

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

*Service Appeal No. 1221/2023.*

Muhammad Taimoor Ex-Constable.....Appellant

**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa.

& 02 others.....Respondents.

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①

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

*Service Appeal No. 1221/2023.*

**Muhammad Taimoor Ex-Constable..... Appellant**

**Khyber Pakhtunkhwa  
Service Tribunal**

**VERSUS**

Diary No. 9893

Dated 17/12/2023

1. Inspector General of Police, Khyber Pakhtunkhwa.

& 02 Others..... **Respondents.**

**WRITTEN REPLY ON BEHALF OF RESPONDENTS.**

**1. Preliminary Objections.**

1. That the appellant has got no Cause of action and locus standi to file the present appeal.
2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
3. That the appeal is time barred.
4. That the appellant has not come to the Tribunal with clean hands.
5. That this Hon'ble Tribunal has got no jurisdiction to entertain the present appeal.
6. That the instant appeal is not maintainable in its present form.
7. That the appellant concealed the material facts from this Hon'ble Tribunal.
8. That the appellant has been estopped by his own conduct to file the appeal.

**2. REPLY ON FACTS.**

1. Para No. 01 of appeal pertains to service record.
2. Para No. 02 of appeal is incorrect. There are several unfavorable entries in his service record which raised concerns about the appellant's efficiency (**Copies of punishment orders are attached as Annexure A**).
3. Para No. 03 of appeal to the extent of involvement in criminal cases are correct, on account of which he was proceeded against departmentally (**Copies of Charge Sheet/Summary of Allegations attached as Annexure B, C & D**).
4. Para No. 04 of appeal is incorrect. Appellant during service proved himself an inefficient and disinterested in his duties, which is evident from his service record.
5. Para No. 05 of appeal is correct to the extent of dismissal from service on account of involvement in criminal cases/criminal activities and absence from duty, however such dismissal order was issued after proper departmental enquiries in accordance with rules during which appellant was associated.
6. Para No. 06 of appeal is correct to the extent of rejection of his departmental appeal which was time barred.
7. Para No. 07 of appeal to the extent of filing of revision is correct, however the same was rejected being groundless.


8. The orders of respondents are in accordance with law and appellant was treated as per law. Appellant has got no cause of action to file the instant appeal which is groundless.

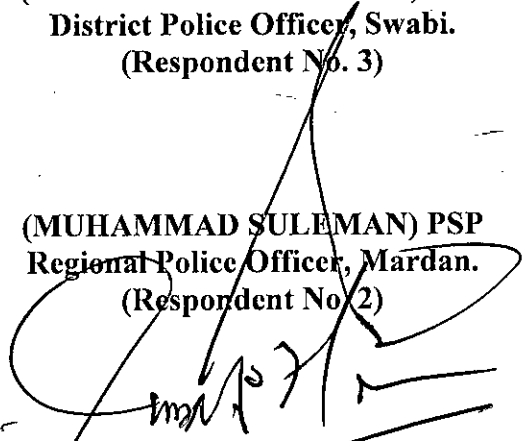
**GROUNDS.**

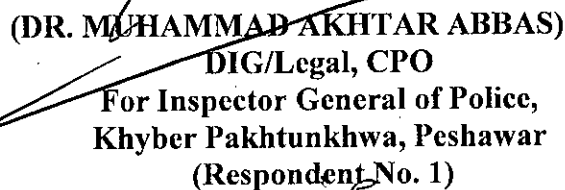
- A. Incorrect. The order of respondent No. 01 is quite legal and in accordance with law.
- B. Incorrect. After proper departmental enquiries during which appellant was associated and before passing final order he was personally heard.
- C. Incorrect. The orders of respondents are quite legal. The departmental appeal of appellant is hit by limitation and the present appeal is also time barred.
- D. Incorrect. The order of respondent No. 01 is quite legal and in accordance with law.
- E. Incorrect. On account of misconduct, appellant was proceeded against departmentally in accordance with rules. During enquiries appellant was found guilty who was recommended by the Enquiry Officer for punishment. After fulfillment of code formalities, appellant was dismissed from service (**Copies of enquiry reports and order attached as Annexure E, F, G & H**).
- F. Incorrect. Reply already given vide paras above.
- G. Incorrect. The allegations against the appellant are specific in nature which have been proved during enquiries proceedings hence he was dismissed through speaking order.
- H. Incorrect. Reply already given vide para above.
- I. Incorrect. Appellant was treated in accordance with law.
- J. Incorrect. Appellant proved himself an inefficient and disinterested in Police job, hence not entitled for any relief.
- K. Incorrect. Reply already given vide para above.
- L. That respondents will also raised additional grounds at the time of arguments with the kind permission of Hon'ble Tribunal.

**PRAYERS**

It is therefore prayed that the appeal of appellant may kindly be dismissed with cost being devoid of merits and without any legal substance.

