


25.11.2022


Counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant sought adjournment in order to further prepare the brief.

Adjourned. To come up for arguments on 13.01.2023 before the D.B.

SCANNED
KFST
Peshawar


(Fareeha Paul)
Member (E)

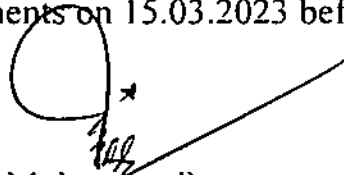

(Rozina Rehman)
Member (J)

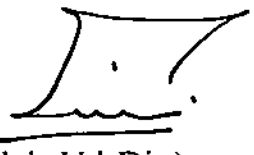
13.01.2023

Appellant alongwith clerk of his counsel present. Mr. Muhammad Jan, District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 15.03.2023 before the D.B.

SCANNED
KFST
Peshawar


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

13.05.2022

Junior to counsel for the appellant present. Mr. Naseer-ud-din Shah, Assistant Advocate General alongwith Mr. Atta-ur-Rehman, Inspector (Legal) for the respondents present and submitted reply/comments which are placed on file. To come up for arguments before the D.B on 20.07.2022. The appellant may submit rejoinder within 03 days.


(Kalim Arshad Khan)
Chairman

10.07.2022

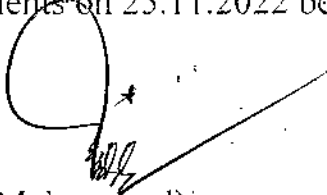
Proper Bench is not available, therefore, case is adjourned to 19.10.2022 for the same as before.



Reader

19.10.2022

Learned counsel for the appellant present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant submitted rejoinder and requested for adjournment for arguments. Copy of rejoinder handed over to learned Assistant Advocate General. Adjourned. To come up for arguments on 25.11.2022 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

29.10.2021

Counsel for the appellant present. Preliminary arguments heard. Memorandum of appeal and the copies of record annexed there with have been perused.

This appeal is admitted for regular hearing subject to all just legal objections. 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 24.02.2022 before the D.B.

Appellant Deposited
Security & Process Fee

28/10/21


Chairman

24.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 13.05.2022 for the same as before.




Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7325 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/09/2021	<p>The appeal of Mr. Niaz Ali resubmitted today by Mr. Taimur Haider Khan 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> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

73

The appeal of Mr. Niaz Ali, Ex-SI No. 567/MR, District Mardan presented today i.e. on 01.09.2021 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- Certificate be given to the effect that the appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
- 3- Annexures A, D, E & I of the appeal are illegible which may be replaced by legible/better one.

No. 1718 /S.T.

Dt. 01/09/2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Haider Khan AHC.

Objection Removed

Re-submitted Today

~~Se~~

8-9-2021

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

Service Appeal No. 7375 /2021

Niaz Ali (Ex-Sub Inspector) No.567/MR District Mardan
.....Appellant

VERSUS

Inspector General of Police Khyber Pakhtunkhwa, Peshawar.

& Another.....Respondents

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4.	Copy of the FIRS	B	9-13
5.	Copy of the JMIC-I, Mardan order dated: 12.03.2021	C	14-15
6.	Copy of FIR No.148 dated: 12.03.2021 of P.S Toru	D	16-21
7.	Copy of the Show Cause Notice/Inquiry Officer Report	E	22-29
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9.	Copy of further impugned order dated 02.08.2021	G	32-37
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Through

Appellant

Taimur Haider Khan

&

Malak Sajid Khan

Advocate, High Court.

Taimur Law Associates

Off: 37th, 2nd Floor,

Malik Tower, Peshawar

Cell No.0346-9192561

Dated:01.09.2021

①

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

Service Appeal No. _____/2021

Niaz Ali (Ex-Sub Inspector) No.567/MR District Mardan

.....Appellant

VERSUS

- 1) Inspector - General of Police Khyber Pakhtunkhwa,
Peshawar.
- 2) District Police Officer (DPO), District Mardan..

.....Respondents

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974, AGAINST THE IMPUGNED AND
UNJUSTIFIABLE ORDER OB:NO.928 DATED
28.05.2021 WHEREBY THE APPELLANT HAS
BEEN AWARDED MAJOR PUNISHMENT OF
DISMISSAL FROM SERVICE AS WELL AS
FURTHER IMPUGNED ORDER NO.
4027/ES, DATED: 02.08.2021 WHEREBY
DEPARTMENTAL APPEAL OF THE
APPELLANT HAS ALSO BEEN REJECTED.**

PRAYER:

*It is, therefore, most convivially and
courteously prayed that on the basis of
expounded subjects and facts the
impugned order dated 28.05.2021 and
02.08.2021 of the respondents may kindly*

be set aside being illegal, unlawful, coram-non-judice, against the principle of humanity and accordingly the appellant may kindly be re-instated into his service with all back benefits for the best administration of justice and fair play.

Respectfully Submitted;

- 1) That the appellant hails from a venerable family and was appointed on 29.03.1995 as constable in the respondents' Department and as per the legal touchstone promoted to the post of Sub-Inspector. Since the inception of the appointment, remain a soft and sober gentleman, being obedient to his officers, ever tried his level best to keep the moral of the Department high. Due to the pain stacking and sedulous hardworking experience for a more than two decade (26 years service), the appellant was having unblemished service career. So much so, due to bravery and sedulous strive of the appellant, the most wanted (Trace case) criminals were arrested by the appellant and the worthy DIG, Mardan has been pleased to given distinction award/certificate. (Copy of the appointment documents along with Distinction Certificate etc are annexed as Annexure "A").
- 2) That the main bone of contention of the subject appeal is a criminal case, FIR No.148 dated: 12.03.2021 U/S 9-D KP CNSA, 11-A KP CNSA Police Station Toru, whereby the appellant being a complainant has arrested accused Shad Ali S/O Muhammad Umair R/O Chato Chowk Mardan. It is rudimentary to mention here that the said accused person is having extremely blemished criminal history and involved in series of criminal case FIRs. Being a habitual criminal, the said accused namely Shad Ali is also involved in the following known criminal cases;

1.	FIR No.903/2018	dated:13.04.2018	Charge U/S 9-B CNSA	Hoti, Mardan
2.	FIR No.1126/2020	dated: 07.10.2020	Charge U/S 9-D KP CNSA	Hoti, Mardan
3.	FIR No.1763/2019	dated 27.10.2019	charge U/S 9-D KP CNSA	Hoti, Mardan.
4.	FIR No.831	dated:15.07.2021	U/S 9-D KP CNSA/11-A KP CNSA	Toru, Mardan.

So much so at present the ibid accused namely Shad Ali is also behind the bars. (Copy of the FIRs are annexed as Annexure "B").

- 3) That it is legit to mention here that the unjustifiable reason behind the dismissal of the appellant as stated in the impugned orders is hereby reproduced below:-

"The appellant while posted as SHO police station Toru has arrested accused Shad Ali Son of Muhammad Umar R/O Chato Chowk Mardan on 12.03.2021 U/S 9-DKPCNSA, 11-A KP CNSA Police Station Toru. The said accused produced before the Court of Judicial Magistrate-I with case property i.e parcel No.02 & Parcel No.05. The accused stated at bar that nothing was recovered from his possession and the alleged recovery produce before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos.02 & 05 were de-sealed in open Court in the presence of Investigation Officer wherein it was observed that the alleged contraband in Parcel was covered in a yellow tape tightly, which was uncovered. After uncovering the same another parcel No.03 was present duly sealed in case vide FIR No.75 dated 06.02.2021 U/S 9-D KPCNSA/11-A KPCNSA in Police Station Toru Mardan allegedly weighting 1820 Grams. Meaning thereby the said recovery from the possession of accused was actually the case property of another case, resultantly, the Court discharged the accused U/S 63 & 167 Cr.PC with directions to District Police Officer, Mardan to take legal action against the involved police officers".

- 4) That accordingly the appellant along with Moharrir Namely Rasheed Khan were confronted with the expounded allegation via Show Cause Notice and finally both the appellant and Muharrir Malkhana of the ibid case have been dismissed from service. (Copy of the JMIC-I, Mardan order dated: 12.03.2021, Copy of FIR No.148 dated: 12.03.2021 of P.S Toru, Copy of the Show Cause Notice/Inquiry Officer Report and impugned order dated 28.05.2021 of the Respondent are annexed as Annexure "C", "D", "E" & "F" respectively).

- 5) That to follow the legal touchstone, the appellant has filed Departmental Appeal but unfortunately having the same unsuccessful destiny vide office letter No.4027/ES, dated 02.08.2021. **(Copy of further impugned order dated 02.08.2021 is annexed as Annexure "G")**.
- 6) That another important aspect of the matter is that the expounded criminal case No.148 was occurred on 12.03.2021, infact the appellant being the complainant has accomplish the sampling, drafted the Murasila, prepared recovery memo and on the same day i.e 12.03.2021, was handed over to the Muharrir Malkhana Namely Rasheed Khan ASI. On the very next day, the said Muharrir has handed over the case property to the worthy IO namely Niaz Muhammad SI and in order to comply with section 33 of the Khyber Pakhtunkhwa Control of Narcotics Substances Act, 2019 to produce the same in the Court of learned JMIC and after doing so, the expounded detail/contradictory case property was occurred before the learned JMIC. It is imperative to mention here that the complainant after the handing over of above case property to the Muharrir on 12.03.2021 was having further no concern that who has made tempering with the case property on 13.03.2021. But it is crystal clear that exactly on the same day in one other criminal case FIR No.147 of KP 9-C CNSA, in which the complainant of the same P.S was Izhar Khan ASI and exactly in that case too while the case property was produced before the learned JMIC-I, Mardan the same situation occurred and in that case the said Muharrir namely Rasheed Khan ASI has also been dismissed from service. **(Copy of the JMIC order dated 13.03.2021 along with all the proceeding of criminal case FIR No.147 dated 12.03.2021 are annexed as Annexure "H" & "I")**.

- 7) That it is indispensable to bring into kind knowledge of this Hon'ble Tribunal that in case FIR No.147 the complainant namely Izhar Khan ASI has been exonerated from the charges being on the same footing with the appellant but unfortunately the respondent has not exonerated the appellant from the allegation and with a single stroke of pen the 26 years of unblemished criminal service of the appellant has been crippled. Infact this is a clear cut disparity amongst the same footing police official and is the violation of Article 25 and 27 of the constitution of Pakistan 1973.
- 8) That the above mentioned criminal cases clearly depicts that infact Muharrir Rasheed Khan with the connivance of accused party has made tampering in the ibid case property. Infact the FIR No.147 wherein the said Muharrir is also involved was scribed prior from the FIR No.148 of the appellant/complainant but unfortunately this coherent fact has also been badly ignored.
- 9) That law demands that **JUSTICE MAY NOT ONLY BE DONE BUT IT SHOULD MANIFESTLY BE SEEMS TO BE DONE**, and if the instant appeal is not allowed, the appellant will not only suffer irreparable losses, but his fundamental right will also be infringed.
- 10) That the mentioned facts may kindly be considered as Grounds for the instant service appeal and any other point not specifically mention may be raised at the time of arguments for the best assistance of this Hon'ble Court.

PRAYER

It is, therefore, most convivially and courteously prayed that on the basis of expounded subjects and facts the impugned order dated 28.05.2021 and 02.08.2021 of

(6)

the respondents may kindly be set aside being illegal, unlawful, coram-non-judice, against the principle of humanity and accordingly the appellant may kindly be reinstated into his service with all back benefits for the best administration of justice and fair play.


Any other relief deemed appropriate in the circumstances of the case may kindly also be granted in favour of appellant.

Through

Appellant


Taimur Haider Khan

&


Malak Sajid Khan
Advocate, High Court.
Taimur Law Associates
Off: 37th, 2nd Floor,
Malik Tower, Peshawar
Cell No.0346-9192561

Dated:01.09.2021

2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. _____/2021

Niaz Ali (Ex-Sub Inspector) No.567/MR District Mardan
.....Appellant

VERSUS

Inspector General of Police Khyber Pakhtunkhwa, Peshawar.

& Another.....Respondents

AFFIDAVIT

I, Niaz Ali S/O Misri Khan R/O Bakhshali, District Mardan, do hereby solemnly affirm and declares that the contents of instant Appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.



Deponent

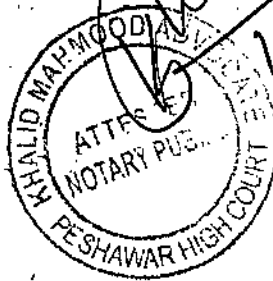
CNIC# 16101-1272946-1

Cell#0347-1219843



Identified by:

Taimur Haider Khan,
Advocate, High Court.



ابتدائی اطلاع رپورٹ

فائل

Attested
SNO/Hoti

46

تاریخ وقت رپورٹ	10/7/2020 7:35	تاریخ	11/7/2020 7:10
نام و سکونت اطلاع دہندہ مستغیث	محمد سلطان غلام	محلہ	روڈ
شناختی کارڈ نمبر / موبائل نمبر	PKPNSA	ضلع	پشاور
مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	(جرائم نمبر 1035 گرام)	تاریخ	11/7/2020 7:10
جائے وقوعہ فاصلہ تھانہ سے اور سمت	میر سب آباد اور تھانہ BHAL	تاریخ وقت رپورٹ	10/7/2020 7:35
نام و سکونت لڑم	مستاد علی اور محمد شمس مسکن	نام و سکونت اطلاع دہندہ مستغیث	محمد سلطان غلام
شناختی کارڈ نمبر / موبائل نمبر		شناختی کارڈ نمبر / موبائل نمبر	
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	پہلے ہی قتل کی اطلاع دی گئی تھی اور تفتیش جاری ہے	نام و سکونت اطلاع دہندہ مستغیث	محمد سلطان غلام
تھانہ سے روانگی کی تاریخ و وقت		تاریخ وقت رپورٹ	10/7/2020 7:35

ابتدائی اطلاع صحیح درج کرو۔ لہذا اطلاع دہندہ نے اپنے قریبی دوست محمد سلطان غلام سے یہ خبر سنی اور اس نے اسے اطلاع دینے کے لئے میر سب آباد پولیس سٹیشن پر اطلاع دی۔ اطلاع دہندہ نے بتایا کہ اس نے اپنے دوست محمد سلطان غلام سے یہ خبر سنی اور اس نے اسے اطلاع دینے کے لئے میر سب آباد پولیس سٹیشن پر اطلاع دی۔ اطلاع دہندہ نے بتایا کہ اس نے اپنے دوست محمد سلطان غلام سے یہ خبر سنی اور اس نے اسے اطلاع دینے کے لئے میر سب آباد پولیس سٹیشن پر اطلاع دی۔

Sr. P.S. Hoti
7-10-2020

TAMMUR HAIDER KHAN
ADVOCATE HIGH COURT



15 - 49

OFFICE OF THE
DISTRICT PUBLIC PROSECUTOR, MARDAN

No. - SVJ - 000/MAR
Dated: 31/03/2021

To:

The Superintendent of Police (Investigation)
District Mardan.

Subject: FSL REPORT IN CASE FIR NO.148 DATED
12/03/2021 U/S 9D/11A(KPCNSA) P.S TORU
MARDAN FOR PLACING ON FILE.

