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

**Service Appeal No. 2057/2023**

Aman Ullah son of Mian Muhammad Saeed Ex-Head Constable No. 314 (Mardan District Police) Resident of House No.8, Street No. 1, Faisal Colony, G.T Road, Road, Peshawar

.....Appellant.

**VERSUS**

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

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*Legal*  
DSP Legal  
Mardan

11-1-24

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

**Service Appeal No. 2057/2023**

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.....Appellant.

**VERSUS**

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

**Para-wise comments on behalf of respondents.**

**Respectfully Sheweth,**

**Khyber Pakhtukhwa  
Service Tribunal**

Diary No. 10484

Dated 10-1-2024

**PRELIMINARY OBJECTIONS**

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the appeal is bad for miss-joinder and non-joinder of necessary parties.
7. That the appeal is barred by law and limitation.

**REPLY ON FACTS**

1. Para to the extent of enlistment in Police Department as Constable pertains to record needs no comments.
2. Correct to the extent that the appellant while posted at Pay Branch Mardan was involved in a criminal case vide FIR No. 50 dated 01.02.2014 u/s 302/34 PPC Police Station Saddar Mardan. On the basis of above, the appellant was issued charge sheet alongwith statement of allegations vide No. 438/R/D.A-P R-1975 dated 10.02.2014 & proper departmental enquiry proceedings were initiated by entrusting the same to the then DSP HQrs Mardan. The enquiry officer after fulfillment of all legal codal formalities recommended the appellant for ex-parte action as neither did he bother to join investigation nor did he bother to assume the duty rather remained avoiding his lawful arrest/fugitive from law and went into hiding. Therefore, in light of recommendations of Enquiry Office, the then DPO Mardan awarded him Major Punishment of dismissal from service vide OB No. 1077 dated 08.05.2014, which does commensurate with gravity of misconduct of appellant (**Copies of FIR, dismissal order, rejection order & enquiry are attached as Annexure A, B & C.**)

3. Correct to the extent that departmental proceedings were initiated against the appellant while rest of the Para is not plausible because the very conduct of appellant estopped him to take such plea. As he was charged in a criminal case in the year 2014 & subsequently dismissed while he was arrested on 22.11.2017 by the then SHO PS Saddar Mardan, meaning thereby that he went into hiding as he was avoiding his lawful arrest. Besides, the appellant remained fugitive from law for more than 3 & a half years and due to lapse of so many years i.e 09 years and 01 month, he took this plea that he had not been served with charge sheet & statement of allegations. It is astonishing that on one hand he says that he had not been served with charge sheet and statement of allegations while on the other hand he admits that he had been issued the same. If the appellant was not served with the charge sheet & statement of allegations then how he came to know about issuance of the same.
4. Correct to the extent that the enquiry officer recommended the appellant for ex-parte action for the reason mentioned/explained in the preceding Para. The Apex Court of Pakistan has laid down the principle that departmental proceedings and judicial proceedings are two different entities, both can run parallel to each other without affecting the result of each other, hence ex-parte action against an absconder holds grounds when he is a member of a disciplined Police Force. This Controversy was resolved by the Apex Court of Pakistan in case titled "**Khalig Dad Vs Inspector General of Police and 02 others**" (2004 SCMR 192" wherein it was held that:-  
*"Disciplinary proceedings and criminal proceedings---Difference---Acquittal from criminal case---Effect---Both such proceedings are not interred dependent and can be initiated simultaneously and brought to logical end separately with different conclusions---Criminal proceedings do not constitute a bar for initiation of disciplinary proceedings relevant to Efficiency and Disciplinary Rules---Acquittal in criminal case would have no bearing on disciplinary action".*
5. Para explained in detail in Para No.02 of the facts, hence, no comments.
6. correct to the extent that the appellate court acquitted the appellant.
7. Correct to the extent that the appellant filed departmental appeal after lapse of 09 years & 01 Month against the order of his dismissal by the then DPO Mardan vide OB No. 1077 dated 08.05.2014.
8. Correct to the extent that the appellant was personally heard in Orderly Room by the appellate authority i.e Regional Police Officer, Mardan on 30.08.2023 & he was provided full-fledged opportunity of defending himself but he bitterly failed to justify his innocence. Besides, his appeal was badly time barred for 09 years & 01 Month, hence, the same was rejected being bereft of any substance. The appeal of the appellant is liable to be dismissed on the following grounds amongst the others(**Copy of rejection order is attached as annexure-D**).

