

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1462/2023

**Fazal Nabi (IHC No.698) presently Constable at Police Station Tarnab District
Charsadda.**

.....Appellant

V E R S U S

Provincial Police Officer, KPK & others

.....Respondents

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Through

RESPONDENTS



**Ijaz Hussain, DSP
Legal, Charsadda**

(1)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 1462/2023

Fazal Nabi (IHC No.698) presently Constable at Police Station Tarnab District
Charsadda.Appellant

V E R S U S

Provincial Police Officer, KPK & othersRespondents

REPLY/PARAWISE COMMENTS BY RESPONDENTS.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8451

Dated 23-10-23

Respectfully Sheweth:
Preliminary Objections:

1. That appellant has not approached to this Hon'ble tribunal with clean hands.
2. That the appellant has suppressed actual facts/factual position from this Hon'ble tribunal.
3. That the appeal of appellant is not based on facts.
4. That the appeal of appellant is bad for non-joinder and misjoinder of necessary parties.
5. That the appellant is estopped by his own conduct to file the present appeal.

REPLY ON FACTS:

1. Correct to the extent that appellant got induction into Police department on 30.01.1999. Later promoted to the rank of Head Constable in the year 2010 and did his intermediate College Course in the year 2017. However, during his service multiple bad entries are reported in his service record, ranging from corrupt practices and gross misconduct to inefficient behavior, for which he was awarded (major punishment/minor punishments), including major punishment of reduction in pay by one stage as well as the current major punishment of reduction in rank i.e from Head Constable to substantive rank of Constable. Orders/bad entries are annexed as A, A1-4 & B.
2. Incorrect. The appellant during his posting in PS Prang, was marked with a complaint submitted by Mst: Fahmida w/o Wisal r/o Saeed Gul quarters Charsadda (PS Prang), against Wasif s/o Mujahid, who had entered into her home in the area of Prang, assaulted her opened pistol and threatened her for killing. To the utter disregard, the appellant did not proceed on the subject complaint and subsequently, the complainant along with her sister were murdered in her house, for which FIR u/s 302/34-PPC PS Prang was lodged.

Moreover, the argument made by the appellant- that the matter relates to PS Sardheri, does not hold water as the complainant (Mst Fahmida) was living in the area of PS Prang and the murder took place in the same. To this effect, the respondent No.4/DPO Charsadda issued charge sheet along with Statement of allegation vide No.265-66/HC dated 03.03.2022, to which the appellant submitted his reply vis-a-vis the Inquiry officer. Copy of Charge Sheet, Statement of allegation and reply to charge sheet are annexed as C, D & E.


3. Incorrect. Respondent No.4 had issued statement of allegation along with charge sheet vide No.265-66/HC dated 03.03.2022, whereby DSP Shabqadar was nominated to conduct enquiry into the matter. The appellant submitted his written reply to the I.O dated 03.03.2022, wherein the I.O after conducting inquiry, recommended the appellant for major punishment, after it became evident that due to his negligence two precious lives were lost in the said occurrence - vide letter No.242/S dated 10.03.2022. Later on, respondent No.4 issued Final Show cause vide No. 351/HC dated 14.03.2023 to which the appellant submitted his reply on 15.03.2022. Consequently unsatisfied with the reply of appellant to the said final show cause, the respondent No.4 vide OB No.342 dated 24.03.2022 awarded major punishment of reduction in pay by one stage to the appellant. **Copy of inquiry report, Final Show Cause and appellant's reply are annexed as F, G & H.**
4. Correct to the extent that appellant had preferred departmental appeal vide Diary No.2680 dated 20.04.2022 against the order of the respondent No.4 dated 24.03.2022 before the appellate authority/respondent No.3/RPO Mardan, wherein show cause notice for enhancement of penalty was issued to the appellant vide No.3852/ES dated 01.06.2022 to which the appellant filed his reply and was also heard in orderly room on 16.06.2022. However, respondent No.3, unsatisfied with the appellant's reply, whose negligence had caused the loss of two precious lives, which could have been avoided, had he taken preventive measures and prompt action on the complaint duly marked to him, converted his major punishment of reduction in pay by one stage was converted to reduction in rank from Head Constable to his substantive rank of Constable vide order No.4300/ES dated 20.06.2022. **Copy of Departmental appeal, Show Cause and reply is annexed as I, J & K.**
5. Correct to the extent that feeling aggrieved by the order passed by the respondent No.3 vide No.4300/ES dated 20.06.2022, the appellant filed revision petition before respondent No.1 on 28.06.2022. The appellate board was held on 18.04.2023 wherein petitioner was heard in person but his contention was bereft of any substance, which failed to render him as innocent. Moreover, it is pertinent to mention that he has already admitted in his reply to the Inquiry officer, during the inquiry against Irfan Khan SI the then SHO PS Prang in the same incident, that he took the subject matter (complaint of Mst Fahmida) as light and did not act promptly for the prevention of any untoward incident, which resultantly caused the loss of two lives. Subsequently, respondent No.2 had issued order No. S/1324-29/23 dated 15.05.2023 on behalf of respondent No.1. **Copy of Revision Petition & Order is annexed as L & M.**
6. That appeal of appellant is liable to be dismissed on the following grounds amongst the others.

