

(C) *[Handwritten Signature]*

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

**Service Appeal No. 1503/2023**

Tariq Gul Constable No. 2133 District Police

Mardan.....Appellant.

**VERSUS**

The District Police Officer, Mardan and others.....Respondents.

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*[Handwritten Signature]*  
15/03/2023

① (C) 15/5

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

**Service Appeal No. 1503/2023**

Tariq Gul Constable No.2133 District Police

Mardan.....Appellant.

**VERSUS**

The District Police Officer, Mardan and others.....Respondents.

**Para-wise comments by respondents:-**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTIONS**

CC No. 1503/2023  
Date: 20-11-23

9224

20-11-23

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 and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the appeal is bad for miss-joinder and non-joinder of necessary parties.
7. That the appeal is barred by law & limitation.

**REPLY ON FACTS**

1. Para pertains to record needs no comments.
2. Incorrect. Stance taken by the appellant is not plausible, because every Police Officer is under obligation to perform his duty upto the entire satisfaction of his superiors. Moreover, 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 entries is attached as Annexure "A")**.
3. Correct to the extent that the appellant while posted at Guard Main Gate new Tehsil Katlang Logbook Entry Duty, Lady Constables Yusra No.2756, Shumaila No.2906, Fatima No.1315, Maria No.3275 & Aneela No.1328 made a complaint that an unknown person from Mobile Nos. 0315-8899993 & 0313-7592974 is making phone calls and teasing them by using objectionable language. The matter was initially enquired through DSP/HQrs Mardan, who held the appellant responsible of such misconduct & recommended him for proper departmental action. In this regard the appellant was issued charge sheet alongwith statement of allegations and enquiry was entrusted to SDPO Rural, Mardan. The enquiry officer during the course of enquiry provided full-fledged opportunity and fulfilled all legal and codal formalities by extending right of self defense to the appellant. But he failed to satisfy the Enquiry Officer, hence, the appellant was recommended for Major punishment. In

light of the above, the appellant was called in Orderly Room on 09.12.2020, but this time too the appellant failed to produce anything in his defence hence, he was awarded major punishment of dismissal from service. Later on, the appellant preferred departmental appeal before the Regional Police Officer, Mardan but the same was rejected and filed being devoid of merit **(Copies of dismissal order, rejection order, enquiry are attached as Annexure B, C, & D).**

4. Correct to the extent that the appellant filed revision petition before the Inspector General of Police Khyber Pakhtunkhwa which was decided and the appellant was reinstated in service for the purpose of de-novo enquiry vide order No. 2671-80/21 dated 18.06.2021. Therefore, in light of the above mentioned order, the appellant was re-instated in service for the purpose of de-novo enquiry and the same was entrusted to Mr. Rokhanzeb Khan the then SDPO Takht Bhai, 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. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for Minor Punishment. Hence, the appellant was summoned and heard in Orderly Room on 03.11.2021 by the District Police Officer, Mardan, but he failed to present any plausible reason in his defense. Therefore, the appellant was awarded minor punishment of forfeiture of 02 years approved service and was reinstated in service from the date of dismissal and counted his intervening/out of service period towards service as leave without pay **(Copies of revision petition order & de-novo enquiry are attached as Annexure E & F).**
5. Para already explained needs no comments.
6. Correct to the extent that the appellant preferred departmental appeal which was decided while rest of the Para regarding no good grounds is totally baseless because the appellant has already been treated leniently.
7. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

**REPLY ON GROUNDS:**

- A. Incorrect. Order passed by the competent authority as well as appellate authority are legal, lawful and according to rules, hence, liable to be maintained.
- D. Incorrect. Stance taken by the appellant is totally ill based, because the appellant was issued charge sheet alongwith statement of allegations and enquiry was entrusted to SDPO Rural Mardan hence, denied.
- E. Incorrect. Stance taken by the appellant is not plausible because he was called for personal hearing during the enquiry proceedings as well as during Orderly Room held on 03.11.2021 but the appellant has bitterly failed to justify his innocence.
- F. Incorrect. Stance taken by the appellant is not plausible because statements of Lady Constables namely Yusra No.2756, Shumaila No.2906, Fatima No.1315, Maria No.3275 & Aneela No.1328 were recorded as they had made a complaint that an unknown person from Mobile Nos. 0315-8899993 & 0313-7592974 is

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making phone calls and teasing them by using objectionable/un-parliamentary language. Besides, the statement of appellant was also recorded wherein he categorically admitted his guilt that complaint made by the aforementioned lady constables is based on facts and he will not repeat the same wrong in future as he will remain cautious in future.

- G. Incorrect. Stance taken by the appellant is not plausible because the appellant himself has admitted his guilt in a categorical manner that he will not repeat the same wrong deed.
- H. Para already explained needs no comments.
- I. 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.

*Najeeb*  
**District Police Officer,  
Mardan.**  
(Respondent No. 1)

*Najeeb ur Rehman*

**Regional Police Officer,  
Mardan.**  
(Respondent No. 2)

*Muhammad Sulaiman*

*Amal Khan*  
**Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.**  
(Respondent No. 4)

*Amal Khan*

*K. S. M. S.*  
**Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.**  
(Respondent No. 3)

*Akhtar Hayat Bhandarpure*

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

**Appeal No. 1503/2023**

Tariq Gul Constable No. 2133 District Police Mardan.....Applicant.

