

Diary No. 10321

Dated 3-1-2024

OFFICE OF THE

**DY: SUPERINTENDENT OF POLICE  
LEGAL, ABBOTTABAD**

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No. 23 /Legal, Dated 21 / 12 /2023

To : **The Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.**

Subject: **COMPLIANCE OF ORDER DATED 24.10.2023 PASSED BY  
THE HONOURABLE SERVICE TRIBUNAL IN SERVICE  
APPEAL NO. 1122/2018 TITLED MAZHAR RAUF VERSUS  
GOVT: OF KPK AND OTHERS.**

Memo: ..

It is submitted that in compliance of order dated 24.10.2023 passed by the Honourable Service Tribunal in subject cited service appeal, finding report of denovo enquiries conducted by **SP Cant Abbottabad** alongwith orders of punishment awarded to the Appellant Mazhar Rauf and SI Ishfaq No. 319/H the then MHC PS Havelian are sent herewith for further course of action please.

  
**(MUHAMMAD TANVEER)**  
Dy: Superintendent of Police,  
Legal, Abbottabad.

DEPARTMENTAL ENQUIRY AGAINST SI MAZHAR RAUF No. 43/H.BRIEF OF ALLEGATIONS:

A departmental enquiry was initiated against SI Mazhar Rauf No. 43/H vide your office order No. 294 dated 08-11-2023 with the allegations that "In compliance with the judgment of Honorable Service Tribunal Camp Court Abbottabad in appeal No.1122/2018 titled Mazhar Rauf versus Government of Khyber Pakhtunkhwa and others for conducting de-novo departmental enquiry against him on the allegations that a letter vide No. 815/C-Cell, dated 23-11-2016 received from worthy Regional Police Office, which was marked to DSP, Investigation Abbottabad for preliminary enquiry. According to the report of DSP, Investigation, applicant Musa Khan s/o Sultan, r/o Banda Sahib Khan, Havelian plaintiff/complainant of case FIR No, 625, dated 18-09-2016, u/s 380 PPC, Police Station Havelian was marked to him but he willfully failed to register FIR in time despite of having clear information about accused which shows his lack of interest and brought bad name for Police department.

PROCEEDINGS:

On above cited allegations a departmental enquiry was initiated against the delinquent officials & the undersigned was appointed as enquiry officer.

The undersigned proceeded accordingly & called the following police officials in the office of undersigned they were heard in person as well as recorded their statements.

01. SI Mazhar Rauf the then ASI PS Havelian. (delinquent official)
02. SI Ishfaq the then MHC PS Havelian.
03. HC Zanfar the then IHC PS Havelian.
04. HC Khanafar the then IHC PS Havelian.
05. Musa Khan s/o Sultan Khan (Complainant of case)

SHORT BRIEF OF STATEMENTS

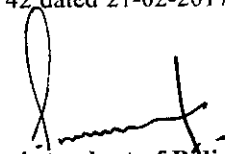
01. SI Mazhar Rauf the then ASI PS Havelian. (delinquent official)  
He stated that on 18-08-2016 an application of Musa Khan s/o Sultan Khan r/o Banda Sahib Khan was received by him and on very next day, he was transferred from PS Havelian to Police Lines Abbottabad. He prepared list of pending documents on 20-08-2016 and handed over to MHC PS Havelian and made his arrival vide DD No. 18 dated 20-08-2016 at Police Lines. Muharrar Staff can better explain about cutting / over writing of serial No. 850 of register No. 5-A. (Copy enclosed).
02. SI Ishfaq the then MHC PS Havelian  
He stated that an application submitted by Musa Khan s/o Sultan Khan r/o Banda Sahib Khan regarding theft of 85000/- was received in PS on 28-07-2016 which was further marked to Khan Afsar IHC, HC Zanfar IHC PS Havelian and further marked to ASI Mazhar RAUF beat officer. On 06-08-2016 another application of instant complainant was received & further marked to ASI Mazhar Rauf.  
On 17-08-2016 third application of instant complainant Musa Khan was received and also marked to ASI Mazhar Rauf. On transfer of ASI Mazhar Rauf, the subject applications were further marked to ASI Jhanzaib. (Copies of register 5-A & statement are enclosed).
03. HC Zanfar the then IHC PS Havelian  
He stated that he served his service as HC in PS Havelian, initially the application of Musa Khan was marked to him while he requested SHO that the same may be marked to concerned beat officer as it relates to matter of theft and the same was marked for necessary action to ASI Mazhar Rauf. He further admitted that the alteration/tempering was made in register 5-A by ASI Mazhar Rauf as the matter/application relates to him. (Copy enclosed).
04. HC Khan Afar the then IHC PS Havelian  
He stated that during his tenure at PS Havelian, no application of Musa Khan was marked to him for enquiry proceedings, however, he further added that he remembered that the subject enquiry was being carried out by ASI Mazhar Rauf at that time which can be verified from PS record of relevant period.
05. Musa Khan s/o Sultan Khan (Complainant of the case)  
He stated that an incident of theft of Rs: 85000/- occurred from him on 23-07-2016 and he moved applications to local police for registration of FIR but inquiry was marked to ASI Mazhar Rauf but he did not cooperate and delayed inquiry proceedings unnecessarily for the reason best known to him.


