

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 464/2016

Date of Institution ... 02.05.2016

Date of Decision ... 03.01.2019

Iftikhar Ahmad, Ex-Constable No. 2455, Mardan, Police.

... (Appellant)

VERSUS

District Police Officer, Mardan and other.

... (Respondents)

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HAJI SHAMSUL QAMAR,  
Advocate

--- For appellant.

MR. MUHAMMAD RIAZ PAINDAKHEL,  
Assistant Advocate General

--- For respondents.

MR. AHMAD HASSAN,  
MR. MUHAMMAD HAMID MUGHAL

--- MEMBER(Executive)  
--- MEMBER(Judicial)

JUDGMENT

**SCANNED  
KPST  
Peshawar**

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. Grievance of the appellant pertains to impugned order dated 02.03.2016, whereby major penalty of dismissal from service was imposed on him. He filed departmental appeal on 16.03.2016 which was dismissed on 11.04.2016, hence, the instant service appeal.

ARGUMENTS

3. Learned counsel for the appellant argued that vide daily diary no. 8 of 02.01.2016, he was arrested by Malakand Levies for possessing 2-1/2 kg Chars

and willfull absence from duty as per details given in daily diary no. 54 and 42 dated 31.12.2015 and 19.01.2016 respectively. Inquiry was conducted and thereafter major penalty was awarded to him. Learned counsel for the appellant further argued while registering FIR on 03.01.2016 recovery of 1200 gm Chars was mentioned. Subsequently, the appellant was acquitted by the court of Additional Sessions Judge, Malakand vide order dated 11.01.2018. After acquittal from the criminal case the charge on the basis of which he was proceeded departmentally vanished away. Moreover, the charge pertaining to willful absence from duty was not part and parcel of the charge sheet and statement of allegations served on the appellant.

4. On the other hand learned Deputy District Attorney argued that the appeal was not maintainable. All codal formalities were observed before passing the impugned order. No illegality was committed by the respondents before passing the impugned order. He requested that the appeal be dismissed.

### CONCLUSION

5. On the allegations of possessing 2-1/2 kg Chars the appellant was arrested by Malakand Levies on 2.01.2016. On the other hand at the time of registration of FIR No. 2 dated 03.01.2016 under Section-9C of CNSA-PS Dargai recovery of 1200 gm Chars was mentioned/reflected. He was charge sheeted on 28.01.2016 on the charges of possessing Chars an enquiry was conducted in which he was held guilty and subsequently major penalty of dismissal from service was awarded to him. While going through the impugned order, it was observed that he was also punished on account of charge of willful absence from duty which was not part of the charge sheet/statements of allegations referred to above so penalty awarded to him was beyond the pale of law/rules. On the other hand the respondents with

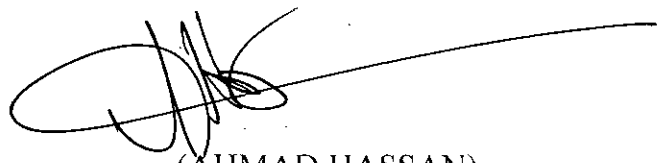
their parawise comments had annexed charge sheet in which the charge of willful absence from duty for fifteen days was leveled against him. Instead of passing separate order the competent authority disposed of the said enquiry through the impugned order dated 02.03.2016.

6. In a subsequent development he was acquitted of the charges by the Additional District and Sessions Judge, Malakand vide judgment dated 11.10.2018, as such the charge on the basis of which he was awarded penalty was no more in the field. It merits to mention here that he remained absent for fifteen days while major penalty was awarded to him did not commensurate with his guilt and appeared to be very harsh. There is strong justification for modification in the impugned order to uphold the principles of natural justice.

7. As a sequel to the above, the appeal is partially accepted, impugned orders dated 02.03.2016 and 11.04.2016 are set aside and the penalty of dismissal from service is converted into minor penalty of withholding of two annual increments for one year. The intervening period shall be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)  
MEMBER



(AHMAD HASSAN)  
MEMBER

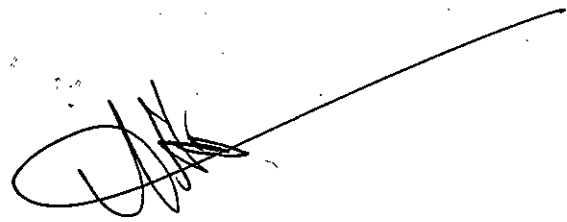
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03.01.2019

Order

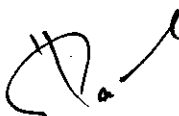
03.01.2019 Counsel for the appellant present. Mr. Atta Ur Rehman, SI (Legal) alongwith Mr. Muhammad Riaz Paindakhel, Assistant Advocate General for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is partially accepted, impugned orders dated 02.03.2016 and 11.04.2016 are set aside and the penalty of dismissal from service is converted into minor penalty of withholding of two annual increments for one year. The intervening period shall be treated as leave without pay. Parties are left to bear their own cost. File be consigned to the record room.

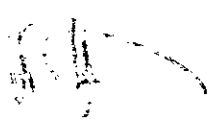
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03.01.2019



(AHMAD HASSAN)  
Member



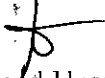
(MUHAMMAD HAMID MUGHAL)  
Member

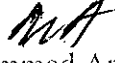


Service Appeal No. 464/2016

20.08.2018


Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Atta-ur-Rehman, S.I (legal) for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 01.10.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

01.10.2018

Appellant in person present. Mr. Riaz Ahmed Paindakhel Assistant Advocate General alongwith Mr. Atta ur Rehman S.I for the respondent present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 15.11.2018 before D.B.

  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member

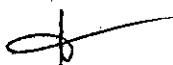
15.11.2018


Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 03.01.2019.

  
READER

18.12.2017


Appellant in person and Mr. Muhammad Jan, DDA alongwith Attaur Rahman, SI (Legal) for the respondents present. Counsel for the appellant is not in attendance. To come up for arguments on 19.02.2018 before the D.B.

  
Member

  
Chairman

19.02.2018

Due to non availability of D.B. Adjourned. To come up on 23.04.2018 before D.B.


  
(Gul Zeb Khan)  
Member

23.04.2018

Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.07.2018 before D.B.

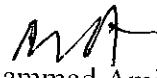
~~Atta-ur-Rehman, S.I~~

  
(Ahmad Hassan)  
Member

  
(M. Hamid Mughal)  
Member

06.07.2018

Counsel for the appellant in person present. Mr. Sardar Shoukat Hayat, Addl: AG alongwith Mr. Atta-ur-Rehman, Inspector for respondents present. Arguments could not be heard due to incomplete bench. To come up for arguments on 20.08.2018 before D.B.

  
(Muhammad Amin Kundi)  
Member

26.10.2016

Appellant in person and Mr. Muhammad Ghani, SI  
alongwith Addl. AG for respondents present. Written reply  
submitted. The appeal is assigned to D.B for rejoinder and final  
hearing on 05.01.2017.

  
Chairman

05.01.2017

Appellant in person and Mr. Khalid Mehmood, H.C alongwith  
Additional AG for the respondents present. Appellant submitted rejoinder  
which is placed on file. Appellant also requested for adjournment as his  
counsel is not available today before the Tribunal. Adjourned. To come up  
for arguments on 25.05.2017 before D.B.

  
MUHAMMAD AAMIR NAZIR  
MEMBER

25.05.2017

Counsel for the appellant present. Mr. Atta-ur-Rehman, Sub-  
Inspector alongwith Mr. Muhammad Jan, Deputy District Attorney  
for the respondents also present. Learned counsel for the appellant  
requested for adjournment. Adjourned. To come up for arguments  
on 14.09.2017 before D.B.

  
(GUL ZEB KHAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

14/9/2017

Appellant in person and Mr. Kabirullah Khattak,  
Assistant AG alongwith Mr. Khalid Mehmood, HC for the  
respondents present. Appellant seeks adjournment. Adjourned.  
To come up for arguments on 18/12/2017 before DB.

  
MEMBER

  
Chairman


14.07.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant joined Mardan Police as Constable, Mardan on 15.1.2009. While traveling with friends in a car on 1.1.2016, the army authorities took the appellant in their custody and was handed over to the Dargai Levies on 3.1.2016. Dargai Levies registered false case under section-9 (CNSA vide FIR No. 2 dated 3.1.2016 at Police Station Dargai. The appellant was shown to have been arrested being in possession of 2-1/2 KG Charas. On the basis of disciplinary proceedings, he was dismissed from service vide order dated 3.3.2016. He preferred departmental appeal on 16.3.2016, but was rejected on 11.4.2016, hence the instant service appeal on 8.5.2016.

Learned Counsel for the appellant contested that parameters given in Police Rules 1975 were not followed in Toto at the time of conducting inquiry against the appellant, hence impugned order dated 2.3.2016 and 11.4.2016 being illegal and void may be set-aside and appellant to reinstate in service.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 15.8.2016 before S.B.

Appellant Deposited  
Security & Process Fee

  
Member

15.08.2016

Appellant in person and Mr. Muhammad Ghani, SI alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 26.10.2016 before S.B.




  
Member



Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 464/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	2015	<p>The appeal of Mr. Iftikhar Ahmad presented today by Mr. Haji Shamsul Qamar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	9.5.2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>10-5-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	10.05.2016	<p>None present for appellant. Notice be issued to appellant and his counsel for preliminary hearing for 14.07.2016 before S.B.</p> <p style="text-align: right;"> Member</p>



①

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

Service Appeal No: - 464 / 2016

**H.W.F. Province  
Service Tribunal**  
Diary No. 438  
Dated 02/5/2016

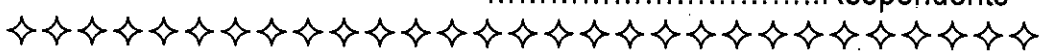
Iftikhar Ahmad, Ex-Constable No 2455, Mardan,  
Police.