**VERSUS**

The District Police Officer, Mardan and others.....Respondents.

**Reply to the application for condonation of delay:-**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTIONS**

1. That applicant has no cause of action to file the instant application.
2. That the application is barred by law.

**REPLY ON FACTS**

1. That the appeal filed by the applicant before this Honorable Tribunal may kindly be dismissed being a badly time-barred.
2. That the appellant while posted at Guard Main Gate new Tehsil Katlang Logbook Entry Duty, Lady Constables Yusra No.2756, Shumaila No.2906, Fatima No.1315, Maria No.3275 & Aneela No.1328 made a complaint that an unknown person from Mobile Nos. 0315-8899993 & 0313-7592974 is making phone calls and teasing them by using objectionable language. The matter was initially enquired through DSP/HQrs Mardan, who held the appellant responsible of such misconduct & recommended him for proper departmental action. In this regard the appellant was issued charge sheet alongwith statement of allegations and enquiry was entrusted to SDPO Rural, Mardan. The enquiry officer during the course of enquiry provided full-fledged opportunity and fulfilled all legal and codal formalities by extending right of self defense to the appellant. But he failed to satisfy the Enquiry Officer, hence, the appellant was recommended for Major punishment. In light of the above, the appellant was called in Orderly Room on 09.12.2020, but this time too the appellant failed to produce anything in his defence hence, he was awarded major punishment of dismissal from service. Later on, the appellant preferred departmental appeal before the Regional Police Officer, Mardan but the same was rejected and filed being devoid of merit.
3. Incorrect. Stance taken by the appellant is not plausible because statements of Lady Constables namely Yusra No.2756, Shumaila No.2906, Fatima No.1315, Maria No.3275 & Aneela No.1328 were recorded as they had made a complaint that an unknown person from Mobile Nos. 0315-8899993 & 0313-7592974 is making phone calls and teasing them by using objectionable/un-parliamentary language. Besides, the statement of appellant was also recorded wherein he categorically admitted his guilt that complaint made by the aforementioned lady constables is based on facts and he will not repeat the same wrong in future as he will remain cautious in future.
4. Incorrect, plea taken by the applicant is whimsical / concocted rather fanciful hence, liable to be set at naught. As the apex court of Pakistan has held that the question of limitation cannot be considered a "technicality" simpliciter as it has got its own significance and would have substantial bearing on merits of the case.
5. Para is for the applicant to prove.

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6. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

Keeping in view the above submission, it is humbly prayed that application of the applicant regarding condonation of delay may very kindly be dismissed please.

  
**District Police Officer,  
Mardan.**

(Respondent No. 1)

Najeeb ur Rehman

  
**Regional Police Officer,  
Mardan.**

(Respondent No. 2)

Muhammad Sulaman

  
**Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.**

(Respondent No. 4)

Awal Khan

  
**Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.**

(Respondent No. 3)

Ahtan Hayat Gandapur

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

**Service Appeal No. 1503/2023**

Tariq Gul Constable No. 2133 District Police

Mardan.....Appellant.

**VERSUS**

The District Police Officer, Mardan 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. 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.

**District Police Officer,  
Mardan.**

(Respondent No. 1)

*Najeeb ur Rehman*

**Regional Police Officer,  
Mardan.**

(Respondent No. 2)

*Muhammad Sulman*

**Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.**

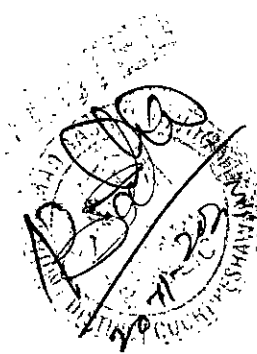
(Respondent No. 4)

*Awal Khan*

**Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.**

(Respondent No. 3)

*Akhtar Hayat-Bandapure*



7

CHARACTER ROLL OF 8. NAMES OF RELATIVES IN GOVERNMENT SERVICE.

(Continued)

Relationship	Nature of employ

9 NAMES, RESIDENCE AND OTHER PARTICULARS OF HEIRS

ORDER

Stoppage of  
with cumulative effect

OB/6-25-04

20-11-19

D/...

*[Handwritten signature]*



8

14. COMMENDATORY ENTRIES.

Serial No.

Serial No.

Returned to DIST as  
Unqualified

Found absented himself  
from morning P.T and still absent  
from 28.2.14 to date. He is returned  
to MDN DIST as Unqualified in

light of P.T.C Manual Rules No. 81  
of the Principal R.T.W. Member's signal  
No. 124, dt. 4-3-2014.

OP No. 50 E

28.2.14

Manda

ORDER:

Consequent upon order dated

02/09/2020, Police Line Member is

now being placed under suspension and

closed to police line

UP No. 14.75.