  
**(HAROON RASHID KHAN) PSP**  
District Police Officer, Swabi.  
(Respondent No. 3)

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

  
**(DR. MUHAMMAD AKHTAR ABBAS) PSP**  
DIG/Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 1)

(3)

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

*Service Appeal No. 1221/2023.*

**Muhammad Taimoor Ex-Constable..... Appellant**

**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa.  
& 02 Others..... **Respondents.**

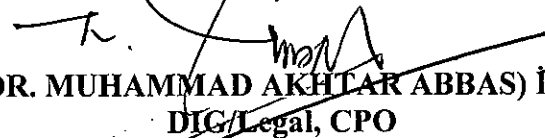
**POWER OF ATTORNEY.**

We, the respondent No. 1 to 3 do hereby appoint Muhammad Shafiq SDPO Topi/DSP Legal Swabi as special representative on our behalf in the above noted appeal. He is authorized to represent us before the Tribunal on each and every date fixed and to assist the Govt: Pleader attach to Tribunal.



**(HAROON RASHID KHAN) PSP  
District Police Officer, Swabi.  
(Respondent No. 3)**

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



**(DR. MUHAMMAD AKHTAR ABBAS) PSP  
DIG/Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 1)**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 1221/2023.

Muhammad Taimoor Ex-Constable..... Appellant

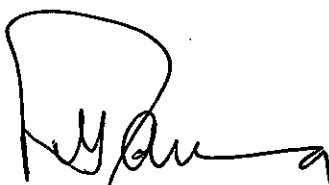
VERSUS

- 1. Inspector General of Police, Khyber Pakhtunkhwa.
- & 02 Others..... Respondents.

AFFIDAVIT:-

I the respondent No. 3 do hereby solemnly affirm and declare on oath that the contents of the written reply are correct/true to the best of my knowledge / belief and nothing has been concealed from the honorable Tribunal.

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

  
 (HAROON RASHID KHAN) PSP  
 District Police Officer, Swabi.  
 (Respondent No. 3)

**ATTESTED**  
  
 14-12-2023

(5)

"A"

ORDER

This order will dispose of the departmental enquiry against Constable Taimoor No.587, who while posted to Police Station Utlā, absented himself from duty w.e. from 22.12.2020 to 15.03.2021, which is highly against the discipline and amounts to gross misconduct. Therefore, he was served with show cause notice on 01.02.2021. He was due to respond within (7) days of the receipt of the notice but he did not. In the above allegations he was issued with Charge sheet together with statement of allegations under sub section 3, section 5 of Police Rules 1975. Mr. Noor ul Amin DSP H.Qrs Swabi was nominated for conducting departmental enquiry against him. The enquiry officer after conducting proper departmental enquiry, submitted his findings, wherein he recommended Constable Taimoor No.587, for minor punishment.

After perusal of the enquiry papers and recommendations of the enquiry Officer, I, **Muhammad Shoaib Khan, PSP**, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award Constable Taimoor No.587, Minor Punishment of Censure, with immediate effect. The pay for the period of his absence is hereby deducted from his salary and his pay is released.

O.B No. 426

Dated 19/04/2021.

ATTESTED

PIO

District Police Officer, Swabi.



**Muhammad Shoaib Khan (PSP)**  
District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 1579-31/PA, dated Swabi, the 19/04/2021.

Copies to the: -

1. Pay Officer.
2. Establishment Clerk.
3. Fauji Missal Clerk.

بروئے - لائن اول - صدر داتا ایجا

6

"A/1"

**ORDER.**

This order will dispose of the departmental enquiry against Constable Taimoor No.587, who while posted as Naib reader DRC PS Kalu Khan, absented himself from duty w.e.f. 16.04.2021 to 05.05.2021 without any leave/prior permission from his senior officers. Therefore, he was charge sheeted and served with summary of allegations under sub section 3, section 5 of Police Rules 1975. Mr. Iftikhar Ali DSP Topi was nominated for conducting departmental enquiry against him. The enquiry officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned and provided an opportunity of cross examination. The enquiry officer submitted his findings, wherein he recommended Constable Faisal No.630, for suitable punishment.

After perusal of the enquiry papers and recommendations of the enquiry Officer, I, **Muhammad Shoaib Khan, PSP**, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award Constable Taimoor No.587, Minor Punishment of stoppage of two years increment, without cumulative effect and the pay for the period of his absence is hereby deducted from his salary and his pay is released with immediate effect.

O.B No. 934

Dated 16/09 /2021.

**ATTESTED**



District Police Officer, Swabi.

  
**MUHAMMAD SHOAIB KHAN (PSP)**  
DISTRICT POLICE OFFICER, SWABI

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 3556-58 PA, dated Swabi, the 16/09 /2021.