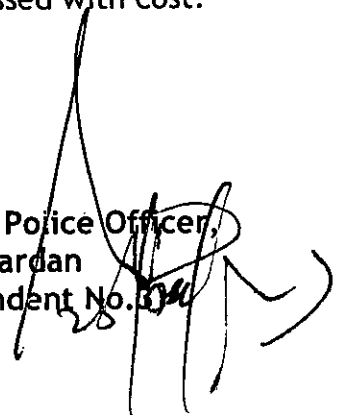
GROUNDS:


- A. Incorrect. The orders passed by respondents against the appellant were issued after conducting proper legal proceedings i.e By issuing statement of allegation and Charge sheet etc.
- B. Incorrect. As it is clearly evident from his stated admission, by which he did not took prompt action upon the complaint submitted by deceased Mst: Fahmida who was threatened to be killed and due to his negligence the incident took place.
- C. Para already explained in para-2 of the facts.
- D. Para already explained.
- E. Incorrect. As it is evident from the appellant's reply to the appellate authority that he took the complaint of Mst: Fahmida as light and did not take preventive measure to thwart any untoward incident which rendered him guilty and inefficient which is enough ground to award him major punishment.
- F. Incorrect. Contrary to the claims made by appellant, service record speaks the opposite, which is tainted with multiple bad entries.
- G. It is pertinent to mention that if someone's negligence which caused the loss of two precious lives can't make choice of having punishment to his sweet will. The appellant is awarded major punishment for his unprofessional and negligent behavior towards Police duty which requires prompt action on sensitive issues, like the complaint that was marked to him.
- H. The appellant was treated in accordance with law/rules.
- I. That the respondents seek permission of this Hon'ble Tribunal for further additional grounds at the time of arguments.

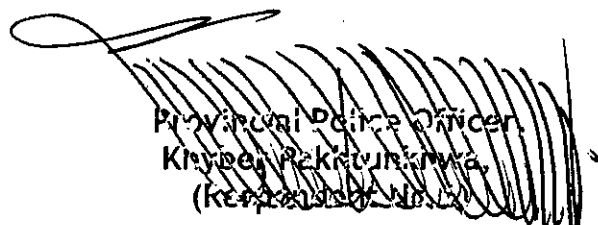
PRAYER:

Keeping in view the facts above, it is therefore humbly prayed that the appeal of appellant being without merit and substance, may kindly be dismissed with cost.


 District Police Officer,
 Charsadda
 (Respondent No.4)


 Regional Police Officer,
 Mardan
 (Respondent No.3)


 Addl: Inspector General of Police,
 HQrs; KPK Peshawar
 (Respondent No.2)


 Provincial Police Officer,
 Khyber Pakhtunkhwa
 (Respondent No.1)

(4)

Annexure (A)

ORDER

This order will dispose of the departmental enquiry against IHC Fazal Nabi, while posted at Police Station Prang, an application/complaint of Mst: Fahmeeda was marked to him for immediate action against accused wasif but he did not bother to do so and also admitted in his reply during an enquiry against SI Irfan Khan that he take the same matter as light. Due to his such gross negligence, 02-precious lives were expired. Which shows his inefficiency and lack of interest in the performance of his official duties. On the above allegation he was issued Charge Sheet together with statement of allegations under Sub Section 3, Section 5 of Police Rules 1975. Mr. Inam Jan Khan DSP Shabqadar was nominated as inquiry officer for probing into the matter by conducting departmental inquiry against him and he after fulfillment of codal formalities has submitted his findings.

Subsequently, IHC Fazal Nabi, was issued Final Show Cause Notice U/S 5(3) Police Rules 1975 reply to which was received but found unsatisfactory.

After perusal of the enquiry papers & recommendation of the enquiry officer as well as hearing him in orderely room, the undersigned reached to the conclusion that the allegations levelled against the official has been proved, therefore, he is hereby awarded the **“Major Punishment of Reduction in pay by one stage”**.


DISTRICT POLICE OFFICER
CHARSADDA

O.B No. 342


Date 24/03/2022

No. 455-59 /HC, dated Charsadda the 24/03 /2022

CC:

Pay Officer/OASI
EC/FMC
I/C Lab

Enclosure - 15 pages

Attested


(5)

Annexure A-1

ORDER

This order will dispose of the departmental enquiry against ASI ⁶⁹⁸Fazal Nabi, while posted at Police Station Sardheri, On 11.08.2020 one Mushtaq s/o Sahibzada r/o Sardheri submitted a written complaint against him, wherein he stated that he was the complainant of case FIR No. 135 dated 27.09.2019 u/s 379-PPC PS Sardheri and that he took Rs. 4,000 from him as illegal gratification and also tried to make his case weak. In this regard a preliminary enquiry was also conducted through SP Investigation Charsadda wherein you held responsible for the same.

On the above allegation he was issued Charge Sheet together with statement of allegations under Sub Section 3, Section 5 of Police Rules 1975. The Enquiry Officer Farooq Zaman Khan DSP Shabqadar was nominated for probing into the matter by conducting departmental enquiry against him and he after fulfillment of codal formalities has submitted his findings.

Subsequently, ASI Fazal Nabi, was issued Final Show Cause Notice U/S 5(3) Police Rules 1975 reply to which was received.

After perusal of the enquiry papers and recommendation of the enquiry officer, the delinquent officer ASI Fazal Nabi is hereby awarded the major punishment of reduction in pay by two stages with immediate effect.

S
G
MUHAMMAD SHOAIB KHAN (PSP)
DISTRICT POLICE OFFICER
CHARSADDA


O.B No. 878

Date 23/10/2020

No. 1246-47/HC, dated Charsadda the 26-10/2020

CC.

Pay Officer,
EC/FMC.