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- Keeping in view the above mentioned facts, the undersigned has inferred following observation:-
- The theft occurrence was occurred with complainant on 23-07-2016 and he moved an application regarding the same incident to local Police on 28-07-2016 after the gap of 05 days. His application was initially marked to HC Khan Afsar, HC Zanfar & then marked to ASI Mazhar Rauf for necessary action but despite repeated visits of complainant, ASI Mazhar Rauf failed to proceed further in the matter.
  - ASI Mazhar Rauf kept pending the same applications with him without any genuine reason. In response to charge sheet he brought only one application (moved on 17-08-2016) on surface, however, as per record to register 5-A other two application were also marked to him in the instant case for further proceedings which were submitted by applicant Musa Khan in Police Station on 28-07-2016 & 06-08-2016 for redressal of his grievances.
  - On 20-08-2016, on transfer of ASI Mazhar Rauf to Police Lines, he prepared list of pending documents and handed over to Muharrar PS Havelian but no receiving signature are available on said list. (copy enclosed)
  - According to complainant, ASI Mazhar Rauf tried to make a deal of Rs: 35000/- out of total amount 85000/- with him in case of recovery of stolen cash.

In the light of above discussion and available documentary evidences, the undersigned has come to the conclusion that ASI Mazhar Rauf kept pending series of applications of Musa Khan with him without any solid reason which is against all norms of justice and fair play. He should have acted judiciously and impartially as per directions given by higher offices by taking prompt legal action against culprits thereby ensuring justice to the applicant. (relevant documents are attach herewith for perusal)

Hence, inquiry documents in hand are returned with remarks allegation leveled against delinquent Police official stand established and punishment already awarded vide Order Book No. 42 dated 21-02-2017 to him commensurate with his guilt which may remain intact, if deem, appropriate please.

  
Superintendent of Police,  
Cantt, Abbottabad.

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DEPARTMENTAL ENQUIRY AGAINST SI ISHFAQ THE THEN MHC PS HAVELIAN.BRIEF OF ALLEGATIONS:

A departmental enquiry was initiated against SI Ishfaq the then MHC at PS Havelian vide your office Endst: No. 295 dated 10-11-2023 with the allegations that "As per report of DSP Legal Abbottabad vide No. 20/ legal dated 06-11-2023 that SI Ishfaq while posted as MHC at PS Havelian, an application of one Musa Khan s/o Sultan r/o Banda Sahib Khan, Havelian was incorporated in Register 5-A, the same was kept pending without cogent reason. Later on the same was marked to ASI Mazhar Rauf by tempering/ overwriting in Register. He being custodian of all record including Register 5-A, has made alteration/ addition, cutting/ overwriting in Register 5-A which resulted delay in Registration of FIR and the same was registered after lapse of 01 month and 20 days, which speaks his ill-will, negligence and gross misconduct on his part under E & D rules. Hence charge sheeted.