03/09/2020

Manda

Manda

9

ORDER

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 : 2203

Dated : 09-12-2020

*[Signature]*  
DPO MARDAN

ORDER

Warning to be careum in future

OB NO : 1613

dt : 01-8-2022

*[Signature]*  
DPO/Mardan

ORDER

~~Awarded him~~

*[Signature]*  
DPO Mardan

18. CENSURES AND PUNISHMENTS

5 days extra drill for his Absence

No-752  
25-3-14

[Signature]  
DPO/MR

(3) days extra drill for his Absence

CR No-871  
3-9-14

[Signature]  
DPO/MR

(2) days extra drill for his Absence

CR No-873  
23-4-14

[Signature]  
DPO/MR

4 days extra drill for his absence

CR No 1047  
0-5-2014

[Signature]  
DPO/MR

(5) days extra drill for his absence

CR No 1104  
11-5-14

[Signature]  
DPO/MR

(2) days extra drill for his absence

CR No 1440  
19-6-14

[Signature]  
DPO/MR

(2) days extra drill for his absence

CR No 1730  
18-3-14

[Signature]  
DPO/MR

(4) days extra drill for his absence

CR No 1864  
8-9-14

[Signature]  
DPO/MR

DSP Legal  
Mardon

11

CHARACTER ROLL OF

(Continued) CHARACTER ROLL OF

15. CENSURES AND PUNISHMENTS - Contd.

Serial No

Serial No

1 day extra drill for his absence

OB No. 85  
14-1-15

*[Signature]*  
DPO/MR

17 days extra drill for his absence

OB No. 405  
4-3-15

*[Signature]*  
DPO/MR

2 days ~~without pay~~ extra drill for his absence

OB No. 487  
17-3-15

*[Signature]*  
DPO/MR

1 day extra drill for his absence

OB No. 872  
13-5-15

*[Signature]*  
DPO/MR

5 days extra drill for his absence

OB No. 1112  
25-6-15

*[Signature]*  
DPO/MR

1 day extra drill for his absence

OB No. 1326  
13-8-15

*[Signature]*  
DPO/MR

1 day extra drill for his absence

OB No. 1785  
5-12-15

*[Signature]*  
DPO/MR

*[Signature]*

12

(Continued)

16. CI INSURED AND PUNISHMENTS - Contd.

Serial N

ORDER  
Awarded him Minor Punishment of  
Fore Feiture his 06 Months approved  
Service With immediate effect

OB NO = 2078  
Dated 10-11-2021

DPO / Mardua

ORDER ON DE-MOVO Enquiry


He was heard in OR on 03-11-2021 during which  
he has failed to present any plausible reason in his  
defense, therefore awarded him minor punishment  
of forfeiture his 2 years approved service. He is re-  
instated in service from the date of dismissal  
and counted his interkenning-out of service period  
towards service as leave without pay with immediate  
effect, in exercise of power vested in me under

F.K-1875:

B.No. 2130

DT. 15.11.2021.

  
District Police Officer  
Mardua

  
Mardua

13

CHARACTER ROLL OF

16. CENSURES AND PUNISHMENTS. -- Concid.

Serial No.

Appointed @ B. Dept. Q. Guard with immediate effect  
C.B. No. 602  
2-3-17

Date

From

ORDER

Awarded him major punishment of reduction in pay by two stages for two years with immediate effect and pay PSI 19000/m.

C.B. No. 1824

Dated: 12-09-22

District Police Officer  
Mardan

ORDER

Appeal is Rejected and filed being devoid of merit vide RPO Mardan No. 9042/ES dt 22/11/2022

DP

DPO Mardan

Appeal is Rejected and filed being devoid of merit as well as barred Time barred by 01 year, 05 months and 25 days, vide RPO Mardan order No. 4225/ES dated 2-6-2023

DPO Mardan

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16. LEAVE, ABSENCE AND BREAKS IN SERVICE.  
All Periods not counting as "approved service" to be entered in red ink

1. Date		2. Extent			3. No. Of District Order	4. Description of leave i.e privilege hospital, sick leave or of absence, or forfeiture of approved service
From	TO	Years	Months	Days		
				(2)	752 25-3-14	leave w/o pay
				(2)	871 23-4-14	leave w/o pay
				(1)	873 23-4-14	leave w/o pay
				(1)	1047 6-5-14	leave w/o pay
				(2)	1104 12-5-14	leave w/o pay
				(1)	1440 19-6-14	d -
				(2)	1730 18-8-14	d -
				(3)	1864 8-9-14	d -
				(1)	1944 18-9-14	d -
				(2)	1944 18-9-14	d -
				(1)	1982 22-9-14	d -
				(4)	2112 16-10-1	d -
				(1)	115 19-1-15	d -
				(2)	382 07-2-15	d -
				(1)	405	d -

DSP Legal  
Mardan

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172 --- do --- DPC/MR

111 --- do --- DPC/MR

5 112 --- do --- DPC/MR  
25-6-15

111 --- do --- DPC/MR  
3-8-15

1785 --- do --- DPC/MR  
11-15

111 2982 --- do --- DPC/MR  
10-10-16

2996 --- do --- DPC/MR  
7-12-16

2994 --- do --- DPC/MR  
7-12-16

148 --- do --- DPC/MR  
2-13-17

1365 --- do --- DPC/MR  
8/10/17

2564 --- do --- DPC/MR  
20-11-19

7) 249 --- M/leave --- DPC/MR  
03/02/2020

53 --- M/leave --- DPC/MR  
30/10/2018

2656 --- E/leave --- DPC/MR

14/11/19 --- M/Res --- DPC/MR

365 --- Do --- DPC/MR  
12/10/2020

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**DISTRICT POLICE OFFICER,  
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo@pd.mardan.gov.pk



16

31/12/20 PA

Dated 11/12/2020

**ORDER ON ENQUIRY OF CONSTABLE TARIQ GUL NO.2133**

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Guard Main Gate new Tehsil Katlang Logbook Entry Duty (now under suspension Police Lines) was placed under suspension & closed, Police Lines vide this office OB No.1475 dated 03-09-2020, issued vide order/endorsement No.4575-77/OSI dated 08-09-2020, on account of a complaint by Lady Constables Yusra No.2756, Shumaila No.2906, Fatima No.1315, Maria No.3275 & Aneela No.1928 vide DD report No.10 dated 02-09-2020 Police Lines Mardan, complaining therein that an unknown person from Mobile Nos: 0315-8899993 & 0313-7592974 is immorally disturbing them.

