

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.1561/2023.


SI Naseeb Khan No.7946 of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others..... **Respondents.**

I n d e x

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DSP/Legal,
CCP, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.1561/2023.

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VERSUS

Provincial Police Officer, Peshawar and others..... **Respondents.**

REPLY BY RESPONDENTS NO. 1,2,3&4.

(Khyber Pakhtunkhwa Service Tribunal)

Respectfully Sheweth:-

Case No. 10463

PRELIMINARY OBJECTIONS:-

Dated: 10-1-2024

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
3. That the appellant has not come to Hon'ble Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file the instant appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Hon'ble Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-

1. Pertains to record. Needs no comments.
2. Incorrect. The appellant while posted as SHO PS Hasan Khel, Peshawar was proceeded departmentally on the charges that on 22.11.2022, 08 Police personnel of PS Hasan Khel and Tehsildar Hasan Khel were present at Pastawani in connection with demarcation of land dispute between Said Bahader and Sadiq etc. He under the Law & rules were supposed to be present on the spot to maintain law & order situation at the place of demarcation, but due to his negligence, Sadiq party blatantly killed Said Bahader in presence of Police personnel. FIR NO.170 dated 22.11.2022 u/s 302/324/34 PPC, PS Hasan Khel was registered but the accused was not apprehended/arrested by Police Party which was dealt as gross misconduct on the part of appellant.
3. Incorrect. The appellant being SHO was supposed to present on the spot to maintain law & order situation at the place of demarcation, but he failed to do so, due to his negligence accused decamped after commission of offence. He did not bother to retaliate or arrest the criminal on the spot. Due to his negligence and carelessness, the heinous offence was committed and the accused fled without resistance of Police party.
4. Incorrect. The appellant was issued charge sheet with statement of allegations vide No.90/E/PA, dated 25.11.2022 on the allegations mentioned in the charge sheet. SDPO

Saddar Circle was appointed as Enquiry officer to dig out the real facts. (Copy of charge sheet, Statement of allegations are annexed as A, B).

5. Incorrect. Proper Departmental Enquiry was conducted wherein statement of the appellant was recorded as well as ample opportunity of self defense was given to him, but he failed to advance any plausible grounds in rebuttal of the charges. The enquiry officer has finalized the enquiry and submitted his findings report vide No.59/-6/PA, dated 20.12.2022, wherein, the appellant was found guilty of the charges leveled against him. (Copy of Enquiry Report is annexed as C).
6. Incorrect. After receipt of enquiry proceedings, he was issued Final Show Cause Notice and served upon him vide No. 59/PA, dated 20.12.2022 to which he replied, but his reply was found unsatisfactory, hence as a result of which the punishment order of dismissal from service was passed vide OB No.501 dated 23.02.2023. (Copy of Final Show Cause Notice and punishment order are annexure as D, E).
7. Correct to the extent that the appellant filed departmental appeal which was thoroughly processed and sufficient opportunity of hearing was provided to him. The appellate authority took a lenient view, accepted his appeal and the punishment order of dismissal from service was converted into minor punishment of forfeiture of one year's approved service. Moreover, his period remained out of service was treated as leave without pay vide order No. 2272-80/PA dated 22.06.2023.(copy of order is annexure as F)
8. That appeal of the appellant being devoid of merits and limitation may be dismissed on the following grounds.

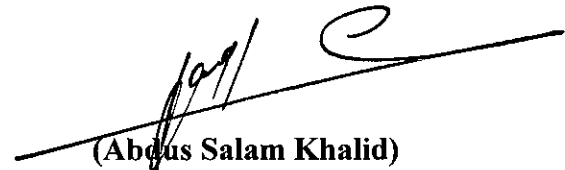
REPLY ON GROUNDS:-

- A. Incorrect. The appellant was treated as per law/rules, and no violation of law/rules has been done by the replying respondents.
- B. Incorrect. The appellant only want to save his skin from misconduct/negligence explained in detail in the above paras. Proper departmentally enquiry was conducted wherein, the appellant was found guilty, hence rightly awarded punishment under the rules.
- C. Incorrect. The order passed by the competent authority is just legal, lawful and in accordance with norms of natural justice hence, liable to be upheld.
- D. Incorrect. The appellant was treated as per Law/Rules, and no violation of the Article 4 of the constitution of Pakistan has been done by the replying respondents.
- E. Incorrect. The whole enquiry proceedings were initiated purely on merit and in accordance with law/rules. The appellant was called to defend himself but he failed, hence the punishment order passed by the competent authority is in accordance with law/rules.
- F. Incorrect. The prime duty of police is to protect life, property and liberty of citizens, preserve and promote public peace instead he committed gross misconduct/negligence which speaks volume of his inefficiency and unlikely of becoming a good police officer.
- G. Incorrect. The appellant was treated as per law/rules and no discrimination has been done by replying respondents.