Memo:

Enclosed please find herewith letter bearing No.22/JMIC-I
Dated 29/03/2021, Custody Order dated 13-03-2021 of Learned Judicial
Magistrate-I, Mardan and Negative FSL Report in the above-mentioned
case for your kind perusal and necessary action.

(KAZA KHAN)
DISTRICT PUBLIC PROSECUTOR,
MARDAN

No & Date Even:

Copy forwarded to:

1. The Worthy Regional Director, Prosecution, Mardan Division, Mardan.
2. The DiG, Mardan Division, Mardan.
3. The District Police Officer, Mardan.
4. Office Copy.

DISTRICT PUBLIC PROSECUTOR,
MARDAN

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for inspection
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Advocate
Taimur Haider Khan
TAIMUR HAIDER KHAN
ADVOCATE HIGH COURT

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پن لیبارٹری

آئی ڈی ایف 5 حیات آباد پشاور

فون نمبر - 91-9212393

پنجاب حکومت کے ذریعے فراہم کیا گیا ہے۔

مقدمت - نووری - 148 نمبر - 12/03/2021

تجزیہ نمبر: FSI منادو

- 1- پارسل نمبر 01-05 تمام حوس
- 2- پارسل نمبر 01-05 تمام حوس
- 3- پارسل نمبر 01-04 تمام آتش
- 4- پارسل نمبر {
- 5- پارسل نمبر {

پارسل نمبر 3/3 عدویہ برائے B.R ثبت ہیں

تعمیراتی نمبر - نووری - برائے

حالات - کیا پارسل نمبر 01-02 میں بندر بنیاد کی تعمیر ہو چکی ہے یا نہیں؟
 کیا پارسل نمبر 01-04 میں بندر بنیاد کی تعمیر ہو چکی ہے یا نہیں؟

ذریعہ
 تاریخ درج ذیل
 SIA P/2020
 12-3-2021

ایس پی ایف ڈی

TAIMUR HAIDER KHAN
 ADVOCATE HIGH COURT

حالات کے بارے میں نووری کے ذریعے 267 نمبر کے ایس ڈی ایف کے ذریعے
 حالات کے بارے میں نووری کے ذریعے

A.T.O



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

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

22

Handwritten initials

ORDER

SI. Naz Ali Khan presently posted as SHO PS Toru, is hereby placed under suspension and closed to Police Lines Mardan, with immediate effect.

OB No. 5271

Dated 12-03-2021.

No. 10759 dated Mardan the 13/03/2021

District Police Officer
Mardan

Copy is forwarded to the

- 1. The Regional Police Officer Mardan, please
- 2. RA to DPO Mardan with the direction to issue Charge Sheet & summary of allegation to the defaulter Officer.

TAIMUR HAIDER KHAN
ADVOCATE HIGH COURT

13/3/21



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0927-9230109 & Fax No. 0927-9230111
Email: dcomdn@gmail.com

7 23

Dated 3/5/2021

No. 87/PA

FINAL SHOW CAUSE NOTICE

SI Niaz Ali, while posted as SHO Police Station Toru, (now under suspension Police Lines Mardan), you have arrested accused Shad Ali Son of Muhammad Umar w/o Chato Chowk Mardan on account of having (2020) gram Charas & (50) gram Ice vide case FIR No. 148 dated 12-03-2021 U/S 9DKPCNSA, 11-AKPCNSA PS Toru, who was later-on produced before the Court of Mr. Mazhar Ali Khan, the Honorable JMIC-I Mardan with case property i.e. parcel No.02 & parcel No.03, where accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos.02 & 03 were de-sealed in open Court in the presence of IO, wherein it was observed that the alleged contraband in parcel No.02 was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.03 was present duly sealed in case vide FIR No.75 dated 06-02-2021 w/s 9DKPCNSA/11-AKPCNSA in PS Toru Mardan allegedly weighing 1820 grams. Meaning thereby that the instant alleged recovery from the possession of the present accused is actually the case property of another case, resultantly, the Court discharged the accused U/S 63 Cr.PC read with section 167 Cr.PC & directed this office to take legal action against the involved Police Officer.

It may be mentioned here that in this regards, strict directions have since been issued to all concerned Police Officers in the meetings etc; to be careful in narcotics cases, but with no compliance by you.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Sadat Khan DSP/Security Mardan vide his office letter No.206/Security dated 12-04-2021, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.70/PA dated 19-03-2021, holding responsible you of gross misconduct and recommended for appropriate punishment.

You were heard in OR on 28-04-2021, but failed to satisfy the undersigned, therefore, you are being issued this final Show Cause Notice.

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

Hence, I Dr. Zahid Ullah (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.

TAJMUR HAIDER KHAN
ADVOCATE HIGH COURT

Received by _____

Dated: 1/5/2021

5-5-2021

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy to RI Police Lines (Attention Reader) to deliver this notice upon the alleged official & the receipt thereof shall be returned to this office within (05) days positively for further n/action.

OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 9927-9230109 & Fax No. 9927-9230111
Email: dpomdn@gmail.com

CHARGE SHEET

I, DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent authority, hereby charge SI Niaz Ali, while posted as SHO Police Station Toru, (now under suspension Police Lines Mardan), as per attached Statement of Allegations.

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

2. You are, therefore, required to submit your written defense within 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 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.

4. Intimate whether you desired to be heard in person.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan


TAIMUR HAIDER KHAN
ADVOCATE HIGH COURT



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

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

No. 70 /BA

Dated 19/3/2021

DISCIPLINARY ACTION

I, DR. ZAHID ULLAH (DSP), District Police Officer Mardan, as competent authority am of the opinion that SI Niaz Ali, 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 Niaz Ali, while posted as SHO Police Station Toru, (now under suspension Police Lines Mardan), he arrested accused Shad Ali Son of Muhammad Umar r/o Chato Chowk Mardan on account of having (2020) gram Charas & (50) gram Ice vide case FIR No. 148 dated 12-03-2021 U/S 9DKPCNSA, 11-AKPCNSA PS Toru, who was later-on produced before the Court of Mr. Mazhar Ali Khan, the Honorable JMIC-1 Mardan with case property i.e. parcel No.02 & parcel No.05, where accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos.02 & 05 were de-sealed in open Court in the presence of IO, wherein it was observed that the alleged contraband in parcel No.02 was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.03 was present duly sealed in case vide FIR No.75 dated 06-02-2021 u/s 9DKPCNSA/11-AKPCNSA in PS Toru Mardan allegedly weighing 1820 grams. Meaning there by that the instant alleged recovery from the possession of the present accused is actually the case property of another case, resultantly, the Court discharged the accused U/S 63 Cr.PC read with section 167 Cr.PC & directed this office to take legal action against the involved Police Officer.

It may be mentioned here that in this regards, strict directions have since been issued to all concerned Police Officers in the meetings etc. to be careful in narcotics cases, but with no compliance by SI Niaz Ali SHO Toru.

For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, Mr. Sajid Khan DSP/Security is nominated as Enquiry Officer.

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

SI Niaz Ali is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

(Signature)
Mr. Sajid Khan DSP
District Police Officer
Mardan

(Signature)
TAMMUR H. ...
ADVOCATE

BEFORE THE DISTRICT POLICE OFFICER, MARDAN

Subject: **REPLY TO THE FINAL SHOW CAUSE NOTICE
NO.87/PA DATED:03-05-2021**

Respected Sir,

It is submitted that your honour had issued the subject Final Show Cause Notice to the petitioner with the following allegations:

“ That You, SI Niaz Ali, while posted as SHO Police Station Toru,(Now under suspension Police Lines Mardan),You have arrested accused Shad Ali S/O Muhammad Umar r/o Chato Chowk Mardan on account of having (2020) grams Charas & (50) grams Ice vide case FIR NO.148 dated 12-03-21 U/S 9D,11-A KPCNSA PS Toru,who was later on produced before the Court of Mr.Mazhar Ali Khan,JMIC-1 Mardan with case property i.e parcel No.02 & Parcel No.05,here accused stated at the bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel.His request as accepted by the Court and parcel No.2 & 5 were de-sealed in open court in the presence of IO,wherein it was observed that the alleged contraband in parcel No.2 was covered in a yellow tape tightly ,which was uncovered.After uncovering the same ,another parcel No.3 was present duly sealed in case vide FIR No.75 dated 06-02-2021 U/S 9D/11 A KPCNSA in PS ToruMardan allegedly weighing 1820 grams.Meaning thereby that the instant alleged recovery from the possession of the present accused is actually the case property of another case,resultantly,the court discharged the accused U/S 63 CrPC read with S.167 CrPC & directed this office to take legal action against the involved Police Officer. ”

(FSCN is herewith enclosed)

My detailed submissions in response to the above allegations are as under:-

BRIEF FACTS OF THE CASE:

It is submitted that on 12-03-21 ,petitioner alongwith constables Wisal 2667, Liaq 3362, Falak Taj No.2244 was on patrolling in the area.On receipt of information,the petitioner arrested Accused Shad Ali s/o M.Umar r/o Chato Chowk Mardan and recovered 2020 grams charas & 50 grams of ice alongwith motor cycle from his possession.The contraband recovered from the possession of accused were sealed on the spot in parcel No.1 to 5 respectively.The accused was brought to the PS Toru and locked up .Similarly the case property sealed

1
FAIMUR HAIDER KHAN
ADVOCATE HIGH COURT

parcel No. 1 to 5 were correctly handed over to the Muharrar of the PS for safe custody in PS Malkhana. A proper case vide FIR No.148 dated 12-03-21 U/S 9D ,11A KPCNSA PS Toru was registered against the accused in this regard. **(Copy of FIR is Enclosed)**

2. On 13-03-21 accused was produced before the Honourable Court JMIC-1 Mardan with case property i.e Parcel No.2 & Parcel No.5 where accused stated at the bar that nothing was recovered from his possession and the alleged recovery produced before the court is manipulated with the requesting of de-sealing the parcel. The request was accepted by the court and the parcel No.2 and 5 were de-sealed in the open court in the presence of SI Niaz Muhammad i/O of the case. It was observed that the alleged contraband in parcel No.2 was covered in a yellow tape tightly ,which was uncovered. After uncovering the same ,another parcel No.3 was present duly sealed in case vide FIR No.75 dated 06-02-2021 U/S 9D/11 A KPCNSA in PS Toru Mardan allegedly weighing 1820 grams, Meaning thereby that the instant alleged recovery from the possession of the present accused Shad Ali is actually the case property of another case. The court discharged the accused and DPO Mardan was directed to take legal action against the involved Police Officer.
3. In the light of above circumstances mentioned at para-2 above a departmental Enquiry was initiated against the petitioner and Rasheed Khan MHC of the PS. Mr. Sadat Khan DSP security Mardan was nominated as EO. The petitioner as issued charge sheet No.70/PA dated 19-03-21 in this regard. The petitioner produced a detailed and comprehensive reply in response to the charge sheet before the EO. The petitioner explained in his reply that sealed parcels of the case containing contraband were correctly handed over to the Muharrar of the PS on 12-03-21 for safe custody in the PS Malkhana. The petitioner also entered a detailed report in the Daily Diary in this regard. During the course of enquiry besides the petitioner the EO also examined the following Police officials.
 - i. Constable Wisal No. 2667 PS Toru
 - ii. Constable Falk Taj No.2244 PS Toru
 - iii. Raheed Khan MHC PS Toru
 - iv. Madad Muharrar Adil No. 3342 PS Toru
 - v. SI Niaz Muhammad Oii PS Toru


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 ADVOCATE HIGH COURT


After recording the statements of the above officials and perusing relevant records the EO held responsible the petitioner for the allegations that the case property of the a/m case was not handed over to the Muharrar of the PS and recommended

the petitioner for the award of appropriate punishment. **(Copy of the Enquiry findings is enclosed)**

4. It would not be out of place to mention here that the EO also held responsible the MHC Raheed PS for the inefficiency and malafidty as to why he made wrong entry on the parcels.
5. The petitioner was appeared in OR on 28-04-21 for personal Hearing where the petitioner had explained the actual facts before your honour by showing his innocency from the allegations levelled against him. Hence the FSCN was issued to the petitioner.

GROUND OF INNOCENCY IN RESPECT OF FSCN:

- a. The petitioner is innocent and had not made any negligence or gross misconduct. The case property sealed in parcel No.1 to 5 were correctly handed over to the Muharrar of the PS for safe custody in PS Malkhana.
- b. To this effect a detailed report as entered in the daily diary which was unfortunately misplaced by the Muharrar of the PS for the reasons best known to him.
- c. The petitioner also drafted an application for chemical analysis of the contraband on 12-3-21. The said application was handed over to the Muharrar of the PS Toru for further proceedings. **(Copy of an application dated 12-03-21 is enclosed)**
- d. On 13-3-21 the Muharrar of the PS handed over the accused Shad Ali and sealed parcels of the case property to the SI Niaz Muhammad Oii of the case. This fact has duly admitted by SI Niaz Muhammad in his statement recorded by EO during the course of enquiry.
- e. The case propert of the case sealed in parcels no.1 to 5 were handed over to the Muharrar on 12-03-21. This fact has been categorically admitted by the Muharrar of the PS during his statement recorded under Section 161 Cr.PC by the IO of the case. The statement is available at the serial no.4 of the case diary part-II of case diary no.1 dated 12-03-21. **(Copy of 161 is enclosed)**
- f. The PW for the recovery memo constable wisal No.2667 and Falak Taj no.2244 were also examined by the EO during the course of enquiry. Both the PW have fully supported the recovery contrabands shown from the possession of accused by the petitioner.
- g. All the mal-practice shown by the MHC by producing the wrong parcels of another case in the court is his


FAIZUR HAIDER KHAN
 VOCATE HIGH COURT

(6) (29)


- individual negligence. For which the petitioner could not be held responsible.
- h. The arrested accused is habitual narcotic dealer. He has been previously involved in four other narcotic cases registered in PS Hoti. This fact has been confirmed by the EO during the course of enquiry.
 - i. The petitioner has been enlisted as constable in Police deptt on 29-03-1995 since then the petitioner is performing his duty with zeal and efficiency. During the course of lengthy service the petitioner was not dealt departmentally prior tot his incident. Similarly the petitioner was not awarded any punishment in the past. Rather petitioner was awarded with several commendation certificates of class-II & III by the high ups for his excellent performance.
 - j. The petitioner is married with 05 kids .The entire family of the petitioner depends upon the Police service of the Petitioner with no source of another income.

Keeping in view the above facts and circumstances, it is humbly prayed that the subject Final Show cause Notice may kindly be filed and the petitioner be re-instated in service from the date of suspension ,please.

Yours Obediently,

(SI NIAZ ALI)
MR NO.567
POLICE LINES ,MARDAN
(Under Suspension)

Dated: May,2021.