Copies to the: -

1. Pay Officer.
2. Establishment Clerk.
3. Fauji Missal Clerk.

✓ ✓ ✓  
پروانہ - لڈا - رول - دستخطات لیا

(6) (7)

"A/2"

**ORDER.**

This order will dispose off the departmental enquiry against **Constable Taimoor No.587** who while posted to Police Post Daran absented himself from duty w.e.f 07.01.2022 to 25.01.2022 and 28.01.2022 to 02.04.2022 without any leave/prior permission of the competent authority. His this act is against the discipline and amounts to gross mis-conduct.

Therefore, he was issued Charge sheet alongwith with statement of allegations under sub section 3, section 5 of Police Rules 1975 and Mr. Farooq Zaman SDPO Swabi was nominated for conducting departmental enquiry against him. The enquiry officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned and provided an opportunity of cross examination. The enquiry officer submitted his findings, wherein he found Constable Taimoor No.587 guilty for the mis-conduct and recommended him for Suitable Punishment.

After perusal of the enquiry papers and recommendations of the enquiry Officer, I, **Muhammad Shoaib Khan, PSP**, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award Constable Taimoor No.587, Minor Punishment of stoppage of three year increments without cumulative effect. The pay for the period of his absences is hereby deducted from his salary and his pay is released, with immediate effect.

O.B No. 343

Dated 05/09/2022.

**ATTESTED**

**PIO**  
District Police Officer, Swabi.

**MUHAMMAD SHOAIB KHAN (PSP)**  
DISTRICT POLICE OFFICER,  
SWABI

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.  
No. 1984-07/PA, dated Swabi, the 07/04/2022.

Copies to the: -

1. Pay Officer.
2. Establishment Clerk.
3. Fauji Missal Clerk.
4. Official concerned.

✓  
✓  
✓  
پروانہ - آرڈر رول - رجسٹرڈ ایسی



8


"A/3"

2/11  
DAS  
B

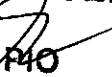
07 days of Hour absence period is  
treated as leave without pay-

OB No. 1332

DT 14-10-2020

  
District Police Officer  
SWABI  
y

ATTESTED

  
PIO

District Police Officer, Swabi.

8 9

"A/4"

No.

15. CENSURES AND PUNISHMENT

④ days Absence period with effect  
From 19<sup>11</sup>/<sub>2013</sub> To 23<sup>11</sup>/<sub>2013</sub> L.W.O. pay  
vide this office OB no 4088  
dt. 3.2.014.

✓ Supdt: of Police FRP,  
Mkd: Range Swat.

2 days Absence period with effect from  
23<sup>12</sup>/<sub>013</sub> To 25<sup>12</sup>/<sub>013</sub> L.W.O. pay vide this office  
OB no 115 dt. 3/14/2014.

✓ Supdt: of Police FRP,  
Mkd: Range Swat.

ATTESTED

PIO

⑤ Day Absence from duty on 3<sup>1</sup>/<sub>2014</sub> To 4<sup>1</sup>/<sub>2014</sub>  
covered L.W.O pay vide this office  
OB no 3/4/2014

✓ Supdt: of Police FRP,  
Mkd: Range Swat.

⑥ days absence from duty with effect  
from 29<sup>4</sup>/<sub>014</sub> To 5<sup>5</sup>/<sub>2014</sub> covered as L.W.O  
pay vide OB no 369 dt. 10-10-2014

✓ Supdt: of Police FRP,  
Mkd: Range Swat.

one day absence period is treated as  
leave with out pay.

OB No 1582  
dt 11-12-015

✓ District Police Officer  
SWABI

CHARACTER ROLL OF

Serial No.

15. CENSURES AND PUNISHMENTS - Contd.

Placed Under Suspension with immediate effect. He is being proceeded against departmentally. (Order attached)

OB No. 168

dt: 10/02/2020

*[Signature]*  
District Police Officer  
SWABI

ATTESTED

*[Signature]*

District Police Officer, SWABI

Re-Instated in service, from the date of his suspension.

OB No. 308 (Order attached)

dt: 09/03/2020

*[Signature]*  
District Police Officer  
SWABI

(12) days and (23) hours absence period is treated as leave without pay.

OB No. 1000

dt: 02/09/20

*[Signature]*  
District Police Officer  
SWABI

(18) days & (06) hours absence period is treated as leave without pay.

OB No 1139

dt 18-11-21

*[Signature]*  
District Police Officer  
SWABI

12/12/17

seals

Encl. No

Copy of 1

118

- 1. PS
- 2. All
- 3. Sen
- 4. Acc
- 5. Secr
- 6. Princ
- 7. Secy
- 8. AD II
- 9. Regstr
- 10. All the
- 11. Kbn
- 12. Chalm
- 13. Regstr
- 14. All the
- 15. Secy
- 16. The Dist
- 17. Kbn
- 18. The Secy
- 19. To go.
- 20. The Dist
- 21. All District
- 22. PSO in Gen
- 23. PSO to Chit
- 24. Director Lab
- 25. PS to Financ
- 26. PAs to II A
- 27. All Sect on C

(B) (11)

"B"



OFFICE OF THE  
DISTRICT POLICE OFFICER SWABI  
PHONE# 0938-920050 FAX# 0938-920054  
EMAIL: [dpo\\_swabi@yahoo.com](mailto:dpo_swabi@yahoo.com)

**CHARGE SHEET UNDER KPK POLICE RULES-1975**

Whereas I am satisfied that formal enquiry as contemplated by Khyber Pakhtunkhwa Police Rules 1975 is necessary and expedient.