The matter was initially enquired into through DSP/HQrs Mardan, who after doing the needful, submitted his findings to this office vide his office letter No.427/HQrs dated 03-09-2020, holding responsible Constable Tariq Gul No.2133 of misconduct & recommended for proper departmental action, so he was proceeded against departmentally through Mr. Adnan Azam SDPO Rural Mardan vide this office Statement of Disciplinary Charge Sheet No. 19/PA dated 11-09-2020, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.1015/ST dated 20-11-2020, recommending the alleged official for major punishment.

**Final Order**

Constable Tariq Gul was heard in CR on 09-12-2020, who failed to satisfy the undersigned, 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. 2213

Dated 09/12/2020

(Dr. Zahid Ullah) PSP  
District Police Officer  
Mardan

Copy forwarded for information & n/action to:-

- 1) The DSP/HQrs Mardan.
- 2) The P.O & E.C (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with 2 sheets.

*Zahid Ullah*  
DSP Legal  
Mardan

This order will dispose-off the departmental appeal preferred by Ex-Constable Tariq Gul No. 2133 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. 2203 dated 09.12.2020. The appellant was proceeded against departmentally on the allegations that he while posted at District Main Gate new Tehsil Kallang found involved in eve-teasing by sending obscene messages to Lady Constables. The complainant Lady Constables made complaint alleging therein that an unknown person from Mobile Nos. 0315-8899993 & 0313-7592974 sends obnoxious messages to them.

In order to probe into the allegations, the matter was initially enquired into through Deputy Superintendent of Police Headquarters, Mardan, who after doing the needful, submitted his findings to District Police Officer, Mardan and held responsible the delinquent Officer of the misconduct because both the above mentioned numbers were in his use. Hence, he was recommended for formal departmental proceedings.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub-Divisional Police Officer (SDPO) Rural, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings, stating therein that the allegations leveled against him had been proved. He recommended the delinquent Officer for major punishment.

He was also provided opportunity of self defense by summoning him in the Orderly Room by the District Police Officer, Mardan on 09.12.2020, but he failed to advance any cogent reason in his defense. Hence, he was awarded major punishment of dismissal from service vide OB: No. 2203 dated 09.12.2020.

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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 12.01.2021.

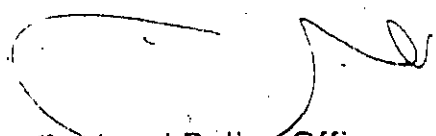
From the perusal of the enquiry file and service record of the appellant, it has been found that allegations against the appellant have been proved beyond any shadow of doubt. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in such like immoral activities brought a bad name for entire Police force in the eyes of general public, besides affecting other members of Police force. Moreover, the appellant was under

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...ations to safeguard/protect the honor/dignity of the public irrespective of their gender. In the instant case the appellant himself indulged in immoral activities which are totally against the norms of disciplined force. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force. Besides, during the course of personal hearing, he could not present any cogent justification to warrant interference in the order passed by the competent authority. Prior to this, the appellant had been earlier punished on various occasions on account of his misconduct. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer. Therefore, the order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Sher Akbar, PSP S.St 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.

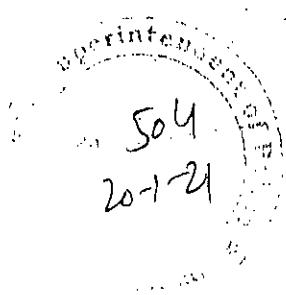
No. 248 /ES, Dated Mardan the 15 - 01 - /2021.

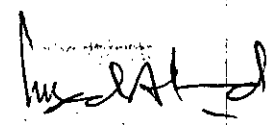
Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 362/LB dated 30.12.2020. His Service Record is returned herewith.

(\*\*\*\*)

EC  
for information and action

DP O/Mardan  
18/1/21

  
504  
20-1-21



(\*\*\*\*)

OFFICE OF THE  
DEPUTY SUPERINTENDENT OF POLICE  
RURAL CIRCLE, MARDIAH.

Phone: 0937-580322 | Email: dsp.ruralmdia@gmail.com

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The Worthy District Police Officer,  
Wardan

No. 1015 /ST, Dated: 20/11/2020

Subject: DISCIPLINARY ACTION AGAINST CONSTABLE TARIQ GUL NO. 2133

Via: 001

Kindly refer to your good office diary No. 349/PA, dated 11.09.2020.

In pursuance of your kind order, the undersigned conducted enquiry in the above case. Its step-wise detail is given below:

Respected Sir,

Enquiry was conducted in charge sheet, issued, to Constable Tariq Gul No. 2133 vide your office No 349/PA dated 11.09.2020.