TAIMUR HAIDER KHAN
ADVOCATE HIGH COURT

**DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 9927-9230100 & Fax No. 9927-9230111
Email: dpo.mrdn@gmail.com

(30)



"F"
Anwar
[Signature]

No. 1465-68/PA

Dated 28/5/2021

ORDER ON ENQUIRY OF SI NIAZ ALI

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject officer, under the allegations that while posted as SHO Police Station Toru, (now under suspension Police Lines Mardan), arrested accused Shad Ali Son of Muhammad Umar r/o Chato Chowk Mardan on account of having (2020) Gram Charas & (50) Gram Ice vide case FIR No. 148 dated 12-03-2021 U/S 9DKPCNSA, 11-AKPCNSA PS Toru, who was later-on produced before the Court of Mr. Mazhar Ali Khan, the Honorable JMIC-I Mardan with case property i.e. parcel No.02 & parcel No.05, where accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos.02 & 05 were de-sealed in open Court in the presence of IO, wherein it was observed that the alleged contraband in parcel No.02 was covered in a yellow tape tightly, which was unopened. After unpeeling the same, another parcel No.03 was present duly sealed in case vide FIR No.75 dated 06-03-2021 U/S 9DKPCNSA/11-AKPCNSA in PS Toru Mardan allegedly weighing 1820 Grams. Meaning thereby that the instant alleged recovery from the possession of the present accused is actually the case property of another case, accordingly, the Court discharged the accused U/S 63 & 167 Cr.PC with directions to this office to take legal action against the involved Police Officer.

It may be mentioned here that in this regards, strict directions have since been issued to all concerned Police Officers in the meetings etc: to be careful in narcotics cases, but with no compliance by SI Niaz Ali, Ex SHO PS Toru.

In compliance with court's directives & to ascertain real facts, SI Niaz Ali was immediately placed under suspension vide this office OB No. 522 dated 12-03-2021, issued vide order/endorsement No. 987-89/EC dated 13-03-2021 & proceeded against departmentally through Mr. Sadat Khan DSP/Security Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.70/PA dated 19-03-2021, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.206/Security dated 12-04-2021, holding responsible the alleged officer of gross misconduct and recommended for suitable punishment.

SI Niaz Ali was heard in QR on 28-04-2021, but failed to present any cogent reasons in his defense, therefore, he was served with a Final Show Cause Notice, under K.P. Police Rules-1975, issued vide this office No.87/PA dated 03-05-2021, to which, his reply was received and found unsatisfactory.

Final Order

SI Niaz Ali was again heard in QR on 19-05-2021 & 26-05-2021 respectively, who was given opportunity to clarify his position, to which, he failed. His colleagues were also heard & so was Ex-Mohajir PS Toru. From perusal of the record and available evidence, it is evident that SI Niaz Ali is found to be inefficient & charges of misconduct are proved beyond doubt. The sample sent to FSL has also turned-out to be negative. Keeping in view the above discussion, SI Niaz Ali is found of gross misconduct, therefore, awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 928

Dated 28/5/2021.

(Dr. Zahid Ullah) DSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan w/r to his good office letter No.311-12/PA dt: 05/04-2021.
- 2) Mr. Mazhar Ali Khan, the Honorable JMIC-I, Mardan.
- 3) The DSP/HQs Mardan.
- 4) The P.O & E.C (Police Office) Mardan.
- 5) The OSI (Police Office) Mardan with () Sheets.

TAIMUR HAIDER KHAN
ADVOCATE HIGH COURT

DISTRICT POLICE OFFICER,
MARDAN

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

Email.dpondn@gmail.com

No.1965-69/PA

Dated 28.05.2021

ORDER ON ENQUIRY SI NIAZ ALI

This order will dispose-off a Departmental Enquiry under Police Rules, 1975, initiated against the subject officer, under the allegations that while posted as SHO Police Station Toru, (now under suspension Police Lines Mardan), arrested accused Shad Ali Son of Muhammad Umar r/o Chato Chowk Mardan on account of having (2020) Gram Charas & (50) Gram Ice vide case FIR No.148 dated 12.03.2021 U/S 9DKPCNSA, 11-AKPCNSA PS Toru, who was later-on produced before the Court of Mr. Mazhar Ali Khan, the Honourable JMIC Mardan with case property i.e parcel No.02 & parcel No.5, where accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court, is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos. 02 & 05 were de-sealed in open Court in the presence of IO, wherein it was observed that the alleged contraband in parcel No.02 was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.03 was present duly sealed in case vide FIR No.75 dated 06.02.2021 u/s 9DKPCNSA/11-AKPCNSA in PS Toru Mardan allegedly weighting 1820 Grams. Meaning thereby that the instant alleged recovery from the possession of the present accused is actually the case property of another case, resultantly, the Court discharged the accused U/S 63 & 167 Cr.PC with directions to this office to take legal action against the involved Police Officer.

It may be mentioned here that in this regards, strict directions have since been issued to all the concerned Police Officers in the meetings etc; to be careful in narcotics cases, but with no compliance by SI Niaz Ali, Ex SHO PS Toru.

In compliance with court's directives & to ascertain real facts, SI Niaz Ali was immediately placed under suspension vide this office OB No.522 dated 12.03.2021, issued vide order/endorsement No.987-89/EC dated 13.03.2021 & proceeded against departmentally through Mr. Sadat Khan DSP/Security Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.70/PA dated 19.03.2021, who (EO) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.206/Security dated 12.04.2021, holding responsible the alleged officer of gross misconduct and recommended for suitable punishment.

SI Niaz Ali was heard in OR on 28.04.2021, but failed to present any cogent reasons in his defense, therefore, he was served with a Final Show Cause Notice, under KP Police Rules, 1975, issued vide this office No.87/PA dated 03.05.2021, to which his reply was received and found un-satisfactory.

Final Order

SI Niaz Ali was again heard in OR on 19.05.2021 & 26.05.2021 respectively, who was given opportunity to clarify his position, to which, he failed. His colleagues were also heard & so was Ex-Moharrir PS Toru, From perusal of the record and available evidence, it is evident that SI Niaz Ali is found to be in-efficient & charges of misconduct are proved beyond doubt. The sample sent to FSL has also turned-out to be negative. Keeping in view the above discussion, SI Niaz Ali is found of gross misconduct, therefore, awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules 1975.

OB No.976

Dated 28.05.2021

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan w/r to his good office letter No.311-12/PA dt:05.04.2021.
- 2) Mr. Mazhar Ali Khan, the Honourable JMIC-I, Mardan.
- 3) The DSP/HQrs Mardan.
- 4) The P.O & E.C (Police Office) Mardan.
- 5) The OSI (Police Office) Mardan with () Sheets.

 ATTESTED

32

[Handwritten signature]
Mardan

BEFORE THE HONOURABLE DEPUTY INSPECTOR GENERAL OF POLICE,
M A R D A N.

Subject: Application for re-instatement in Service
against the order of worthy District Police
Officer, Mardan dated 28.05.2021 vide which
the appellant was dismissed from Service.

R/Sir,

It is submitted as under:-

FACTS:

It is alleged against the appellant that while posted as SHO in Police Station Toru the appellant arrested accused Shad Ali s/o Muhammad Umar r/o Chato Chowk with 2020 grams Chara and 50 grams ICE and registered case FIR NO. 148 dated 12.03.2021 u/s 9BKP CNSA Police Station Toru subsequently, when the accused produced to the illaqa Judicial Magistrate, on the request of accused the parcel of contraband Narcotics was desealed wherein the case property was found of another Criminal case and as such the accused was discharged from the case. The appellant was departmentally proceeded against for the alleged mis-conduct. The departmental inquiry was carried out by Mr. Sadat Khan DSP/ Security who recommended the appellant for proper punishment consequently upon the appellant was awarded the major punishment of dismissal from service vide the DPO order dated 28.05.2021, hence, aggrieved this appeal for re-instatement in Service.

GROUND OF APPEAL:-

1. That the order of learned DPO, Mardan is very harsh severe and unilateral.

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TAMJUR HAIDER KHAN
ADVOCATE HIGH COURT

2. That while awarding the punishment of dismissal all the previous 25 years of service and devotion of the appellant towards his duties was ignored.
3. That the appellant arrested a habitual and hardened criminal with contraband Narcotic red-handed in presence of marginal witnesses, who supported it during departmental enquiry.
4. That the accused persons was a history sheeter and he was involved in so many criminal cases and a genuine case was registered against him. (Case FIR was enclosed).
5. That after arrest of the accused the appellant had handed over the case property and other documents to the concerned Moharrir vide the daily diary report and it was also not denied by O.I.I. coupled with other statements during departmental enquiry.
6. That the Moharrir of investigation has also not denied receipt of the parcels about seized Narcotic.
7. That it was the fault of Moharrir and O.I.I. who produced a wrong parcel to the Court and the application submitted to the Court was not signed from the appellant and the appellant was also not informed for production of accused as well as case property to the Court.
8. That the learned lower Court exceeded his jurisdiction by re-opening and re-sealing the parcel, being a case of Session Court, the parcel was to be opened by Session Court and the action too was to be taken by Session Court.
9. Legally the lower Court should have referred to matter to

the Session Court and then it was for Session Court to announce any verdict after hearing both sides.

10. That even otherwise the whole proceeding was carried out in absence of the appellant and it was incumbent upon the Court to summon the appellant for production of the actual parcel and clarification of situation.
11. That similarly, the inquiry officer has recorded all the statement at the absence of appellant and has deprived the right of defense to rebut the allegations.
12. That it was himself shocking for the appellant to know wrong production case property to the court all the proceeding was made by the O.I. on his own risk, had he signed the application before production of the accused with case property it would have never happened.
13. That it appears from the facts that some hidden hands are involved in giving relief to a hardened Criminal which was not tried, by the inquiry officer to detect it rather the appellant was held responsible for the said misconduct without bringing the real facts during the enquiry which is injustice with the appellant.
14. That no personal/material gains by the appellant was established during the Court/Departmental proceeding, meaning thereby the conscience and hands of the appellant are clear in the matter and for this the appellant is ready to clear his position on Holy Quran.
15. That the appellant was enlisted as PC in Police

TAIMUR HAIDER KHAN
ADVOCATE HIGH COURT

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Department and served the department for about 25 years without blemished record and the order of the learned BPO, Mardan has thrown the appellant and his family death to starvation without any fault while strictly acting against drug peddlers.

It is therefore humbly requested for the reasons mentioned the applicant may kindly be re-instated in Service to meet the end of justice. The appellant shall pray for your success, long life and prosperity.

Dated: 08.06.2021.

Yours Obediently




(NIAZ ALI)

Ex.Sub: Inspector

r/o Bakhshali, Mardan.

Cell# 0347-1219843



TAIMUR HAIDER KHAN
ADVOCATE HIGH COURT

(36)

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ORDER.

This order will dispose off the departmental appeal preferred by Ex-Sub Inspector Niaz Ali No: 567/MR of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No: 928 dated 28.05.2021. The appellant was proceeded against departmentally on the allegations that he while posted as S/O Police Station Toru has arrested accused Shao Ali Son of Muhammad Umar, r/o Chato Chowk, Mardan on account of having 2020 Gram Charas and 50 Gram Ice vide case FIR No: 148 dated 12-03-2021 U/S: 9DKPCNSA, 11-AKPCNSA, Police Station Toru. The said accused produced before the Court of Judicial Magistrate 1 with case property i.e. parcel No.02 & parcel No.05. The accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos.02 & 05 were de-sealed in open Court in the presence of investigation Officer, wherein it was observed that the alleged contraband in parcel No.02 was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.03 was present duly sealed in case vide FIR No:75 dated 06.02.2021 u/s 9DKPCNSA/11-AKPCNSA in Police Station Toru Mardan allegedly weighing 1820 Grams. Meaning thereby the said recovery from the possession of accused was actually the case property of another case, resultantly, the Court discharged the accused U/S 63 & 167 Cr.PC with directions to District Police Officer, Mardan to take legal action against the involved Police Officers.

In light of court's directives and to ascertain real facts into the allegations, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police Security, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Mardan, wherein he held responsible the delinquent Officer and recommended him for awarding suitable punishment.

The delinquent Officer was heard in Orderly Room on 28.04.2021 by the District Police Officer, Mardan, but he failed to present any cogent reasons in his defense, therefore, he was issued Final Show Cause Notice, to which, his reply was received and found un-satisfactory.

The delinquent Officer was again heard in Orderly Room on 19.05.2021 and 26.05.2021 respectively by the District Police Officer, Mardan, who was given ample opportunities to clarify his position but he failed to do so. From perusal of the record and available evidence, it is evident that the delinquent Officer was found to be in-efficient and charges of misconduct are proved beyond doubt. The sample sent to FSL has also turned-out to be negative. Therefore, he was awarded major punishment of dismissal from service vide OB: No: 928 dated 28.05.2021.


FAIMUR HAIDER KHAN
ADVOCATE HIGH COURT

(2) 37

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 26/07/2021.

From the perusal of record it has been found that the allegations leveled against the appellant have been proved beyond any shadow of doubt. As during the course of enquiry the appellant bitterly failed to justify his innocence because the entire record clearly depicted the ill will of appellant against the accused by turning a deaf ear over sending the case property of some other case by the Moharrar at the time of production of accused. Moreover, being SHO of the Police Station, his attitude of ignoring checking of the relevant register i.e register No. 19 also shows the negligent and dishonest attitude of the appellant as the Moharrar made wrong entries. Likewise the receipt of FSL report as negative is also a question mark as the appellant has intentionally extended favour to the accused. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer and retention of the appellant will stigmatize the prestige of entire Police Force in the eye of general public. Therefore order passed by the competent authority does not warrant any interference.

Keeping in view the above, Yaseen Fardog, RSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.

[Signature]
Regional Police Officer,
Mardan.

No. 4027 /ES, Dated Mardan the 02 /08 /2021.

Copy forwarded to District Police Officer Mardan for information and necessary action w/r to his office Memo. No. 152/EB dated 30/06/2021. His Service Record is returned herewith.

(*****)

EC
[Signature]
DPO Mardan
2/8/21



[Signature]
TAIMUR HAIDER KHAN
ADVOCATE HIGH COURT

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IN THE COURT OF MAZHAR ALI KHAN
JMIC-I, MARDAN

Case FIR No. 147 dated. 12.03.2021 U/S 9CKPCNSA PS TORU Mardan.

Order
13.03.2021

Accused namely Kamran son of Mir Aman produced in custody by local police along with application for 05 days physical custody. Case property i.e. Parcel No.02 also produced before the court. Meanwhile accused stated at the bar that nothing was recovered from his possession and the alleged recovery produced is manipulated one. He also requested for de-sealing of parcel produced before the court.

Request of accused was accepted and parcel No. 02 was de-sealed in open court in the presence of IO. After desealing it was observed that the alleged contraband was covered in a yellow tap tightly which was uncovered. After uncovering the same another parcel No 02 duly sealed in case FIR No 78 dated 07.02.2021 u/s 9-CKPCNSA in PS toru Mardan and the signature and stamp of the undersigned Court was also marked over the back side of the said sealed parcel. Meaning there by that the instant alleged recovery from the possession of the present accused is actually the case property of another case. In these circumstances, this court while invoking the provisions of section 63 Cr.PC read with section 167 Cr.PC discharge the accused from custody with no order as to sureties. He be immediately released. My this order shall have no effect over the powers of investigation of the local police.

Copy of this order be sent to DPO Mardan for taking legal action against the involved officials including the SHO PS Toru Mardan with the intimation to this Court within 07 days. Copy of this order be also sent to District & Sessions Judge, Mardan for information. The case property de-sealed along with empty parcel is handed over to Civil Nazir District Courts Mardan for onward transmission to the DPO Mardan along with copy of this order sheet.