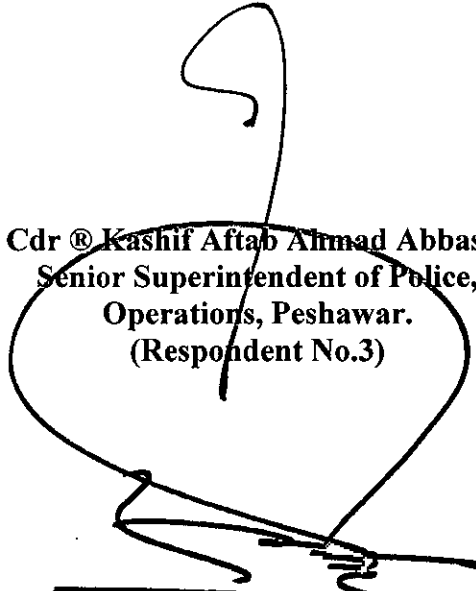
- H. Incorrect. The Punishment order passed by the competent authority is based on justifiable and genuine grounds, without any malafide intention, hence liable to be upheld.
- I. Incorrect. The punishment order passed by the competent authority is just legal and has been passed in accordance with law/rules.
- J. Incorrect. Proper departmental enquiry was conducted against him. He was provided full opportunity of defense, but he failed to defend himself. After fulfilling of all codal formalities, he was found guilty, hence awarded appropriate punishment commensurate with his guilt.
- K. Incorrect. Proper departmental enquiry as per prevailing Rules ibid was conducted against him however failed to rebut the charges as he was found guilty committing misconduct within the meaning of Rules ibid.
- L. Incorrect as explained above. Furthermore, the whole departmental enquiry was conducted against him as per law/rules.
- M. Incorrect. The whole proceedings were conducted in accordance with facts, and law/rules.
- N. Incorrect as explained in the proceedings Paras.
- O. Incorrect. The competent authority appointed SDPO Sadder as Enquiry Officer who is competent to conduct enquiry against the appellant under the rules ibid.
- P. Incorrect as explained in detail in the proceedings paras. Furthermore, enquiry officer after detailed probe into the matter reported that the charges leveled against the appellant were proved.
- Q. Incorrect. The appellant was issued charge sheet with statement of allegations and after completion of enquiry proceedings final show cause notice was issue to which his replies were found unsatisfactory.
- R. Incorrect. The punishment order passed by the competent authority is just legal and has been passed in accordance with law/rules.
- S. Incorrect. The punishment order passed by the competent authority is in accordance with law/rules.
- T. Incorrect. The appellant was treated as per law/rules and no violation of the Constitution of Pakistan 1973 has been done by the respondent's department.
- U. Incorrect. The appellant was treated as per principle of policy as enshrined by Constitution of Pakistan 1973 and no violation of any provision has been done by the respondent department.
- V. Respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

PRAYER.

It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merits and legal footing, may kindly be dismissed with costs please.



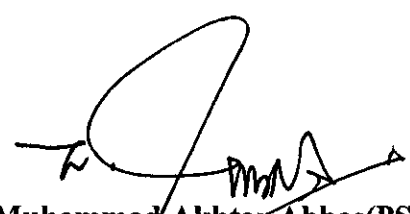
**(Abdus Salam Khalid)
Superintendent of Police,
Saddar, Peshawar.
(Respondent No.04)**



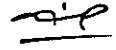
**(Lt Cdr @ Kashif Aftab Ahmad Abbasi)PSP
Senior Superintendent of Police,
Operations, Peshawar.
(Respondent No.3)**