PC Tariq Gul No: 2133 while posted at Guard Main Gate New Town Katlang on duty (Nax) under suspension of Police Line. Lady Constables Yousof No: 2966, Fatma No: 131, Maria No: 3275 & Anzela No: 1338 made a complaint that an unknown person from Mobile No. 0715-8899993 & 011-712-1111 is loudly disturbing them.

- During enquiry the following steps were taken.
- Charge sheet was issued to Constable Tariq Gul No. 2133. He was asked his written statement was recorded.
- Service record of Constable Tariq Gul No: 2133 was observed.
- DSB report was obtained.
- CDo was obtained and date on file.
- Statements of Lady Constables Yousof No: 2966, Fatma No: 131, Maria No: 3275 & Anzela No: 1338 were recorded and placed on file.

CONCLUSION:

During enquiry Tariq Gul No. 2133/PC is found guilty. He is not a good name of department. His previous service record was observed. He is a late and previous absence 83 with no good entry. While from his DSB record, it is evident that he is not punctual in his official duties.

RECOMMENDATION:

In view of the available record and circumstances, being enquiry officer, I recommend that Constable Tariq Gul No. 2133 be awarded Major punishment, if agreed.

OR  
20/11/2020

Deputy Superintendent of Police  
Rural Circle, Mardiah

The officer was heard in O.R. on  
9.12.2020.

The officer failed to  
produce anything in his defence  
hence he is dismissed  
from service.

J. J. J.

9.12.2020

OFFICE OF THE  
DEPUTY SUPERINTENDENT OF POLICE,  
RURAL CIRCLE, MARDAN.

Phone: 0937-580322 E-mail: dsp.ruralmdn@gmail.com

The Worthy District Police Officer,  
Mardan

No. B83 /ST, dated: 21/10/2020

Subject: DISCIPLINARY ACTION AGAINST CONSTABLE TARIQ GUL NO: 2133

Memo:

Kindly refer to your good office diary No. 349/PA, dated 11.09.2020.

In pursuance of your kind order, the undersigned conducted enquiry in the above subject case. Its step-wise detail is given below:

Respected Sir,

Enquiry was conducted in charge sheet, issued, to Constable Tariq Gul No: 2133 vide your office No 349/PA dated 11.09.2020.

FC Tariq Gul No: 2133 while posted at Guard Main Gate new Tehsil Katlang Logbook Entry duty (Now under suspension at Police Line), Lady Constables Yousofa No: 2756, Shumaila No: 2906, Fatima No: 1315, Maria No: 3275 & Aneela No: 1328 made a complaint that an unknown person from Mobile No: 0315-8899993 & 0313-7592974 is morally disturbing them.

- During enquiry the following steps were taken.
- Charge sheet was issued to Constable Tariq Gul No: 2133. He was asked to submit this written statement was recorded.
- Service record of Constable Tariq Gul No: 2133 was observed.
- DSB report was obtained.
- CDR was obtained and place on file.
- Statements of Lady Constables Yousofa No: 2756, Shumaila No: 2906, Fatima No: 1315, Maria No: 3275 & Aneela No: 1328 were recorded and place on file.

FINDINGS:

During enquiry Tariq Gul No 2133/FC is found guilty. This act is a black mark on the good name of department. His previous service record was obtained: there are 13 Bad entries and previous absenteeism 3 with no good entry. While from his previous service record, it is evident that he is not interested in his official duties.

RECOMMENDATION:

In view of the above facts and circumstanced, the undersigned has reached the conclusion that he may be selected for mandatory course at PTC Haripur for a period of three months to maintain his conduct, if agreed.

Enclose (24)

OR  
21/10/2020

Deputy Superintendent of Police,  
Rural-Circle, Mardan.

Absent  
21/10/2020

E.o  
Pl suggest minor or Major  
punishment, as directed by  
Worthy DPO Mardan in OR  
PA  
18/11  
20

21

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

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpomad@paukaf.com

2020

No. 368 /PA

Dated 11/8/2020

DISCIPLINARY ACTION

I, DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Tariq Gul No.2133, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, Constable Tariq Gul No.2133, while posted at Guard Main Gate new Tehsil Katlang Logbook Entry Duty (now under suspension Police Lines), Lady Constables Youstra No 2756, Shumaila No.2906, <sup>Fatima</sup> Nazam No.1315, Maria No.3275 & Aneela No.1328 made a complaint that an unknown person from Mobile Nos: 0315-8899993 & 0313-7592974 is immorally disturbing them.

The matter was initially enquired into through DSP/HQrs Mardan, who after doing the needful, submitted his findings to this office vide his office letter No.427/HQrs, dated 03-09-2020, holding responsible Constable Tariq Gul No.2133 of misconduct & recommended him for proper departmental action.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Adnan Azam DSI/Rural is nominated as Enquiry Officer.

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

Constable Tariq Gul 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

*[Signature]*  
15<sup>th</sup> Sept  
Mardan

22



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

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpoard@f-mail.com

2020

CHARGE SHEET

I, DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent authority, hereby charge Constable Tariq Gul No.2133, while posted at Guard Main Gate new Tehsil Kohing Logbook Entry Duty (Now under suspension Police Lines), as per attached Statement of Allegations.

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

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

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

Intimate whether you desired to be heard in person.