**REPLY ON GROUNDS:**

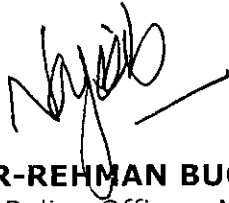
- A. Incorrect. Plea taken by the appellant is totally false & baseless. The orders of respondents are quite legal, lawful and in accordance with law/rules.
- B. Incorrect. Stance taken by the appellant is totally bereft of any substance because the plea of audi alteram partem is a misleading. As after initiation of proper departmental proceedings, the appellant was summoned time and again to appear before the Enquiry Officer but he did not bother to do so which clearly depict that he had nothing to offer in his defence. Hence, in order to save his skin, the appellant took the plea of audi alteram partem which is not based on facts. Moreover, the appellant was though provided every opportunity to provide proof regarding his innocence but in fiasco. Therefore, the allegations leveled against the appellant have been proven beyond any shadow doubt. Resultantly, orders passed by the respondents are liable to be maintained being based on merit and law.
- C. Incorrect. Plea taken by the appellant is totally false because if he had not committed any illegality, irregularity or impropriety, he was supposed either to report his arrival to his place of posting or join the investigation/departmental proceedings but he bitterly failed to do so. This act of the appellant itself speaks of his ill-disciplined conduct. Hence, the orders passed by the respondents are in accordance with law on the subject and are liable to be maintained.
- D. Plea taken by the appellant is not based on facts rather a misleading one. As the appellant being member of disciplined force was under obligation to protect the life and property of public being his custodian in light of Police Act 2017. However, instead of protecting the same he himself has indulged in heinous crime which is totally against the norms of disciplined force. Moreover, criminal and departmental proceedings are two different entities which can run parallel and the fate of one will have no effect on the other therefore, the order passed by the respondents are legal, according to facts and as per material available on record.
- E. Para to the extent of filing departmental appeal after acquittal of appellant is correct needs no comments while rest of the Para is incorrect hence, denied. As the appellant was supposed to join departmental proceedings but instead he went into hiding and remained absent. Therefore, the Enquiry Officer after fulfillment of all legal and codal formalities recommended the appellant for ex parte action. Moreover, if the appellant was neither joining the Enquiry proceedings nor the investigation rather avoiding his lawful arrest so the same would also amount to a futile exercise by not disposing the enquiry proceedings in either way. It is added that the appellant in order to save his skin in terms of avoiding the issue of limitation, tailored the instant story which cannot be relied upon.

(4)

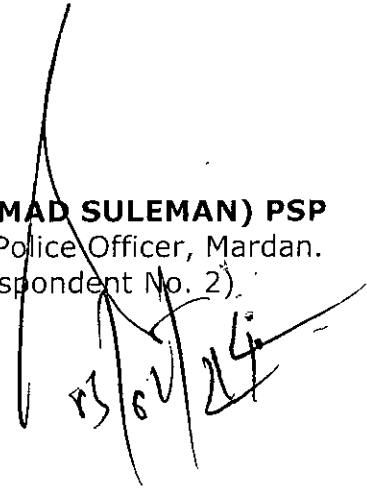
- F. Incorrect. Stance taken by the appellant is not plausible because the appellant has already been proceeded against departmentally and after fulfillment of all legal and codal formalities he was awarded appropriate punishment which does commensurate with the gravity of misconduct of the appellant. Therefore, initiation of subsequent enquiry after the acquittal of appellant is totally against the law/rules regarding the subject in vogue. Hence, orders are liable to be maintained.
- G. Incorrect. As discussed earlier the competent authority has acted in accordance with law and no deviation whatsoever from law was made. Therefore, order passed by the competent authority is in accordance with the fundamental principle of transparency and fundamental rights.
- H. That the respondents also seek permission of this Honorable Tribunal to adduce additional grounds at the time of arguments.

**PRAYER:-**

Keeping in view the above narrated facts, it is most humbly prayed that the appeal of the appellant being badly barred by law and limitation, may kindly be dismissed with costs please.



**(NAJEEB-UR-REHMAN BUGVI) PSP**  
District Police Officer, Mardan.  
(Respondent No. 1)



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

5

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

**Service Appeal No. 2057/2023**

Aman Ullah son of Mian Muhammad Saeed Ex-Head Constable No. 314 (Mardan District Police) Resident of House No.8, Street No. 1, Faisal Colony, G.T Road, Road, Peshawar

.....Appellant.

**VERSUS**

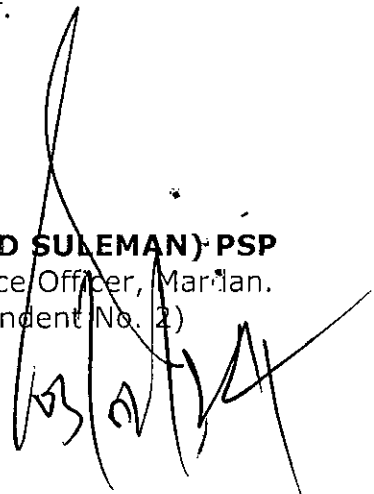
The District Police Officer, Mardan and others.....Respondents.

**COUNTER AFFIDAVIT.**

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honorable Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.