..... Appellant

**Versus**

1. District Police Officer, Mardan
2. Regional Police Officer (DIG), Mardan  
Region, Mardan

..... Respondents



APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT,  
AGAINST THE ORDER OF RESPONDENT NO 1 VIDE HIS  
OB NO 577 DATED 02/03/2016 WHEREBY THE  
APPELLANT WHO DISMISSED FORM SERVICE AND THAT  
OF RESPONDENT NO 2 ORDER DATED 11/04/2016  
WHEREBY THE DEPARTMENTAL APPEAL OF THE  
APPELLANT, WAS REJECTED ANNEXURE "A" & "B"

***Prayer:***

That the orders may please be declared illegal,  
void and against the principles of natural justice and be set aside with the  
directions to the respondents to re-instate the appellant in service with all  
back benefits according to rules/law, inter alia on the following grounds:-

***Respectfully Sheweth:***

1. *That the appellant is educated upto FA and joined  
Mardan Police as a constable on 15/01/2009.*

~~Filed to-day~~  
~~Register~~  
2/5/16

2. *That while posted to Cobra -I security, the  
appellant had gone to Badraga Malakand agency  
on 01/01/2016 with his one friend by a car.*

3. That the army authorities intercepted the appellant and kept them in illegal (custody for two days and on 03/01/2016, he and his companions were handed over to Dargai Levy (Malakand Agency).
4. That Dargai post commander registered a false case u/s 9© CNSA, vide FIR No 2 of 03/01/2016 at P.S Dargai, but it is astonishing that one day earlier (on 02/01/2016) information was passed to <sup>Mardan</sup> ~~Malakand~~ that appellant was arrested in possession of 2-1/2 KG of Chars, which was entered in Daily Diary entry No 8 of Police Line, Mardan. (Annexure "H").
5. That the respondent No 1 issued charge sheet and summary of allegation to the appellant (Annexure "C" & "D") and appointed DSP, Takht Bahi as Inquiry Officer on the basis of daily diary report dated 02/01/2016.
6. That the appellant did not plead guilty to the charge and explained the whole facts to the E.O. (Annexure "E").
7. That the Inquiry Officer without conducting any inquiry according to law submitted hi finding (Annexure "F") to the respondent No 1.
8. That the respondent No 1 straight away issued the impugned order (Annexure "A").

9. That the appellant submitted departmental appeal to respondent No 2 (Annexure "G"), which was rejected (Annexure "B").
10. That FIR No 2 u/s 9 ©CNSA as later on registered on 03/01/2016 for recovery of 1200 Grms chars from a car to which appellant and his companion were traveling. (Annexure "I").
11. That the orders are illegal, void and against the principles of natural justice inter alia on the following grounds:-

**Grounds:-**

- A. That the copy of daily diary report dated 02/01/2016 vide No 8 (annexure "F") police line is a clear proof of the fact that the appellant is innocent and case is false, as one day before the registration of case information is conveyed to police line Mardan through control room about recovery of 2500 Gram chars (2-1/2 KG) and the FIR is registered on 03/01/2016 showing recovery of chars 1200 Grms from the car in possession of the appellant and his companion.
- B. That the inquiry officer has failed to examine the recovery officer and other witnesses and has thus deprived the appellant of his right to cross examination them and also failed to consider the ~~facts~~ <sup>facts</sup> ~~conduct~~ of daily diary report and date as well as

4

*Contents*  
the ~~contents~~ of FIR and date i.e. 03/01/2016 which  
is clear proof that case is baseless and false.


- C. That the respondent No 1 neither gave opportunity of personal hearing to the appellant nor served show cause notice on the appellant and thus the appellant was condemned unheard.
- D. That the respondent No 2 even did not apply his prudent mind to the facts and record and straight away rejected the appeal.
- E. That the case is still sub-judice and the respondent did not wait for court decision.
- F. That the appellant seek the permission of this learned Tribunal to rely on additional grounds at the time of hearing/arguments after studying the whole record of inquiry/orders.

***It is, therefore, requested that the appeal may please be accepted as prayed.***

Dated:- 2 / 04 / 2016

Through:-

  
Appellant  
Iftikhar Ahmad

  
Haji Shamsul Qamar  
Advocate, High Court,  
Peshawar.

0301-8806554

P. S. 2016

Annex - A

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ORDER

My this order will dispose of the departmental inquiry, which is conducted against Constable Iftikhar No. 2455, while posted at Cobra 1, according to the report of Line officer vide DD No. 08 dated 02.01.2016, he was arrested by Malakand levies with 2 1/2 KG Chars and deliberately absented himself from the lawful duty vide DD No.54 dated 31.12.2015 to DD No. 42 dated 19.01.2016 without any leave / permission of the competent authority which is the grand negligence on his part therefore recommended to proceeding departmentally.

His this attitude adversely reflected on his performance, while discharge his official duty which is an indiscipline act and grass misconduct on his part as defined in rule 2(iii) of Police Rules 1975.

In this connection, Constable Iftikhar No. 2455, was issued charge sheets vide this office Nos. 82/R, dated 18.02.2016, 36/R, dated 28.01.2016 and also proceeded against departmentally through the Saleem Riaz Khan DSP/TBI Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 869/ST & 870/ST dated 24.02.2016 as the allegations have been established against him and recommended him for major punishment.

The undersigned agreed with the findings of enquiry officer and the alleged Constable Iftikhar No. 2455, is hereby dismissed from service, while his absence period treated as leave without pay in exercise of the power vested in me under the above quoted rules.

Order announced

O.B No. 577Dated 02.10.2016No. 1400-51 dated Mardan the 3-3 /2016


Copy for information and necessary action to:-

1. The Deputy Inspector General of Police Mardan Region-1, Mardan.
2. The S.P Operations, Mardan.
3. The DSP/HQrs Mardan.
4. The Pay Officer (DPO) Mardan.
5. The E.C (DPO) Mardan.
6. The OSI (DPO) Mardan.



(Faisal Shahzad)PSP  
District Police Officer,  
Mardan.

C.T.C

  
Advocate  
28/4/16

Annex B

①  
Page = 6

ORDER.

This order will dispose-off the appeal preferred by Ex-Constable Iftikhar No. 2455 of Mardan District Police against the order of District Police Officer, Mardan wherein he was dismissed from service vide OB No. 577 dated 02.03.2016.

Brief facts of the case are that, he while posted at Cobra 1, according to the report of Line officer vide daily diary No. 08 dated 02.01.2016, he was arrested by Malakand levies with 2 1/2 KG Chars and deliberately absented himself from the lawful duty vide daily diary No.54 dated 31.12.2015 to daily diary No. 42 dated 19.01.2016 without any leave / permission of the competent authority which is the grand negligence on his part therefore he was proceeded departmentally. His this attitude adversely reflected on his performance, while discharging his official duty which is an indiscipline act and gross misconduct on his part. In this connection, he was issued charge sheet and also proceeded against departmentally through the Saleem Riaz Khan Deputy Superintendent of Police Takht Bhai, Mardan, who after fulfilling necessary process, submitted his findings to the District Police Officer, Mardan as the allegations have been established against him and recommended him for major punishment. The District Police Officer, Mardan agreed with the findings of enquiry officer and the alleged Constable was dismissed from service.

I have perused the record and also heard the appellant in Orderly Room held in this office on 06.04.2016, but he failed to justify his innocence and could not produce any cogent reason about his absence. Therefore, I Muhammad Tahir Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed forthwith.

ORDER ANNOUNCED.

*[Signature]*  
(Muhammad Tahir) PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan

C.T.C  
*[Signature]*  
Advocate  
29/4/16

No. 2909 /ES, Dated Mardan the 11/04 /2016.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 179/Legal dated 24.03.2016. His service roll is returned herewith for record in your office.

(\*\*\*\*\*)

29/3 85



Annex C

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CHARGE SHEET UNDER KPK POLICE RULES 1975

I, Faisal Shahzad District Police Officer, Mardan as competent authority hereby charge you Constable Iftikhar No. 2455, as follows.

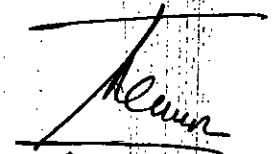
That you Constable, while posted at Cobra 1, according to the report of Line officer vide DD No. 08 dated 02.01.2016, you are arrested by Malakand levies with 2 1/2 KG Chars which is the grand negligence on his part therefore recommended to proceeding departmentally.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (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 rendered yourself 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 defence if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.



(FAISAL SHAHZAD)PSP  
District Police Officer,  
Mardan

CTC  
  
Advocate  
28/14

5779526  
Annex D  
OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 36 /R.D.A-P.R-1975.

Dated 28-01-2016

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DISCIPLINARY ACTION UNDER KPK POLICE RULES - 1975

I, Faisal Shahzad District Police Officer, Mardan as competent authority am of the opinion that Constable Iftikhar No. 2455, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975.

STATEMENT OF ALLEGATIONS

That Constable Iftikhar No. 2455, while posted at Cobra I, according to the report of Line officer vide DD No. 08 dated 02.01.2016, he was arrested by Malakand levies with 2 1/2 KG Chars which is the grand negligence on his part therefore recommended to proceeding departmentally.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Saleem Riaz Khan DSP/Takht Bhai Mardan is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(F) (D)  
Faisal Shahzad  
(FAISAL SHAHZAD) DSP  
District Police Officer,  
Mardan

CTC  
Saleem Riaz Khan  
Advocate

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. \_\_\_\_\_ /R, dated Mardan the \_\_\_\_\_ /2016.