Attested


6

Annexure A-2

ORDER

This order will be disposed off the departmental enquiry against HC Fazal Nabi No. 698, while posted as Moharrir PS Tangi, letter No. 1772/ST, dated 16.07.2012 followed by memo: reminder No. 395-97/ST, dated 19.11.2012, regarding District Wise List of Proscribed Organization, was marked to PS Tangi through DSP Tangi, he was directed time & again telephonically by Steno/Reader of DSP Tangi to submit reports on urgent basis. but he badly failed to submit & thus the same letter is still pending in Police Station. Being a responsible Police Officer as Moharrir, his act is highly objectionable and against the rules/regulations of the discipline force. This shows his inefficiency, lack of interest in the performance of his official duty.

In the above allegation he was issued Charge Sheet together with statement of allegation under Sub Section 3, Section 5 of Police Rules 1975. Enquiry Officer Muhammad Zahir Shah Khan, DSP Shabqadar was nominated for conducting departmental enquiry against him. The enquiry officer after conducting proper departmental enquiry submitted findings.

Subsequently, HC Fazal Nabi No. 698 was issued Final Show Cause Notice U/S 5(3) Police Rules 1975 reply to it was received.

After going through the enquiry papers & recommendation of the enquiry officer, he is hereby awarded the minor punishment of "Stoppage of one annual increment without cumulative effect" & strictly warned to be careful in future.

O.B No 118

Date 28/01/2013

No 1273-76 /PA, dated Charsadda the 29/01/2013

Copy for information and necessary action to the:-

1. Pay Officer/OASI
2. EC/FMC

enclosure 27/01/2013

Chauf.
District Police Officer,
Charsadda

Attested
[Signature]

(7)

ORDER

This order will be disposed off the departmental enquiry against HC Fazal Nabi No.698, while posted as MHC PS Tarnab, during a meeting held in the office of the undersigned on 11.10.2010, the SDPOs/SHOs were strictly directed to inform their moharrir staff to provide Police strength on 12.10.2010 for special duty in proper/clean uniform but in vain and my instructions/directions were given deaf ear deliberately, which is against the rules & regulations of the discipline force. In this regard he was issued show cause notice, reply to which was found unsatisfactory.

In the above allegation he was issued Charge Sheet together with statement of allegation under the KPK RSO 2000. Enquiry officer Mr. Jehan Zeb Khan, DSP Shabqadar was nominated for conducting departmental enquiry against him. Enquiry officer after conducting proper departmental enquiry submitted findings.

Subsequently HC Fazal Nabi No. 698 was issued final show cause notice reply to which was received and found unsatisfactory.

After going through the enquiry papers & recommendation of the enquiry officer, he is hereby awarded the minor punishment of "CENSURE" & strictly warned to be careful in future.

O.B No. 731Dated 21/5/2011No 3777-78/PA, dated Charsadda the 21/05/2011

Copy to the:

1. EC/FMC ✓

(19)

Saudi
District Police Officer,
Charsadda

Attested
[Signature]

⑧

ORDER

This order will disposed off the departmental enquiry against HC Fazal Nabi No.698, who while posted as MHC PS Tarnab, made a report vide DD No.04, dated 11.04.2010 but the case was registered on 05.10.2010 after lapse of 06 months, which is inordinate delay and negligence. His act is highly objectionable which amounts to gross misconduct on his part and renders him liable for punishment.

In the above allegation he was issued Charge Sheet together with statement of allegation under the KPK Removal from Service (Special Powers) Ordinance 2000. Enquiry officer Mr. Zain Khan, DSP Charsadda was nominated for conducting departmental enquiry against him. The enquiry officer after conducting proper departmental enquiry submitted findings.

Subsequently HC Fazal Nabi No.698 was issued Final Show Cause Notice, reply to which was received.

After going through the enquiry papers & recommendation of the enquiry officer, HC Fazal Nabi No.698 was found guilty. Therefore he is hereby awarded the minor punishment of "Stoppage of one annual increment without cumulative effect" & strictly warned to be careful in future.

O.B No 366Date 8/3 /2011No 2076-79/PA, dated Charsadda the 08/03 /2011

Copy for information and necessary action to the:-

1. Pay Officer/OASI
2. EC/FMC

Sanaq
District Police Officer,
Charsadda

Attested
[Signature]

9

Annexure B

ORDER.

This order will dispose off the departmental appeal preferred by Head Constable Fazal Nabi No. 698 of Charsadda District Police against the order of District Police Officer, Charsadda, whereby he was awarded major punishment of reduction in pay by one stage vide OB: No. 342 dated 24.03.2022. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Prang, an application/complaint of Mst: Fahmeeda was marked to him for immediate action against accused Wasif but he did not bother to do so and also admitted in his reply during an enquiry against Sub Inspector Irfan Khan that he took the same matter as light. Due to such gross negligence, 02 precious lives were lost.

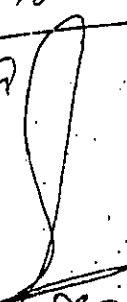
Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer (SDPO) Shabqadar, Charsadda was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Charsadda, wherein he held responsible the delinquent Officer for negligence and recommended for major punishment.


He was issued Final Show Cause Notice to which his reply was received/perused and found unsatisfactory. In light of the recommendations of the enquiry Officer he was awarded major punishment of reduction in pay by one stage vide OB: No. 342 dated 24.03.2022 by the District Police Officer, Charsadda.

Feeling aggrieved from the order of District Police Officer, Charsadda, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 31.05.2022 during which it transpired that the very act of the appellant by not taking action on the application of above mentioned lady resulted in the loss of 02 precious lives. The appellant admitted categorically that he took the issue in question in a light mode. Hence, the undersigned issued Show Cause Notice under Rule-11, Sub Rule-4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014 for enhancement to which his reply was received and found unsatisfactory.

The appellant was heard in person in Orderly Room held in this office on 16.06.2022. However, he could not put up any plausible reason for his act of negligence which lead to killing of 02 ladies.