(Dr. Zahid Ullah) PSP  
District Police Officer  
Mardan

*[Handwritten signature]*  
Mardan





24

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Tariq Gul No. 2133. The petitioner was dismissed from service by District Police Officer, Mardan vide OB No. 2203, dated 09.12.2020 on allegations that he while posted at Guard Main Gate New Tehsil Katlang was found involved in evading filthy messages to Lady Constables. The complainant lady Constables made complaint therein that an unknown person from Mobile Nos. 0315-889993 & 0313-7592974 sends obscene messages to them. His appeal was rejected by Regional Police Officer, Mardan vide order No. 248/ES, dated 15.01.2021.

Meeting of Appellate Board was held on 06.05.2021 wherein petitioner was heard in person. Petitioner denied the allegations leveled against him and contended that he has effected compromise with complainant Lady Constable.

Keeping in view the contention of petitioner, the Board decided de-novo enquire into the allegations and the petitioner is hereby re-instated in service for the purpose of de-novo enquiry.

17/11/21  
18/01/21

Sd/-  
KASHIF ALAM, PSP  
Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. 81/2021

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Particular Missal of the above named Ex-FC received vide your office Memo: No. 968/ES, dated 22.02.2021 is returned herewith for your office record.
2. District Police Officer, Mardan with the direction to conduct de-novo enquiry against the above named defaulting Constable.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. IGP Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. IGP to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: F-IV CPO Peshawar.

EC/PA  
For information as above  
Kashif Alam

EC/DOE Mardan

(IRFAN ULLAH KHAN) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

for office use  
Mardan

Mardan



(25)

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

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: [dpomdn@gmail.com](mailto:dpomdn@gmail.com)

2021

2133

No. 437275 /PA

Dated 12/11/2021

**ORDER ON ENQUIRY (DE-NOVO) OF CONSTABLE TARIQ GUL NO.2133**

This order will dispose-off Departmental (De-novo) Enquiry under Police Rules 1975, initiated against the subject Police official, under the allegations that while posted at Guard Main Gate new Tehsil Katlang Logbook Entry Duty (Now PS Lund Khwar), had awarded major punishment of dismissal from service after fulfilling necessary departmental process on account of involving in immoral activities by sending filthy messages to Lady Constables through Mobile vide this office OB No.2213 dated 09-12-2020.


After rejecting departmental appeal by Worthy RPO Mardan, he (Constable Tariq Gul) has knocked the door of CPO Peshawar for re-instatement in service, where his appeal was accepted & reinstated in service by Appellate Board vide CPO Peshawar Notification, No:2171-80/21 dated 18-06-2021 and with the directions to the undersigned to conduct De-novo enquiry against the appellant.

In compliance, the alleged official was reinstated in service till the conclusion of De-novo enquiry vide this office O3 No.1103 dated 29-06-2021, issued vide order/endorsement No.4211-12/EC dated 25-06-2021 with proceedings him against departmentally (De-novo) through Mr. Rokhatazeb Khan SDPO Takht-Bhai, who (E.O) after fulfilling necessary process, submitted his Finding Report to this Office vide his Office letter No.993/ST dated 21-10-2021, recommending the alleged official for minor punishment.

**Final Order**

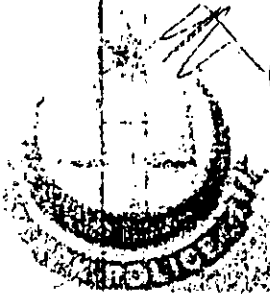
Constable Tariq Gul was heard in O.R on 03-11-2021, during which, he has failed to present any plausible reasons in his defense, therefore, I agreed with the suggestions of Enquiry Officer by awarding him minor punishment of forfeiture his (02) years approved service. He is re-instated in service from the date of dismissal & counted his intervening/out of service period towards service as leave without pay with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No 2133  
Dated 15/11 2021.

  
(Dr. Zahid Ullah) PSP  
District Police Officer  
Mardan

Copy forwarded for information & n/action to:-

- 1) The SDPO Takht-Bhai.
- 2) The PO & E.C (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with 30 sheets.



26

OFFICE OF THE  
SUB-DIVISIONAL POLICE OFFICER,  
TAKHT BHAI CIRCLE

Tel & Fax: 0937552211, E-Mail: dsp.tbh@gmail.com

No. 993 /ST, Dated: 21/10/2021

To: The Worthy District Police Officer,  
Mardan

Subject: DE-NOVO INQUIRY CONSTABLE TARIQ GUL NO.2133

Memo: The subject inquiry was referred to this office for de-novo proceeding vide diary No.749/PA dated 30.06.2021.

2. Short facts are that subject accused constable on account of misconduct for his ill behave with few lady constables through Mobile calls and as a result his disciplinary inquiry was initiated, ended in dismissal from service by W/DPO Mardan vide OB No.2213 dated 09.12.2020. on appeal to W/IGP, the accused constable was re-instated by W/DPO Mardan vide OB No.1103 dated 29.06.2021 and directed de-novo inquiry against him ( constable Tariq Gul No.2133)

3. This office examined the following witnesses.

- a. Lady Constable Maria No.3275
- b. Lady Constable Fatma No.1315
- c. Lady Constable Yousra No.2756
- d. Lady Constable Aneela No.1328
- e. Lady Constable Shumaila No.2906

*[Signature]*  
Mardan

All the above witnesses in their statements have forgiven the accused constable and do not wish any proceeding against him.