Copy of above is forwarded to the:

1. DSP/TBI Mardan for initiating proceedings against the accused official / Officer namely Constable Iftikhar No. 2455, under Police Rules, 1975.
2. Constable Iftikhar No. 2455, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

\*\*\*\*\* !!! \*\*\*\*\*

جوائنٹ ٹریڈ سٹریکٹنگ ایسوسی ایشن انگریزی 36/80 APR 2008 میں یہ نیا انٹرنیشنل خدمت ہے۔ کہ مائل سال 2008 میں یہ نیا  
سال 2008 کا حکمہ لیس میں کمیٹی کی تشکیل تقریباً ہو گیا ہے۔ تاریخ تعیناتی سے دیگر ماحول اپنی  
ڈیوٹی نہایت زیادہ بنیادی اور خوش اسلوبی سے سرانجام دیکر افریقہ درست بالا ذکر کس قسم کی  
تعمیرات کا حصہ نہیں دیکھا ہے۔

یہ شرط و اطمینان کیوں ہیں۔ کہ مائل سال 2008 میں یہ نیا جبکہ خود مائل سے عمران عزیز الرحمن ڈیوٹی اور دیگر  
کے ساتھ ساتھ ہے۔ جب دیگر شرط سے ہے۔ تو وہاں پر موجود ایل این ایک اری کے تحت ہے۔  
لیکر دیگر کئی قلم نے ہے۔ جہاں 2/3 دن ہر چھ گھنٹے کے بعد میں جو عمران ام عزیز الرحمن کو ایئر فورس  
ڈیوٹی کے حوالہ سے ہے۔ جہاں ایئر فورس کے ساتھ 2 دن گزارے۔ اور یہ وہ حالت میں  
ہیں کہ یہ وہ خدمت ہے۔ کہ ایک اری میں 2 دن کے بعد میں ایئر فورس والوں کے ساتھ ہے  
تو یہ ہے کہ۔ اگر حقیقت اس کا یہ کہنے کیلئے اندراج تہہ اور کے علاوہ فرد کو وہاں  
سے خدمات حاصل کی جائے۔ تو اصلیت اعلیٰ ہے۔

① صوبہ دار دوست محمد اور دیگر نے درآمد میں اس تعارف الزام عملوں سے براہ راست  
ڈیوٹی اور ان کے ساتھ ساتھ ہے۔ اور 1540 میں ہر تہہ 200 اگر کہی براہ راست  
ظاہر ہے۔

② جب کہ تعیناتی لیس میں انگریزی اوقات 2100 بج تا 02 بج 2008  
تو یہ ہے کہ۔ اور تہہ 2 کلو بتلایا گیا ہے۔

جہاں اور۔ بالا اس بات کی غلطی ہے۔ کہ اندراج تہہ میں ضروری ہے۔

مائل کو جب حالت سے ثابت ہے۔ تو قریبی طور پر اپنی طرف سے ایس ایس ایل میں کر دیا  
اور یہ تہہ اپنی طرف سے اسلوب اور کن سے یہ یہ انجام دے رہا ہے۔

یہ ہے کہ۔ یہ تہہ کے علاوہ ایس ایس ایل اور حقیقت میں اس میں کہ آیا ہوئے۔  
تو حقیقت یہ ہے کہ۔ یہ تہہ کے علاوہ ایس ایس ایل میں کہ آیا ہوئے۔  
تو حقیقت یہ ہے کہ۔ یہ تہہ کے علاوہ ایس ایس ایل میں کہ آیا ہوئے۔  
تو حقیقت یہ ہے کہ۔ یہ تہہ کے علاوہ ایس ایس ایل میں کہ آیا ہوئے۔

CTC  
Khan  
Advocate

انٹرنیشنل ٹریڈ سٹریکٹنگ ایسوسی ایشن  
2455  
CNIC NO: - 18182-4457973-1  
والظفر 0300-5778526



Annex ~~E~~ - F

OFFICE OF THE  
DEPUTY SUPERINTENDENT OF POLICE  
TAKHT BHAI CIRCLE

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

No. 869 /ST, Dated: 24/02/2016

Page 10

To,

The District Police Officer,  
Mardan

Subject: DISCIPLINARY ACTION AGAINST CONSTABLE IFTIKHAR  
NO. 2455

Memo:

Kindly refer to your office Diary No. 36, dated 28.01.2016.

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

1. STATEMENT OF ALLEGATIONS:

That Constable Iftikhar No. 2455, while posted at Cobra-1, according to the report of Line Officer vide DD No. 08, dated 02.01.2016, he was arrested by Malakand Levies with 2 ½ KG Charas which is the grand negligence on his part therefore recommended to proceeding departmentally.

2. PROCEEDINGS:

Constable Iftikhar No. 2455 was summoned; charge sheet and summary of allegations were served upon him; he submitted his written reply; he was heard in person; the criminal record was obtained from PS Dargai, Malakand; the daily diary reports were obtained from Police Line, Mardan and the statement of ASI Shakeel was also got recorded.

3. BRIEF FACTS OF THE CASE:

On 03.01.2016 at about 15:40 hrs, the incharge of Police Station Dargai, Malakand, namely Dost Muhammad checked a motor car bearing registration number FIDA 8898 on a tip off and recovered Charas weighing 1200 grams from the secret shelves of the car. The two inmates of the car disclosed their names as Iftikhar Ahmad s/o Shahbaz Khan and Aziz-ur-Rahman s/o Abdul Samad r/o Pir Saddi, Tehsil Takht Bhai. They both owned the ownership of the Charas. The incharge took into possession the Charas and motor car through separate recovery memos. He separated 05 grams from the total 1200 grams of Charas for chemical examination and prepared two separate sealed-parcels - parcel No. 1 and parcel No. 2 respectively. Dost Muhammad arrested both the accused; prepared cards of arrest u/s 62 CrPc and sent a Marasila to this effect to PS, whereupon case FIR No. 2, dated 03.01.2016, u/s 9C-CNSA was registered in PS Dargai, Malakand. The IO prepared site plan; obtained one day police custody for each accused; recorded the statement of accused and marginal witnesses u/s 161 CrPc. Both the accused confessed their guilt before the police. However, they declined before the court and were sent to judicial lock-up.

CFC  
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Delvode

During investigation it transpired that the accused Iftikhar Ahmad s/o Shahbaz Khan r/o Pir Saddi was a police Constable and posted at Cobra-1 Mobile for duty under ASI Shakeel Khan from Police Lines Mardan and was absent vide DD No. 54, dated 31.12.2015 from his lawful duty without any leave/permission of the competent authority.

4. STATEMENT OF CONSTABLE IFTIKHAR NO. 2455:

He stated in his statement that he was educated upto FA and recruited in police department in the year 2009. He never gave an opportunity of complaint to his seniors. He narrated that on 31.12.2015 he along with one Aziz-ur-Rehman was preceding in a motor car to Dargai. On reaching upon Badraga road, they were intercepted by Pak army men who handed then over to Levies Force after interrogating them for 2 or 3 days. The Levy Force kept them for 02 days and lodged a false FIR against them.

The Constable further said that as per Marasila drafted by Dost Muhammad, the Charas had been recovered from beneath the driving seat and not from his possession and its quantity had been mentioned as 1200 grams while as per DD No. 8, dated 02.01.2016 its quantity had been mentioned as 02 ½ kg which is a big contrast. The Constable added that after getting release on bail from the jail he had reported on his duty point and was performing his official duty diligently. He termed the FIR false and based on mala fide.

5. STATEMENT OF ASI SHAKEEL KHAN:

The ASI narrated that Constable Iftikhar No. 2455 was performing his official duties in Cobra-1 Mobile under him since 12.07.2015. On 31.12.2015 he was found absent from his duty and a report regarding his absence was entered vide DD No. 54, dated 31.12.2015 in the Roznamcha of Police Line, Mardan.

6. FINDINGS:

- i. Constable Iftikhar No. 2455 was enlisted in police department on 15.01.2009.
- ii. His service record reflected 24 bad entries against zero good entries.
- iii. He was posted on 12.07.2015 at the security duty of sector-1 of the Mardan Ring Road in Cobra-1 mobile under the command of ASI Shakel Khan.
- iv. He absented himself from his lawful official duty on 31.12.2015, without any leave or permission. A report to this effect has been entered vide DD No. 54, dated 31.12.2015 in the Roznamcha of Police Line, Mardan.
- v. Constable Iftikhar No. 2455 and his friend - Aziz-ur-Rahman r/o Pir Saddi were arrested by the Levy Police of Dargai, Malakand, after recovering 1200 kg of Charas from the secret shelves of their motor car bearing Reg No. FDT 8898. The Levy Police registered case FIR No. 2, dated 03.01.2016 u/s 9C-CNSA against them is PS Dargai.
- vii. The Dargai Police took the Charas and motor car into their possession through separate recovery-memos. The police prepared site plan and cards of arrest; obtained one/one day custody for each accused; recorded the statements of accused and marginal witnesses u/s 161 CrPc.
- viii. Accused Constable Iftikhar Ahmad No. 2455 confessed his guilt before the police of Dargai, Malakand, recorded u/s 161 CrPc wherein he stated that he was an employee of Mardan Police and prior to that occurrence he had brought Charas from Prang Ghaar and sold it in Batkhela. About the instant case he said that 2 or 3 days ago, he had brought one packet of Charas from Prang Ghar with the intention to sell it in Dargai or Batkhela. On the day of occurrence he contacted his friend Aziz-u-Rahman who brought his motor car for the same purpose. Constable Iftikhar kept the Charas in a secret place beneath the driver's seat and he seated on it to drive the car. On their way to Dargai they were apprehended by Dargai police who recovered Charas from their possession and arrested them.
- ix. Similarly, the co-accused Aziz-u-Rahman s/o Abdul Samad confessed the guilt before Dargai Police and narrated that he was the owner of motor car bearing Reg No. FDT-8898 and used it as a taxi. On the day of occurrence he was stationed at Pir Saddi taxi stand. His friend Iftikhar Ahmad asked him to reach along with his car. When he reached there, Iftikhar told him that he had a packet of Charas and wanted to sell it in Dargai or Batkhela. Iftikhar hid the Charas in the secret place beneath the driving seat and took hold of the steering. When Iftikhar was driving the car toward Dargai, the Levy personnel nabbed them on the place of occurrence. They recovered Charas from them and arrested both of them. Aziz-ur-Rahman only owned the motor car and told that the Charas was the property of Iftikhar Ahmad.
- x. The accused were released on 12.01.2016 from jail on bail.