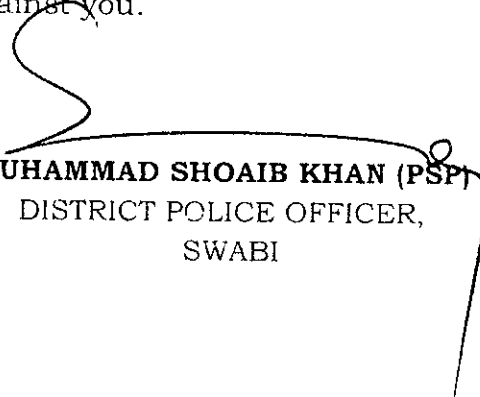
And whereas I am of the view that the allegations if established would call for Major/Minor penalty as defined in Rules 4 (b) a & b of the aforesaid Rules.

Now therefore as required by Rules 6(1) of the aforesaid Rules I **Muhammad Shoaib Khan, PSP**, District Police Officer Swabi charge you **Constable Taimoor No.587**, on the basis of statement of allegations attached to this charge sheet.

In case your reply is not received within seven days without sufficient cause it will be presumed that you have no defence to offer and ex-parte action will be taken against you.

**ATTESTED**

  
**PIO**  
District Police Officer, Swabi.

  
**MUHAMMAD SHOAIB KHAN (PSP)**  
DISTRICT POLICE OFFICER,  
SWABI

012 B/1



OFFICE OF THE  
DISTRICT POLICE OFFICER SWABI  
PHONE# 0938-920050 FAX# 0938-920054  
EMAIL: [dpo\\_swabi@yahoo.com](mailto:dpo_swabi@yahoo.com)

**DISCIPLINARY ACTION UNDER KPK POLICE RULES-1975**

I, **Muhammad Shoaib Khan**, District Police Officer, Swabi as competent authority am of the opinion that **Constable Taimoor No.587** has rendered himself liable to be proceeded against as he has committed the following acts/omission within the meaning of section 02 (iii) of KPK Police Rules-1975.

**STATEMENT OF ALLEGATIONS**


It is alleged that Constable Taimoor No.587, of this District Police has involved himself in case FIR No.603 dated 25.07.2022 U/s 212 PPC/15-AA PS Kalu Khan, which is highly against the discipline and amounts to gross mis-conduct.

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

For the purpose of scrutinizing the conduct of the said official Mr. Farooq Zaman SDPO Swabi 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 (7) days, Constable Taimoor No.587, is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer) a statement of charge sheets is attached herewith.

**ATTESTED**

  
DPO  
District Police Officer, Swabi.

  
**MUHAMMAD SHOAIB KHAN (PSP)**  
DISTRICT POLICE OFFICER  
SWABI

No. 94 /CC/PA

Dated: 02/08 /2022

(13)

"C"



OFFICE OF THE  
DISTRICT POLICE OFFICER SWABI  
PHONE# 0938-920050 FAX# 0938-920054  
EMAIL: dpo\_swabi@yahoo.com

CHARGE SHEET UNDER KPK POLICE RULES-1975

Whereas I am satisfied that formal enquiry as contemplated by Khyber Pakhtunkhwa Police Rules 1975 is necessary and expedient.


And whereas I am of the view that the allegations if established would call for Major/Minor penalty as defined in Rules 4 (b) a & b of the aforesaid Rules.

Now therefore as required by Rules 6(1) of the aforesaid Rules I **Muhammad Shoaib Khan, PSP**, District Police Officer Swabi charge you **Constable Taimoor No.587**, on the basis of statement of allegations attached to this charge sheet.

In case your reply is not received within seven days without sufficient cause it will be presumed that you have no defence to offer and ex-parte action will be taken against you.

ATTESTED

  
PIO  
District Police Officer, Swabi.

  
**MUHAMMAD SHOAIB KHAN (PSP)**  
DISTRICT POLICE OFFICER,  
SWABI



18 14 c/2

OFFICE OF THE  
DISTRICT POLICE OFFICER SWABI  
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**DISCIPLINARY ACTION UNDER KPK POLICE RULES-1975**

I, **Muhammad Shoaib Khan**, District Police Officer, Swabi as competent authority am of the opinion that **Constable Taimoor No.587** has rendered himself liable to be proceeded against as he has committed the following acts/omission within the meaning of section 02 (iii) of KPK Police Rules-1975.