4. Statement of accused constable was also recorded who sworn that he shall not repeat the alleged acts in future and shall be cautious and prayed for pardon.

5. Worth to highlight that Police Rules 1934 chapter 16, Para 02 clearly provides that "dismissal is a harsh Punishment and is to be exercised with care and circumspection against police employee". The police employee shall be dismissed only in case of corrigible acts.

*[Signature]*  
DPA

Moreover as per reported judgment 1988 PLC(CS) Page 179 Quantum of punishment must be appropriate, compatible and reasonable, therefore the undersigned feels that dismissal order is harsh and not appropriate rather applicable to the alleged acts of accused constable.

In circumstances the undersigned as per rules 16-24 (vii) PR 1934 recommends that accused constable Tariq Gul No 2133 be awarded Minor Penalty and issued warning to be careful in future.

(Rokhan Zeb Khan)

Deputy Superintendent of Police  
Takht Bhai Circle

OR

Forfeiture of 2 years approved

Service

  
DP Mardan  
Mardan  
3.11.2021

Enquiry ✓

28

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

2021

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email dpo\_mardan@yahoo.com

ORDER

In pursuance of the orders of worthy Additional Inspector General of Police, HQR, KP, Peshawar office notification No. 2171-80/21, dated 18.06.2021, Ex-constable Tariq Gul No. 2133 is hereby re-instated in to service for the purpose of de-novo enquiry with immediate effect.

ASP Takht Bhai is hereby nominated as enquiry officer. He shall submit his finding report within 14 days positively.

OB No. 03

Dated 28/6/2021.

*[Signature]*  
District Police Officer  
Mardan

No. 4211/12 /EC, dated 29/6/2021.

Copy for information to the:-

- 1. PO.
- 2. OSI.

ASP T. Bhai ✓

for on 12/6/2021

*[Signature]*  
Mardan

P.A/Branch  
District Police  
30/6/2021

Stary No. 749/014  
Date 30/6/2021

بیان اذان کنسٹیشن طارق گل نمبر 2133

خواجہ محمد نامہ نمبر 12-4211 مورخہ 29 02 2021 ہمارے ذات DPO صاحبہ خیران سرور میں خدمت ہوں  
 کہ ایڈی کنسٹیشن، سیرہ نمبر 2756، ٹائل نمبر 2906، فاصلہ 1315، مارہ 3275، ایٹھ 1328 سے میرے خلاف آفسران بالا  
 صاحبان کو شکایت کی تھی اور حسب ضابطہ انکواری کرتے جس میں مسائل سے متعلقہ قرار دے کر انکواری کی زد میں  
 مسائل کو نوکری سے برخاست کیا گیا۔ لہذا میں مسائل نے مذکورہ ایڈی کنسٹیشن کے ساتھ راضی نامہ کر کے من مسائل کو معاف کر کے  
 اپنے بعد آفسران بالا صاحبان نے مسائل کو دوبارہ بحال کر کے نوکری کے سلسلے میں اپنی حاضری کی رپورٹ پولیس لائن میں کی۔ بحال  
 کرنے کے بعد دوبارہ انکواری شروع کی۔ اس سلسلے میں میں مسائل نے مذکورہ ایڈی کنسٹیشن کے ساتھ خاگی راضی نامہ کر لیا ہے۔ اور  
 من مسائل کو معاف کیا ہے۔ جملہ ایڈی کنسٹیشن کی شکایت حقیقت پر مبنی تھی۔ اس لئے آئندہ احتیاط کرونگا۔ اگر دوبارہ ایسی غلطی سرزد  
 ہوگی اور آفسران بالانے مجھ کو نوکری سے برخاست کیا تو کوئی اعتراض نہیں ہوگا۔ اور آفسران بالا کے احکامات کا پابند ہونگا۔ یہی میرا بیان ہے  
 لہذا استدعا ہے کہ مسائل کی انکواری فائل کرنے کا حکم صادر فرماویں۔

*Jamil*

کنسٹیشن طارق گل نمبر 2133

2021-10-22

*USF Legal*  
 (Mardan)

میں اس بار سے فریہ آرتھو یون کہ صحت کشیل کا استعمال 2133  
 کے خلاف شکایت کی گئی کہ مذکورہ کشیل کے گندے اور فضول SMS  
 کو بلا کر اور سما کر کے گندے کرتا ہے۔ جس سے شکایت برائے  
 اعتراض لانے کے کشیل کا دن کو تو کرنا سے کرنا تھا  
 اور اب اسے کرتے اعتراض لانے کے کشیل کے  
 اور ان کو اصرار سوا ہو گا اور اس سے کئی ملے  
 تو میں اسے اللہ کی عبادت کے خلاف کرتا ہے  
 اکتیو ایٹھ الٹی ہے اس کا راجہ کے لئے کون SMS کا  
 مقصود کا کشیل کو ذات سے منی آتی ہے اور ایسا  
 اس سے اور بھی کیا تو وہ ہے (دوبارہ کرنا)  
 کے لئے بیان ہے