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Rau  
Adi

- xi. The statement of Constable Iftikhar has been written for him by his consul and carries no weight. The arguments mentioned therein are unappealable. The quantity of Charas mentioned as 2 ½ kg in the Roznamcha report of Police Line Mardan instead of 1200 grams makes no difference as the DD report No. 08 was entered on the verbal information before properly weighing the Charas. Such mistakes or omissions happen in such like cases which make no big difference. This plea cannot absolve the accused of the charges of smuggling Charas.
- xii. The occurrence has taken place on 03.01.2016 while Constable Iftikhar has been found absent from his lawful duty since 31.12.2015. This clearly incriminates him and proves the charges of 9C-CNSA against him.

xiii. LIST OF WITNESSES AGAINST THE ACCUSED:

- i. Dost Muhammad, Post Commander PS Dargai.
- ii. MM Afzal Khan No. 4751, PS Dargai.
- iii. Moharrir, PS Dargai.
- iv. IHC Sabir-ur-Rahman PS Daragai.
- v. IHC Nihar Gul, PS Daragai.
- vi. Aziz-ur-Rahman s/o Abdul Samad r/o Pir Saddi.
- vii. ASI Shakeel Khan Police Line, Mardan.
- viii. Israr Khan Establishment Clerk, Mardan.
- ix. Line Officer, Fazl-i-Malik Khan, Police Line Mardan.

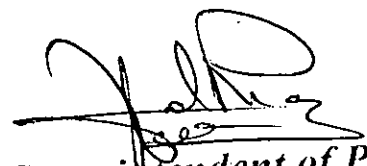
ETC  
Advocate

7. CONCLUSION:

From all the available undeniable documentary proofs and cogent ocular and circumstantial evidences placed on this enquiry file, it has been proved that Constable Iftikhar No. 2455 is a habitual narcotics-Smuggler. The charges of smuggling 1200 grams of Charas have been proved against him.

8. RECOMMENDATIONS:

Being proved a habitual narcotics-smuggler and smuggling 1200 grams of Charas this time for getting illegal and black money, Constable Iftikhar No. 2455 is recommended for "Major Punishment of Dismissal" from Police Service.

  
Deputy Superintendent of Police,  
Takht Bhai.

To

Annex E1

Page 13

The Honourable,  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan.

Subject: APPEAL AGAINST THE ORDER OF WORTHY  
OF DISTRICT POLICE OFFICER, MARDAN  
DATED 03.03.2016 VIDE WHICH THE  
PETITIONER WAS DISMISSED FROM HIS  
SERVICE.

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FACTS.

It is alleged against the petitioner  
that while posted at Cobra I, according to the report  
of Line Officer vide Daily Diary NO. 08 dated 02.01.2016  
petitioner was arrested by Malakand Levies with 2 1/2 K.Gs  
Charas and as such was charged sheeted with summary of  
allegation for the said misconducted. The departmental  
enquiry was conducted by Deputy Supdt: of Police Takht  
Bhai and after due enquiry the petitioner was recommended  
for dismissal. Subsequently the petitioner was dismissed  
from his service by worthy District Police Officer, Mardan  
through OB NO. 1400-5 dated 03.03.2016. Hence, aggrieved  
from the said order this petition for re-instatement in  
Service.

CTC

*Accun  
Advocate*

GRUNDS FOR APPEAL.

1. That the order of dismissal is not based on true facts.

P-14

.....2.....

2. That the said order is unlawful and without any solid evidence.
3. That the petitioner has been dismissed on Criminal charges but the charges are yet to be proved in Court of law.
4. That the whole departmental enquiry has been conducted without following rules and regulation.
5. That no witness has been examined in presence of petitioner and the petitioner has been deprived the legal right of Cross-examination.
6. That the statements has been given without any Oath as such it has got no legal value.
7. That it is very astonishing that the charge-sheet was given about the recovery of 2 1/2 KGs Charas while the enquiry officer has recommended the petitioner for 1200 Grams Charas which makes the allegations doubtful and false.
8. That the learned Addl: Sessions Judge Dargai has released the petitioner on bail due to non-existent of evidence which is a solid proof

CTC  
Almas  
Advocate



P-15

...3....

about the non involvement of the petitioner in the alleged occurrence.

9. That the levy Police has roped the petitioner due to personal grudges which will be transpired in court of law during the trial.
10. That no final Show Cause Notice has been given to the petitioner before passing the dismissal order and it is mandatory under the law.

In view of the above mentioned reasons it is earnestly re-quested that the petitioner may kindly be reinstated in Service to meet the end of justice.

Dated: 16.03.2016

Yours Obediently,



( IFTIKHAR NC. 2455)

Ex. Constable, District,  
Mardan.

کاپی دیا گیا

Annex +

پولیس آفیس

Page - 16  
تاریخ: 21/01/16

اطلاع: محفل عالی پورہ 21:00 بجے 02/01/16 میں دفتر کنستبل روم  
 سے مزید جانچ سب سے اطلاع دی کہ PSO ایکٹ کے تحت  
 انسپکشن اطلاع دی کہ کنستبل اختیار 2252 کے ساتھ ڈیوٹی پر ہیں  
 2 ملازمین بھی (2) کوگرام میں کھڑے ہیں۔ آئندہ  
 اطلاع دے گا۔ کنستبل پورہ کے لئے کھڑے ہوئے۔ کھڑے  
 ڈیوٹی پر آئے۔ جو صرف اطلاع اخبار کو براہ  
 شکل محفل عالی پورہ پر 21/01/16 کو 15 بجے  
 کے لئے اطلاع دینا ہے۔

C.T.C  
 Kaur  
 Advocate

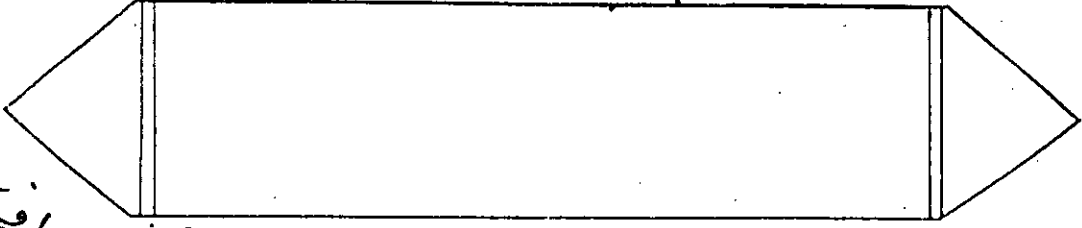
محفل عالی پورہ  
 محفل عالی پورہ  
 19/01/16

PO  
 stop his pay  
 issue charge sheet  
 O.P. pardan

OB 198  
 21-1-16



بعدالت جدا سرس لٹریچر K.P.K لٹریچر



موز 27-4-2016

مقدمہ لٹریچر ایپل

دعویٰ

جرم

افتخار احمد سابقہ  
سنٹل سردان لٹریچر  
2455

1 RP و دوران  
2 RP سردان

### باعث تحریر آئینک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ لٹریچر کے لئے ہر کیلئے حاجی سہیل لٹریچر

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث ہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا ایپل کی برادگی اور منسوفی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تارتخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

المزوم 27 ماہ اپریل 2016

العبد الغنی واہ العبد

کے لئے منظور ہے۔

بمقام افتخار احمد

افتخار احمد

Advocate

Advocate

0301-8806552

C

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

**Service Appeal No. 464/2016.**

Iftikhar Ahmad Ex-Constable No. 2455.....Appellant.

**VERSUS.**

District Police Officer, Mardan

& others.....Respondents.

**Respectfully Sheweth:**

**PRELIMINARY OBJECTIONS:-**

1. That the appellant has not come to this Honourable Tribunal with clean hands.
2. That the appellant has got no cause of action.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct, by law to bring the instant appeal.
5. That the present appeal is bad in its present form hence not maintainable and liable to be dismissed.
6. That the appeal is bad due to non-joinder of necessary parties and mis-joinder of unnecessary parties.
7. That the instant appeal is barred by law & limitation.

**REPLY ON FACTS.**

1. Pertains to record, hence, no comments.
2. This Para is irrelevant, hence, no comments.
3. Incorrect. The appellant was arrested on 03.01.2016 during Nakabandi after recovery of 1200 Gm Charas through a reliable information. The allegations of interception of army authorities & then their custody/detention for 02 days seems to be a self-fabricated story. **(Copy of FIR by PS Dargai Levi is attached as Annexure-A)**
4. This Para pertains to record of criminal case of Levi PS Dargai, however, DD No. 08 of Police Lines Mardan has rightly been entered in and at the information, as enumerated in the report. **(Copies of DD No. 08 dated 02.01.2016 & DD No. 54 dated 31.12.2015 are attached as Annexure-B & C)**
5. Correct, hence, no comments.
6. Need no comments as these were sufficient evidence regarding commission of a crime/offence against him at Levi Police State Dargai. The Enquiry Officer has conducted enquiry in the light of those evidences & his absence from duty at District Mardan during the period of commission of offence.
7. Incorrect. The Enquiry Officer has found him guilty after fulfillment of all codal formalities.
8. Correct, however, the impugned order was passed after fulfilling of all due codal formalities & to the satisfaction of the competent authority.
9. Pertains to record, hence, no comments.
10. Pertains to record, hence, no comments.