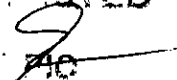
**STATEMENT OF ALLEGATIONS**

It is alleged that Constable Taimoor No.587, of this District Police has been found involved in illegal/criminal activities. There are also reports that he mis-uses his powers as Police Official. Recently a complaint has been received that he tease and abuse one Mst: Seema w/o Azam R/o Kalu Khan for the reason best known to him, which is highly against the discipline and bring bad name for the entire police department.

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

For the purpose of scrutinizing the conduct of the said official Mr. Farooq Zaman SDPO Swabi 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 (7) days, Constable Taimoor No.587, is directed to appear before the enquiry officer on the date, time and placed fixed by the later (enquiry officer) a statement of charge sheets is attached herewith.

ATTESTED

  
District Police Officer, Swabi.

  
**MUHAMMAD SHOAIB KHAN (PSP)**  
DISTRICT POLICE OFFICER  
SWABI

No. 51 /CC/PA

Dated: 01/06 /2022



(15) D

OFFICE OF THE  
DISTRICT POLICE OFFICER SWABI  
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EMAIL: [dpo\\_swabi@yahoo.com](mailto:dpo_swabi@yahoo.com)

CHARGE SHEET UNDER KPK POLICE RULES-1975

Whereas I am satisfied that formal enquiry as contemplated by Khyber Pakhtunkhwa Police Rules 1975 is necessary and expedient.

And whereas I am of the view that the allegations if established would call for Major/Minor penalty as defined in Rules 4 (b) a & b of the aforesaid Rules.

Now therefore as required by Rules 6(1) of the aforesaid Rules I **Muhammad Shoaib Khan, PSP**, District Police Officer Swabi charge you **Constable Taimoor No.587**, on the basis of statement of allegations attached to this charge sheet.

In case your reply is not received within seven days without sufficient cause it will be presumed that you have no defence to offer and ex-parte action will be taken against you.

**ATTESTED**

P.O.  
District Police Officer, Swabi

**MUHAMMAD SHOAIB KHAN (PSP)**  
DISTRICT POLICE OFFICER,  
SWABI



(16) D/1



OFFICE OF THE  
DISTRICT POLICE OFFICER SWABI  
PHONE# 0938-920050 FAX# 0938-920054  
EMAIL: [dpo\\_swabi@yahoo.com](mailto:dpo_swabi@yahoo.com)

**DISCIPLINARY ACTION UNDER KPK POLICE RULES-1975**

I, **Muhammad Shoaib Khan**, District Police Officer, Swabi as competent authority am of the opinion that **Constable Taimoor No.587** has rendered himself liable to be proceeded against as he has committed the following acts/omission within the meaning of section 02 (iii) of KPK Police Rules-1975.

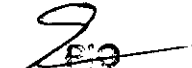
**STATEMENT OF ALLEGATIONS**


It is alleged that Constable Taimoor No.587, of this District Police has involved himself in case FIR No.430 dated 30.05.2022 U/s 452/506/504/34 PPC PS Kalu Khan. He also absented himself from duty w.e.f 14.05.2022 till date without any leave/prior permission of the competent authority, which is highly against the discipline and amounts to gross misconduct.

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

For the purpose of scrutinizing the conduct of the said official Mr. Farooq Zaman SDPO Swabi 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 (7) days, Constable Taimoor No.587, is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer) a statement of charge sheets is attached herewith.

ATTESTED

  
District Police Officer, Swabi.



**MUHAMMAD SHOAIB KHAN (PSP)**  
DISTRICT POLICE OFFICER  
SWABI

No. 58 /CC/PA

Dated: 08/06 /2022

(17) "E"

DY No. 620 /S.  
DATED: 06 / 09 / 2022.

**SUBJECT: DEPARTMENTAL PROCEEDINGS AGAINST  
CONSTABLE TAIMOOR No.587, UNDER SECTION 6  
OF KPK POLICE RULES 1975.**

It is submitted that the subject Departmental enquiry against the above named official was entrusted to the undersigned vide Endst: No. 51/CC/PA, dated 01/06/2022; the allegations are as under: -

**Statement of allegations: -**

It is alleged that Constable Taimoor No.587, of this District Police has been involved in illegal/criminal activities. There are also reports that he mis-uses his powers as Police Official. Recently a complaint has been received that he teases and abuse one Mst: Seema w/o Azam R/o Kalu Khan for the reason best known to him, which is highly against the discipline and bring bad name for the entire police department.

**ATTESTED**

**Proceedings:**

District Police Officer, SMC.