**(Syed Ashfaq Anwar)PSP
Capital City Police Officer,
Peshawar.
(Respondent No.2)**



**Dr. Muhammad Akhtar Abbas(PSP)
DIG/Legal, CPO
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.01)**



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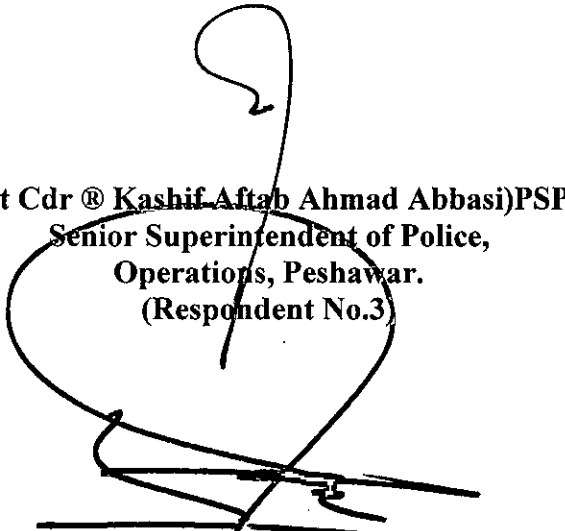
VERSUS


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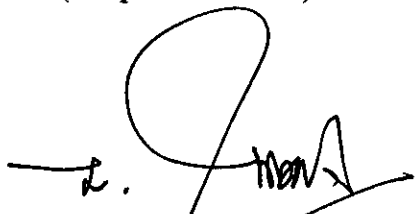
AUTHORITY.

I, **Capital City Police Officer, Peshawar**, hereby authorize **Mr.Inam Ullah** DSP legal of Capital City Police, Peshawar to attend the Hon'ble Court and submit written reply, statement and affidavit required for the defense of above service appeal on behalf of respondent department.


(Abdus Salam Khalid)
Superintendent of Police,
Saddar, Peshawar.
(Respondent No.04)


(Lt Cdr @ Kashif Aftab Ahmad Abbasi)PSP
Senior Superintendent of Police,
Operations, Peshawar.
(Respondent No.3)


(Syed Ashfaq Anwar)PSP
Capital City Police Officer,
Peshawar.
(Respondent No.2)


Dr. Muhammad Akhtar Abbas(PSP)
DIG/Legal, CPO
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
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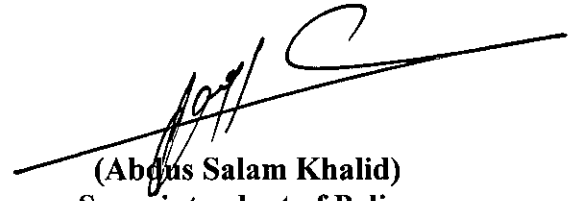
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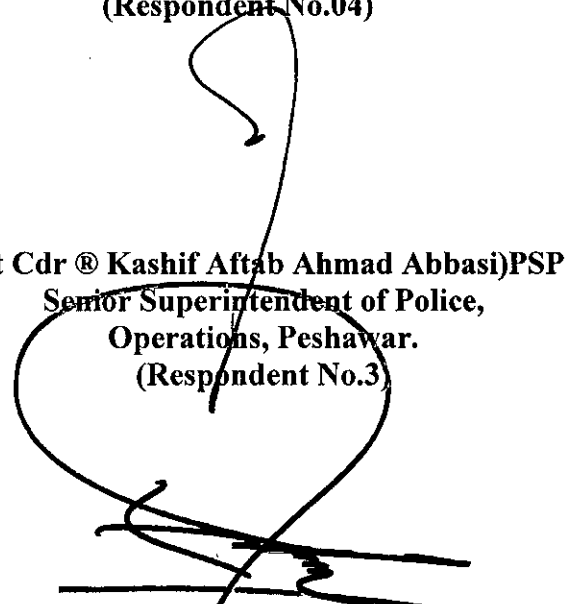
AFFIDAVIT.

We respondents No. 1, 2, 3 & 4 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Hon'ble Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense have been struck off./cost.

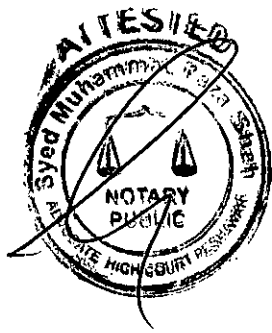


**(Abous Salam Khalid)
Superintendent of Police,
Saddar, Peshawar.
(Respondent No.04)**

**(Lt Cdr @ Kashif Aftab Ahmad Abbasi)PSP
Senior Superintendent of Police,
Operations, Peshawar.
(Respondent No.3)**



**(Syed Ashfaq Anwar)PSP
Capital City Police Officer,
Peshawar.
(Respondent No.2)**



19 DEC 2023





②

**OFFICE OF THE
SUPERINTENDENT OF POLICE,
SADDAR, CCP, PESHAWAR**

CHARGE SHEET

1. Whereas I, Malik Habib Khan, SP Saddar CCP, Peshawar, am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against you **SI Naseeb Khan SHO PS Hasan Khel.**

2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, Malik Habib Khan, SP Saddar CCP, Peshawar, hereby charge you under Rule 5 (4) of the Police Rules 1975.