11. Incorrect. The impugned orders are legal, valid & in accordance with the principles of natural justice and the appellant, therefore, holds no grounds to stand on in this Honourable Tribunal.


**REPLY ON GROUNDS:-**

- A. Incorrect. This fact pertains to the criminal record of the case against appellant at PS Dargai. However, his absence from the duty at Mardan and his red-handed arrest by Levi Police Dargai is sufficient evidence against him, which is also proved during departmental enquiry. **(Copy of departmental enquiry is attached as Annexure-D)**
- B. Incorrect. A proper FIR, with all legal requirements including murasila, recovery memo etc, has been lodged against the appellant. All these documents carries statements of the Levi officers connecting/proving the appellant guilty of the offence. Besides, the appellant has also admitted his guilt u/s 161 CrPC before the investigation officer in the impugned criminal case. **(Copies of FIR, Murasila & statement u/s 161 CrPC are attached as Annexure-E, F & G).**
- C. Incorrect. All codal formalities have been complied with & the appellant has rightly been punished.
- D. Incorrect. The appellant was heard by respondent No. 02 during orderly room held on 06.04.2016 but the appellant could not present any cogent reasons in his defence. His departmental appeal was, therefore, rejected.
- E. Correct, however, departmental proceedings & criminal proceedings could go parallel & the two in conclusion do not affect each other.
- F. The respondents also seek permission of this Honourable Tribunal to present further/additional, if any, grounds etc. at the time of arguments.

**PRAYER:-**

The prayer of the appellant, being devoid of merits and baseless, is liable to be dismissed with costs.

  
**Dy: Inspector General of Police,  
Mardan Region-I, Mardan.**  
(Respondent No. 01)

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

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

**Service Appeal No. 464/2016.**

Iftikhar Ahmad Ex-Constable No. 2455.....Appellant.


**VERSUS.**

District Police Officer, Mardan


& 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.



**Dy: Inspector General of Police,  
Mardan Region-I, Mardan.**  
(Respondent No. 01)



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

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

**Service Appeal No. 464/2016.**

Iftikhar Ahmad Ex-Constable No. 2455.....Appellant.

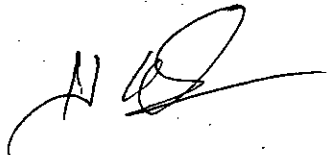
**VERSUS.**

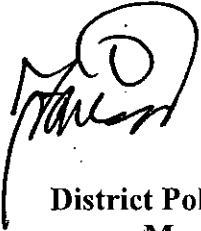
District Police Officer, Mardan

& others.....Respondents.

**AUTHORITY LETTER.**

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

  
**Dy: Inspector General of Police,  
Mardan Region-I, Mardan.**  
(Respondent No. 01)

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



سید

54 = 12/15 31

اطلاعات

طبرستان

10 - 12 - 15  
 1915  
 03009178491  
 2455  
 31-12-15

ضیا عالی  
 قزوین

mm. P. case  
 medden  
 31-12-15

Arrested  
 [Signature]  
 P.S.P.  
 [Stamp]

پولیس لائن

تقدیر 8 روز باقی 02/16

اطلاع فضل سارک صاحب وقت 21:00 بجے 02/16 ایس وقت کنٹرول روم

انٹرنیٹ

سے تیز رفتار وائرس سے اطلاع دی گئی 2455 کے ساتھ لیونیز لیسٹی  
 انٹرنیٹ اطلاع دی گئی کھیل اختیار 2455 کے ساتھ لیونیز لیسٹی  
 کے علاوہ ریجنل (2) فلوگرام میں لکھا ہے یہی آئندہ  
 اطلاع دینے والا ہوگا ریگولر چیک کرنے سے متعلقہ وقت کو براہ میں  
 ڈیڑھ سے اعلیٰ رہا تھا۔ جو حسب اطلاع اخبار کو براہ  
 میں چھپنے لگا۔ 54 روز باقی 02/16 کے بعد سب سے متعلقہ  
 کے خلاف ریگولر چیک کرنے والا ہوگا تقدیر غیر مناسب کارروائی اف ایس  
 والا ہوگی۔

جنا - عالی

نیل مظان اعلیٰ

HP  
mm/pt/mr  
19/1/16

PO  
stop his pay.  
issue charge sheet  
H  
opo mardan.

OB 198  
21-1-16

فہرست القرض قائلین مقدم

03/01/2016 وقت 15:40 بجے

03/01/2016 وقت 15:50 بجے

سرکار سبزی روڈ، مہو پور، ضلع جہلم، P.O. درگی

تاریخ وقت وقوع

تاریخ وقت رپورٹ

نام قرض

حصہ نصف صحت

تاریخ وقت

نام رکن قرض

9(C) CNSA

روز بروز درگی، ٹانوا کوٹ، ننڑی اسلام آباد، پھول درگی  
 نصابہ چھٹا، کھوپڑہ جنوبی، ازخاست  
 ① افتخار احمد ولد شہناز خان بنہ (شہزادہ الہ آباد)  
 عمر القعد ساکنان پندر گدی تحصیل قن جھلی ضلع جہلم

تاریخ وقوع: 03/01/2016 کو صحت کو نقصان پہنچانے کے لئے

دوران قرض کے دوران میں جو اطلاع ملی کہ جانب سران سے فوٹر کارڈر FDT 8898

بند شدہ صحت کو نقصان پہنچانے کے لئے منشیات سے متعلق ہو رہا ہے۔ صحت کو نقصان پہنچانے کے

مقام 71 نامی ملکی کرکٹ کے (اسی دوران جو قضاہ 15 کے جانب سے) فوٹر کارڈر کے

فوٹر کارڈر کے علاوہ کرکٹ کے دوران میں فوٹر کارڈر کے فوٹر کارڈر کے

ڈرا پور سے صحت کو نقصان پہنچانے کے لئے منشیات سے متعلق ہو رہا ہے۔ صحت کو

نقصان پہنچانے کے لئے منشیات سے متعلق ہو رہا ہے۔ صحت کو

نقصان پہنچانے کے لئے منشیات سے متعلق ہو رہا ہے۔ صحت کو

نقصان پہنچانے کے لئے منشیات سے متعلق ہو رہا ہے۔ صحت کو

نقصان پہنچانے کے لئے منشیات سے متعلق ہو رہا ہے۔ صحت کو

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نقصان پہنچانے کے لئے منشیات سے متعلق ہو رہا ہے۔ صحت کو

نقصان پہنچانے کے لئے منشیات سے متعلق ہو رہا ہے۔ صحت کو

نقصان پہنچانے کے لئے منشیات سے متعلق ہو رہا ہے۔ صحت کو

نقصان پہنچانے کے لئے منشیات سے متعلق ہو رہا ہے۔ صحت کو

نقصان پہنچانے کے لئے منشیات سے متعلق ہو رہا ہے۔ صحت کو

مفتی محمد رفیق صاحب  
 P.O. درگی  
 03/01/2016

خواجہ ریگا - درخواست برآمد ملکیہ ریگا ریفرم 8016-2016

تقدیم نمبر (2) (1) 8016-2016

یہ کہ نام انجمن (1) اور (2) شمارہ نمبر 1 و 2 عدالت دہلی اور عدالت لاہور کے فیصلوں کے مطابق

کھدالت ہا۔ شمارہ نمبر 1 و 2 عدالت دہلی اور عدالت لاہور کے فیصلوں کے مطابق  
عدالت دہلی اور عدالت لاہور کے فیصلوں کے مطابق عدالت دہلی اور عدالت لاہور کے فیصلوں کے مطابق  
عدالت دہلی اور عدالت لاہور کے فیصلوں کے مطابق عدالت دہلی اور عدالت لاہور کے فیصلوں کے مطابق  
عدالت دہلی اور عدالت لاہور کے فیصلوں کے مطابق عدالت دہلی اور عدالت لاہور کے فیصلوں کے مطابق  
عدالت دہلی اور عدالت لاہور کے فیصلوں کے مطابق عدالت دہلی اور عدالت لاہور کے فیصلوں کے مطابق  
عدالت دہلی اور عدالت لاہور کے فیصلوں کے مطابق عدالت دہلی اور عدالت لاہور کے فیصلوں کے مطابق  
عدالت دہلی اور عدالت لاہور کے فیصلوں کے مطابق عدالت دہلی اور عدالت لاہور کے فیصلوں کے مطابق

کے لئے اس کے لئے عدالت دہلی اور عدالت لاہور کے فیصلوں کے مطابق

Handwritten signature and date: 05/11/16

Forwarded  
5/11/16

Forwarded in original to the learned  
Judicial Magistrate Durgai for further necessary  
action, according to law, please.

Handwritten signature and name: شہناز محمد شیک  
ڈپٹی سیشن جج عدالت سیشن لاہور  
لاہور

05/11/2016

DATE

Order # 01 - Accused produced  
5.7.16 for Confused Statement.  
in custody for Confused Statement.  
After conferring with legal authorities  
the accused denied the allegations.  
Accused are sent to Judicial  
Court of 9 future on

18/1/16

انعام خان  
معاون مع انعام خان قاضی ایجوکیشنل انسٹیٹیوٹ  
ملاک ایڈمنسٹریشن ڈیپارٹمنٹ





0300 5778526

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

No. 36 /R/D.A-P.R-1975.