In this connection, the alleged Police namely Constable Taimoor No.587, was summoned about his departmental enquiry and directed him to bring all relevant evidence, if any, for his defense against the above allegations. He was interviewed in detail and recorded his statement. In addition, all necessary proceedings were executed by Enquiry Officer as per laid down instructions in section 7 and section 6 clauses (ii, iii, iv & v) of KPK Police Rules 1975, for the purpose of transparent enquiry and perused all the evidences/statements collected during the said proceedings, the service book of the delinquent Police official was also perused and found that there is large number of red entries, which led the undersigned to the following findings. (All relevant record enclosed)

**Findings:**

In light of the above proceedings, the following points were noted and deemed proper to be underlined for perusal.

1. During the course of enquiry it was found that the delinquent is absented himself from duty w.e.f 14.05.2022 to 08.06.2022. In this course of absentee, he engaged himself to teases and abuse one Mst: Seema. Wherein a case Vide FIR No 430 dated 30/05/2022 u/s

(18) "E/2"


506/504/452/34 PPC has been registered against the alleged constable.

2. That the alleged Police Official has absented himself without any leave/prior permission from the high Ups w.e.f 14.05.22 to 08.06.22.
3. That the delinquent Police official availed BBA from the learned Court which was confirmed through "No Objection Certificate" of complainant Mst: Seema.
4. That the criminal record of the delinquent Police official was checked thoroughly in Police Station Kalu khan, on whom different No of FIRs (enclosed) has been lodged.

**RECOMMENDATION:**

Relying upon the above findings, allegations against Constable Taimoor Belt No.587 proved, hence, found guilty. Therefore, he is recommended for "**Suitable Punishment**", if agreed, please.

ATTESTED  
PIO  
District Police Officer, Swabi.

  
Sub-Divisional Police Officer,  
S W A B I.

108 " F " 191

DY No. 619 IS.  
DATED: 06/09/2022.

**SUBJECT: DEPARTMENTAL PROCEEDINGS AGAINST  
CONSTABLE TAIMOOR No.587, UNDER SECTION 6  
OF KPK POLICE RULES 1975.**

It is submitted that the subject Departmental enquiry against the above named official was entrusted to the undersigned vide Endst: No. 58/CC/PA, dated 08/06/2022; the allegations are as under: -

**Statement of allegations: -**

It is alleged that Constable Taimoor No.587, of this district Police has involved himself in case FIR No.430 dated 30.05.2022 u/s 452/506/504/34 PPC PS Kalu Khan. He also absented himself from duty w.e.f 14.05.2022 till date without any leave/prior permission of the competent authority, which is highly against the discipline and amounts to gross mis-conduct.

**Proceedings:**

**ATTESTED**

**PIO**

District Police Officer, Deptt.

In this connection, the alleged Police namely Constable Taimoor No.587, was summoned about his departmental enquiry and directed him to bring all relevant evidence, if any, for his defense against the above allegations. He was interviewed in detail and recorded his statement. In addition, all necessary proceedings were executed by Enquiry Officer as per laid down instructions in section 7 and section 6 clauses (ii, iii, iv & v) of KPK Police Rules 1975, for the purpose of transparent enquiry and perused all the evidences/statements collected during the said proceedings, the service book of the delinquent Police official was also perused and found that there is large number of red entries, which led the undersigned to the following findings. (All relevant record enclosed)

**Findings:**

In light of the above proceedings, the following points were noted and deemed proper to be underlined for perusal.

1. That the alleged Police Official has absented himself duty w.e.f 14.05.2022 to 08.06.2022. In this course of absentee, the delinquent engaged himself to teases and abuse one Mst: Seema, wherein a case vide FIR No 430

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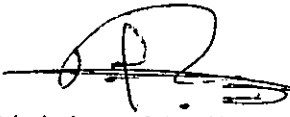
dated 30.05.2022 u/s 506/504/452/34 PPC has been registered against him.

2. That the delinquent Police Official has absented himself w.e.f 14.05.22 to 08.06.22 without any leave/prior permission from High-up's.
3. That the delinquent Police Official availed BBA from the learned Court which was confirmed through "No Objection Certificate" of complainant Mst: Seema.
4. That the criminal record of the delinquent Police Official was checked thoroughly in Police Station Kalu Khan, on whom different No of FIRs (enclosed) has been lodged.

**RECOMMENDATION:**

Relying upon the above findings, allegations against Constable Taimoor Belt No.587 proved, hence, found guilty. Therefore, he is recommended for "**Suitable Punishment**", if agreed, please.

**ATTESTED**  
  
District Police Officer, Swabi.

  
Sub-Divisional Police Officer,  
S W A B I.

(21) "G"

DY No. 618 /S.  
DATED: 06/09/2022.

**SUBJECT: DEPARTMENTAL PROCEEDINGS AGAINST  
CONSTABLE TAIMOOR No.587, UNDER SECTION 6  
OF KPK POLICE RULES 1975.**

It is submitted that the subject Departmental enquiry against the above named official was entrusted to the undersigned vide Endst: No. 94/CC/PA, dated 02/08/2022; the allegations are as under: -

**Statement of allegations: -**

It is alleged that Constable Taimoor No.587, of this District Police has involved himself in case FIR No.603 dated 25.07.2022 u/s 212 PPC/15-AA PS Kalu Khan, which is highly against the discipline and amounts to gross mis-conduct.