PROCEEDINGS:

On above cited allegations a departmental enquiry was initiated against the delinquent officials & the undersigned was appointed as enquiry officer.

The undersigned proceeded accordingly & called the following police officials in the office of undersigned they were heard in person as well as recorded their statements.

01. SI Ishfaq the then MHC PS Havelian. (delinquent official)
02. ASI Waseem the then MM PS Havelian.
03. HC Tahir Aziz the then MM PS Havelian.
04. HC Yaseen the then MM PS Havelian.
05. HC Waqar Ahmad the then MM PS Havelian.
06. HC Tariq the then MM PS Havelian.

SHORT BRIEF OF STATEMENTS**01. SI Ishfaq the then MHC PS Havelian. (delinquent official)**

He stated that he served his service as Muharrar PS Havelian from 29-03-2016 to 17-09-2016 and as per record, an application submitted by Musa Khan s/o Sultan Khan r/o Banda Sahib Khan was received which was entered in register No. 5-A by his Madad Muharrar (مدد محرار) and he has no knowledge about the same complaint. He also stated that he has no knowledge about tempering/cutting on register 5-A. Additional Muharrar Waseem Iqbal, MM Tahir Aziz, MM Yaseen, MM Tariq Nalotha & MM Waqar Ahmad can better explain about tempering of register 5-A. (copy of statement is enclosed).

**02. ASI Waseem the then MM PS Havelian.**

He stated that he served his service as AMHC PS Havelian during year 2016. He received an application submitted by Musa Khan vide DPO office Compliant Cell dairy No. 2315-IIC dated 17-08-2016 which was entered in register No. 5-A at serial No. 850 which was further marked to ASI Mazhar Rauf for further necessary action. He has no knowledge about tempering/cutting on register 5-A. (copy of statement is enclosed).

**03. HC Tahir Aziz the then MM PS Havelian**

He stated that he served his service as MM PS Havelian during year 2016. On 13-06-2016 he was transferred to PS Dongagali, however as per record of PS Havelian FIR No. 625/2016 u/s 380-PPC was registered. In the instant case he has no knowledge about tempering/cutting in register 5-A. (copy of statement is enclosed).

**04. HC Yaseen the then MM PS Havelian**

He stated that he served his service as MM PS Havelian during year 2016. On 13-06-2016 he was transferred to PP POF, however, as per record of PS Havelian FIR No. 625/2016 u/s 380-PPC was registered. In the instant case he has no knowledge about tempering/cutting on register 5-A. (copy of statement is enclosed).

**05. HC Waqar Ahmad the then MM PS Havelian.**

He stated that he served his service as MM PS Havelian during year 2016 under the supervision of MHC Ishfaq. He has no knowledge about cutting / over writing of register 5-A. (copy of statement is enclosed).

**06. HC Tariq Nalotha the then MM PS Havelian.**

He stated that he served his service as MM PS Havelian from 16-11-2015 to 01-03-2016 under the supervision of MHC Ishfaq. He has no knowledge about cutting / over writing of register 5-A. (copy of statement is enclosed).

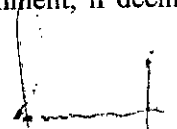
**DINGS:**

Keeping in view the above mentioned facts, the undersigned has inferred that record maintenance and updation of PS is prime & direct responsibility of Muharrar since he is considered to be custodian of PS record. His subordinates i.e Additional Muharrar & Madad Muharrar are supposed to assist him in his responsibilities & not to absolve him of the same. Hence, completion and updation of all registers should be ensured and supervised by Muharrar himself and not by his subordinates.

The undersigned has also perused the record of register 5-A and it is revealed that not a single entry was done by Muharrar himself but by other Muharrar staff which reflects irresponsible and negligent behavior of the then Muharrar SI Ishfaq. Hence, he cannot be relieved of his own prime responsibilities by shifting entire burden of negligence on the lower staff.

In the light of above discussion and available photocopies of 5-A (as the register 5-A is pending in service tribunal), the undersigned has come to the conclusion that SI Ishfaq the then MHC PS Havelian has not only acted irresponsibly by delaying the complaint and subsequent registration of FIR but also tried to shift burden on his subordinates by tempering / altering in register 5-A related to subject case.