Dated 28-01- /2016

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

I, **Faisal Shahzad** District Police Officer, Mardan as competent authority am of the opinion that **Constable Iftikhar No. 2455**, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975.


**STATEMENT OF ALLEGATIONS**

That **Constable Iftikhar No. 2455**, while posted at Cobra 1, according to the report of Line officer vide DD No. 08 dated 02.01.2016, he was arrested by Malakand levies with 2 1/2 KG Chars which is the grand negligence on his part therefore recommended to proceeding departmentally.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations **Saleem Riaz Khan DSP/Takht Bhai Mardan** is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

  
(FAISAL SHAHZAD)PSP  
District Police Officer,  
Mardan

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

No. \_\_\_\_\_ /R, dated Mardan the \_\_\_\_\_ /2016.

**Copy of above is forwarded to the:**

1. DSP/TBI Mardan for initiating proceedings against the accused official / Officer namely **Constable Iftikhar No. 2455**, under Police Rules, 1975.
2. **Constable Iftikhar No. 2455**, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

\*\*\*\*\* !!! \*\*\*\*\*

## CHARGE SHEET UNDER KPK POLICE RULES 1975

I, **Faisal Shahzad** District Police Officer, Mardan as competent authority hereby charge you **Constable Iftikhar No. 2455**, as follows.

That you Constable, while posted at Cobra 1, according to the report of Line officer vide DD No. 08 dated 02.01.2016, you are arrested by Malakand levies with 2 1/2 KG Chars which is the grand negligence on his part therefore recommended to proceeding departmentally.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (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 rendered yourself 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 defence if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.



(FAISAL SHAHZAD)PSP  
District Police Officer,  
Mardan



تجاہ عالی

بجائے ٹریڈ سٹیڈی ایکٹن فزک 36/RD APR 28-01-2016  
سال 2008 کا حکم لیس میں کھیت کیش تقریبی ہو چکا ہے۔ بارخ تھیانی سے لیکر تاحال اپنی  
ڈیوٹی نہایت زیادہ تھیانی اور خوش اسلوبی سے سرانجام دیکر آفین دہت بالا کو کسی قسم کی  
شکایت کا قیام نہیں دیکھا ہے۔

بس خط و آفات کھولیں ہیں۔ کہ پائش فرم 31<sup>42</sup> کو میں سپہ خود مرانی سے سمراہ عزیز الزمان ڈیڑھ سو روپے  
کے ساتھ آسٹوٹا۔ جب بلڈنگ فرم بنی۔ تو وہاں پر موجود اہل کاران یاں ارنی کے حرات میں  
لیکچر دیکھا گیا قلم سے گرنے۔ جہاں 2/3 دن پوچھ گچھ کرنے کے بعد میں حرمی اسم عزیز الزمان کو لیونز فورس  
درگاہ کے حوالہ دئے۔ جہاں لیونز فورس کے ساتھ 2 دن گزارے۔ اور بعد وفات میں  
پیش کر کے لہرہ معلوم ہوا۔ کہ پائش ارنی فورس کے کھانے لیونز پورٹ والوں نے جانے جا  
تہ ذبح کیا۔ اگر حقیقت ایسی ہے کہ پائش ارنی فورس کے کھانے لیونز پورٹ والوں نے جانے جا  
سے حملات حاصل کی جانے۔ تو اصلیت اکل کھاتا ہے۔  
ذیل نقاط توجہ طلب ہے۔

1 صوبہ دار دہت محمد لودھ کا پڑنے درآمد میں من تعارف الزام علیہ ان سے برادگی  
ڈیڑھ سو روپے سے قلم خانہ سے بوقت 1540 بجیں اور تدار 200 گرام کی برادگی  
ظاہر کی ہے۔

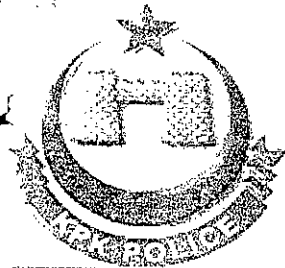
2 بجے جانے تھیانی الزام میں الزامی بوقت 2100 بج تاخ 0201 بجائے ہر  
فوجی ہو چکا ہے۔ اور تدار 1/2 کلو تدار لگا ہے۔

جملہ افواج بالا ایجابات کی غامی کرنا ہے۔ کہ اندراج تہذیب میں فورینڈیشن میں  
پائش کو جب وفات سے وفات برادگی میں۔ تو فوری طور پر ایسی طافری ایس ایس میں کر دیا جائے۔  
اور بہتر ایسی ڈیوٹی خوش اسلوبی اور کٹن سے سرانجام دے کر دیا جائے۔

استہوا ہے۔ کہ انڈیا کی ہڈی کے ملا علی ایس ایس ایس اور حقیقت میں حقیقت میں کر دیا جائے۔  
توفیق سامنے آسکا ہے۔ جسے قیہ و قیہ سے کوئی برادگی میں ہو چکا ہے۔  
ڈیڑھ سو روپے۔ بال بچہ اور غیب کھانے سے ملتا رہتا ہے۔ جسے قیہ و قیہ سے  
برادگی ہے۔ اتفاق کا طلب کریں۔ معافی دیکھا جائے۔

الطاف  
افتخار احمد سید ایس ایس 2455  
راہ ظفر  
CNIC NO: 16162-4457973-1  
5300-5778526

AI  
D.S.P.  
15-2-1



**OFFICE OF THE  
DEPUTY SUPERINTENDENT OF POLICE  
TAKHT BHAI CIRCLE**

Tel. & Fax: 0937552211, E-Mail: [dsp.tbi@gmail.com](mailto:dsp.tbi@gmail.com)

No. 869 /ST, Dated: 24/02/2016

To,

The District Police Officer,  
Mardan

Subject: DISCIPLINARY ACTION AGAINST CONSTABLE IFTIKHAR  
NO. 2455

Memo:

Kindly refer to your office Diary No. 36, dated 28.01.2016.

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

1. STATEMENT OF ALLEGATIONS:

That Constable Iftikhar No. 2455, while posted at Cobra-1, according to the report of Line Officer vide DD No. 08, dated 02.01.2016, he was arrested by Malakand Levies with 2 ½ KG Charas which is the grand negligence on his part therefore recommended to proceeding departmentally.

2. PROCEEDINGS:

Constable Iftikhar No. 2455 was summoned; charge sheet and summary of allegations were served upon him; he submitted his written reply; he was heard in person; the criminal record was obtained from PS Dargai, Malakand; the daily diary reports were obtained from Police Line, Mardan and the statement of ASI Shakeel was also got recorded.

3. BRIEF FACTS OF THE CASE:

On 03.01.2016 at about 15:40 hrs, the incharge of Police Station Dargai, Malakand, namely Dost Muhammad checked a motor car bearing registration number FDA 8898 on a tip off and recovered Charas weighing 1200 grams from the secret shelves of the car. The two inmates of the car disclosed their names as Iftikhar Ahmad s/o Shahbaz Khan and Aziz-ur-Rahman s/o Abdul Samad rs/o Pir Saddi, Tehsil Takht Bhai. They both owned the ownership of the Charas. The incharge took into possession the Charas and motor car through separate recovery memos. He separated 05 grams from the total 1200 grams of Charas for chemical examination and prepared two separate sealed-parcels - parcel No. 1 and parcel No. 2 respectively. Dost Muhammad arrested both the accused; prepared cards of arrest u/s 62 CrPc and sent a Marasila to this effect to PS, whereupon case FIR No. 2, dated 03.01.2016, u/s 9C-CNSA was registered in PS Dargai, Malakand. The IO prepared site plan; obtained one day police custody for each accused; recorded the statement of accused and marginal witnesses u/s 161 CrPc. Both the accused confessed their guilt before the police. However, they declined before the court and were sent to judicial lock-up.

During investigation it transpired that the accused Iftikhar Ahmad s/o Shahbaz Khan r/o Pir Saddi was a police Constable and posted at Cobra-1 Mobile for duty under ASI Shakeel Khan from Police Lines Mardan and was absent vide DD No. 54, dated 31.12.2015 from his lawful duty without any leave/permission of the competent authority.

4. STATEMENT OF CONSTABLE IFTIKHAR NO. 2455:

He stated in his statement that he was educated upto FA and recruited in police department in the year 2009. He never gave an opportunity of complaint to his seniors. He narrated that on 31.12.2015 he along with one Aziz-ur-Rehman was preceding in a motor car to Dargai. On reaching upon Badraga road, they were intercepted by Pak army men who handed then over to Levies Force after interrogating them for 2 or 3 days. The Levy Force kept them for 02 days and lodged a false FIR against them.

The Constable further said that as per Marasila drafted by Dost Muhammad, the Charas had been recovered from beneath the driving seat and not from his possession and its quantity had been mentioned as 1200 grams while as per DD No. 8, dated 02.01.2016 its quantity had been mentioned as 02 ½ kg which is a big contrast. The Constable added that after getting release on bail from the jail he had reported on his duty point and was performing his official duty diligently. He termed the FIR false and based on mala fide.

5. STATEMENT OF ASI SHAKEEL KHAN:

The ASI narrated that Constable Iftikhar No. 2455 was performing his official duties in Cobra-1 Mobile under him since 12.07.2015. On 31.12.2015 he was found absent from his duty and a report regarding his absence was entered vide DD No. 54, dated 31.12.2015 in the Roznamcha of Police Line, Mardan.