Mazhar Ali Khan
JMIC-I, Mardan

13-3-2021

MAZHAR ALI KHAN
Judicial Magistrate
Mardan

TAIMUR HAIDER
ADVOCATE HIGH

Aurang
H

ابتدائی اطلاع رپورٹ

ابتدائی اطلاع نسبت قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ نو جداری

ظہور وقت _____ محل _____ سرحد _____

تاریخ _____ وقت _____ وقت _____

18 147

1-	تاریخ وقت رپورٹ	12 3/21 وقت 3:15:40	تاریخ وقت رپورٹ	12 3/21 وقت 12:15:10
2-	نام و کونٹ اطلاع دہندہ مستغیث	16101-6213345-1	نام و کونٹ ملزم	16101-2089486-1
	شناختی کارڈ نمبر / موبائل نمبر	0311-0313500	شناختی کارڈ نمبر / موبائل نمبر	0313-1253919
3-	مختصر کیفیت جرم (محدودہ) حال اگر کچھ لایا گیا ہو۔	9CKPCNSA	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وہ بیان کرے	
4-	جائے وقوعہ قاصدہ تھانہ سے اور سمت		تھانہ سے روانگی کی تاریخ و وقت	
5-	نام و کونٹ ملزم		تھانہ سے روانگی کی تاریخ و وقت	
6-	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وہ بیان کرے		تھانہ سے روانگی کی تاریخ و وقت	

ابتدائی اطلاع نیچے درج کرو۔ جو وقت صدر ایک تحریری ممبر اسلئے تھانہ
 اطہار خان ASI بدست کا نیٹیل شاہد 3434 میں موصول ہو کر رہے مضمون ذیل ہے
 تھانہ میں 2983 برساتی پانی کے پھانسی کے طور پر 3434 میں آگے کا پتھاروں شاہد 3434
 منشیات فروشوں کا گھرانہ و گھر آگے میں موجود تھا کہ اطلاع ملی کہ منشیات
 والا پیر منشیات از سر نو خریدنے میں موجود تھا کہ اطلاع ملی کہ منشیات
 جاتا تو فوراً نیچے نگرانی جائے و قومیہ بلا آ کر واقعہ کا سامان مذکورہ گاؤں کے
 انتظار میں کھڑا تھا۔ انگری کو ترتیب دے کر نہایت حکمت عملی سے قابو کر
 کے مذکورہ کے حاشیوں یا قومیہ میں بلا لٹکے کی گئی ترقی سہاہ قبضہ میں کر کے
 جو قبضہ کرنے پر حیرت میں مبتلا ہو گئے تھے جو مذکورہ ذیل میں سیکھیں و زین کرنے پر (917)
 آگے تھانہ میں سے (15) گرام حیرت میں سے (912) گرام حیرت میں سے (912) گرام حیرت میں سے
 نیچے جبکہ بقایا (912) گرام حیرت میں سے (912) گرام حیرت میں سے (912) گرام حیرت میں سے
 پانچ پر 3/3 سے ہوا پیر اسمی B.R نسبت کر کے جبکہ انہوں نے پیر بارسلوں کے اندر
 لٹکا جا کر ہر وقت نورد قبضہ کر لیں میں کر کے کا سامان مذکورہ بالا کو منظر حیرت
 والا کا پیر حسب تھا جا کر قبضہ کر کے ممبر اسلئے انگریزوں کے ہاتھ سے بدست
 کا نیٹیل شاہد 3434 ارسال تھانہ سے تفتیش کیا و دستخط انگریزی اطہار خان
 ASI تھانہ طور پر 3/21 12 کا معائنہ کیا و اس آگے ممبر اسلئے درج بالا سیکر
 پیر 3/3 سے ہوا پیر اسمی B.R نسبت کر کے ممبر اسلئے انگریزوں کے ہاتھ سے بدست
 تفتیش کے سبب میں پیر حیرت گنڈا کر کے ہے

TAMMUR HAIDER KHAN
 ADVOCATE HIGH COURT

اقبال خان Si
 Si-PS-TOPI
 12-3-2021

گرام لخصرل قائمی خدع

ماہیخ وقت وقوع 3/21 12 وقت 15:45
ماہیخ وقت وقوع 3/21 12 وقت 15:45
جات وقوع : راستہ روٹنگ نزد ٹکیم پل

34

جرم 9CKPCNSA

قیمت آئینہ اخراج قمار خورد

معدان گشت میں جو کنڈا ان شماره 3424 رقم 2883 پہلے پہلے گشت
مدع میں جو خود قمار امداع طلبہ مشہور مشیات خوش کامیون دنہ میر تان
کے دیان پیرہ طوود بمقام جات دھوکے بالا میر مشیات از قلم خیر سل فر وقت کرت
میں مصروفیت المدع کو مصدقہ جان خود بعد تقری جات وقوع بالا آکر دافقی
کامیون مذکورہ مقامیکہ اشتظار نہیں گھرا تھا تقری کو مہر پیر دے کر یہاں
تحت محلی سے قابو کر کے مذکورہ کی دانیل یا کو نہیں بلا سٹیل کی تقری
بدلت سیاہ چیم میں کر کے جو صیک کرت مر حیر سل پختہ تقری جو میر رسم تحصیل
کیل وین کرت مر (917) گرام تقری صغیم جریل میں سے (5) گرام لوزین
تحتہ FSC شمارہ نہہ ہارسل میر اصیم بھایا (912) گرام جریل نہہ ہارسل غیر
نہہ میر پیر کر کے ہارسل پائے میر 3 عدد حویلیہ B.R.A. گشت کرت ہم
ایمور میر ہارسلوں کے انہر رکنا جا کر مروف قدر قیمت لوہن میں لگا
کامیون مذکورہ بالا کی شرکت جرم بالا کھایا کر یہاں او گھنٹا کرت
گرام لخصرل قائمی خدع بہ سٹ گنل شماره 3424 ہر سال مقام سے
تتمیل کی جات

Asst. P.S. Toran
12.3.21

TAIMUR HAIDER KHAN
ADVOCATE HIGH COURT

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والس (رپورٹ) میاں محمد خان ایڈووکیٹ وقت 15:30 بجہ مورخ 13-3-21 میں ملازمت کے دوران
 درالہ اللہ زہرا سے جالان سے واپس آیا ملازمت کے دوران شاد علی ولد محمد بخش سکندر جالان
 سے وہاں بحوالہ مقدمہ عدالت 148 مورخہ 12-3-21 جس میں 9DKPCNSA 9DKPCNSA 9DKPCNSA
 کامران ولد امیر افغان سکندر میاں بیدارہ طورو بحوالہ مقدمہ عدالت 147 مورخہ 12-3-21
 جس میں 9CKPCNSA 9CKPCNSA 9CKPCNSA بحوالہ طورو کو میران حال مقدمہ لیس کردہ رشید MA 31 بحوالہ طورو
 عدالت شاد علی خان علاقہ فخریت لیس کر کے اس دوران ملازمت سے جج صاحب
 نے پوچھا تو اس نے ریکوری سے جج صاحب کو مطلع کر دیا اور اپنے آپ کو بے گناہ قرار دیا ملازمت
 سے جج صاحب کو زبانی طور پر پارسل بنا کر کھول کر دیا گیا وہاں پر ملازمت کے دوران
 کامران ولد امیر افغان سکندر میاں بیدارہ طورو جج صاحب سے جملہ ملازمت جو کہ دیگر
 جج صاحب سے بھی جالان آئی تھی اس سے ایسا کہ اگرچہ پارسلوں کا ایسا کوئی چیز نہیں
 کرتے ہو تو میں پارسلوں کو کھول دیتا ہوں اسی دوران جج صاحب نے اس سے کہہ ملازمت
 کامران، شاد علی نے جج صاحب کو کھول کر دیا گیا تھا پارسلوں کو کھول کر دیا گیا
 پارسل لینے بھی جج صاحب نے کھول کر اس سے جج صاحب سے جج صاحب کے پارسل
 نمبر 5 (49) آگے کیلئے پارسل نمبر 9CKPCNSA 9CKPCNSA 9CKPCNSA بحوالہ طورو پارسل
 جج صاحب نے اس طرح مقدمہ عدالت 148 مورخہ 12-3-21 جس میں 9DKPCNSA 9DKPCNSA 9DKPCNSA
 نمبر 5 و 2 میں ذیل بتائی گئی جو جج صاحب سے اس وقت سے اپنے قبضہ میں آئی۔
 میری ملازمت کو جج صاحب نے دراصل اس کے جج صاحب نے اس وقت سے اپنے قبضہ میں لے لی۔
 زبانی و تحریری میری ملازمت کو عدالت سے جج صاحب نے اس وقت سے اپنے قبضہ میں لے لی۔
 ساتھ تحریری حکم میری مقدمات میں علیحدہ علیحدہ حوالہ اس سے جو کہ شامل نہیں ہوئے
 ہے اور صرف روزنامہ اور P.R کے لئے میری مقدمات کی حالات پیش کر رہے ہیں
 عرض ہے کہ پارسل نمبر 5 (49) آگے کیلئے حوالہ ایڈووکیٹ محترم و جج صاحب سے
 ملازمت سے ریکوری میں درست طور پر داخل مافی الامکان تقلمبرہ روزانہ جج صاحب
 سے اس دوران بالا کو مطلع کیا گیا

جناب عالی
 قلمبرہ ایڈووکیٹ
 MM-PS-TORU
 13-3-2021

TAIMUR HAIDER KHAN
 ADVOCATE HIGH COURT

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POWER OF ATTORNEY

IN THE COURT OF

Honorable Seme Tribunal Peshawar

Ref.#

NIQB Ali

Date:

(Petitioner)
(Appellant)
(Plaintiff)

Versus

Inspector General of other

(Defendant)
(Respondent)

I/We, the undersigned do hereby nominate and appoint

**TAIMUR HAIDER KHAN
ADVOCATE, HIGH COURT**

On behalf of M. Mollan

Know all to whom these presents shall come that I/We the undersigned appoint; the above named Advocate in District _____, in the above mentioned case to do all the following acts, deeds and things.

1. To act, appear and plead in the above mentioned case in this court or any other court in which same may be tried or heard in the first instance or in appeal or review or revision or application or at any other stage of its progress until its final decision.
2. To present pleadings, appeals, case objection or petitions for execution, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution/defense of the said case at all stages.
3. To withdraw or compromise the said case or submit to arbitration any difference or disputes that shall arise touching or any manner relating to said cause.
4. To employ, authorize any other legal practitioner to assist or exercise the power in authority hereby conferred on the advocate whenever he may think to do so.

AND I/We, hereby agree to ratify whatever the advocate or his substitute shall do in this behalf and I/We hereby agree not to hold the advocate or his substitute responsible for the result of the case in consequences of his absence from the Court when the said case is called up for hearing.

AND I/We in case of expiry of the said advocate any full fee or part payment thereof, will not claim in any manner whatsoever, or in case of disengagement of the said advocate will not make any claim regarding fee.

[Signature]

(Signature/thumb impression of the Executant)

**TAIMUR HAIDER KHAN
ADVOCATE, HIGH COURT**

31-8-2021

Accepted subject of the terms
And full payment of Settled Fee

Taimur Haider Khan
Advocate, High Court

NIQB Ali Ex - Supt Inspector
NO-567/MR. District Morden

Handwritten notes on left margin:
of the...
we...
No case...
7111

Handwritten notes on right margin:
CNIC No # 16101-1278996-1
034701219893

Handwritten signature

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

Service Appeal No. 7375/2021

Niaz Ali Ex-Sub Inspector No. 567/MR District Mardan.....Appellant

VERSUS

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

.....Respondents

Para-wise comments on behalf of respondents:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

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

REPLY ON FACTS

1. Para to the extent of family background of the appellant pertains to his person hence no comments while para regarding enlistment of the appellant in Police Department pertains to record needs no comments. However, rest of the para is not plausible because every Police Officer is duty bound to perform his duties to the best of his ability. As in this department no room lies for lethargy. But appellant's performance was not satisfactory. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries (**Copy of list of bad entry is attached as Annexure "A"**).
2. Correct to the extent that the appellant was awarded suitable punishment on the allegations that he while posted as SHO Police Station Toru was placed under suspension as he had arrested accused Shad Ali Son of Muhammad Umar r/o Chato Chowk Mardan on account of having 2020 Gram Charas & 50 Gram Ice vide case FIR No. 148 dated 12-03-


2021 U/S 9DKPCNSA, 11-AKPCNSA PS Toru, who was later on produced before the Court of Mr. Mazhar Ali Khan, the JMIC-I Mardan with case property i.e. parcel No.02 & parcel No.05, where accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos.02 & 05 were de-sealed in open Court in the presence of IO, wherein it was observed that the alleged contraband in parcel No.02 was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.03 was present which was duly sealed vide FIR No.75 dated 06-02-2021 u/s 9DKPCNSA/11-AKPCNSA in PS Toru Mardan allegedly weighing 1820 Grams. Meaning thereby that the instant alleged recovery from the possession of the present accused is actually the case property of another case, resultantly, the Court discharged the accused U/S 63 Cr.P.C read with section 167 Cr.P.C & directed District Police Officer, Mardan to take legal action against the involved Police Officer. That on account of aforementioned allegations, the appellant was issued charge sheet with statement of allegations and enquiry was entrusted to Mr. Sadat Khan DSP/Security Mardan. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense, but he failed. Later on, the appellant was summoned and heard in Orderly Room on 28.04.2021 but he failed to produce any cogent reasons his defence, therefore, he was issued Final Show Cause Notice to which his reply was received but found un-satisfactory, besides, he was again summoned & heard in orderly room on 19.05.2021 & 26.05.2021 respectively by the District Police Officer, Mardan, but this time too, the appellant failed to justify his innocence therefore, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant **(Copies of charge sheet, statement of allegations with enquiries papers and Final Show Cause Notice are annexed as annexure "B & C")**.


3. Para already explained needs no comments.
4. Correct both the appellant and Station Clerk were dismissed from service on the aforementioned allegations.
5. Correct to the extent that the appellant preferred departmental appeal which was also 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 reasons in his defense. The same was rejected and filed being devoid of merit.