"On 22.11.2022, 08 Police personnel of PS Hasan Khel and Tehsildar Hasan Khel were present at Pastawani in connection with demarcation of land of Said Bahader s/o Ghafoor Khan who had approached Revenue authorities for resolution of his land dispute with Sadiq, Roseen Khan and Ajmal. You under the law & rules were supposed to be present on the spot to maintain law & order at the place of demarcation, but due to your negligence, accused Sadiq blatantly killed Said Bahader right in front of Police personnel, vide case FIR No. 170, dated: 22.11.2022 u/s 302/324/34 PPC, PS Hasan Khel and fled away. Neither the Police personnel bothered to retaliate on the spot, nor you make efforts to arrest the offender. Your act is highly objectionable and renders you liable for disciplinary proceedings under the Police Rules 1975".

4. I hereby direct you further under Rule 6 (1) (b) of the said Rules to put forth written defence within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why action should not be taken against you and also stating at the same time whether you desire to be heard in person.

5. In case your reply is not received within the specific period to the Enquiry Officer, it shall be presumed that you have no defence to offer and in that case ex-parte action will be taken against you.

Attested
[Signature]

[Signature]
(Malik Habib Khan)
Superintendent of Police
Saddar Division CCP, Peshawar.



②

**OFFICE OF THE
SUPERINTENDENT OF POLICE,
SADDAR, CCP, PESHAWAR**

STATEMENT OF ALLEGATIONS

1. I, Malik Habib, SP Saddar CCP Peshawar, am of the opinion that **SI Naseeb Khan SHO PS Hasan Khel** has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omission within the meaning of section 03 of the Khyber Pakhtunkhwa Police Rules, 1975.

"On 22.11.2022, 08 Police personnel of PS Hasan Khel and Tehsildar Hasan Khel were present at Pastawani in connection with demarcation of land of Said Bahader

By: Superintendent of Police
By No: 59-E
Dt: 28/11/2022
Saddar, Peshawar

Ghafoor Khan who had approached Revenue authorities for resolution of his land dispute with Sadiq, Roseen Khan and Ajmal. He under the law & rules was supposed to be present on the spot to maintain law & order at the place of demarcation, but due to his negligence, accused Sadiq blatantly killed Said Bahader right in front of Police personnel, vide case FIR No. 170, dated: 22.11.2022 u/s 302/324/34 PPC, PS Hasan Khel and fled away. Neither the Police personnel bothered to retaliate on the spot, nor you make efforts to arrest the offender. Your act is highly objectionable and renders you liable for disciplinary proceedings under the Police Rules 1975".

2. For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations SBPO Saddar is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

3. The Enquiry Officer shall in accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused official and make recommendations as to punish or other action to be taken against the accused official.

Handwritten signature: Ali Call...

Handwritten signature: Superintendent of Police, Saddar, CCP, Peshawar

Handwritten signature: Malik Habib Khan
(Malik Habib Khan)
Superintendent of Police
Saddar Division CCP, Peshawar.

No. 90 /E/PA, dated Peshawar the 25/11/2022

Copy to:-

1. Enquiry Officer, with the direction to finalize departmental enquiry within stipulated period under Police Rules 1975.
2. Delinquent official.

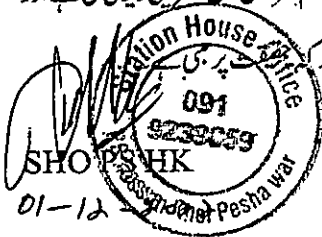
Accepted
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28/11/2022

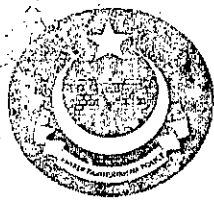
بیان آذان نصیب خان SHO حسن خیل

جناب عالی!