6. FINDINGS:

- i. Constable Iftikhar No. 2455 was enlisted in police department on 15.01.2009.
- ii. His service record reflected 24 bad entries against zero good entries.
- iii. He was posted on 12.07.2015 at the security duty of sector-1 of the Mardan Ring Road in Cobra-1 mobile under the command of ASI Shakel Khan.
- iv. He absented himself from his lawful official duty on 31.12.2015, without any leave or permission. A report to this effect has been entered vide DD No. 54, dated 31.12.2015 in the Roznamcha of Police Line, Mardan.
- v. Constable Iftikhar No. 2455 and his friend – Aziz-ur-Rahman r/o Pir Saddi were arrested by the Levy Police of Dargai, Malakand, after recovering 1200 kg of Charas from the secret shelves of their motor car bearing Reg No. FDT 8898. The Levy Police registered case FIR No. 2, dated 03.01.2016 u/s 9C-CNSA against them in PS Dargai.
- vii. The Dargai Police took the Charas and motor car into their possession through separate recovery-memos. The police prepared site plan and cards of arrest; obtained one/one day custody for each accused; recorded the statements of accused and marginal witnesses u/s 161 CrPc.
- viii. Accused Constable Iftikhar Ahmad No. 2455 confessed his guilt before the police of Dargai, Malakand, recorded u/s 161 CrPc wherein he stated that he was an employee of Mardan Police and prior to that occurrence he had brought Charas from Prang Ghaar and sold it in Batkhela. About the instant case he said that 2 or 3 days ago, he had brought one packet of Charas from Prang Ghar with the intention to sell it in Dargai or Batkhela. On the day of occurrence he contacted his friend Aziz-u-Rahman who brought his motor car for the same purpose. Constable Iftikhar kept the Charas in a secret place beneath the driver's seat and he seated on it to drive the car. On their way to Dargai they were apprehended by Dargai police who recovered Charas from their possession and arrested them.
- ix. Similarly, the co-accused Aziz-u-Rahman s/o Abdul Samad confessed the guilt before Dargai Police and narrated that he was the owner of motor car bearing Reg No. FDT-8898 and used it as a taxi. On the day of occurrence he was stationed at Pir Saddi taxi stand. His friend Iftikhar Ahmad asked him to reach along with his car. When he reached there, Iftikhar told him that he had a packet of Charas and wanted to sell it in Dargai or Batkhela. Iftikhar hid the Charas in the secret place beneath the driving seat and took hold of the steering. When Iftikhar was driving the car toward Dargai, the Levy personnel nabbed them on the place of occurrence. They recovered Charas from them and arrested both of them. Aziz-ur-Rahman only owned the motor car and told that the Charas was the property of Iftikhar Ahmad.
- x. The accused were released on 12.01.2016 from jail on bail.

- xi. The statement of Constable Iftikhar has been written for him by his consul and carries no weight. The arguments mentioned therein are unappealable. The quantity of Charas mentioned as 2 ½ kg in the Roznamcha report of Police Line Mardan instead of 1200 grams makes no difference as the DD report No. 08 was entered on the verbal information before properly weighing the Charas. Such mistakes or omissions happen in such like cases which make no big difference. This plea cannot absolve the accused of the charges of smuggling Charas.
- xii. The occurrence has taken place on 03.01.2016 while Constable Iftikhar has been found absent from his lawful duty since 31.12.2015. This clearly incriminates him and proves the charges of 9C-CNSA against him.

xiii. LIST OF WITNESSES AGAINST THE ACCUSED:


- i. Dost Muhammad, Post Commander PS Dargai.
- ii. MM Afzal Khan No. 4751, PS Dargai.
- iii. Moharrir, PS Dargai.
- iv. IHC Sabir-ur-Rahman PS Daragai.
- v. IHC Nihar Gul, PS Daragai.
- vi. Aziz-ur-Rahman s/o Abdul Samad r/o Pir Saddi.
- vii. ASI Shakeel Khan Police Line, Mardan.
- viii. Israr Khan Establishment Clerk, Mardan.
- ix. Line Officer, Fazl-i-Malik Khan, Police Line Mardan.

7. CONCLUSION:

*From all the available undeniable documentary proofs and cogent ocular and circumstantial evidences placed on this enquiry file, it has been proved that Constable Iftikhar No. 2455 is a habitual narcotics-Smuggler. The charges of smuggling 1200 grams of Charas have been proved against him.*

8. RECOMMENDATIONS:

*Being proved a habitual narcotics-smuggler and smuggling 1200 grams of Charas this time for getting illegal and black money, Constable Iftikhar No. 2455 is recommended for "Major Punishment of Dismissal" from Police Service.*

  
Deputy Superintendent of Police,  
Takht Bhai.

## CHARGE SHEET UNDER KPK POLICE RULES 1975

I, **Faisal Shahzad** District Police Officer, Mardan as competent authority hereby charge you **Constable Iftikhar No. 2455**, as follows.

That you Constable, while posted at Police Lines (Cobra-I), Mardan deliberately absented yourself from the lawful duty vide DD No.54 dated 31.12.2015 to DD No. 42 dated 19.01.2016 without any leave/permission of the competent authority, therefore recommended to proceeding departmentally.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (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 rendered yourself 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 defence if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.



(FAISAL SHAHZAD)PSP  
District Police Officer,  
Mardan

0300 5798526

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

No. 82 /R/D.A-P.R-1975.

Dated 18-02- /2016

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

I, **Faisal Shahzad** District Police Officer, Mardan as competent authority am of the opinion that **Constable Iftikhar No. 2455**, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975.

**STATEMENT OF ALLEGATIONS**

That **Constable Iftikhar No. 2455**, while posted at Police Lines (Cobra-I), Mardan deliberately absented himself from the lawful duty vide DD No.54 dated 31.12.2015 to DD No. 42 dated 19.01.2016 without any leave / permission of the competent authority, therefore recommended to proceeding departmentally.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations **Saleem Riaz Khan DSP/Takht Bhai Mardan** is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.



(FAISAL SHAHZAD)PSP  
District Police Officer,  
Mardan

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

No. \_\_\_\_\_ /R, dated Mardan the \_\_\_\_\_ /2016.

Copy of above is forwarded to the:

1. DSP/TBI Mardan for initiating proceedings against the accused official / Officer namely **Constable Iftikhar No. 2455**, under Police Rules, 1975.
2. **Constable Iftikhar No. 2455**, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

\*\*\*\*\* !!! \*\*\*\*\*

بیان اذان کٹیل افقی 2455  
FC

ضیاء علی

بجوالہ طارق شہب شمولہ مجاریہ DPPO کے درون

مروض خدمت میں آ کر حورجی 01/2016 کو منشیات کے

الزام گرفتار ہوئے ہیں صلیف بھٹہ کے خلاف حورجی 01/2016

صغ 92 CNSA کے درجہ صلیف بھٹہ کے خلاف حورجی 01/2016

حورجی 12/01/2016 تک جو ڈیڑھ سال حورجی ملائے ہیں قیدتہ

رعائی کے بعد بیمار ہو کر ہسپتال درون سے علاج حاصل کر کے

بعد صحتیابی حورجی 19/01/2016 کو اپنی کافرگی کی رینڈ میں جانے

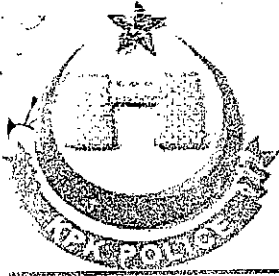
تعمیری درون پولیس اسٹیشن کے غیر حاضری کا حکم آ کر

تعمیری مشین آ کر ہے جس میں حورجی آ کر کے کی قعدہ مشین میں

اشتم ملاحیم طارق شہب بھٹہ کے کارروائی کے دراصل دفتر  
قرہ کی کارروائی

2455  
FC  
22/02/2016

Attested  
D SP / T. Bi



**OFFICE OF THE  
DEPUTY SUPERINTENDENT OF POLICE  
TAKHT BHAI CIRCLE**

Tel. & Fax: 0937552211, E-Mail: [dsp.tbi@gmail.com](mailto:dsp.tbi@gmail.com)

No. 870 /ST, Dated: 24/02/2016

To,

The District Police Officer,  
Mardan

Subject: DISCIPLINARY ACTION AGAINST CONSTABLE IFTIKHAR  
NO. 2455 (Second enquiry)

Memo:

Kindly refer to your office Diary No. 82/R, dated 18.02.2016.

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

1. STATEMENT OF ALLEGATIONS:

That Constable Iftikhar No. 2455, while posted at Cobra-1, Mardan deliberately absented himself from the lawful duty vide DD No. 54, dated 31.12.2015 to DD No. 42, dated 19.01.2016 without any leave/permission of the competent authority, therefore recommended to proceeding departmentally.

2. PROCEEDINGS:

Constable Iftikhar No. 2455 was summoned; charge sheet and summary of allegations were served upon him; he submitted his written reply; he was heard in person; the criminal record was obtained from PS Dargai, Malakand and police record from Police Line, Mardan. Statement of ASI Shakeel Khan was also got recorded.

3. STATEMENT OF CONSTABLE IFTIKHAR NO. 2455:

He stated that he had been arrested by Dargai Police in case FIR No. 2, dated 03.01.2016, u/s 9C-CNSA, PS Dargai and was jaii. He was released on 12.01.2016 and the fell ill. After recovery he joined his service again on 19.01.2016.

4. STATEMENT OF ASI SHAKEEL KHAN:

The ASI narrated that Constable Iftikhar No. 2455 has been performing his official duties in Cobra-1 Mobile, under him since 12.07.2015. On 31.12.2015 he was found absent from his duty and a report regarding his absence was entered vide DD No. 54, dated 31.12.2015 in the Roznamcha of Police Line, Mardan.