6. Incorrect. Stance taken by the appellant is totally bereft of any substance rather the appellant has tailored the instant story just to save his skin.
7. Plea taken by the appellant is not tenable because every case has its own facts and circumstances.
8. Para already explained needs no comments.
9. Para explained earlier needs no comments.
10. That the respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

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


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


**District Police Officer,
Mardan.**
(Respondent No. 02)

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

Service Appeal No. 7375/2021

Niaz Ali Ex-Sub Inspector No. 567/MR District Mardan.....Appellant


VERSUS


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

.....Respondents

COUNTER AFFIDAVIT

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


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


**District Police Officer,
Mardan.**
(Respondent No. 02)

9	10	11	12	13		14	15
Name and Designation of servant Signature and Designation of head of the office or other attesting officer Attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as Promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		
				<p>52/19 2/18</p>			
				<p>Drawn a sum of Rs. 547/10</p>			
				<p>with effect of pay & Allowances w.e.f. 2/18</p>			
				<p>due to non drawn.</p>			
				<p>District Commissioner KOHAT</p>			
				<p>10/3</p>			
				<p>1</p>			
				<p>Granted as 11. With Cash Reward</p>			
				<p>Rs 2000/- by D/G Mardan for his</p>			
				<p>good performance</p>			
				<p>OBNDL 2127 dt. 26-11-2022</p>		<p><i>[Signature]</i> DPO MARDAN</p>	

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art, 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature and of the head of or other attest in attestation column
	<p><u>ORDER</u></p> <p>He is hereby placed under suspension and</p>							
	<p>closed to police line marden with immediate</p>							
	<p>effect</p>							
	<p>OB NO : 522</p> <p>Dated 12-3-2021</p>		<p>DPO MRD</p>					
	<p><u>ORDER</u></p> <p>Awarded him minor Punishment of</p>							
	<p>Censure</p>							
	<p>OB No 1608</p> <p>Dated 124.3.2021</p>		<p>DPO MRD</p>					
	<p><u>ORDER</u></p> <p>He is hereby appeal is rejected vide</p>							
	<p>RPO Mardan NO 14027/E dt: 2-8-21 -</p>							
	<p>DPO MARDAN</p>							



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

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



No. 70 /PA

Dated 18/13/2021

DISCIPLINARY ACTION

I, DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent authority am of the opinion that SI Niaz Ali, 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 Niaz Ali, while posted as SHO Police Station Toru, (now under suspension Police Lines Mardan), he arrested accused Shad Ali Son of Muhammad Umar r/o Chato Chowk Mardan on account of having (2020) gram Charas & (50) gram Ice vide case FIR No. 148 dated 12-03-2021 U/S 9DKPCNSA, 11-AKPCNSA PS Toru, who was later-on produced before the Court of Mr. Mazhar Ali Khan, the Honorable JMIC-I Mardan with case property i.e. parcel No.02 & parcel No.05, where accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos.02 & 05 were de-sealed in open Court in the presence of IO, wherein it was observed that the alleged contraband in parcel No.02 was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.03 was present duly sealed in case vide FIR No.75 dated 06-02-2021 u/s 9DKPCNSA/11-AKPCNSA in PS Toru Mardan allegedly weighing 1820 grams. Meaning there by that the instant alleged recovery from the possession of the present accused is actually the case property of another case, resultantly, the Court discharged the accused U/S 63 Cr.PC read with section 167 Cr.PC & directed this office to take legal action against the involved Police Officer.

It may be mentioned here that in this regards, strict directions have since been issued to all concerned Police Officers in the meetings etc: to be careful in narcotics cases, but with no compliance by SI Niaz Ali SHO Toru.

For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, Mr. Sadat Khan DSP/Security is nominated as Enquiry Officer.

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

SI Niaz Ali is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

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

CHARGE SHEET

I, DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent authority, hereby charge SI Niaz Ali, while posted as SHO Police Station Toru, (now under suspension Police Lines Mardan), as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
2. You are, therefore, required to submit your written defense within 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 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.
4. Intimate whether you desired to be heard in person.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

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

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

0347-121984
51932
0300



No. 87 /PA

Dated 3 / 15 /2021

FINAL SHOW CAUSE NOTICE

SI Niaz Ali, while posted as SHO Police Station Toru, (now under suspension Police Lines Mardan), you have arrested accused Shad Ali Son of Muhammad Umar r/o Chato Chowk Mardan on account of having (2020) gram Charas & (50) gram Ice vide case FIR No. 148 dated 12-03-2021 U/S 9DKPCNSA, 11-AKPCNSA PS Toru, who was later-on produced before the Court of Mr. Mazhar Ali Khan, the Honorable JMIC-I Mardan with case property i.e. parcel No.02 & parcel No.05, where accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos.02 & 05 were de-sealed in open Court in the presence of IO, wherein it was observed that the alleged contraband in parcel No.02 was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.03 was present duly sealed in case vide FIR No.75 dated 06-02-2021 u/s 9DKPCNSA/11-AKPCNSA in PS Toru Mardan allegedly weighing 1820 grams. Meaning thereby that the instant alleged recovery from the possession of the present accused is actually the case property of another case, resultantly, the Court discharged the accused U/S 63 Cr.PC read with section 167 Cr.PC & directed this office to take legal action against the involved Police Officer.

It may be mentioned here that in this regards, strict directions have since been issued to all concerned Police Officers in the meetings etc: to be careful in narcotics cases, but with no compliance by you.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Sadat Khan DSP/Security Mardan vide his office letter No.206/Security dated 12-04-2021, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.70/PA dated 19-03-2021, holding responsible you of gross misconduct and recommended for appropriate punishment.

You were heard in OR on 28-04-2021, but failed to satisfy the undersigned, therefore, you are being issued this Final Show Cause Notice.

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

Hence, I Dr. Zahid Ullah (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: ___ / ___ /2021

(Dr. Zahid Ullah) PSP
District Police Officer

Mardan

Copy to RI Police Lines (**Attention Reader**) to deliver this notice upon the alleged official & the receipt thereof shall be returned to this office within (05) days positively for further n/action.

(13) ✓

BEFORE THE DISTRICT POLICE OFFICER, MARDAN

Subject: **REPLY TO THE FINAL SHOW CAUSE NOTICE**
NO.87/PA DATED:03-05-2021

Respected Sir,

It is submitted that your honour had issued the subject Final Show Cause Notice to the petitioner with the following allegations:

“ That You, SI Niaz Ali, while posted as SHO Police Station Toru,(Now under suspension Police Lines Mardan),You have arrested accused Shad Ali S/O Muhammad Umar r/o Chato Chowk Mardan on account of having (2020) grams Charas & (50) grams Ice vide case FIR NO.148 dated 12-03-21 U/S 9D,11-A KPCNSA PS Toru,who was later on produced before the Court of Mr.Mazhar Ali Khan,JMIC-1 Mardan with case property i.e parcel No.02 & Parcel No.05,here accused stated at the bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel.His request as accepted by the Court and parcel No.2 & 5 were de-sealed in open court in the presence of IO,wherein it was observed that the alleged contraband in parcel No.2 was covered in a yellow tape tightly ,which was uncovered.After uncovering the same ,another parcel No.3 was present duly sealed in case vide FIR No.75 dated 06-02-2021 U/S 9D/11 A KPCNSA in PS ToruMardan allegedly weighing 1820 grams.Meaning thereby that the instant alleged recovery from the possession of the present accused is actually the case property of another case,resultantly,the court discharged the accused U/S 63 CrPC read with S.167 CrPC & directed this office to take legal action against the involved Police Officer. ”

(FSCN is herewith enclosed)

My detailed submissions in response to the above allegations are as under:-

BRIEF FACTS OF THE CASE:

- OR
1. It is submitted that on 12-03-21 ,petitioner alongwith constables Wisal 2667, Liaq 3362, Falak Taj No.2244 was on patrolling in the area.On receipt of information,the petitioner arrested Accused Shad Ali s/o M.Umar r/o. Chato Chowk Mardan and recovered 2020 grams charas & 50 grams of ice alongwith motor cycle from his possession.The contraband recovered from the possession of accused were sealed on the spot in parcel No.1 to 5 respectively.The accused was brought to the PS Toru and locked up .Similarly the case property sealed

The officer was heard in
O.R. again and he was
given opportunity to clarify
his position but in vain.
His colleagues were also heard

and no was ex-MHC P.S. Jom.

From perusal of the record and
evidence available, it is evident
that SI Nay Ali is found

to be inefficient. As charges of
misconduct are proved beyond
doubt. The sample sent to
P.S. has also turned out
to be negative.

Above in view, SI Nay Ali
P. T. J.

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parcel No. 1 to 5 were correctly handed over to the Muharrar of the PS for safe custody in PS Malkhana. A proper case vide FIR No.148 dated 12-03-21 U/S 9D ,11A KPCNSA PS Toru was registered against the accused in this regard. **(Copy of FIR is Enclosed)**

2. On 13-03-21 accused was produced before the Honourable Court JMJC-1 Mardan with case property i.e Parcel No.2 & Parcel No.5 where accused stated at the bar that nothing was recovered from his possession and the alleged recovery produced before the court is manipulated with the requesting of de-sealing the parcel. The request was accepted by the court and the parcel No.2 and 5 were de-sealed in the open court in the presence of SI Niaz Muhammad i/O of the case. It was observed that the alleged contraband in parcel No.2 was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.3 was present duly sealed in case vide FIR No.75 dated 06-02-2021 U/S 9D/11 A KPCNSA in PS Toru Mardan allegedly weighing 1820 grams, Meaning thereby that the instant alleged recovery from the possession of the present accused Shad Ali is actually the case property of another case. The court discharged the accused and DPO Mardan was directed to take legal action against the involved Police Officer.
3. In the light of above circumstances mentioned at para-2 above a departmental Enquiry was initiated against the petitioner and Rasheed Khan MHC of the PS. Mr. Sadat Khan DSP security Mardan was nominated as EO. The petitioner as issued charge sheet No.70/PA dated 19-03-21 in this regard. The petitioner produced a detailed and comprehensive reply in response to the charge sheet before the EO. The petitioner explained in his reply that sealed parcels of the case containing contraband were correctly handed over to the Muharrar of the PS on 12-03-21 for safe custody in the PS Malkhana. The petitioner also entered a detailed report in the Daily Diary in this regard. During the course of enquiry besides the petitioner the EO also examined the following Police officials.
 - i. Constable Wisal No. 2667 PS Toru
 - ii. Constable Falk Taj No.2244 PS Toru
 - iii. Raheed Khan MHC PS Toru
 - iv. Madad Muharrar Adil No. 3342 PS Toru
 - v. SI Niaz Muhammad Oii PS Toru

After recording the statements of the above officials and perusing relevant records the EO held responsible the petitioner for the allegations that the case property of the a/m case was not handed over to the Muharrar of the PS and recommended

is awarded major

punishment of dismissal

from service.

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Julia

26.5.2021

the petitioner for the award of appropriate punishment. **(Copy of the Enquiry findings is enclosed)**

4. It would not be out of place to mention here that the EO also held responsible the MHC Raheed PS for the inefficiency and malafidty as to why he made wrong entry on the parcels.
5. The petitioner was appeared in OR on 28-04-21 for personal Hearing where the petitioner had explained the actual facts before your honour by showing his innocency from the allegations levelled against him. Hence the FSCN was issued to the petitioner.

GROUND OF INNOCENCY IN RESPECT OF FSCN:

- a. The petitioner is innocent and had not made any negligence or gross misconduct. The case property sealed in parcel No.1 to 5 were correctly handed over to the Muharrar of the PS for safe custody in PS Malkhana.
- b. To this effect a detailed report as entered in the daily diary which was unfortunately misplaced by the Muharrar of the PS for the reasons best known to him.
- c. The petitioner also drafted an application for chemical analysis of the contraband on 12-3-21. The said application was handed over to the Muharrar of the PS Toru for further proceedings. **(Copy of an application dated 12-03-21 is enclosed)**
- d. On 13-3-21 the Muharrar of the PS handed over the accused Shad Ali and sealed parcels of the case property to the SI Niaz Muhammad Oii of the case. This fact has duly admitted by SI Niaz Muhammad in his statement recorded by EO during the course of enquiry.
- e. The case propert of the case sealed in parcels no.1 to 5 were handed over to the Muharrar on 12-03-21. This fact has been categorically admitted by the Muharrar of the PS during his statement recorded under Section 161 Cr.PC by the IO of the case. The statement is available at the serial no.4 of the case diary part-II of case diary no.1 dated 12-03-21. **(Copy of 161 is enclosed)**
- f. The PW for the recovery memo constable wisal No.2667 and Falak Taj no.2244 were also examined by the EO during the course of enquiry. Both the PW have fully supported the recovery contrabands shown from the possession of accused by the petitioner.
- g. All the mal-practice shown by the MHC by producing the wrong parcels of another case in the court is his

individual negligence. For which the petitioner could not be held responsible.

- h. The arrested accused is habitual narcotic dealer. He has been previously involved in four other narcotic cases registered in PS Hoti. This fact has been confirmed by the EO during the course of enquiry.
- i. The petitioner has been enlisted as constable in Police deptt on 29-03-1995 since then the petitioner is performing his duty with zeal and efficiency. During the course of lengthy service the petitioner was not dealt departmentally prior to his incident. Similarly the petitioner was not awarded any punishment in the past. Rather petitioner was awarded with several commendation certificates of class-II & III by the high ups for his excellent performance.
- j. The petitioner is married with 05 kids. The entire family of the petitioner depends upon the Police service of the Petitioner with no source of another income.

Keeping in view the above facts and circumstances, it is humbly prayed that the subject Final Show cause Notice may kindly be filed and the petitioner be re-instated in service from the date of suspension, please.

Yours Obediently,



(SI NIAZ ALI)
MR NO.567
POLICE LINES ,MARDAN
(Under Suspension)

Dated: 18 May, 2021.

(7)

انکوائری رپورٹ سب انسپکٹر نیاز علی خان سابقہ SHO تھانہ طور و

متعینہ معطل پولیس لائن مردان۔

جناب عالی!

بحوالہ چارج شیٹ نمبری PA/70 مورخہ 19.03.2021 مجاریہ از دفتر جناب DPO صاحب مردان انکوائری ازان سب انسپکٹر نیاز علی خان سابقہ SHO تھانہ طور و معطل پولیس لائن معروض خدمت ہوں کہ FIR نمبری 148 جرم 9DKPCNSA مورخہ 12.03.2021 تھانہ طور و میں ملزم شاد علی کو تفتیشی آفیسر نیاز محمد SI/OI نے بمعہ المقدمہ بعد الت جناب 1-JMIC مردان میں پیش کر کے جوڈیشل مجسٹریٹ نے ملزم کی استدعا پر پارسل کھولا تو اس میں دوسرا بندسربمہر پارسل مقدمہ علت نمبری 75 جرم 9DKPCNSA مورخہ 06.02.2021 تھانہ طور و کا پارسل پارسل پایا گیا جس پر JMIC صاحب کا سابقہ دستخط اور مہر ثبت تھا جس پر JMIC صاحب نے پولیس کی طرف سے دھوکہ دہی کی بنا پر مقدمہ کو ڈسچارج کر کے ملزم کو رہا کیا اور متعلقہ اہلکاران کے خلاف محکمانہ انکوائری کی سفارش کی جس پر جناب DPO صاحب نے مذکورہ اہلکار کو چارج شیٹ بمعہ سٹیٹمنٹ آف ایکٹیشن جاری کیا اور من DSP کو انکوائری آفیسر مقرر کیا۔

مورخہ 20.03.2021 کو چارج شیٹ دفتر ہذا موصول ہو کر مذکورہ SHO کو بذریعہ تحریری پروانہ دفتر ہذا طلب کر کے چارج شیٹ حوالہ ہوئی جس پر مذکورہ SHO نے مورخہ 25.03.2021 کو اپنا تحریری بیان دفتر ہذا میں جمع کیا جس میں مذکورہ SHO نے بیان کیا ہے کہ مورخہ 12.03.2021 کو میں معہ کنسٹیبلان وصال نمبر 2667، لائق نمبر 3362 اور فلک تاج نمبر 2244 بسلسلہ گشت علاقہ میں موجود تھا کہ اطلاع ملی کہ ملزم شاد علی ولد محمد عمر ساکن چائو چوک مردان سواری موٹر سائیکل ایپلائیڈ فار کوئٹہ کی نشاندہی پر گرفتار کر کے تلاشی لینے پر ملزم سے 1010/1010 گرام چرس اور 50 گرام بیروئین برآمد کر کے موقع پر بروئے فرد قبضہ پولیس کیا ملزم اور پارسل دونوں کو محرز تھانہ کے حوالہ کر کے ملزم شاد علی کے خلاف مقدمہ علت 148 مورخہ 12.03.2021 جرم 9DKPCNSA تھانہ طور و درج رجسٹر ہوا میں معہ ہمراہیان واپس علاقہ گشتا روانہ ہو گیا۔ جہاں تک رجسٹر نمبر 19 میں اندراج کی بات ہے تو وہ محرز تھانہ کے پاس ہوتا ہے اس سے میں بالکل لاعلم ہوں۔ بیان SHO نیاز علی و سلسلہ سوالات و جوابات لف انکوائری ہے۔