Handwritten signature

3275 متہ کپور کشیل کے لئے  
 21



۱۰۶

میں اس بارے میں فریڈ کال کرتے ہیں کہ میں نے کنسٹیبل طارق گل 2133 - 2133

شکایت نہیں کی تھی کہ مذکورہ کنسٹیبل مجھے غیر اخلاقی مہیج اور کمال کرتا تھا اور کمال کرتا  
 مہیج کرتا تھا میری شکایت کرنے پر انسپکشن ہالانا انٹوائٹری شروع کرتے کنسٹیبل  
 طارق گل کو نوٹری ہے تعال کا اب جبکہ مذکورہ کنسٹیبل کو سزا دی جا چکی ہے اور  
 صفائی کا طلبگار ہے اور اپنے لئے درپیشمان ہے تو میں اسے اللہ کی رضا ہے صاف کرتی  
 ہوں اس وعدے اور خلف کا ساتھ کہ وہ آئندہ ایسی غلطی بھی نہیں دہرائے گا  
 بصورت دیگر یہ تمام بھی انٹوائٹری دوبارہ شروع کر سکتے ہیں۔ اللہ ہی میرا بہانہ ہے

الک

ناظمہ 1315 صفینہ پولیس لائن مردان

Date :- 1 / 10 / 2021

Handwritten signature

بیان از ان

میں اس اور غیر ترقی ہوں کہ میں نے کنسیل طارق مل 133 کا حلاف

شعائیت کی تھی کہ مذکورہ کنسیل مجھ پر اظہارِ امر فضول مال بیع کرنا تھا اور مال بیع کرنا تھا میری شعائیت کہ نہ اس کے ان مال نہ انکو اسری شروع کر کے کنسیل طارق مل کو نوٹری سے فارغ کر دیا ہے جو اب جبکہ مذکورہ کنسیل کو سزا دی جا چکی ہے اور صفائی کا طلب کار ہے اور اس کے دیگر ایشیاں ہے تو میں اسے اللہ ہی رضائے صفائی ترقی ہوں اس وقت اور حلاف کا ساتھ کہ وہ آئندہ ایسی غلطی کبھی نہیں دہرائے گا بصورتِ دیگر بیع تمام ایسی انکو اسری دوبارہ شروع کر سکتے ہیں۔ انہی کے بیان

الع  
ریشتری 2756 عقینہ پولیس لائن وردان  
Date: - 1/10/2021  
[Signature]



میں اس بار سے تحریر کرتی ہوں کہ میں نے انسٹیبل طارق گل 2133 سے خلد سے  
 شکایت کی تھی کہ مذکورہ انسٹیبل مجھے whatsapp پر دہرایا مینڈ کرتا تھا اور تنگ کرتا  
 تھا میری شکایت کرنے پر انسٹروان بالانہ اتھوٹری شروع کر کے انسٹیبل طارق گل  
 کو نوٹری سے فارغ کر دیا اب جبکہ مذکورہ انسٹیبل کو سزا دی جا چکی ہے اور وہ معافی  
 طلباً رخصت اور پینشن پر لایسٹیمان ہو تو میں نے اللہ کی رضا میں سے معاف کرتی ہوں اس  
 لئے کہ وہ اپنے خلاف سزا کو اہل ذمہ آئندہ ایسی عملی نہیں دہرائے گا بصورت دیگر یہ  
 تمام ایسی اتھوٹری دوبارہ شروع کر سکتے ہیں اور یہی میرا بیان ہے

الع  
 1328 متعینہ برلمین لائن ہون

Date: - 1/10/2021

Handwritten signature

بیان ازان لکھی گئی ہے  
شعبہ 2906

2133

میں اس سے تحریر کرتی ہوں کہ میں نے اس طرف سے  
کہ وہ لوگ شکایت اعتراض کو کی تھی کہ مذکورہ اسٹیل

کے ذریعہ اسٹیل کو سٹیم اور ویڈیو سینڈ کرنا تھا اور اس  
تذکرہ پر بیان کرنا تھا۔ میری شکایت پر اعتراض والا  
نے مذکورہ اسٹیل کو حکم سے خارج کر دیا جو مذکورہ  
مذکورہ اسٹیل کو سٹیل میں چکی ہے اور اس ذریعہ

اسٹیل معامی جانتا ہے تو اللہ انہی کی رضا سید  
میں مذکورہ اسٹیل کو عفا فرمائی جوں اس  
کا فریڈ کرے تو یہی انکو انگری دو بارہ سے  
کرے کہلی گزارش کر رہی ہے یہی ساتھ بیان ہے

Handwritten signature

شعبہ 2906

Date: 6-10-21

6316932414

Handwritten signature and stamp

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

35

**Service Appeal No. 1503/2023**

Tariq Gul Constable No. 2133 District Police

Mardan.....Appellant.

**VERSUS**

The District Police Officer, Mardan and others.....Respondents.

**AUTHORITY LETTER.**

Mr. Wisal Ahmad Superintendent of Police Headquarters and Legal 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.

*Wisal Ahmad*  
**District Police Officer,  
Mardan.**  
(Respondent No. 1)

*M. Stallman*  
**Regional Police Officer,  
Mardan.**  
(Respondent No. 2)

*Amal Khan*  
**Additional Inspector General of Police,  
HQs: Khyber Pakhtunkhwa, Peshawar.**  
(Respondent No. 4)

*Amal Khan*  
**Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.**  
(Respondent No. 3)

*Akhtar Hayat gemal Puri*