**Proceedings:**

In this connection, the alleged Police namely Constable Taimoor No.587, was summoned about his departmental enquiry and directed him to bring all relevant evidence, if any, for his defense against the above allegations. He was interviewed in detail and recorded his statement. In addition, all necessary proceedings were executed by Enquiry Officer as per laid down instructions in section 7 and section 6 clauses (ii, iii, iv & v) of KPK Police Rules 1975, for the purpose of transparent enquiry and perused all the evidences/statements collected during the said proceedings, the service book of the delinquent Police Official was also perused which led the undersigned to the following findings. (All relevant record enclosed)

**Findings:**

In light of the above proceedings, the following points were noted and deemed proper to be underlined for perusal.

1. Being a part of Police department every Police Official has duty to arrest the accused, contrary to support accused.
2. Unlikely the delinquent police official provide support to accused namely Talha s/o Faqir Khussain wanted in a case FIR No. 602 dated 24.07.2022 u/s 302/324 PPC PS Kalu Khan, by carrying him on motorcycle, on account of

ATTESTED

District Police Officer

(22) G/1

which a case vide FIR No.603 dated 25.07.2022 u/s 212 PPC/15AA has been registered against the delinquent Police Official.


3. That the criminal record of the delinquent Police Official was checked thoroughly in Police Station Kalu Khan, on whom different No of FIRs (enclosed) has been lodged.

**RECOMMENDATION:**

Relying upon the above findings, allegations against Constable Taimoor Belt No.587 proved, hence, found guilty. Therefore, he is recommended for "**Suitable Punishment**", if agreed, please.

**ATTESTED**

**PIO**  
District Police Officer, Swabi.

  
Sub-Divisional Police Officer,  
S W A B I.

(23)

"9/2"

**FINAL SHOW CAUSE NOTICE**

**I. Muhammad Shoaib Khan, District Police Officer, Swabi** as competent authority under Police Disciplinary Rules 1975, hereby serves upon you, **Constable Taimoor No.587** as follow:

Whereas you Constable Taimoor No.587 of this District Police have been found involved in illegal/criminal activities. There are also reports the you mis-uses your powers as Police Official. Recently a complaint has been received that you tease and abuse one Mst: Seema W/o Azam, R/o Kalu Khan for the reasons best known to you. Your this act is highly against the discipline and amounts to gross mis-conduct.

In this connection you were charge sheeted and served with summary of allegations and SDPO Swabi, was appointed to conduct proper departmental enquiry. The enquiry officer held enquiry, collected evidence, interviewed the delinquent official and submitted his findings, wherein he recommended you Constable Taimoor No.587, for Suitable punishment.

You are hereby directed to Show Cause Finally of your irresponsible acts towards performing your professional responsibilities within 07 days, as to whether you will not be punished as defined by Police rules.

In case of none submission of your reply within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to offer, and ex-parte action shall be taken against you.

**ATTESTED.**

District Police Officer, Swabi.

**MUHAMMAD SHOAIB KHAN (PSP)**  
DISTRICT POLICE OFFICER,  
SWABI

M. A. Khan

13.09.2022





(28)

(24)

"9/3"

9/3

بہ حوالہ شکوکا زونٹس مجازیہ جناب DPO صاحب ضلع صوابی  
بیان بابت بے گناہی

جناب عالی:

سائل حسب ذیل عرض رساں ہے۔

- (۱) یہ کہ من سائل پر بہ حوالہ عدلت نمبر۔ 430/، دفعہ 34/ 506504 / 4251 مورخہ 30/05/2022 کو تھانہ کالو خان میں ہوا۔ مذکورہ دعویداری میں مسلمان سیماء وچہ اعظم اور ہمشیرہ اخشاہ بہ عمر 27/28 سال اس اور بیٹی انم بہ عمر 7/8 سال نے بیان دیا۔
- (۲) یہ کہ من سائل کبھی ان کے گھر کے قریب زندگی میں نہیں گیا ہے اور ان کا گھر ایک بندگی میں ہے جو کہ شاہ راہ نہیں ہے۔
- (۳) یہ کہ من سائل نے کبھی ان کے موبائل پر کال یا رابطہ نہیں کیا ہے۔ جو کہ بذریعہ CDR معلوم ہو سکتا ہے۔
- (۴) یہ کہ میرے خلاف دعویداری غلط کیا گیا ہے۔ اور جہان میرے خلاف ہے جھوٹ پر مبنی ہے۔
- (۵) یہ کہ من سائل ایک غیرت مند اور شریف خاندان سے تعلق رکھتا ہے۔ اور آئین پاکستان کو بہ خوبی جانتا ہے۔
- (۶) یہ کہ دعویداری من سائل پر اور والدہ پر کیا ہے۔ من سائل کی والدہ بہ عمر ساٹھ سال ہے۔ اور کم از کم ۷۰ برس سال سے بیمار ہے۔ جو کہ چلنے پر ہنسنے کی قابل نہیں ہے۔
- (۷) من سائل اپنے گھر کا واحد کفیل ہے اور والدہ بیوی اور بیٹا سائل کے زیر کفالت ہے۔
- (۸) یہ کہ اگر من سائل کسی قسم کا تصور وار نظر تو سزا کا حقدار بیگناہ من سائل کے ساتھ زیادتی ہوئی ہے۔
- (۹) من سائل اپنے دفاع و بے گناہی پر کم از کم پندرہ ہاشندہ گان عدالت کے حضور اور افسران بالا کے دفاتر میں پیش کر سکتا ہے۔ جب کہ اگر مسلمان بالانے دو گواہان پیش کیے تو سزا کا حقدار ہونگا۔
- (۱۰) من سائل اپنے ابا و اجداد کے گھر و ہجرہ کے سامنے کھڑا تھا۔ اگر اپنے ہجرہ کے سامنے کھڑا ہونا گناہ ہے تو میں گناہگار ہوں۔ یہ ایک سال پہلے گاؤں کالو خان سے آئی ہوئی ہے۔ جو کہ اس قسم کے الزامات کی وجہ سے کرایے کے مکانات میں رہتی ہے۔ یہ انہوں نے آمدنی کا ایک ذریعہ اپنایا ہے۔ جس پر بہت سے لوگوں نے پیسے وصول کرتی ہے۔ جو کہ ایک غلط کاروبار کا شکل اختیار کیا گیا ہے۔
- (۱۱) اس میں ہمارا BBA عدالت سے منظور ہوئی ہے۔ جس پر مسلمان نے عدالت میں کسی قسم کا کاروائی یا نقصان کرنے کا اعتراف نہیں کیا ہے۔

مذکورہ بیان میرے علم و یقین کے مطابق میں کوئی بات پوشیدہ نہیں ہیں۔ استدعا ہے کہ من سائل اور والدہ کو انصاف فراہم کیا جائے اور اصل حقائق سامنے لانے کا حکم صادر فرمائیں۔ اور انکو الٹری بیفیر کسی کاروائی کے داخل و مقبول کیا جائے۔ میں محمد یونس مسکور رہونگا۔

اچکا تابعدار محمد: کانسٹیبل محمد تیمور 587 ساکن ترلانڈی تحصیل رزہ ضلع صوابی

(25) "H"

**ORDER**

This Order will dispose of the departmental enquiry against **Constable Taimoor No.587**, who:-

- i. Has been charged vide case FIR No.603 dated 25.07.2022 U/s 212 PFC/15-AA TS Kalu Khan.
- ii. Has been found involved in illegal/criminal activities. There are also reports that he mis-uses his powers as Police Official. Recently a complaint has been received that he teases and abuse one Mst: Seema W/o Azam R/o Kalu Khan for the reasons best known to him.
- iii. Has been charged vide case FIR No.430 dated 30.05.2022 U/s 452/506/34 PPC PS Kalu Khan. He also absented himself from duty w.e.f 14.05.2022 to 08.06.2022 without any leave/prior permission of the competent authority.

Therefore, on account of all the three mis-conducts he was issued with charge sheets alongwith summaries of allegations and Mr. Farooq Zaman SDPO Swabi was appointed as Enquiry Officer. The enquiry officer conducted proper departmental enquiries, recorded statements of all concerned, collected evidences and submitted his findings, wherein he recommended the defaulter Constable Taimoor No.587 for Suitable Punishment.

During enquiry he again absented himself from duty with effect from 01.09.2022 till date.

The undersigned has gone through the enquiry papers and findings of the enquiry officer and by agreeing with the recommendations of the enquiry officer served Constable Taimoor No.587 with Final Show Cause Notices for Major punishment. The defaulter Constable submitted his replies to the Final Show Cause Notices, which were perused and found un-satisfactory.

Therefore, I, **Muhammad Shoaib Khan, PSP**, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award **Constable Taimoor No.587**, Major Punishment of dismissal from service with immediate effect. He will not be entitle for payment of any salary for the period of his absence i.e 14.05.2022 to 08.06.2022 and 01.09.2022 till date.

O.B No. 993

Dated 30/09 /2022.

**ATTESTED**

District Police Officer, Swabi

**MUHAMMAD SHOAIB KHAN (PSP)**  
DISTRICT POLICE OFFICER,  
SWABI

**OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.**

No. 7437-48/PA, dated Swabi, the 03/10 /2022.

Copies to the: -

1. DSP H.Qrs Swabi.
2. Establishment Clerk.
3. I/C PAL.
4. Fauji Missal Clerk.
5. Pay Officer, Swabi
6. Official concerned.

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