## CONCLUSION:

This enquiry is related to the alongside enquiry of Constable Iftikhar No. 2455 wherein he has been indicted for smuggling 1200 grams Charas vide Case FIR No. 02, dated 03.01.2016, u/s 9C-CNSA, PS Dargai. He absented himself from his lawful duty and was in jail in the above mentioned case. After proving guilty of carrying 1200 grams Charas he has been recommend for "Major Punishment of Dismissal" in the alongside enquiry. Hence in the presence of Major Punishment, his minor punishment for his absentees of about 20 days (31.12.2015 to 19.01.2016) carries no meanings. Both the enquiries are inter related and are requested to be kept and studied together because his absentia incriminates him with the occurrence of smuggling 1200 grams of Charas.

## 6. RECOMMENDATIONS:

This enquiry may please be kept as a proof in the file of alongside enquiry of Constable Iftikhar No. 2455 wherein he has been recommended for "Major Punishment of Dismissal".

  
Deputy Superintendent of Police,  
Takht Bhai.

بیان شہدانی AS

میں شہدانی AS 3ری طوری طور پر لکھ دیتا ہوں۔ تم بتائیں اقتدار 2455  
تاریخ 07/02/2016 کو میرا کوئی سے لگنا تھا۔ تاریخ 31/12/2015  
کو عدم موجودگی میں ہونے پر اس لئے کہ وہ اطلاع دی۔ تم بتائیں  
تاریخ کو اس لئے کہ اس کے روزنامہ میں غلطی ہوئی ہے۔ اس لئے کہ  
اطلاع کو غلطی سے اس لئے کہ اس نے اس لئے کہ اس لئے کہ اس لئے کہ  
اقتدار 2455 کو اس لئے کہ اس لئے کہ اس لئے کہ اس لئے کہ اس لئے کہ

تاریخ 07/02/2016 کو اس لئے کہ اس لئے کہ اس لئے کہ اس لئے کہ اس لئے کہ  
تاریخ 07/02/2016 کو اس لئے کہ اس لئے کہ اس لئے کہ اس لئے کہ اس لئے کہ  
تاریخ 07/02/2016 کو اس لئے کہ اس لئے کہ اس لئے کہ اس لئے کہ اس لئے کہ  
تاریخ 07/02/2016 کو اس لئے کہ اس لئے کہ اس لئے کہ اس لئے کہ اس لئے کہ  
تاریخ 07/02/2016 کو اس لئے کہ اس لئے کہ اس لئے کہ اس لئے کہ اس لئے کہ

Shahin  
Asst. Mem - Lahore  
08.02.2016

0300-9178451

Allotted  
D 8977.Bi

ORDER

My this order will dispose of the departmental inquiry, which is conducted against Constable Iftikhar No. 2455, while posted at Cobra 1, according to the report of Line officer vide DD No. 08 dated 02.01.2016, he was arrested by Malakand levies with 2 1/2 KG Chars and deliberately absented himself from the lawful duty vide DD No.54 dated 31.12.2015 to DD No. 42 dated 19.01.2016 without any leave / permission of the competent authority which is the grand negligence on his part therefore recommended to proceeding departmentally.

His this attitude adversely reflected on his performance, while discharge his official duty which is an indiscipline act and gross misconduct on his part as defined in rule 2(iii) of Police Rules 1975.

In this connection, Constable Iftikhar No. 2455, was issued charge sheets vide this office Nos. 82/R, dated 18.02.2016, 36/R, dated 28.01.2016 and also proceeded against departmentally through the Saleem Riaz Khan DSP/TBI Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 869/SP & 870/ST dated 24.02.2016 as the allegations have been established against him and recommended him for major punishment.

The undersigned agreed with the findings of enquiry officer and the alleged Constable Iftikhar No. 2455, is hereby dismissed from service, while his absence period treated as leave without pay in exercise of the power vested in me under the above quoted rules.

Order announced

O.B No. 577

Dated 7 / 3 / 2016

(Faisal Shahzad)PSP  
District Police Officer,  
Mardan

No. 1400-51 dated Mardan the 3-3 /2016

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police Mardan Region-1, Mardan.
2. The S.P Operations, Mardan.
3. The DSP/HQrs Mardan.
4. The Fay Officer (DPO) Mardan.
5. The E.C (DPO) Mardan.
6. The OSI (DPO) Mardan.

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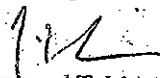
ORDER.

This order will dispose-off the appeal preferred by Ex-Constable Iftikhar No. 2455 of Mardan District Police against the order of District Police Officer, Mardan wherein he was dismissed from service vide OB No. 577 dated 02.03.2016.

Brief facts of the case are that, he while posted at Cobra 1, according to the report of Line officer vide daily diary No. 08 dated 02.01.2016, he was arrested by Malakand levies with 2 1/2 KG Chars and deliberately absented himself from the lawful duty vide daily diary No.54 dated 31.12.2015 to daily diary No. 42 dated 19.01.2016 without any leave / permission of the competent authority which is the grand negligence on his part therefore he was proceeded departmentally. His this attitude adversely reflected on his performance, while discharging his official duty which is an indiscipline act and gross misconduct on his part. In this connection, he was issued charge sheet and also proceeded against departmentally through the Saleem Riaz Khan, Deputy Superintendent of Police Takht Bhai, Mardan who after fulfilling necessary process, submitted his findings to the District Police Officer, Mardan as the allegations have been established against him and recommended him for major punishment. The District Police Officer, Mardan agreed with the findings of enquiry officer and the alleged Constable was dismissed from service.

I have perused the record and also heard the appellant in Orderly Room held in this office on 06.04.2016, but he failed to justify his innocence and could not produce any cogent reason about his absence. Therefore, I Muhammad Tahir Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed forthwith.

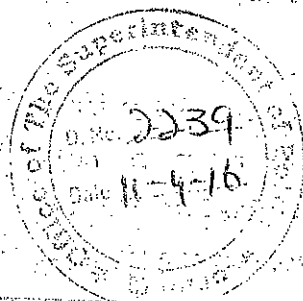
ORDER ANNOUNCED

  
(Muhammad Tahir) PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan

No. 2908 /ES, Dated Mardan the 11/04 /2016.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 179/Legal dated 24.03.2016. His service roll is returned herewith for record in your office.

*Ec*  
*for Section*  
*Said*  
*Deputy Superintendent*  
*11/4/16*





appellant was falsely implicated, as once on 02/01/2016 information is passed to Police Lines, that 2-1/2 KG (2500 grms) Chars was recovered from the appellant. This information was received at Police Lines at 2100 hours on 02/01/2016, (Annexure "B" of reply), whereas on that day no FIR has been registered against the appellant. The FIR is registered on 03/01/2016 at 1630 hours and the time of occurrence i.e. recovery shown as 1540 hours dated 03/01/2016 and recovery of 1200 grms Chars has been shown from the car in which the appellant was travelling. The charge sheet was served on the appellant on the basis of the daily report, but the Inquiry Officer has failed to throw any light on these contradictions rather he has based his inquiry on the FIR regarding recovery of 1200 grms chars and has not given any comments or finding as to how one day before the recovery of 2-1/2 Kg was shown from the appellant and why no FIR was registered on that day and why later on recovery of 1200 grms chars has been shown from the car and where are the remaining 1300 Grms chars. A prudent mind can correctly base his opinion that it is a false and concocted case.

5-6 *No comments.*

7. *Points raised in the comments to Paras No 3 and 4 are worth perusal.*

8. *This show that Para No 8 of appeal is admitted by the respondents that no show cause notice was served upon the appellant and no opportunity of personal hearing was given by respondent No 1 to appellant.*

9-10 *Paras No 9 & 10 of appeal are correct.*

11. *As in appeal.*

Grounds:-

A.-B *Incorrect. Para A of appeal and comments in Para No 3, 7, 4 above are worth perusal. It is also submitted that statement under Section 161 Cr.P.C is irrelevant. Appellant has not made any confession in court.*

C. *Incorrect.*

D. *Incorrect. The respondent No 2 has not applied his prudent mind to the above noted contradiction and the explanation of appellant as well as the facts of the record.*

E. *Incorrect. A person is considered innocent until proved guilty in court.*


F. *As in appeal.*

*It is, therefore, prayed that the appeal may please be accepted and the appellant may please be re-instated in service with all back benefits.*

Dated:- 04/11/2016

Through:-

Appellant  
Iftikhar Ahmad

  
Haji Shamsul Qamar,  
Advocate, Peshawar.



**BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR**

Service Appeal No:- 464/2016

Iftikhar Ahmad, Ex-Constable

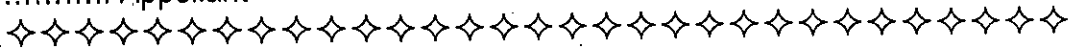
**Versus**

District Police Officer

Mardan & others

..... Appellant

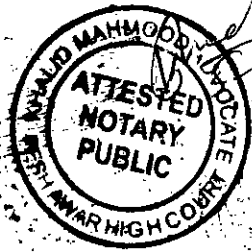
..... Respondent



**AFFIDAVIT**

*I, Iftikhar Ahmad, Ex-Constable, Appellant, do hereby solemnly affirm and declare on oath that the contents of this accompanying Rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.*

DEPONENT  
CNIC No:-



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 152 /ST

Dated 22 / 01 / 2019

To


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

Subject: -

JUDGMENT IN APPEAL NO. 464/2016, MR. IFTIKHAR AHMAD.

I am directed to forward herewith a certified copy of Judgement dated 03.01.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.