اس سلسلہ میں محرز تھانہ رشید خان سے بیان لیا گیا جس نے اپنے بیان میں تحریر کیا ہے کہ SHO نے مجھے کوئی پارسل حوالہ نہیں کیا ہے محرز تھانہ رشید کا بیان و سلسلہ سوالات و جوابات لف انکوائری ہیں۔

اس ضمن میں فرد گواہان کنسٹیبلان وصال نمبر 2667 اور فلک تاج نمبر 2244 کے بیانات بھی لئے گئے جنہوں نے بھی اپنے اپنے بیانات میں بیان کیا ہے کہ مورخہ 12.03.2021 کو ہم نے ہمراہ SHO صاحب ملزم شاد علی کو چرس اور آئس سمیت گرفتار کیا تھا۔ لیکن مذکورہ فرد گواہان نے بالترتیب محرز تھانہ کے حوالہ کرنے کے بارے میں تحریر نہیں کیا جب کنسٹیبلان وصال سے مذکورہ المقدمہ کے بارے میں پوچھا گیا تو بتایا گیا کہ میں اس وقت گاڑی میں رہ گیا تھا المقدمہ کا مجھے کوئی علم نہیں ہے۔ اس سلسلہ میں کنسٹیبلان فلک تاج فرد گواہ سے پوچھا گیا تو مذکورہ کنسٹیبلان نے بتلایا کہ اس کا مجھے علم نہیں ہاں البتہ ملزم کو بندہ حوالہ کیا گیا تھا۔ (کنسٹیبلان وصال اور فلک تاج کے بیانات و سلسلہ سوالات و جوابات لف انکوائری ہیں)

اس سلسلہ میں مدد محرز تھانہ طور و عادل نمبر 3342/LHC سے بیان لیا گیا جس نے اپنے بیان میں تحریر کیا ہے کہ مورخہ 13.03.2021 کو محرز رشید نے مجھے SHO کے پیچھے کوارڈر بھیجا کہ انوسٹی گیشن آفیسر ملزم کو عدالت لے جا رہا ہے المقدمہ کہاں ہے تو جواباً لائن نمبر نے بتلایا کہ SHO صاحب سو رہا ہے اور کہا کہ پارسل میرے پاس نہیں ہے۔ مدد محرز عادل کا بیان لف انکوائری ہے۔

مردان انکوائری انوسٹی گیشن آفیسر SI نیاز محمد خان سے بیان لیا گیا جس نے اپنے بیان میں تحریر کیا ہے کہ مورخہ 13.03.2021 کو مجھے

DR
D.S.A.

DR

ASI اور ایس خان کے سامنے محرر تھانہ کے ملزم شاد علی اور اس کا سہیل شہزادہ پارسل کو میرے چوالہ کر کے پارسل اور ملزم دونوں کو جتا
JMIC-1 مردان کے سامنے پیش کئے جس پر JMIC صاحب نے ملزم کی استدعا پر پارسلوں کو کھولنے کا حکم دیا پارسل کے کھولنے پر پروردگار شہزادہ
پارسل پایا گیا۔ پولیس کی طرف سے دھوکہ دہی کی بنا پر جناب JMIC صاحب نے مقدمہ کوڈ سچارج کیا اور ملزم کو رہا کرنے کا تحریری اور زبانی حکم دیا اور
متعلقہ اہلکاران کے خلاف انفران بالا کو شکایت کی۔ (بیان انوشی گیشن آفیسر SI نیاز محمد خان لف انکوآری ہے)۔

اس سلسلہ میں طاہر اقبال نائب کورٹ JMIC صاحب کا بیان لیا گیا جس نے اپنے بیان میں تحریر کیا ہے کہ جج صاحب نے ملزمان کی
استدعا پر پارسلوں کو کھولنے کا حکم صادر کیا پارسلوں کو کھولنے پر متذکرہ پارسلوں میں پرانے سابقہ مقدمہ کے پارسل نکل آئے۔ بیان سلسلہ سوالات
وجوہات طاہر اقبال نائب کورٹ لف انکوآری ہیں۔

اس سلسلہ میں جناب JMIC صاحب نے ICE سے نمونہ پارسل تجزیہ کے لئے FSL پشاور بھجوایا تھا جس کا رپورٹ
negative موصول ہوا ہے

دوران انکوآری متذکرہ پارسلوں کو حسب طلبی ریڈر عمر بلال نے پیش کئے چیک کرنے پر پارسلوں پر رجسٹر نمبر 19 کا سلسلہ دار
نمبر 64,63 درج ہے

اس سلسلہ میں رجسٹر نمبر 19 کو چیک کیا گیا جہاں پر سلسلہ نمبر 63 پر مقدمہ علت 146 مورخہ 12.03.2021 جرم 15AA اور سلسلہ
نمبر 64 پر مقدمہ علت 145 مورخہ 12.03.2021 جرم 15AA درج ہیں محرر تھانہ نے متذکرہ پارسلوں پر غلط سلسلہ جات نمبر درج کئے ہیں اس
سے مذکورہ کی اس فعل سے نااہلی اور بدینتی ظاہر ہوتی ہے مزید ریکارڈ چیک کر کے پارسلوں کو بعض تجزیہ FSL بھی نہیں بھجوائے گئے ہیں کیونکہ رجسٹر
نمبر 21 رسید رابداری خاموش ہے۔ رجسٹر نمبر 21 اور رجسٹر نمبر 19 کی نوٹو کاپیاں حاصل کر کے لف انکوآری ہے۔

دوران انکوآری دفتر انوشی گیشن اور تھانہ سے مقدمہ علت 147 اور 148 سال 2021 کے FSL رپورٹ کے بارے میں معلوم کیا گیا تو
بجواب معلوم ہوا کہ ایسا کوئی پارسل FSL نہیں بھجا گیا ہے۔ ریکارڈ تھانہ میں رجسٹر نمبر 19 اور روز نامہ چیک کر کے متذکرہ پارسل کے بارے میں کوئی
اندراج موجود نہیں ہے۔ رجسٹر نمبر 19 مالمقدمات کی نوٹو کاپی حاصل کر کے لف انکوآری ہے۔

دوران انکوآری دفتر انوشی گیشن میں اصغر OHC سے بذریعہ سرکاری ٹیلی فون معلوم ہوا کہ طور سے FSL کے لئے کوئی نمونہ پارسل موصول
نہیں ہوا ہے۔

ملزم کا کریمنیل ریکارڈ بذریعہ محرر چیک کر کے ملزم کے خلاف تھانہ ہوتی میں پہلے سے 04 نشیات کے FIR درج رجسٹر ہو چکے ہیں۔ رپورٹ
محرر تھانہ ہوتی لف انکوآری ہے۔

دوران انکوآری گواہان کنسٹیبلان فلک تاج، وصال، لائق، محرر رشید IHC اور مدد محرر عادل HC کی ریکارڈ کردہ بیانات کی رو سے نیاز علی
خان سابقہ SHO تھانہ طور نے متذکرہ پارسل کو محرر تھانہ کے پاس جمع نہیں کیا ہے۔ اور نہ ہی اپنی صفائی میں کسی قسم کا ریکارڈ دستاویز اس بابت پیش
کر سکا اور نہ متذکرہ پارسل کا اندراج ریکارڈ پر موجود ہے جملہ کی گئی انکوآری کی رو سے نیاز علی خان سابقہ SHO غفلت کا مرتکب ہوا ہے۔ مناسب
سزا کی سفارش کی جاتی ہے۔

DSP سیکورٹی مردان -
12-4-21

No = 206 / security
12-4-2021

FCN

25.4.2021 OR
DIP 07 mon
19/4/2021

9

جناب عالی!

بحوالہ چارج شیٹ نمبر PA/70 مورخہ 19-03-2021 جاریہ جناب DPO صاحب مشمولہ مفروض خدمت ہوں۔

کہ مورخہ 12-03-2021 کو میں مع وصال 2667، فلک تاج 2244، لائق 3362 مسلح سلسلہ گشت علاقہ میں موجود تھے۔ کہ بوقت قریب 16:00 مقام خانہ ملی ملزم شاد علی ولد محمد عمر سکند چاٹوچوک مردان بسواری موٹر سائیکل ایپلائیڈ فار کو حسب اطلاع، حسب نشاندہی مخبر خاص کھڑا کر کے تلاشی لینے پر مذکورہ کے موٹر سائیکل کے سیٹ کے نیچے سے دو پکٹ جس جو وزن کرنے پر 1010/1010 گرام نکلی۔ اور مزید تلاشی لینے پر موٹر سائیکل کے باڈی سے سفید گھسی میں سے آئیس وزن 50 گرام نکلی۔ گواہان فرد کے روبرو جس برآمدہ میں سے 5/5 گرام جس علیحدہ بندبہ پارسل نمبر 2، بغرض تجزیہ FSL پشاور جبکہ بتایا جس 2010 گرام جس بغرض ادحال مالکانہ بندبہ پارسل نمبر 3 جبکہ آئیس برآمدہ میں سے 1 گرام آئیس بغرض تجزیہ FSL پشاور بندبہ پارسل 4 اور بتایا 49 گرام آئیس بغرض ادحال مالکانہ بندبہ پارسل نمبر 5 سر بہر کر کے ہر ایک پارسل کے اندر 1/1 نمونہ ہر BR محفوظ کر کے جسکی 3/3 عدد مواہیر اسی BR پارسلوں کے اوپر ثبت کر کے موٹر سائیکل ایپلائیڈ فار جس نمبر 704295170 ISRN نمبر 13491635 RM برنگ سرخ از قسم ہائی سپیڈ 70CC بلا غذا گواہان فرد کا سٹھلان وصال 2667، فلک تاج 2244 کے روبرو نے فرد قبضہ پولیس میں کی اور ہر ایک پارسل پر میں نے اپنا درست دستخط ثبت کی۔ ملزم شاد علی کو حسب ضابطہ گرفتار کر کے جس کے خلاف مراسلہ بجرم 9DKPCNSA/11AKPCNSA ضبط تحریر میں لاکر بغرض قانچی مقدم بدست کانسٹیبل لائق 1362 ارسال تھا نہ کی بعد ضروری کارروائی ملزم شاد علی کو ہمہ پارسل ہائے موٹر سائیکل سمیت زیر حراست خوردیر حراست کا سٹھلان وصال 2667، فلک تاج 2244 ملزم بغرض بندش حوالات المقدمہ موٹر سائیکل جملہ پارسل ہائے بغرض حوالگی محرم تھا نہ روانہ تھا نہ ہوئے۔

تھا نہ ہذا پہنچ کر مراسلہ ارسال کردہ پر اقبال SI صاحب نے مقدمہ 148 مورخہ 12-03-2021 بجرم 9DKPCNSA/11AKPCNSA تھا نہ طور درج رجسٹر کر کے نقول FIR بعد اصل نقل مراسلہ فراہم بغرض تفتیش حوالہ انچارج شعبہ تفتیش کئے تھے۔ ملزم شاد علی کو بعد لینے جاہ تلاشی بند حوالات تھا نہ ہو کر موٹر سائیکل درست طور پر تھا نہ کے اندر کھڑا کر کے درست طور حوالہ محرم ہوئی۔ اس کے علاوہ جملہ پارسل ہائے 5 تا 1 جس پر میرا درست دستخط ثبت تھے۔ درست طور بغرض ادحال مالکانہ ضروری کارروائی حوالہ محرم رشید IHC ہو کر جس نے باقاعدہ بعد چیکنگ کر کے محفوظ مالکانہ کی۔

مورخہ 13-03-2021 کو مقدمہ ہذا میں ملزم شاد علی سمیت پارسل 3، 5 کے عدالت حضور انور کے روبرو پیش کرنے اور اسی پارسل ہائے کے اندر بحوالہ مقدمہ 75 مورخہ 06-02-2021 بجرم 9CKPCNSA تھا نہ طور و اور اس پر عدالت جناب مظہر علی خان ا- JMIC صاحب مردان کے دستخط، مہر کا تعلق ہے۔ تو میں اس سلسلہ میں بالکل لاعلم ہوں کیونکہ میں نے محرم تھا نہ کو مقدمہ حذا کے درست پارسل ہائے جس پر میرا اور بجیکل دستخط مواہیر ثبت تھے حوالہ محرم تھا نہ کئے تھے اور باقاعدہ اس نے بعد بجیکل کے ریکارڈ درست طور میرے روبرو نے محفوظ مالکانہ کئے تھے۔

جہاں تک عدالت حضور انور کے روبرو بوجس پارسل ہائے پیش کرنے کا تعلق ہے۔ تو اس بوجس پارسل ہائے پر نہ میرا اور بجیکل دستخط اور نہ مہر ثبت ہیں نہ میں نے یہاں پارسل ہائے حوالہ محرم کئے تھے۔ میں نے باقاعدہ درست پارسل ہائے حوالہ محرم کئے تھے۔ مالکانہ تھا نہ محرم تھا نہ کی نگرانی میں ہوتا ہے جس کا خوب علم محرم تھا نہ رشید IHC کو ہوگا۔ اس سلسلہ میں درج ذیل مفروض ہوں۔

(1) یہ کہ ریکارڈ تھا نہ حاصل کر رجسٹر نمبر 19 المقتدمات اور مالکانہ تھا نہ محرم تھا نہ کی تحویل، نگرانی میں ہوتا ہے بمطابق قانون رجسٹر نمبر 19 میں اسوائے محرم تھا نہ کے کسی دوسرے پولیس افسر اندراج، اخراج اور خط و کتابت کا مجاز نہیں ہے۔

(2) یہ کہ مقدمہ 148 میں مقبوضہ 5 عدد پارسل ہائے جس میں پارسل 1 تا 2 (5/5) گرام جس پارسل نمبر 3 ایک گرام آئیس بغرض تجزیہ FSL پشاور اور پارسل نمبر 4 (2010) گرام جس پارسل نمبر 5 (49) گرام آئیس بند سر بہر تھے جس پر میرا درست دستخط ثبت تھے بذات خود میں نے گواہان فرد کے روبرو بغرض ادحال مالکانہ حوالہ کئے تھے۔ جبکہ پارسل پیش کردہ عدالت حضور پر کسی نے میرا بوجس دستخط کر کے پیش عدالت کیا ہے جو اتھارٹی لاپرواہی، خلاف قانون فعل کا مظاہرہ کر کے ملزم مقدمہ کو بریت کا موقع فراہم کی ہے اور مقدمہ ہذا کو جاہ ویر باد کرنے کے ساتھ ساتھ بحوالہ مقدمہ 75 بھی جاہ ویر باد کیا ہے۔

