۔ یا ضابطہ کرنے کے بعد کوئی دھمکی دینے
دی ہے؟

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XVV

مجموعہ کے اولین افسر نے ریٹائرڈنگ ضابطے کرنے کے متعلق
کوئی ہدایت نہیں ہے۔ اور نہ کوئی دھکی۔ بلکہ ریٹائرڈنگ
موجود ہے۔ جو نہیں رہا ہوں۔

XXX
لی اس ریٹائرڈنگ جس کی رد و بدل یعنی کوئی میں (کس)
ضابطے کا ہے؟
جی نہیں۔

XXX
ایسا آڈٹ کرنے والوں یا رٹری کے علاوہ کسی اور کوئی عکس
کسی دورے کو دی ہے؟ یا آپ کی غیر موجودگی میں کوئی
دے سکتا ہے؟

جی نہیں۔ میں ہر وقت موجود رہتا ہوں۔ اور جب میں دفتر
سے نکلتا ہوں تو اس کو نامعلوم تار لگاتا ہوں۔ از خود بتلا
کہ اس دفتر کی چابی ٹیڈر علیہوں کے پاس ہے۔
میں کسی دورے کے متعلق

XXX
لیا جوٹر مار کھڑی کرنے والے اور لید میں جوٹر مار میں آنے
والوں کو آپ سے پہلے سے جانتے ہیں؟
جی نہیں۔ میں کسی کو نہیں جانتا ہوں۔

XXX
جب ملنگ نامی ملنگ نے آسٹریٹ میں گاڑی کھڑی کر کے چھوڑ دی تو
کیا آپ کا یہ فرض نہیں تھا کہ اس سے پوچھتے کہ آپ کون ہیں؟
اور گاڑی میں چھوڑ کر کہاں جا رہے ہو؟
میں اس وقت بخا مسجد کے وضو خانے میں چھوڑا تھا۔ کیونکہ ہمارے
سو پیر نہیں ہے۔ میں اگر موجود ہوتا تو پوچھتا کہ

بیال ادراک محمد بازرگانی والا لیسٹریٹ

صفحہ 4
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اس وقت 11.45 بجے نوٹس دیا گیا 9/17

سرفیڈ ہورڈنگ کارڈ 6338 از صبح تا شب سفید

دعا ہے کہ ہورڈنگ کارڈ کو کس اطلاع پر ہوں

ہورڈنگ وقت تک کھانے کے اجازت ہو یا نہ ہو۔

Seeb

Operator

11/9/2017

آج کو صبح کے نوٹس کی اطلاع دی تو کہا آج کے اس وقت
کاٹنگ میں درجہ کی اطلاع دی؟
اسی وقت درجہ کیا ہے۔

XXXX

آج کو صبح کے نوٹس کی اطلاع دی اور آج کے ہورڈنگ کارڈ

6338 کاٹنگ کی اطلاع دیکر ہورڈنگ کارڈ کے بارے میں آج کے ہورڈنگ کارڈ

کاٹنگ کی اطلاع دی؟
جی ہاں، آج کے ہورڈنگ کارڈ کے بارے میں آج کے ہورڈنگ کارڈ

Seeb

بیان: ازالہ مفصلیہ اور کھانسی

میں ایسی ہی برائیوں سے اکثر رنج و ملال رہا ہوں کہ جس سے آپ نہیں مہینے
 بچتے تھے۔ ڈیڑھ سال پہلے ہی میں نے اپنی زندگی جو اب تک وہاں سے
 بہت تیزی سے گزر رہی ہے اور اس کے ساتھ ساتھ میری طبیعت بھی
 افسرانہ بنا رہی ہے اور میں نے اس کے ساتھ ساتھ اپنے آپ کو بھی
 قدرتی طور پر 32 کلو گرام سے کم کر کے 27 کلو گرام کر دیا ہے اور
 یہ 4 سال پہلے ہی میں نے اس کے ساتھ ساتھ اپنے آپ کو بھی
 اور تمام افسرانہ برائیوں سے بچنے کے لیے اپنے آپ کو بھی
 افسرانہ طور پر دیکھا ہے اور اس کے ساتھ ساتھ اپنے آپ کو بھی
 حقیقت یہ ہے کہ

AB 2017-9-11
 11-9-2017

XXXX
 آپ کو ذرا ملے گا۔ تو اس وقت ملا رہی ہے
 مجموعی کے لئے ہے؟
 جی ہاں۔

XXXX
 کی اطلاع کے ساتھ آپ کو ملے گا اور
 رینول 30 پر 3636 A بھی اطلاع کے ساتھ آپ کو
 جی ہاں۔
 کا مسدود