بجوالہ مشمولہ چارج شیٹ معروض خدمت ہوں کہ بمورخہ 22.11.2022 من SHO بمع دیگر نفری پولیس بجوالہ مد 21 روز نامہ
22.11.2022 بوقت 6:30 بجے روٹین کے مطابق علاقہ گشت پر تھا (روانگی نقلد ہمراہ لف ہے)۔ دوران گشت حساس مقامات و سرکاری و نجی تعلیمی
ادارے چیک کرنے میں مصروف تھا کہ بوقت 10:31 بجے مورخہ 22.11.2022 دفتر AC حسن خیل کے آپریٹر جم خان نے بذریعہ اپنے واٹس
آپ نمبری 03003666026 سے ایک تحریری پروانہ منجانب دفتر نائب تحصیلدار حسن خیل سب ڈویژن بھیجا جس میں تحریر تھا کہ فریق اول وارث
خان ولد غفور خان ساکن آتم خیل پستونی، فریق دوم اجمل خان ولد بادل خان ساکن پستونی حال اوج نہر کو بمورخہ 22.11.2022 متنازعہ اراضی واقع
پستونی بوقت 10:00 بجے موجود ہے اور اس ضمن میں آپ کو لکھا جاتا ہے کہ سیکورٹی کا انتظام کرے۔ اسی دوران کچھ دیر بعد بوقت 10:35 بجے
مورخہ 22.11.2022 کو من SHO کے ذاتی موبائل نمبر 03349905877 پر AC حسن خیل دفتر کے سرکاری ٹیلیفون نمبر 0919211899
سے کال آئی کہ نائب تحصیلدار ورید خان فریق اول وارث خان ولد غفور خان (2) فریق دوم اجمل خان ولد بادل خان ساکن پستونی حال اوج نہر متنازعہ
ارضی کی پیمائش اور دونوں فریقین کے مابین متنازعہ اراضی کا مسئلہ حل کرنے کی غرض سے ہماریاں 2 پٹواریاں علاقہ پستونی روانہ ہے لہذا اس ضمن میں
میں سیکورٹی کا بندوبست کیا جائے۔ اطلاع کے پیش نظر سریدست بوقت 10:38 مورخہ 22.11.2022 شاہ نواز خان ASI/7948 کو اس کے ذاتی
موبائل نمبر 03369286877 پر اطلاع دی کہ نائب تحصیلدار حسن خیل بمع 2 پٹواریاں بسلسلہ متنازعہ اراضی کی تقسیم کی بابت مابین فریق اول
وارث وغیرہ فریق دوم اجمل وغیرہ بمقام آتم خیل پستونی جا رہا ہوں اس سلسلے میں سیکورٹی طلب کی ہے لہذا چوکی بوڑھ اکیچھنچ اور چوکی زیرہ تازہ سے
سیکورٹی فراہم کرنے کا بندوبست کیا جائے اس بابت شاہ نواز خان ASI/7948 بوقت 10:49 بجے مورخہ 22.11.2022 موصول شدہ تحریری
پروانہ اس کے واٹس آپ نمبری 03369286877 پر ارسال کیا جا کر حالات واقعات کے بارے میں آگاہ کیا گیا اور سیکورٹی فراہم کرنے کی بابت
اطلاع دی گئی چونکہ بوجہ اہم ڈیوٹی من SHO خود موقع پر پہنچ نہ سکا (واٹس آپ سکرین شاٹ ہمراہ لف ہے)۔ دیگر تقریباً 14:00 بجے مورخہ
22.11.2022 اطلاع ملی کہ بمقام آتم خیل پستونی میں قتل کا وقوع رونما ہو چکا ہے لہذا دیگر ڈیوٹی چھوڑ کر فوراً بمع نفری پولیس کے جانے وقوعہ بمع
انوسٹی گیشن سٹاف پہنچ کر ملزمان کی بروقت گرفتاری کی ہر ممکن کوشش کی مگر کامیابی نصیب نہ ہوئی جبکہ ملزمان بعد وقوعہ کے نامعلوم مقام پر منتقل ہو
چکے تھے تاہم ملزمان کی گرفتاری کی بھرپور کوشش جاری ہے انشاء اللہ جلد کامیابی حاصل ہوگی من SHO نے تمام سروس میں بہترین ڈیوٹی کی ہے اور
بہ فضل خدا آئندہ بھی کرتا رہوں گا مسائل کی اندریں بارہ کسی قسم کی کوتاہی نہیں پائی جاتی ہے یہی سیرایان ہے جو کہ



Accepted
Date



OFFICE OF THE
SDPO SADDAR CIRCLE

No. 59-E /PA, dated: 20/11 /2022

To: The SP Saddar Division.

Subject: DEPARTMENTAL ENQUIRY AGAINST SI NASEEB KHAN SHO/ PS HASAN KHEL

Memo: Please refer to your office diary No. 90-E/PA, dated: 25.11.2022.