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13 یہ کہ اگر میں نے مقدمہ ہذا کے پارسل ہائے حوالہ عمر تھانہ جمع نہیں کیے تھے تو پارسل نمبر 1 تا 3 بفرس تجزیہ FSL پشاور کہاں سے عمر تھانہ سے
بجھوایا ہے۔ آیا عمر تھانہ نے وہی پارسل بھی بفرس تجزیہ بجھوا کر ملزم مقدمہ کو بریت کا موقع فراہم کی ہے۔

14 یہ کہ اگر میں نے عمر تھانہ کیساتھ مقدمہ ہذا میں پارسل ہائے داخل نہیں کیے تھے تو عدالت حضور انور کے روبرو پیش کردہ پارسل جس پر مقدمہ 5
اس پر عدالت منظر علی-1 JMIC مردان کا مہر، دستخط ثبت ہے۔ 110 کو کس نے مالٹانہ تھانہ سے دیکر ملزم مقدمہ کو بریت کا موقع فراہم کی ہے۔

15 یہ کہ اگر یہی پارسل پیش کردہ عدالت حضور انور عمر تھانہ نے مالٹانہ سے 110 کے حوالہ نہیں کی ہے تو مقدمہ 75 کا پارسل مالٹانہ تھانہ میں تلاش، دستیاب
کر کے حقائق منظر عام پر خود بخود آجائیں گی کیونکہ باقاعدہ رجسٹر نمبر 19 پر مقدمہ 75 کے پارسل ہائے کا اعلان ہوگا۔

16 کہ ملزم مقدمہ ہذا میں برآمدہ چرس، آئیس جو میں نے بذات خود گواہان فرد کے روبرو بندہ پارسل ہائے سر بہ مہر کر کے جس پر مواہیراکی BR اور میرا
درست اور پختل دستخط ثبت تھے جو حوالہ عمر تھانہ کیے۔ نہ معلوم کہ عمر تھانہ نے کیوں پارسل ہائے میں رو دبدل کر کے اصل پارسل کی بجائے دوسرے
مقدمہ کا پارسل بفرس پیش عدالت 110 کو حوالہ کر کے مقدمہ کی جاہی کے ساتھ ساتھ ملزم مقدمہ کو بریت کا موقع فراہم کی ہے۔ 110 نے عمر تھانہ کا
بیان زبردفع 161 ضف منجوش پر قلمبند کر کے جسکی فوٹو کاپی بطور ثبوت لف ہے۔

17 عمر تھانہ رشید IHC نے غیر ذمہ دارانہ مظاہرہ کے ساتھ ساتھ ہر دو مقدمات کو جاہ ویرا با دکر کے ملزمان مقدمات کو بریت کا موقع فراہم کی ہے۔ جو
خلاف قانون اور غیر ذمہ دارانہ ہے۔

18 عمر تھانہ رشید IHC کے مقدمہ ہذا کی جاہی ملزم مقدمہ کو بریت کا موقع فراہم کرنے کے ساتھ ساتھ محکمہ پولیس پر بدنامی کے علاوہ عدالت حضور انور
کے ساتھ بھی دھوکہ دینے کے درپے نکل کی ہے۔

19 عمر تھانہ رشید IHC نے ہر دو مقدمات کے پارسلوں میں رو دبدل کر کے عدالت حضور انور اور افسران بالا کو دھوکہ دہی کا نفل کی ہے۔

10 یہ کہ عمر تھانہ رشید IHC پارسل ہائے میں رو دبدل کے علاوہ ریکارڈ تھانہ رجسٹر نمبر 2 روٹاچہ اور رجسٹر 19 مقدمات میں بھی رو دبدل کر کے اپنی
پارسل ہائے کا ذکر کارا اور تکمیلات ختم کی ہے۔

لہذا اس سلسلے میں بالکل لاعلم ہوں میں نے باقاعدہ بمطابق قانون برخلاف ملزم کاروائی کر کے اس بوجس کا علم عمر تھانہ رشید IHC کو ہوگا۔
استدعا ہے کہ میرے خلاف جاری کردہ چارج شیٹ کو بلا کسی مزید ٹھکانہ کاروائی داخل دفتر فرما کر منسکور فرمائیں۔

سائل تاحیات آپکی بلند اقبالی کا دعا گو رہے گا۔

العارض

سنہ
DSP Security
Mardan

نیاز علی خان سابقہ SHO طورو

25.3.21

18۔ اگر ایجنٹ کے پاس کوئی ایسی چیز ہے جو اس کی ذمہ داری ہے اور اس کے پاس ہے۔

19۔ اگر ایجنٹ کے پاس کوئی ایسی چیز ہے جو اس کی ذمہ داری ہے اور اس کے پاس ہے۔

20۔ اگر ایجنٹ کے پاس کوئی ایسی چیز ہے جو اس کی ذمہ داری ہے اور اس کے پاس ہے۔

21۔ اگر ایجنٹ کے پاس کوئی ایسی چیز ہے جو اس کی ذمہ داری ہے اور اس کے پاس ہے۔

22۔ اگر ایجنٹ کے پاس کوئی ایسی چیز ہے جو اس کی ذمہ داری ہے اور اس کے پاس ہے۔

23۔ اگر ایجنٹ کے پاس کوئی ایسی چیز ہے جو اس کی ذمہ داری ہے اور اس کے پاس ہے۔

24۔ اگر ایجنٹ کے پاس کوئی ایسی چیز ہے جو اس کی ذمہ داری ہے اور اس کے پاس ہے۔

25۔ اگر ایجنٹ کے پاس کوئی ایسی چیز ہے جو اس کی ذمہ داری ہے اور اس کے پاس ہے۔

26۔ اگر ایجنٹ کے پاس کوئی ایسی چیز ہے جو اس کی ذمہ داری ہے اور اس کے پاس ہے۔

27۔ اگر ایجنٹ کے پاس کوئی ایسی چیز ہے جو اس کی ذمہ داری ہے اور اس کے پاس ہے۔

28۔ اگر ایجنٹ کے پاس کوئی ایسی چیز ہے جو اس کی ذمہ داری ہے اور اس کے پاس ہے۔

29۔ اگر ایجنٹ کے پاس کوئی ایسی چیز ہے جو اس کی ذمہ داری ہے اور اس کے پاس ہے۔

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ابتدائی اطلاع بہت قریب دست اندازنی پوسٹل کرپوڈیشن شدہ 152 ہونے کا پتہ ہے جہاں

طرح نمبر 118
تاریخ وقت 12 دسمبر 2020

تاریخ وقت بہت قریب	12 دسمبر 2020 وقت 16:50 بجے	جاگرتی پیر ص 12 دسمبر 2020
تاریخ وقت بہت قریب	12 دسمبر 2020	نیاز علی خیلان 5110
تاریخ وقت بہت قریب	12 دسمبر 2020	برآ برقی 2020
تاریخ وقت بہت قریب	12 دسمبر 2020	جانہ علی
تاریخ وقت بہت قریب	12 دسمبر 2020	شناختی کارڈ نمبر 0317-7647808
تاریخ وقت بہت قریب	12 دسمبر 2020	برآ برقی 2020
تاریخ وقت بہت قریب	12 دسمبر 2020	بہ پیل ڈاک

ابتدائی اطلاع نیچے درج کرو۔ جو وقت بہت قریب ہے۔
 نیاز علی خیلان 5110 ہونے کا پتہ ہے جہاں
 طرہ نمبر 118
 تاریخ وقت بہت قریب
 12 دسمبر 2020
 جاگرتی پیر ص 12 دسمبر 2020
 نیاز علی خیلان 5110
 برآ برقی 2020
 جانہ علی
 شناختی کارڈ نمبر 0317-7647808
 برآ برقی 2020
 بہ پیل ڈاک

سکھتا ہوا پائیزری

۲۰

نہایت زیادہ جان بیک وقت وصول

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۱۱ سارے، ٹھکانے، قومی
۱۲ سارے، ٹھکانے، قومی
۱۳ سارے، ٹھکانے، قومی
۱۴ سارے، ٹھکانے، قومی
۱۵ سارے، ٹھکانے، قومی
۱۶ سارے، ٹھکانے، قومی
۱۷ سارے، ٹھکانے، قومی
۱۸ سارے، ٹھکانے، قومی
۱۹ سارے، ٹھکانے، قومی
۲۰ سارے، ٹھکانے، قومی

بیگانہ ازان از شہر مصلح پولیس لائن

(12)

(14)

(18)

جواب عالی!

بہ سلسلہ انکوائری ازان SHO نیاز عمل حروف حرم

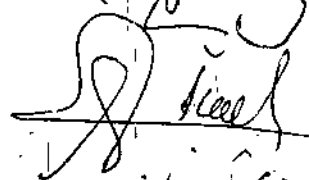
سوی کہ بحوالہ جمعہ جس 148
12-3-21

میں SHO صاحبین سے فرد کوئی نام کی کوئی بارسل
KPCNSA
KPCNSA

حوالہ نہیں کی ہے اور نہ ہی بوقت گرفتاری
ملزم بندش میں اس نام کی کوئی حالتیات کا ذکر

کی ہے جو فہرست لف جواب پتے سے
ہے جو قریب سرین پتے سے

Sir
DSP Security
Mardan


148

بیان اذان گنبد قلاچ 2244 تھانہ طورو

صاحب عالی

میں نے 2244 سے 2245 تک شہداء خان تھانہ طورو کے ساتھ
 گنبد میں کئی سرانجام دے رہا ہوں جو 12/3 کو صبح وصال
 اٹھ کر تھانہ گنبد میں موجود تھا۔ اس دوران مشیقات و
 سہمی شادی و دیگر غم گرائی جانے لگی اور یہاں پر
 آج کل کوئی بھی نہیں آتا اور اس پر آمد آج
 فرد بھی نہیں آتا۔ مگر یہ مالک تھانہ تھا کہ
 تھانہ گنبد میں ہے۔

قلاچ

قلاچ 2244 - تھانہ طورو

DSP Security
 Mardan

سوالاں و جواباں
کس وقت کا ہے مقام
2244

سوال: کیا اس دن اس وقت کا ہے مقام

ج: اس وقت اس وقت کا ہے مقام

کویم اور سائل اور اس لئے اس کے لئے

ج: ~~مقام~~ اس وقت اس وقت کا ہے مقام

ج: جی ہاں

س: مقام میں کسی کو سوال کیا ہے؟

ج: اس وقت اس وقت کا ہے مقام

حالانکہ اس کے حالات میں ہیں

Sin
DSP Security
Mardan

Handwritten signature

سجل دستخط صاحب 22 214

_____ x _____

ع ٤٥

_____ ①

ع ٤٦

_____ ②

ع ٤٧

_____ ③

(19) مسائل و مسائل کنیل سال 2667 (17)

(29)

ا: کیا ہے اس دن صاف سے سائو وجود کا
ب: ہاں میں وجود تھا۔

س: کیا آہ نے دیکھا کہ موٹر سائیل اور اس کے
آئیں بڑھ رہے ہیں

ب: ہاں۔

س: کیا صاف سے سائیل اور اس کے
کو سب سے سوال کیا تھا۔

ب: ہاں میں رہ گیا اس کے بعد صبح

DSP Security
Mardan

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2667

سید دستخط از ان کنیل وصال

① ال

② ال

③ ال

3342
MM

سوالوں کے جواب

21

۱۔ کسی نے تم پر کیا ہے؟

۲۔ میں نے تم پر کیا ہے اور تم نے لہیا خانہ کے دل پر کیا ہے؟

۳۔ پارسل آہ کو کسی نے حوالہ کیا ہے؟

۴۔ میں نے S.H.O صاحب سے پوچھا ہے کہ کیا تم نے وہ سوا کیا ہے؟

۵۔ لہیا خانہ نے مجھے کیا کہہا ہے پارسل میں؟

۶۔ میں نے مگر کو بتایا ہے اس کے ساتھ پارسل میں؟

۷۔ آج صبح کے ساتھ سال خانہ کے ہیں؟

نہیں

Asif
DSP Security
Mardan

الہ

بیان اذعان عامہ 3342

200/1111

(20)

(25)

حنا عالی!

میں اس تحریر کے بعد لکھ کر کے دیکھا میں کہ مورخہ 12³/₂₁ کو میں روزنامہ میں
 موجود تھا۔ اقبال خان ای ڈیوٹی ایف ایف کی زیر نگرانی علاقہ 147، علاقہ 148 جاک ہوئے
 تھے۔ اگلی صبح رشید خان محرم نے مجھے کہا کہ جاڈ اور SHO صاحب سے پارسل لے
 آؤ جب میں SHO صاحب کے کرائز آیا تو SHO صاحب سے پوچھا کہ کیا ہے ساقی -
 دوسرے کہ میں نگران SHO صاحب بھی سے پوچھا کہ کیا ہے ساقی -
 3362 سے پوچھا کہ پارسل دو دو لائق مذکورہ نے جو دیا گیا کہ پارسل میرے پاس
 نہیں ہے SHO صاحب سے پوچھا میں روزنامہ میں آکر والیس رشید خان محرم کو بتایا -
 اور میری موجودگی میں رشید خان محرم پاسی اور محرم سٹاف کو بھی نے کوئی پارسل
 نہیں دیا یہی میرا بیان جو کہ سچ پر مبنی اور درست ہے

[Signature]
 M.M. PS-Toru
 02-04-2021

[Signature]
DSP Security
Mardan

1۔ اسلئے کہ کنٹریل نے تعاون لایا تھا کہ کسی نے حوالہ دیا تھا؟

2۔ FIR میں یہ لائق کنٹریل ہے کہ اسلئے تعاون میں رشید
صبر کے لکھا تھا۔ اور وہ اسلئے رشید علی MM نے لکھا۔

3۔ کیا ملزم کے خلاف کسی نے پانچواں
کے حوالہ دیے تھے؟

4۔ اب ملزم کو چارٹریج میں لے کر آیا گیا تھا جیل
میں جا کر ان کا پتہ پتہ ہے کہ کون لے کر آیا تھا یہ
میں نے فائل میں لکھا ہے۔ پتہ پتہ میں پورے پانچ
کسی نے عدالت میں دیا۔

5۔ اب اسلئے کہ ملزم نے چارٹریج حوالہ کر لیا تھا تو کون
کے حوالہ دیے تھے؟

6۔ میں اس وقت عدالت میں تھا۔ میرے سامنے صبر نے کسی
کوئی پانچواں دیا۔

7۔ کتنے وقت میں صبر میں تھے؟

8۔ میں نے پانچواں دیا تھا۔

الحمد لله

(20) بیان اداان
کنس لائونٹا 3362

(27)

مقررین خدمت میں کہ اس میں مورام 2021-2022 کو 13⁵³ کو
عادل ضرر SHO کو انٹراکٹو سے جو کیا گیا
رشدیہ حرکات قدمہ مانگ رہا ہے۔ تو میں نے کیا
مجھے اس کا علم نہیں تھا تاہم سے پوچھا میں جب
میں تک تاہم کو بتایا تو اس میں کیا کہ میں
خود SHO صاحب سے پوچھا میں تک تاہم SHO سے
گھر سے میں ہوا کیا اس کے بعد مجھے کوئی علم نہیں رہا
بیان ہے -

کنس لائونٹا

کنس لائونٹا 3362

DSP Security
Mardan

سوالیات و جوابات لائق کٹر S.H.O طبر (23)

1 :- آٹھ S.H.O صاحب سے سالانہ وقت سے گزری ہے

2 :- 15/16 سے ہوئے ہیں

3 :- سالانہ بارے میں آٹھ سے گزری ہے

2 :- عادل مدد مگر

3 :- کٹر آٹھ سے گزری ہے

4 :- اسکا بارے میں کچھ کچھ علم ہے

5 :- سارا سارا لایا گیا ہے

6 :-

الحمد للہ

لائق کٹر S.H.O طبر 3362

RECEIVED
FEB 15 1960



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

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



No. 1965-68 /PA

Dated 28/5/2021

ORDER ON ENQUIRY OF SI NIAZ ALI

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject officer, under the allegations that while posted as SHO Police Station Toru, (now under suspension Police Lines Mardan), arrested accused Shad Ali Son of Muhammad Umar r/o Chato Chowk Mardan on account of having (2020) Gram Charas & (50) Gram Ice vide case FIR No. 148 dated 12-03-2021 U/S 9DKPCNSA, 11-AKPCNSA PS Toru, who was later on produced before the Court of Mr. Mazhar Ali Khan, the Honorable JMIC-I Mardan with case property i.e. parcel No.02 & parcel No.05, where accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos.02 & 05 were de-sealed in open Court in the presence of IO, wherein it was observed that the alleged contraband in parcel No.02 was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.03 was present duly sealed in case vide FIR No.75 dated 06-02-2021 u/s 9DKPCNSA/11-AKPCNSA in PS Toru Mardan allegedly weighing 1820 Grams. Meaning thereby that the instant alleged recovery from the possession of the present accused is actually the case property of another case, resultantly, the Court discharged the accused U/S 63 & 167 Cr.PC with directions to this office to take legal action against the involved Police Officer.