Hence, the documents in hand are returned with remarks that charges leveled in charge sheet against delinquent Police Officials stand established and he is recommended for suitable punishment, if deemed appropriate please.

  
Superintendent of Police,  
Cantt, Abbottabad.

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L. M. P. S. N.  
A. H. H.

**ORDER**

This office order will dispose-off the departmental enquiry against **SI Ishfaq No. 319/ H.** As per report of DSP Legal Abbottabad vide No. 20/ Legal dated 06-11-2023 that he while posted as MHC at PS Havelian, an application of one Musa Khan S/O Sultan R/O Banda Shaib Khan, Havelian was incorporated in Register 5-A, the same was kept pending without cogent reason. Later on, the same was marked in the name of ASI Mazhar Rauf by tempering/ overwriting in Register. He being custodian of all record including Register 5-A, has made alteration/ addition, cutting/ overwriting in Register 5-A which resulted delay in Registration of FIR and the same was registered after the laps of 01 month and 20 days, which speaks his ill-will, negligence and gross misconduct on his part under E & D rules.

He was issued with Charge Sheet along with statement of allegations vide No. 295/PA dated 10-11-2023 and **SP Cantt Abbottabad** was appointed as Enquiry Officer to scrutinize the conduct of delinquent official. Enquiry Officer conducted proper departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein allegations have been proved against delinquent official. He was issued with Final Show Cause Notice vide No. 314/PA dated 07-12-2023. He was given ample opportunity of hearing but he had nothing plausible to state in his defense.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, being District Police Officer, Abbottabad, as a competent authority, am constrained to award him the punishment of **Forfeiture of two year approved service** with immediate effect.

**Order announced.**

OB No. 302

Dated 21.12.23

  
**District Police Officer  
Abbottabad**

CC.

1. Pay Officer DPO Office.
2. Establishment Clerk DPO Office Abbottabad, alongwith Enquiry containing 35 pages for completion of record.

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**ORDER**


This office order will dispose-off the De-novo departmental enquiry against **SI Mazhar Rauf No. 43/ H**. In compliance with the judgment of Honorable Service Tribunal Camp Court Abbottabad in appeal No. 1122/2018 titled Mazhar Rauf Versus Government of Khyber Pakhtunkhwa and others for conducting de-novo departmental enquiry against him on the allegations that a letter vide No. 815/C-Cell, dated 23-11-2016 received from worthy Regional Police Office, which was marked to DSP, Investigation, Abbottabad for preliminary enquiry. According to the report of DSP, Investigation, application of Musa Khan S/O Sultan, R/O Banda Sahib Khan, Havelian plaintiff/complainant of case FIR No. 625, dated 18-09-2016, U/S 380 PPC, Police Station Havelian was marked to him but he willfully failed to register FIR in time despite of having clear information about accused which showed his lack of interest and brought bad name for Police department.

He was issued with Charge Sheet along with statement of allegations vide No. 294/PA dated 08-11-2023 and **SP Cantt Abbottabad** was appointed as Enquiry Officer to scrutinize the conduct of delinquent official. Enquiry Officer conducted de-novo departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting de-novo departmental enquiry, the Enquiry Officer submitted his findings wherein allegations stands established against delinquent official. He was issued with Final Show Cause Notice vide No. 313/PA dated 07-12-2023. He was given ample opportunity of hearing but he had nothing plausible to state in his defense.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, being District Police Officer, Abbottabad, as a competent authority, agreed with the punishment awarded to the delinquent official earlier which commensurate with his guilt hence, **the punishment awarded vide this office OB No. 42 dated 21-02-2017 remain intact.**

**Order announced.**

OB No. 302  
Dated 21.12.23

  
**District Police Officer  
Abbottabad**

CC.

1. Establishment Clerk DPO Office Abbottabad, alongwith Enquiry containing 78 pages for completion of record.

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Decided on Fashla

24.10.23 ABBattabad

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