Had he taken the application seriously which was marked to him and had he called the accused party to the Police Station for action as per law which included preventive action, the murders could have been avoided. The lady had mentioned in her application that the accused wanted to kill her and the same happened after a few days.

PO/EC/07881
For WIA

District Police Officer
Charsadda

Attested


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10

In my opinion Head Constable Fazal Nabi No. 698 did not perform his duties as a Police Officer and his negligence resulted in death of 02 ladies.

This unprofessional approach and negligence cannot be tolerated in Police Department where immediate action is required at every step.

Keeping in view the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, hereby convert the major punishment of reduction in pay by one stage into major punishment of reduction in rank from Head Constable to his substantive rank of Constable with immediate effect

Order Announced.


Regional Police Officer,
Mardan.


No. 4300 /ES, Dated Mardan the 20/06 /2022.

Copy forwarded to District Police Officer, Charsadda for information and necessary action w/r to his office Memo: No. 709/EC dated 12.05.2022. His Service Record is returned herewith.

(*****)

O B No 644

dated 21/6/22

Attested


①

11

Annexure - c



OFFICE OF THE
DISTRICT POLICE OFFICER, CHARSADDA
PHONE# 091-9220400 FAX#091-9220401
EMAIL: charsaddadpo@yahoo.com
CHARGE SHEET UNDER KPK POLICE RULES 1975

I, **Sohail Khalid**, District Police Officer Charsadda, as competent authority hereby charge you ASI Fazal Nabi, as follows.

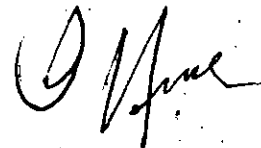
That you ASI Fazal Nabi, while posted at Police Station Prang, an application/complaint of Mst. Fahmeeda was marked to you for immediate action against accused wasif but you did not bother to do so and also admitted in your reply during an enquiry against SI Irfan Khan that you take the same matter as light. Due to your such gross negligence, 02-precious lives were expired. Which shows your inefficiency and lack of interest in the performance of your official duties.

This amounts to grave misconduct on your part, warranting Departmental action against you as defined in section-6(I) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section 02(III) of the KPK Police Rules 1975 and has render your self liable to all or any of the penalties as specified in section 04 (I) a & b of the said rules.
2. You are therefore, directed to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.
3. Your written defense, if any should reach to the enquiry officer within the specified period, in case of failure, it shall be presumed that you have no defense to put-in and in that case an ex-parte action shall follow against you.
4. Intimate, whether you desired to be heard in person.


DISTRICT POLICE OFFICER
CHARSADDA

Attested



12

Annexure D



OFFICE OF THE
DISTRICT POLICE OFFICER, CHARSADDA
PHONE# 091-9220400 FAX#091-9220401
EMAIL: charsaddadpo@yahoo.com

DISCIPLINARY ACTION UNDER KPK POLICE RULES -1975

I, Sohail Khalid, District Police Officer Charsadda, as competent authority am of the opinion that ASI Fazal Nabi, has rendered himself liable to be proceeded against as he has comitted the following acts/omissions within the meaning of section -02 (iii) of KPK Police Rules-1975.

STATEMENT OF ALLEGATIONS

That he ASI Fazal Nabi, while posted at Police Station Prang, an application/complaint of Mst: Fahmeeda was marked to him for immediate action against accused wasif but he did not bother to do so and also admitted in his reply during an enquiry against SI Irfan Khan that he take the same matter as light. Due to his such gross negligence, 02- precious lives were expired. Which shows his inefficiency and lack of interest in the performance of his official duties.

This amounts to grave misconduct on his part, warranting Departmental action against him.

For the purpose scrutinizing the conduct of the said official, Mr. Inam Jan Khan DSP Shabqadar, is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section - 6 (I) (a) of the afore mentioned rules. The enquiry officer after completing all proceedings shall submit his verdict to this office within (10) days. ASI Fazal Nabi, is directed to appear before the enquiry officer on the date, time and placed fixed by the later (enquiry officer) a statement of charge sheet is attached herewith.

[Signature]
DISTRICT POLICE OFFICER
CHARSADDA

No 285-66 /HC, dated Charsadda the 03/03/2022

CC:

- ✓ 1. Mr. Inam Jan Khan DSP Shabqadar (Enquiry Officer)
- 2. ASI Fazal Nabi PS Prang

Attested
[Signature]

PA
call him
[Signature]

S: Superintendent of Police
Charsadda
04-03-22.

کمار چادو 7 شہ طبری 66-265 کوڈ 022 3/022 از دفتر 4-500 م صجارت
مروضہ خدمت ہوئی۔

معرضہ 5/022 در دوران حوایل گسٹ ٹھہریا ٹیم 1613 جونیر 336 بہ قول ڈرائیور
تسفق حسب اہلکم ثناء آر تحریر ثناء نے سماہ فہمدہ زور وصال سند فوشر کا ٹر
من آس کو مارک کر کے والر کی جس ثناء میں موجود دو بھر رسیدہ خواہیں، تب سرد
وصول دہرہ منہ سماہ فہمدہ زور وصال اور سماہ آسنہ دخر حاجی محمود نے تسفق
کو دعائیہ ان لم ملزم و اصف کے تسفق ثناء سرد ٹھہری کو اہلکم دی طو میں ص
کے بعد اسے سرد ثناء دونوں خواہیں جمع وصال کو حوایل میں بٹھا رکھا اسے گھر سے
گھوڑے دیئے گئے۔ تاہم نہر میں جھوٹا ان بھاد پر حدود ٹرا لم ملزم و اصف کا دعائیہ
کاٹھ کر دکان پر و اصف نے تسفق زبان کورر پیغام دیا سرد و اصف نے خدو کھالہ
سماہ فہمدہ نے رپورٹ کی ہے تسفق سماہ فہمدہ کف جواب ہے۔ دگر بابت رپورٹ مالا
السراری غل میں نہیں لائی گئی ہے۔
میں لیا تھا کہ بد نہیں پر حالت میں ازیں من آس کاٹھ و اصف اور تالی و تن میں کورر کو
جانتا تھا لہذا نہیں ہے۔
میں یہی مہابا کے جوہر لکھتے رہتا ہے۔