It may be mentioned here that in this regards, strict directions have since been issued to all concerned Police Officers in the meetings etc: to be careful in narcotics cases, but with no compliance by SI Niaz Ali, Ex SHO PS Toru.

In compliance with court's directives & to ascertain real facts, SI Niaz Ali was immediately placed under suspension vide this office OB No. 522 dated 12-03-2021, issued vide order/endorsement No. 987-89/EC dated 13-03-2021 & proceeded against departmentally through Mr. Sadat Khan DSP/Security Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.70/PA dated 19-03-2021, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.206/Security dated 12-04-2021, holding responsible the alleged officer of gross misconduct and recommended for suitable punishment.

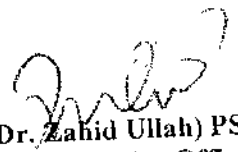
SI Niaz Ali was heard in OR on 28-04-2021, but failed to present any cogent reasons in his defense, therefore, he was served with a Final Show Cause Notice, under K.P. Police Rules-1975, issued vide this office No.87/PA dated 03-05-2021, to which, his reply was received and found un-satisfactory.

Final Order

SI Niaz Ali was again heard in OR on 19-05-2021 & 26-05-2021 respectively, who was given opportunity to clarify his position, to which, he failed. His colleagues were also heard & so was Ex-Moharrar PS Toru. From perusal of the record and available evidence, it is evident that SI Niaz Ali is found to be in-efficient & charges of misconduct are proved beyond doubt. The sample sent to FSL has also turned-out to be negative. Keeping in view the above discussion, SI Niaz Ali is found of gross misconduct, therefore, awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 928

Dated 28/5/2021.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan w/r to his good office letter No.311-12/PA dt: 05-04-2021.
- 2) Mr. Mazhar Ali Khan, the Honorable JMIC-I, Mardan.
- 3) The DSP/HQrs Mardan.
- 4) The P.O & E.C (Police Office) Mardan.
- 5) The OSI (Police Office) Mardan with () Sheets.

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Sub Inspector Niaz Ali No. 567/MR of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 928 dated 28.05.2021. The appellant was proceeded against departmentally on the allegations that he while posted as SHO Police Station, Toru has arrested accused Shad Ali Son of Muhammad Umar r/c Chato Chowk Mardan on account of having 2020 Gram Charas and 50 Gram Ice vide case FIR No. 148 dated 12-03-2021 U/S 9DKPCNSA, 11-AKPCNSA Police Station Toru. The said accused produced before the Court of Judicial Magistrate-1 with case property i.e. parcel No.02 & parcel No.05. The accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Court and parcel Nos.02 & 05 were de-sealed in open Court in the presence of Investigation Officer, wherein it was observed that the alleged contraband in parcel No.02 was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.03 was present duly sealed in case vide FIR No.75 dated 06-02-2021 u/s 9DKPCNSA/11-AKPCNSA in Police Station Toru Mardan allegedly weighing 1820 Grams. Meaning thereby the said recovery from the possession of accused was actually the case property of another case, resultantly, the Court discharged the accused U/S 63 & 167 Cr.PC with directions to District Police Officer, Mardan to take legal action against the involved Police Officers.

In light of court's directives and to ascertain real facts into the allegations, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police, Security, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Mardan, wherein he held responsible the delinquent Officer and recommended him for awarding suitable punishment.

The delinquent Officer was heard in Orderly Room on 28.04.2021 by the District Police Officer, Mardan, but he failed to present any cogent reasons in his defense, therefore, he was issued Final Show Cause Notice, to which, his reply was received and found un-satisfactory.

The delinquent Officer was again heard in Orderly Room on 19.05.2021 and, 26.05.2021 respectively by the District Police Officer, Mardan, who was given ample opportunities to clarify his position but he failed to do so. From perusal of the record and available evidence, it is evident that the delinquent Officer was found to be in-efficient and charges of misconduct are proved beyond doubt. The sample sent to FSL has also turned-out to be negative. Therefore, he was awarded major punishment of dismissal from service vide OB: No. 928 dated 28.05.2021.

for signature

(Signature)
(ABDULLAH KHAN)PSP

Deputy Inspector General of Police

Feeling aggrieved from the order of District Police Officer, Mardān, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 26.07.2021.

From the perusal of record, it has been found that the allegations leveled against the appellant have been proved beyond any shadow of doubt. As during the course of enquiry the appellant bitterly failed to justify his innocence because the entire record clearly depicted the ill will of appellant against the accused by turning a deaf ear over sending the case property of some other case by the Moharrar at the time of production of accused. Moreover, being SHO of the Police Station, his attitude of ignoring checking of the relevant register i.e register No. 19 also shows the negligent and dishonest attitude of the appellant as the Moharrar made wrong entries. Likewise the receipt of FSL report as negative is also a question mark as the appellant has intentionally extended favour to the accused. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer and retention of the appellant will stigmatize the prestige of entire Police Force in the eye of general public. Therefore, order passed by the competent authority does not warrant any interference.

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

Order Announced.


Regional Police Officer,
Mardan.

No. 4027 IES, Dated Mardan the 02-08-2021.

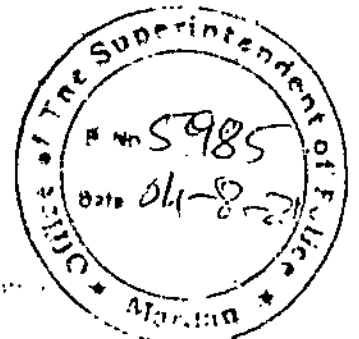
Copy forwarded to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 152/LB dated 30.06.2021. His Service Record is returned herewith.

(****)

EC

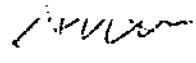
for information

DPO Mardān
2/8/21



for information

OB 357


(ABDULLAH KHAN)PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

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

Service Appeal No. 7375/2021

Niaz Ali Ex-Sub Inspector No. 567/MR District Mardan.....Appellant


VERSUS

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

.....Respondents

AUTHORITY LETTER.

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


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


**District Police Officer,
Mardan**
(Respondent No. 02)

①

BEFORE THE HONORABLE SERVICE TRIBUNAL KP PESHAWAR

In Re

Niaz Ali **VERSUS** IGP and others

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth,

To the extent of preliminary objection, the appellant vehemently denied the same having no veracity, legal value and infact deviation from the coherent facts.

REJOINDER OF PARAWISE REPLY ON BEHALF OF APPELLANT

1. Para No.1 needs no reply, while the tail lines of the reply is vehemently
2. denied beside the present allegation, the appellant is having unblemished service career.
3. Para No.2 of the reply needs no rejoinder as the matter of the present appellant has already been discussed.
4. Needs no rejoinder.
5. Needs no rejoinder.
6. Para No.05 of the reply is vehemently denied, no proper opportunity has been given, besides, exactly one Izhar ASI Complainant in case FIR No.147 of the same day and Police Station has been exonerated from all the charges being on the same footing with the appellant. **(Copy of reinstatement order of the said ASI along with relevant record is attached herewith)**

- (2)
7. Para No.06 of the reply is vehemently denied, completely deviated from the coherent fact. In fact it is the respondent by favoring the Blue Eyed People via save their own skin and mendaciously made the appellant as a escape goat.
 8. Para No.07 of the reply is vehemently denied, as the facts are mentioned in the aforesaid rejoinder of Para No.06.
 9. Needs no rejoinder.
 10. Needs no rejoinder.
 11. Needs no rejoinder.

It is, therefore most humbly prayed that main appeal may kindly be allowed as prayed for.

Appellant/Petitioner

Through

Taimur Haider Khan

Advocate, Supreme Court

Note:

Previously no rejoinder in the instant appeal has been filed.

Advocate

MARDAN

Tel No. 0937-9230189 & Fax No. 0937-9230111
Email: doomdo@gmail.com

3

No. 1901-04/PA

Dated 25/05/2021

ORDER ON ENQUIRY OF PASI IZHAR AHMAD NO.488/SIR

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted as In-charge Police Post Shamsbad-Abad (now under suspension Police Lines Mardan), arrested accused Kamran Son of Mir Aman r/o Toru on account of having (917) gram Charas vide case FIR No. 147 dated 12.3.2021 U/S 9CKPCNSA PS Toru, who was later-on produced before the Court of Mr. Mazhar Ali Khan, the Honorable JMIC-I Mardan with case property i.e. parcel No.02, where accused stated at bar that nothing was recovered from his possession and the alleged recovery produced before the Court is manipulated with requesting for de-sealing the parcel. His request was accepted by the Judge and parcel No.02 was de-sealed in open Court in the presence of IO, wherein it was observed that the alleged contraband was covered in a yellow tape tightly, which was uncovered. After uncovering the same, another parcel No.02 duly sealed in case vide FIR No.78 dated 07-02-2021 U/S 9CKPCNSA in PS Toru Mardan and the signature and stamp of the above Judge/Court was also marked over the back side of the said sealed parcel. Meaning thereby that the instant alleged recovery from the possession of the present accused is actually the case property of another case, resultantly, the Court discharged the accused U/S 63 Cr.PC read with section 167 Cr.PC & directed this office to take legal action against the involved Police Officer.

It may be mentioned here that in this regards, strict directions have since been issued to all concerned Police Officers in the meetings etc: to be careful in narcotics cases, but with no compliance by PASI Izhah Ahmad.

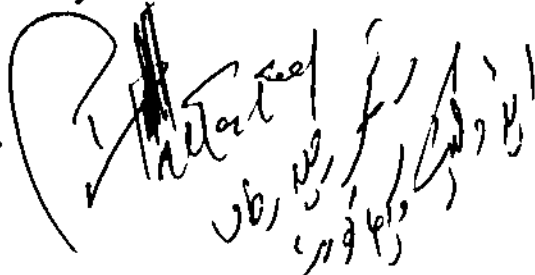
In the light of directions of Honorable Judge, PASI Izhah Ahmad was immediately placed under suspension and closed to Police Lines Mardan vide this office OB No.533 dated 15-03-2021, issued vide order/endorsement No.1875-78/EC dated 16-03-2021 with facing departmentally through Mr. Saadat Khan DSP Security Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.69/PA dated 19-03-2021, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.219/Security dated 13-04-2021, exonerating the alleged officer of the allegations leveled against him.

Final Order

PASI Izhah Ahmad in the presence of his colleagues was heard in detailed in O.R on 19-05-2021 with giving opportunity to explain his position. From the perusal of enquiry papers & based on the above facts and findings, PASI Izhah Ahmad is awarded minor punishment by stoppage his one increment without cumulative effect for the fact that he should have ensured that the case property is properly parceled and placed in original form with making entries in the relevant register. He is re-instated in service from the date of suspension & counted his suspension's period as duty with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 908

Dated 25/05 2021.



(Dr. Zakia Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan with reference to his good office letter No.311-12/PA dated 05-04-2021, please.

MARKAN



MARKAN

Main body of the document containing multiple lines of text, likely a list or table of entries, though the text is mostly illegible due to low contrast and noise.

(4)

تقل ویر 15 روز نامہ 13³/₂₀₂₂

مہم دوران

2

قد 15 روائی نیاز محمد خان SI وقتے کا 08.48 بجے 13³/₂₀₂₂ جاؤں

درج ہے کہ اس وقت ملزم شاہ علی ولد محمد عمر مکہ جاڑ جو کہ مردان لڑکا 147

بجاء عقدہ 148 مورخہ 12³/₂₀₂₁ مہم KPCNSA 9D کما طور

ملزم کا سرانہ وہ صدران مکہ مکاتیب پیرہ طور لڑکا 147

مورخہ 12³/₂₁ مہم KPCNSA 9 کما طور ملزم مکہ مکاتیب پیرہ

درست طور برکاتی جاڑ حوالہ تمنا سے لکھے جاڑ زیر حفاظت

ادریس خان IHC ضراز 1032 وزیر نگرانی خود مسودہ جاڑ

سرنامہ بر شمول ڈرائیور اسرار بھنگہ پیش کرنے لگا

ضابطہ

تقل ویر حاصل 2

POLICE STATION
Date
AMHC
19-5-22

تعمیرات کے طور پر (5) نقل و حرکت اور تاریخ 13/3/2022

عد 22 واپسی نماز اعلیٰ 540 وقت 17:00 بجے صبح 13/3/2022 اس وقت صبح میں ہمیں ہمارے پاس (خدا) 4 ماہ بعد از فراغت عملہ قہ گشت سے واپس آئے دوران گشت جمع روڈ یاٹہ جمع ٹکونز کا بیج دستیاب و دیگر حساس و اہم مقامات سے چیک کر کے سیکورٹی ایجنٹوں کو مناسب ہدایات دی گئی و دیگر دوران گشت ضابطہ ترقی

ضابطہ
نقل و حرکت کے لئے

POLICE
AMHC 13/3/22
19-5-22

تعمیر طور پر (6) نقل و حرکت 11 اردو ناسخ 133
2022

عد 11 روڈنگی نیاز علی 5440 وقت سے 07.30 بجے شروع 133
2022

درج ہے کہ سب سے پہلے نیاز وصال 2667 لاگتے 3362

فلک ناچ 2244 باسٹھ سب سے علاوہ کہ لکھتے ہیں اور سب کا اہم اثر
روزانہ علاوہ ہے ہو گا۔

جناب عالی

نقل و حرکت کے لیے



AMHCPS to R4.

19-5-22