Allegations:

According to statement of allegations/charge sheet, "On 22.11.2022, 08 Police personnel of PS Hasan Khel and Tehsildar Hasan Khel were present at Pastawani in connection with demarcation of land of Said Bahader s/o Ghafoor Khan who had approached Revenue authorities for resolution of his land dispute with Sadiq, Roseen Khan and Ajmal. He under the law & rules was supposed to be present on the spot to maintain law & order at the place of demarcation, but due to his negligence, accused Sadiq blatantly killed Said Bahader right in front of Police personnel, vide case FIR No. 170, dated:22.11.2022 u/s 302/324/34 PPC, PS Hasan Khel and fled away. Neither the Police personnel bothered to retaliate on the spot, nor you make efforts to arrest the offender. Your act is highly objectionable and renders you liable for disciplinary proceedings under the Police Rules 1975".

Proceedings:

Charge sheet was served upon the delinquent official who submitted his reply and placed on file. The alleged official along-with others were heard in person and cross questioned.

Statement of SI Naseeb Khan SHO Hasan Khel:

He deposed in his statement that on 22.11.2022, he was on mobile patrolling in the area of PS Hasan Khel to check sensitive/vulnerable installations vide DD No. 21, dated: 22.11.2022 PS Hasan Khel. At around 10:31, a letter/parwana regarding security arrangements at place of demarcation was received via Whatsapp from Operator Rahim Khan of the office of AC Hasan Khel. The said letter/parwana was sent to ASI Nawaz Khan with the directions to provide immediate security on the spot (Whatsapp Screenshot attached). At about 14:00 hrs, information regarding the incident was received. He along-with Police strength immediately rushed to the spot and made all out efforts to arrest the accused but accused had managed to escape. However, hectic efforts are still underway to arrest the accused involved in the incident and bring to justice.

Findings:

After going through the inquiry, statements of all concerned and cross examination, the alleged officer SI Naseeb Khan SHO Hasan Khel is found guilty of the charges.

*Accepted
20/11*

E(10)

*Issued PSEN
PSEN*

MUHAMMAD ALI
Sub-Divisional police Officer,
Saddar Circle, Peshawar.



SUPERINTENDENT OF POLICE
SADDAR DIVISION, CAPITAL CITY POLICE, PESHAWAR
E-mail: readersp76@gmail.com Phone: 091-9330330

FINAL SHOW CAUSE NOTICE

I, Superintendent of Police, Saddar, Capital City Police, Peshawar as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve you **SI Naseeb Khan, SHO PS Hasan Khel**, Capital City Police, Peshawar as follows.

1 (i) That consequent upon the completion of enquiry conducted against you by the enquiry officer for which you were given opportunity of hearing.

(ii) On going through the findings and recommendation of the enquiry Officer, the material on record and other connected papers produced before the E.O.

I am satisfied that you have committed the following acts/omissions specified in Police Disciplinary Rules 1975 of the said Ordinance.

"On 22.11.2022, 08 Police personnel of PS Hasan Khel and Tehsildar Hasan Khel were present at Pastawani in connection with demarcation of land of Said Bahader s/o Ghafoor Khan who had approached Revenue authorities for resolution of his land dispute with Sadiq, Roseen Khan and Ajmal. You under the law & rules were supposed to be present on the spot to maintain law & order at the place of demarcation, but due to your negligence, accused Sadiq blatantly killed Said Bahader right in front of Police personnel, vide case FIR No. 170, dated: 22.11.2022 u/s 302/324/34 PPC, PS Hasan Khel and fled away. Neither the Police personnel bothered to retaliate on the spot, nor you make efforts to arrest the offender. Your act is highly objectionable and renders you liable for disciplinary proceedings under the Police Rules 1975".

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Disciplinary Rules 1975 for absence.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 7 days of its delivery, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action be taken against you.

5. The copy of the finding of the enquiry officer is enclosed.

Malik Habib Khan
(Malik Habib Khan)
Superintendent of Police, Saddar,
CCP, Peshawar

No 59 /PA, SP Saddar: dated Peshawar the 20/12 /2022.

Copy to official concerned

*Accepted
Saddar*

2/12/2022

بیان آذان نصیب خان SHO حسن خیل

جناب عالی!