Attested
Office

Asst. PS/poral
8/3/2022

Attested
By: Superintendent of Police
Shahwar
9/3/22

14

Annexure - F



GOVERNMENT OF KHYBER PAKHTUNKHWA,
OFFICE OF THE DY. SUPERINTENDENT OF POLICE,
SHABQADAR
PH: 091-6281302
EMAIL: DSPSHABQADAR@GMAIL.COM

No. 242 /S, dated Shabqadar the 10/03/2022

To, |
The District Police Officer,
Charsadda.

Subject: ENQUIRY AGAINST ASI FAZAL NABI OF PS PRANG.

Memo:

Kindly refer to your office order No. 265-66/HC, dated 03-03-2022.

Respected Sir,

Allegations against ASI Fazal Nabi in the instant enquiry are that, he while posted at PS Prang, an application/complaint of Mst. Fahmeeda was marked to him for immediate action against accused Wasif but he did not bother to do and also admitted in his reply during an enquiry against SI Irfan Khan that he take the same matter as light. Due to his such gross negligence, 02-precious lives were expired. This shows his inefficiency and lack of interest in the performance of his duties.

To scrutinize the conduct of defaulter ASI, enquiry in hand was marked by the District Police Officer, Charsadda to the undersigned for enquiry and report.

Accordingly, the defaulter ASI Fazal Nabi was called, he was heard in person and also recorded his written statement which is attached for ready reference. In his statement he admitted his fault that application of Mst. Fahmeeda w/o Wisal against Wasif s/o Mujahid was marked to him by SIO PS Prang but he did not bother to take action against the accused party and took the issue light. Due to his negligence and lack of interest, the issue was altered into heinous crime of double murder.

Attested
D. Amir

Approved
D

P.T.O

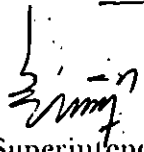
CONCLUSION:

On 05.01.2022, Mst: Fahmeeda (deceased) w/o Wisal r/o Sida Gul Quarter Charsadda submitted an application to SHO Prang, in which she disclosed that one Asif s/o Mujahid r/o Gulabad Sardheri entered her house forcibly, beaten her, aimed pistol and also threatened her for dire consequences. The same application was marked to ASI Fazal Nabi for legal action, but he kept the same in cool storage. After 12-days, on 17.01.2022 applicant Fahmeeda with her sister Mst: Amina were shot dead vide FIR No. 34, dated 17.01.2022 u/s 302/324-PPC PS Prang. Initially FIR was registered against Bacha Khan and Kashif but later on complainant charged the real accused Wasif etc in his statement recorded u/s 164-CrPC, who was already mentioned in the application submitted by deceased Mst: Fahmeeda. Furthermore, defaulter ASI Fazal Nabi has also admitted his fault in his reply about taking no action on the application of deceased Mst: Fahmeeda proper on time and told that he took the issue light.


RECOMMENDATION:


Keeping in view the available record and circumstances, the negligence of ASI Fazal Nabi has caused the lost of two lives. It was his responsibility to have taken action in the matter but in twelve days he failed to make effort in application.

Being enquiry officer, am of the view that ASI Fazal Nabi may be given major punishment.


Dy. Superintendent of Police,
Shabqadar.

He
issue final
show cause
notice


P. Parah
10.3.2022

Attested


16.

Annexure-G



FINAL SHOW CAUSE NOTICE

Whereas, the charge of negligence was referred to enquiry officer for General Police Proceedings, contained u/s 5(3) Police Rules 1975.

AND

Whereas, the enquiry officer has submitted his findings, recommending you for Major Punishment.

AND

Whereas, I am satisfied with the recommendation of the enquiry officer that you ASI Fazal Nabi, while posted at Police Station Prang, an application/complaint of Mst: Fahmeeda was marked to you for immediate action against accused wasif but you did not bother to do so and also admitted in your reply during an enquiry against SI Irfan Khan that you take the same matter as light. Due to your such gross negligence, 02- precious lives were expired. Which shows your inefficiency and lack of interest in the performance of your official duties.

2. Thus the act amounts to gross misconduct and renders you liable for punishment, under Police Rules 1975.

3. Therefore, I, Sohail Khalid, District Police Officer, Charsadda in exercise of the powers vested in me under rules 5(3) (a) (b) of Police Rules 1975, call upon you to explain as to why the proposed punishment may not be awarded to you.

4. Your reply should reach the undersigned within 07-days of receipt of this notice, failing which disciplinary action pertaining to your dismissal from service will be taken ex-parte.