No. 4203/GC
dt = 06-9-2017

ENQUIRY REPORT

Allegations

SMS complaint submitted by Sher Haider alleging therein that he alongwith his kid traveling towards Taru, parked his motorcar near G.T road in order to purchase house items. In the meanwhile, some unknown car lifter thrown his child from the car and took away his car. It is further alleged that the mobile Police post Taru was present near the spot, who decamp silent spectator and made no efforts to overpower the culprits. I forthwith rushed to SI Abdul Wahid incharge Police Post, Taru, who also present there, requested him for taking action, in response to which he replied that this not our jurisdiction while this is Police Station Chamkani jurisdiction and I also requested him to convey message regarding motorcar lifting on wireless but he refused and departed me towards Police Station, Chamkani when I reached there, the concerned Police station also refused regarding the jurisdiction. He came back to Police Post, Taru met with incharge and the same time another SI Police Station, Sarband Peshawar entered Police Post alongwith car lifter namely Malang duly armed with pistol. The car lifter embraced the incharge Police Post, Taru, he was provided protocol. The SI Police Station Sarband Peshawar who was in plain clothes introduce himself with incharge Police Post, Taru, stated that he is Malang who try to his motorcar, but he did not succeeded and arrested him with the help of other Police. Upon which SI Abdul Wahid replied to SI Police Station, Sarband that he is notable citizen of the area and he invited him for lunch. Subsequently, one colleague of the complainant called SDPO Pabbi on his mobile and informed about the incident who asked to come to Police Station, Pabbi all the persons. The pistol carrying by Malang (car lifter) was checked with the complainant license and found correct on the name of complainant which evident that his motorcar also snatched by Malang. Malang was confined in Police Station, Pabbi lockup where he stated that the stolen motorcar parked in PSO pump Taru and was trying to snatch another car but was caught on spot. SDPO Pabbi sent him alongwith Police Officials to PSO Pump for recover sent him alongwith Police Officials to PSO Pump for recover of his car where the car was parked. In the meanwhile, four another car lifters, colleagues of accused Malang arrived to PSO pump. He requested to Police officials present with him to overpower/arrest the car lifters, but they refused and at last he arrested all the car lifters with the help of nearby peoples and handed over to Police. The whole incident is duly recorded, and the CCTV cameras of PSO pump. They were taken to Police Station, Pabbi where he requested for filing FIR against them but SDPO Pabbi and his staff turned deaf ear to same. He (complainant) requesting for taking action against defaulter Police Officers.

Proceeding

As per report of the complainant Sher Haider, a case vide FIR No. 632 dated 04-09-2017 u/s 395 PPC Police Station, Pabbi has been registered and recovery of stolen pistol and vehicle has been made.

Statements of the following concerned officials have been recorded: -

1. Mr. Luqman Khan SDPO Pabbi Circle.
2. Inspector Shad Ali SHO Pabbi
3. SI Abdul Wahid incharge PP Taru.
4. Muhammad Fayaz MHC PS Pabbi

[Handwritten signature]
ds/17

5. Mr. Muhammad Ayaz wireless operator.
6. Mr. Shehzad Gul Manager PSO Pump Taru.

The spot of occurrence as well as other relevant places have been inspected by the undersigned alongwith the following officers: -

1. Mr. Shehanshah Gohar DSP Hqrs: Nowshera.
2. Mr. Luqman Khan SDPO Pabbi Circle.
3. Mr. Shad Ali SHO Pabbi.
4. SI Abdul Wahid Incharge PP Taru.

Finding

Enquiry in the aforementioned matter conducted so far by the undersigned, the undersigned has reached to the conclusion that: -

1. Proper FIR in the said matter has been registered.
2. Recovery of stolen motorcar and pistol have been made.
3. All the accused involved in the case have been arrested.

However, footage of CCTV camera installed in the PSO Pump Taru, despite best efforts has not been made available due to non-availability of CCTV camera operator/exports which is a crucial evidence to fix responsibility regarding the accused Police officials. As soon as the facility of provision of footage is made available, responsibility will be fixed forthwith and communicated to your good office.

Interim report is submitted please.

[Signature]
 SAJID ULLAH
 Superintendent of Police,
 Investigation, Nowshera.

Worthy DPO Please

[Handwritten notes:]
 SP Invo is reported as Enquiry off to Fix Respon
 with Covers in S
 letter to IGP KP
 (by Fax only)

[Signature]
 6/9/17
 District Police Officer
 Nowshera.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1716 /ST

Dated 24 / 8 / 2018

To


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

Subject: -

JUDGMENT IN APPEAL NO. 1357/2017, MR. ABDUL WAHID.

I am directed to forward herewith a certified copy of Judgement dated 1.8.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.