بحوالہ مشمولہ فائل شوکار معروض خدمت ہوں کہ مورخہ 22.11.2022 من SHO بمع دیگر نفری پولیس بحوالہ 21 روز نامہ 22.11.2022 بوقت 6:30 بجے روٹین کے مطابق علاقہ گشت پر تھا (روانگی نقلد ہمراہ لف ہے)۔ دوران گشت حساس مقامات و سرکاری و نجی تعلیمی ادارے چیک کرنے میں مصروف تھا کہ بوقت 10:31 بجے مورخہ 22.11.2022 دفتر AC حسن خیل کے آپریٹر رحیم خان نے بذریعہ اپنے واٹس آپ نمبری 03003666026 سے ایک تحریری پروانہ منجانب دفتر نائب تحصیلدار حسن خیل سب ڈویژن بھیجا جس میں تحریر تھا کہ فریق اول وارث خان ولد غفور خان ساکن آتم خیل پستونی، فریق دوم اجمل خان ولد بادل خان ساکن پستونی حال اونچ نہر کو مورخہ 22.11.2022 متنازعہ اراضی واقع پستونی بوقت 10:00 بجے موجود رہے اور اس ضمن میں آپ کو لکھا جاتا ہے کہ سیکورٹی کا انتظام کرے۔ اسی دوران کچھ دیر بعد بوقت 10:35 بجے مورخہ 22.11.2022 کو من SHO کے ذاتی موبائل نمبر 03349905877 پر AC حسن خیل دفتر کے سرکاری ٹیلیفون نمبر 0919211899 سے کال آئی کہ نائب تحصیلدار و درید خان فریق اول وارث خان ولد غفور خان (2) فریق دوم اجمل خان ولد بادل خان ساکن پستونی حال اونچ نہر متنازعہ اراضی کی پیمائش اور دونوں فریقین کے مابین متنازعہ اراضی کا مسئلہ حل کرنے کی غرض سے ہماریاں 2 پٹواریاں علاقہ پستونی روانہ ہے لہذا اس ضمن میں سیکورٹی کا بندوبست کیا جائے۔ اطلاع کے پیش نظر سریدست بوقت 10:38 مورخہ 22.11.2022 شاہ نواز خان ASI/7948 کو اس کے ذاتی موبائل نمبر 03369286877 پر اطلاع دی کہ نائب تحصیلدار حسن خیل بمع 2 پٹواریاں بسلسلہ متنازعہ اراضی کی تقسیم کی بابت مابین فریق اول وارث وغیرہ فریق دوم اجمل وغیرہ بمقام آتم خیل پستونی جا رہا ہوں اس سلسلے میں سیکورٹی طلب کی ہے لہذا چوکی بوڑھ اچکھنچ اور چوکی زریزہ تازہ سے سیکورٹی فراہم کرنے کا بندوبست کیا جائے اس بابت شاہ نواز خان ASI/7948 بوقت 10:49 بجے مورخہ 22.11.2022 موصول شدہ تحریری پروانہ اس کے واٹس آپ نمبری 03369286877 پر ارسال کیا جا کر حالات واقعات کے بارے میں آگاہ کیا گیا اور سیکورٹی فراہم کرنے کی بابت اطلاع دی گئی چونکہ بوجہ اہم ڈیوٹی من SHO خود موقع پر پہنچ نہ سکا (واٹس آپ سکرین شاٹ ہمراہ لف ہے)۔ دیگر تقریباً 14:00 بجے مورخہ 22.11.2022 اطلاع ملی کہ بمقام آتم خیل پستونی میں قتل کا وقوع رونما ہو چکا ہے لہذا دیگر ڈیوٹی چھوڑ کر فوراً بمع نفری پولیس کے جائے وقوعہ بمع انوبسی گنیشن سٹاف پہنچ کر ملزمان کی بروقت گرفتاری کی ہر ممکن کوشش کی مگر کامیابی نصیب نہ ہوئی جبکہ ملزمان بعد وقوعہ کے نامعلوم مقام پر منتقل ہو چکے تھے تاہم ملزمان کی گرفتاری کی بھرپور کوشش جاری ہے انشاء اللہ جلد کامیابی حاصل ہوگی من SHO نے تمام سروس میں بہترین ڈیوٹی کی ہے اور بہ فضل خدا آئندہ بھی کرتا رہوں گا سائل کی اندریں بارہ کسی قسم کی کوتاہی نہیں پائی جاتی ہے یہی میرا بیان ہے جو کہ حقیقت پر مبنی ہے۔



Atta Street
Peshawar



SUPERINTENDENT OF POLICE

SADDAR DIVISION, CAPITAL CITY POLICE, PESHAWAR
E-mail: readersp76@gmail.com Phone: 091-9330330
No. 90-E/PA, dated: 24/02/2023