5. You are at liberty to appear in person before the undersigned for personal hearing.

DISTRICT POLICE OFFICER
CHARSADDA

No. 351 /HC

Dated 14/03/2022

Attested
J. H. Far

محمد علی خان
دوبارہ لکھنؤ

علی کاظم

فہمائی

(17)

صہم نو

بھارت خاں شرمہ زونگسٹری 351 حدود 3-14 از دفتر جا۔ 550 پ۔ چارڈہ حضور
خدمت دی۔

جسٹس انوار آفریدی نے تحریر اور بیان دیا ہے کہ جسٹس کنڈہ سماہ
بہرہ زور وصال کی نسبت خرمی نے حالت واقعات کی بنا پر نارمل بنا لیا تو وہیں
کا حاکم بڑا تھوڑا سا تھا یہ سب کچھ اس کی نظر میں لکھا گیا اور اس کا بیان
میں روکنا ہے جسے خرمی نے جج کے سامنے پیش کیا۔ اس کے بعد جسٹس کنڈہ نے
واصف کے بیان کا حقیقہ توڑا اور کہا کہ اس نے جسٹس کنڈہ کے بیان میں
حالات قبل از میں جو وصف دیا ہے وہ سب کچھ درست ہے اور اس کے بعد
بات میں تبدیلی سے لیکر اس نے جسٹس کنڈہ کو جاننا کہ نہیں اور
سب کچھ کہہ دیا کہ اس نے جسٹس کنڈہ کے بیان میں جو تبدیلی
کی ہے اسے اس نے اس کے بیان میں لکھا ہے۔ اس کے بعد اس نے
جسٹس کنڈہ کے بیان میں جو تبدیلی لکھی ہے اسے اس نے اس کے
بیان میں لکھا ہے۔ اس کے بعد اس نے جسٹس کنڈہ کے بیان میں
جو تبدیلی لکھی ہے اسے اس نے اس کے بیان میں لکھا ہے۔

14C
698
PSI/PS/2022
15/3/2022

H-c
call him in O-R

Reduction in
pay by one
stage

Attested
16-03-2022

اتصال اعمال بالمیات

18

تھاٹہ طرابلس

جناب عالی! بحالہ 25 مئی 342 ذریعہ 24-3 جارہ نما۔ 500 ڈالر
معروفہ شدہ ہیں۔

2680
20-04-2022

ذریعہ 5 صافہ فہرہ زوجہ صالحہ سند عمر آباد ٹورس، روڑے تھاٹہ
طرابلس میں ایسٹیم لیٹڈ درخواست پیام و اضافہ لے چاہے سند سرپرست
کل آباد علاقہ تھاٹہ سرپرستی دائر کرے جو کہ لفظ کا بانی ہے
کارڈ کو رکن 1111 نے ملزم و اضافے بانی کا خوف کو زیادتی
پر ختم کیا تھا کہ بانی و اضافے کو الٹا کی ماہ آئی کی خاطر تھاٹہ
طرابلس میں جو کہلی تھاٹہ کرنا۔

تعمیر بندری عدالت ایجویری بانی لیٹڈ درخواست من 1111 نے
جناب 500 ڈالر جاریہ 24 ملکہ صوبہ اور ایجویری آفیسر 500 ڈالر
شہد کو ٹیکس کی بیانات میں بھی لیا ہے کہ میں نے لیٹڈ کوڈ کو
مارفلی حالت میں لیا تھا میں فارملی کا خطاب میں نے یہ ہرگز نہیں
لیا تھا کہ لیٹڈ میں میں کا دعویٰ نہ کرتی تھا۔ جو ہرگز خوف
نہ کریں۔

جناب عالی! محتصریٰ کو کہتم میں عمرہ ہار سالوں سے زیادہ مسلسل
تھاٹہ جات کے لیے یہ ڈیوٹی سرانجام دی ہے کہ وہ ذمہ داری کو
طرابلس میں جاری اور سرکاری حکیم کی زیادتی بوجہ سے چھانے
الٹا کی کا بانی کے میں تاخیر کی ہے۔

لہذا بانی بالمیات التماس سے عرض کرنا ہے کہ اس سے اس سے
کریں۔

E-c
for refaction

تحقیق نبی 1111
698

Attested
Officer

0310-5094942

✓

OPO chd
20-04-2022



19

Annexure - J
Phone No: 0937-9230113-114,
Fax No: 0937-9230115
Email: digmardan@gmail.com

GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE
REGIONAL POLICE OFFICER,
MARDAN

No. 3852 /ES, dated, Mardan Region the 01st June, 2022

3426
03/06/2022

SHOW CAUSE NOTICE

Whereas, you (IHC Fazal Nabi No.698) while posted at Police Station Prang, Charsadda were marked an application of deceased Mst.Fahmeeda for immediate action against accused Wasif but you did not bother to do so and rather admitted that you took the matter as light. Your this act of laxity and sheer negligence cost the killing of applicant Mst. Fahmeeda as well as her sister Mst. Amina. On account of the aforementioned allegations departmental enquiry was initiated against you and you were awarded punishment of reduction in pay by one stage vide O.B No.342, dated 24-03-2022, Feeling aggrieved, you filed a departmental appeal and during personal hearing it transpired that the order of punishment does not commensurate with the gravity of your misconduct, rather you deserve not to be retained in the force because of the unbecoming of an officer.

Therefore, it is proposed that why your punishment shall not be enhanced as envisaged under Rule 11, Sub Rule 4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014.

Hence, I, Yaseen Farooq, PSP Regional Police Officer, Mardan in the exercise of the power vested under Rule 11, Sub Rule 4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014 call upon you to Show Cause as to why not impose upon you the enhance punishment of dismissal/removal of service provided in the above-mentioned rules.

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

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

Attested
[Signature]

[Signature]
REGIONAL POLICE OFFICER,
MARDAN.

IHC Fazal Nabi No.698
District Charsadda

CC.

1. ✓ The District Police Officer, Charsadda.
2. The Office Supdt: Region Office.

Seen/EC
[Signature]
District Police Officer
Charsadda

فہمہ علی

فہمہ علی! خواجہ شکر شاہ کو گھبراہٹ سے 3852 ڈیڑھ چیم جی جی 22
ہدایہ RPO وہاں سے ہوا اور وہاں سے ہوا۔

1۔ ڈیڑھ چیم جی جی 22 کا کو مسماہ سپرہ روج وصال سندھ حرز آمانی چارہ سالہ حال عمر آج
نے دایف طالبہ جی جی جی سندھ سرگودھا جی جی آجاد علیہ وہاں سے سرگودھا جی جی جی جی جی
دو قیامت ڈانڈی۔
پارٹی کھیلتی دو قیامت جی جی جی 22 نے آجی ڈور جی جی جی جی دایف جی جی جی جی
مرازی جی
ڈیڑھ چیم جی
جی جی

2۔ ڈیڑھ چیم جی
جی
جی
جی
جی جی

3۔ ڈیڑھ چیم جی
جی
جی
جی جی

4۔ ڈیڑھ چیم جی
جی
جی
جی جی

5۔ ڈیڑھ چیم جی
جی
جی
جی جی

Attested
[Signature]

جناب عالی!

بحوالہ مشمولہ شوکاژ نوٹس نمبری 3852 مورخہ یکم جون 2022

جناب RPO صاحب مردان معروض خدمت ہوں۔

۱۔ مورخہ 06.01.022 کو مسماۃ فہمیدہ زوجہ وصال کنکنہ سرزاگن چارسدہ حال عمر آباد نے واصف ولد مجاہد سکنہ سرڈھیری گل آباد علاقہ تھانہ سرڈھیری کے خلاف کمپلیٹ درخواست دائر کی۔

بابت کمپلیٹ درخواست من IHC نے اسی روز بھی الزام علیہ واصف کی تلاش و پتہ براری کی لیکن دستیاب نہ ہو سکا۔ چونکہ الزام علیہ علاقہ تھانہ سرڈھیری میں رہائش رکھتا تھا تاہم پھر بھی الزام علیہ کے بھائی کاشف کو کمپلیٹ درخواست کے متعلق مورخہ 06.01.022 کو زبانی نوٹس دیا تھا۔

۲۔ مورخہ 17.01.022 کو بمقام چارسدہ بازار محلہ مرزاگان میں مسماۃ فہمیدہ وغیرہ کا قتل ہوا اور جسکی دعویٰ داری ملزمان ۱۔ کاشف ولد مجاہد سکنہ سرڈھیری ۲۔ بادشاہ خان ولد اسلم خان سکنہ پڑانگ گھڑی شہباز کے خلاف مقدمہ درج رجسٹر ہوا جسکی دعویٰ داری مقتولہ کے شوہر وصال ولد بہرہ مند سکنہ مرزاگان چارسدہ نے کی جبکہ ایڈوی گواہ مقتولہ کے بھائی محمد خادم اللہ جان ولد حاجی محمود سکنہ پڑانگ گھڑی شہباز نے دستخط ثبت کی۔

۳۔ مورخہ 26.01.022 کو دونوں فریقین کے مابین ماسوائے ملزم بادشاہ خان کے بمطابق شامپ پیپر نمبری 127 مورخہ 26.01.022 کو بمقام پڑانگ ماجو کے حجرہ اذان حاجی مکرم خان میں باقاعدہ طور پر راضی نامہ ہوا۔ شامپ پیپر لف ہے۔

۴۔ چونکہ بابت کمپلیٹ درخواست من IHC نے انکو آئری آفیسر، حمزہ صاحب اور جناب DPO صاحب چارسدہ کو بھی یہی بیان دیا تھا کمپلیٹ ہذا کو میں نے لائٹ حالت میں لیا تھا تو اس لائٹ کا مطلب میں نے ہرگز یہ نہیں لیا کہ کمپلیٹ، پرتا قانونی کارروائی نہ کرنے چونکہ کمپلیٹ بغیر قانونی کارروائی کے فائل نہیں ہوتا ہے۔

Attested
O. Yus

۵۔ لہذا خود کو اس حرف ضمانت زیر دفعہ 107 ض ف کا ملزم سمجھتا ہوں جسکی بابت کوئی بھی فرد بشریہ پات و ثوق سے نہیں کہا جاسکتا ہے کہ اگر زیر دفعہ 107 ض ف عمل میں لائی گئی ہوتی تو یہی وقوعہ کبھی بھی سرزد نہ ہوتا جبکہ اس کے علاوہ میں اس معاملے پر تحریری اور زبانی طور پر کلام پاک پر تسلی کرتا ہوں کہ میں دونوں فریقین کو قبل ازیں اور ناہی اس وقت جانتا تک بھی نہیں اور رب ذوالجلال کا نہیں اس بات پر بے حد شکر گزار ہوں کہ اس معاملے میں مجھ پر کرپشن کا الزام نہیں ہے۔ اور مجھے اپنے آپ پر مکمل بھروسہ اور یقین ہے کہ میں اپنے رب کے دربار میں بے باک ہوں۔

گفوری ضا۔ السید عبدالرشید پوٹو صاحب پور خیبر پختونخواہ

99/55/SK

درخواست میرا القاص دادرسی

اب عالی

گزارش بجائی قسم سائل کے ایک مختلف درجہ ذرا بہ سمانہ نصیر اورد
رمال سند چارڈ ۲ بار ارقم پور محل میں چا۔ RPO چا چارڈ آنے دن
شعبہ ریگنٹس کے سائل کے جس میں سائل کے چا۔ RPO چا دران کو
القاص کی خاطر اس کے چا۔ RPO چا دران نے سائل کو
کی سزا اور پوری اور سائل سے اسٹریٹ کوئس اور کوئس کوئس
سزا دینے کی سزا دینا ہے۔
اسد ماسم سائل کے ساتھ القاص کے چا۔