(3)

ORDER

⁷⁹⁴⁶
⁵⁰⁷⁶
This is office order for disposal of departmental proceedings against SI Naseeb Khan SHO PS Hasan Khel on the charges that on 22.11.2022, 08 Police personnel of PS Hasan Khel and Tehsildar Hasan Khel were present at Pastawani in connection with demarcation of land of Said Bahader s/o Ghafoor Khan who had approached Revenue authorities for resolution of his land dispute with Sadiq, Roseen Khan and Ajmal. He under the law & rules were supposed to be present on the spot to maintain law & order at the place of demarcation. but due to his negligence, accused Sadiq blatantly killed Said Bahader right in front of Police personnel, vide case FIR No. 170, dated:22.11.2022 u/s 302/324/34 PPC, PS Hasan Khel and fled away. Neither the Police personnel bothered to retaliate on the spot. nor you make efforts to arrest the offender.

Departmental proceedings were initiated against him and SDPO Saddar Circle was appointed as Enquiry Officer, who conducted enquiry and found him guilty.

Upon receipt of the findings. he was issued final Show Cause Notice, to which he submitted reply but found unsatisfactory. He was also heard OR. SI Naseeb Khan only tried to shift responsibility on his juniors which in fact was his job. He miserably failed to protect the life of a citizen which was murdered in front of his police contingent sent to spot. I agree with recommendations of EO and award him major punishment of "Dismissal from Service" with immediate effect.

Malik Habib Khan

(Malik Habib Khan)
Superintendent of Police,
Saddar Division CCP, Peshawar

EMC:21-

OB No. 501

Dated: 23/02/2023

Copy all concerned for information & n/a please.

Accepted
[Signature]

7946



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

ORDER.

This order will dispose of the departmental appeal preferred by Ex-SI Naseeb Khan No. 7946, who was awarded the major punishment of "Dismissal from service" under PR-1975 (amended-2014) by SP/Saddar Peshawar vide OB No. 501, dated 23.02.2023.

2- Brief facts leading to the instant appeal are that the defaulter SI while posted as SHO Police Station Hassan Khel Peshawar was proceeded against departmentally on the charges that 08 police personnel's and Tehsildar Hassan Khel were present Pastawani on 22.11.2022 in connection with demarcation of land of Said Bahader s/o Ghafoor Khan who had approached revenue authorities for resolution of his land dispute with Sadiq, Roseen Khan and Ajmal. The defaulter SHO was supposed to be present on the spot and maintain law & order at the place of demarcation but he miserably failed to do so, when sadiq blatantly killed Said Bahader right in front of the other police personnel's vide case FIR No. 170, dated 22.11.2022 u/s 302/324/34 PPC PS Hasan Khel and fled away. The defaulter SHO did not make efforts to arrest the offenders nor did the officials on the spot responded in time to handle the situation professionally.

3- He was issued Charge Sheet and Summary of Allegations by SP/Saddar Peshawar. SDPO Saddar/Peshawar was appointed as Enquiry Officer to scrutinize the conduct of the accused official. The Enquiry Officer after conducting departmental enquiry submitted his findings in which the accused official was found guilty. The competent authority in light of the findings of the Enquiry Officer issued him Final Show Cause Notice. But his reply to the Final Show Cause Notice was found unsatisfactory and hence awarded him the major punishment of dismissal from service.

4- He was heard in person in Orderly Room. During personal hearing the appellant pleaded that he had always performed his duty efficiently. He further stated that the incident took place when the police personnel defuse the situation between the parties and after lapse of 15/20 minutes the incident took place for which FIR No. 170 was registered at Police Station Hassan Khel. Keeping in view his contention and facts of the case, his appeal for reinstatement in service is hereby accepted. The punishment order of SP/Saddar, Peshawar issued vide OB No. 501 dated 23.02.2023 is hereby set aside. He is hereby reinstated in service with immediate effect and his dismissal is converted into a minor punishment of "forfeiture of one year's approved service". Moreover, his period of out of service is treated as leave without pay.

"Order is announced"

CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 2272-80 /PA, dated Peshawar the 02 / 06/2023

Copies for information and necessary action to the:-

1. SSP/Operations Peshawar.
2. SsP/Saddar & HQR: Peshawar.
3. EC-II, AS, OASI, CRC & PO. - FMC
4. Official concerned.

CCP
OB No. <u>1522</u>
Date <u>23-06-23</u>
Peshawar

Accepted
[Signature]