28-6-2022
المترجم

Handwritten signature

آپ کا نام کج فرمایا گیا ہے قتل کی 69.8 سفیر تانہ مراد

Attended Contact: 0310-5094942
Office

Inspector General of Khyber Pakhtunkhwa
17446
17446

secret

29-6-22

295/22
16/22



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted FC Fazal Nabi No. 698 (the then HC). The petitioner was awarded minor punishment of reduction in pay by one stage by DPO/Charsadda vide OB No. 342, dated 24.03.2022 on the allegations that he while posted at PS Prang, an application/complaint of Mst. Fahmeeda was marked to him for immediate action against accused Wasif but he did not bother to do so and also admitted in his reply during an enquiry against SI Irfan Khan that he took the same matter as light. Due to such gross negligence, two (02) precious lives were lost.

The Appellate Authority i.e. RPO/Mardan converted his punishment of reduction in pay by one stage into major punishment of reduction in rank from Head Constable to substantive rank of Constable vide order Endst: No. 4300/ES, dated 20.06.2022.

Meeting of Appellate Board was held on 18.04.2023 wherein petitioner was heard in person. Petitioner contended that he is innocent.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner have been proved. During hearing, petitioner failed to advance any plausible explanation in rebuttal of the charge. The Board sees no ground and reasons for assistance of his petition; therefore, the Board decided that his petition is hereby rejected.

3179
31/5/23

Sd/-
SABIR AHMED, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar

No. S/ 1324-29/23, dated Peshawar, t 13-05 /2023.

Copy of the above is forwarded to the:

1. The Regional Police Officer Mardan. The Service Roll and Fauji Missal, of the above named FC received vide your office Memo: No. 5602/ES, dated 27.07.2022 is returned herewith for your office record.
2. District Police officer, Charsadda.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGF/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-IV CPC Peshawar.

Attested
O
Mansoor

EC/AD Charsadda

EC
for verification

(MUHAMMAD AZHAR) PSP
AIG/Establishment,
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

29-05-2023



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POICE OFFICE,
PESHAWAR

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rules-1975 (amended 2014) submitted by FC Fazal Nabi No. 698 (the then HC). The petitioner was awarded minor punishment of reduction in pay by one stage by DPO/Charsadda vide OB No. 342, dated 24.03.2022 on the allegations that he while posted at PS Prang, an application/complaint of Mst: Fahmeeda was marked to him for immediate action against accused Wasif but he did not bother to do so and also admitted in his reply during an enquiry against SI Irfan Khan that he took the same mater as light. Due to such great negligence, two (02) precious lives were lost.

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Sd/-

SABIR AHMED, PSP

Additional Inspector General of Police,
HQrs; Khyber Pakhtunkhwa, Peshawar

No. S/1324-29/23., dated Peshawar the 15-05/2023

Copy of the above is forwarded to the:

1. The Regional Police Office, Mardan. The Service Roll and Fauji Missal, of the above named FC received vide your office Memo: No. 5032/ES, dated 27.07.2023 is returned herewith for your office record.
2. District Police Officer, Charsadda.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA o DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-IV CPO Peshawar.

Attested
[Signature]

Sd/-

(MUHAMMAD AZHAR), PSP


AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar



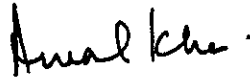
GOVERNMENT OF KHYBER PAKHTUNKHWA
 OFFICE OF THE DISTRICT POLICE OFFICER CHARSADDA
 PHONE# 091/9220400 FAX# 091-9220401
 EMAIL: charsaddadpo@yahoo.com

Authority Letter in Service Appeal No.1462/2023 -Title Fazal Nabi

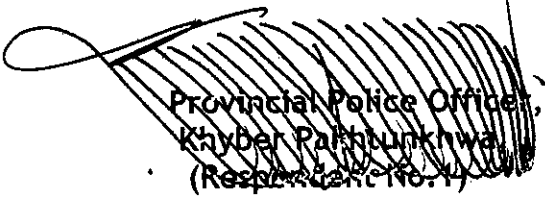
Mr. Ijaz Hussain, DSP Legal Charsadda, is hereby authorized to appear before the Khyber Pakhtunkhwa Service Tribunal, Peshawar in the above captioned Service Appeal on behalf of answering respondents. He is also authorized to submit all required documents and replies etc as representative of the answering respondents through the Additional Advocate General, Khyber Pakhtunkhwa Peshawar.


 District Police Officer,
 Charsadda
 (Respondent No.4)
 District Police Officer,
 Charsadda


 Regional Police Officer,
 Mardan
 (Respondent No.3)



Addl: Inspector General of Police,
 HQrs; KPK Peshawar
 (Respondent No.2)


 Provincial Police Officer,
 Khyber Pakhtunkhwa
 (Respondent No.1)

BEFORE THE HONOURABLE KPK SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 1462/2023

Fazal Nabi (IHC No.698) presently Constable at Police Station Tarnab District Charsadda.

.....Appellant

VERSUS

Provincial Police Officer, KPK & others

.....Respondents

AFFIDAVIT

I, Ijaz Hussain, DSP Legal Charsadda (representative of the department) do hereby solemnly affirm and declare on Oath that contents of the parawise comments are true and nothing has been concealed from this Hon'ble Tribunal.

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



DEPONENT:

CNIC No. 17201-3070498-1

Cell # 0321-9733628