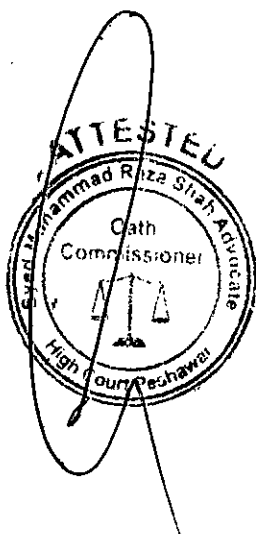


**(NAJEEB-UR-REHMAN BUGVI) PSP**  
District Police Officer, Mardan.  
(Respondent No. 1)



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

10 JAN 2024



پوری - 24-93483 - 6346

مدنی قند - 9323126 - 6547

ابتدائی اطلاعی رپورٹ - 5437731 - 16101-16101

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 152 مجموعہ ضابطہ فوجداری

6

کے تحت پیش کردہ

ضلع مردان

28 جولائی 50

تاریخ 28 جولائی 1930ء

نمبر رپورٹ 12/574 وقت 20:30 بج

مہمہ کے تحت اطلاع دہندہ مستقیم

پولیس سٹیشن 21200

اخیتر منیر صاحب اور خیم افغانی

302/324/34

مہمہ کے تحت جرم (محدودہ) حال اگر کچھ لیا گیا ہو۔

مہمہ کے تحت اطلاع دہندہ مستقیم سے اور دست

پولیس سٹیشن 21200

اخیتر منیر صاحب اور خیم افغانی

302/324/34

مہمہ کے تحت اطلاع دہندہ مستقیم

پولیس سٹیشن 21200

اخیتر منیر صاحب اور خیم افغانی

302/324/34

ابتدائی اطلاع چیچے درج کرو۔

پولیس سٹیشن 21200

POLICE DEPARTMENT

314  
②  
MARDAN DISTRICT

**ORDER**

This order will dispose off the departmental inquiry against HC Aman Ullah No. 314. Brief facts are that while he was posted in pay branch and has been charged in Case FIR No. 50 dated 01.02.2014 u/s 302/324/34 from this negligence on the part of defaulter HC. He is absented from official duty up till now. In this regard departmental inquiry against him was initiated Mian Naseeb Jan Khan DSP/HQrs: Mardan was appointed Inquiry Officer to conduct proper inquiry. Inquiry Officer, after conducted proper inquiry against HC Aman Ullah No. 314, submitted his finding vide his office letter No. 313/HQrs: dated 02.05.2014, in which he recommended him for major punishment under police rules. After taking lenient view in this case, the undersigned agreed with the recommendation of Inquiry Officer, there fore HC Aman Ullah No. 314 is hereby dismissed from service under police rules 1975, from the date of his absence.

Order announced

O.B No. 1077

Dated 8 / 5 / 2014

(Gul Afzal Afridi)  
District Police Officer,  
Mardan.

No. 541-46 dated Mardan the 9-5 / 2014

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police Mardan Region-1
  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 OASI (DPO) Mardan.
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ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Head Constable Aman Ullah No. 314 of Mardan District Police against the order of the then District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 1077 dated 08.05.2014. The appellant was proceeded against departmentally on the allegations that he while posted in Pay Branch DPO Office, Mardan was charged in case FIR No. 50 dated 01.02.2014 U/S 302/324/34-PPC Police Station Saddar District Mardan.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Deputy Superintendent of Police Headquarters, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to the then District Police Officer, Mardan, highlighted that the delinquent Officer went into hiding after commission of offence and evading his lawful arrest, therefore, recommended him for ex-parte action.

Consequently in the light of recommendations of enquiry Officer, an ex-parte action was taken against the delinquent Officer and he was awarded major punishment of dismissal from Service by the then District Police Officer, Mardan vide OB: No. 1077 dated 08.05.2023.

Feeling aggrieved from the order of the then District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 30.08.2023.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations of misconduct against the appellant have been proved beyond any shadow of doubt. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in such heinous crime brought a bad name for entire Police force in the eyes of general public. During the course of enquiry proceedings, the appellant did not bother to join enquiry proceedings. Moreover, the delinquent Officer is challaned in case FIR No. 50 dated 01.02.2014 U/S 302/324/34-PPC Police Station Saddar District Mardan. As per the report of Officer Incharge Investigation, Police Station, Saddar, Mardan the delinquent Officer was guilty of the offence. Besides, he was awarded life imprisonment by the trial court. However, after filing appeal against conviction before the Peshawar High Court, Peshawar, he was

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2023/08/30

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quitted from the charges. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in such like heinous cases brought a bad name for entire Police force in the eyes of general public. Therefore, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. Besides the above, the appellant approached this forum at a belated stage by filing the instant appeal which is badly time barred for 09 years and 01 month without advancing any cogent reason regarding such delay.

Keeping in view the above, I, Muhammad Suleman, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit as well as badly time barred for 09 years and 01 month.

Order Announced.

(MUHAMMAD SULEMAN) PSP  
Regional Police Officer,  
Mardan.

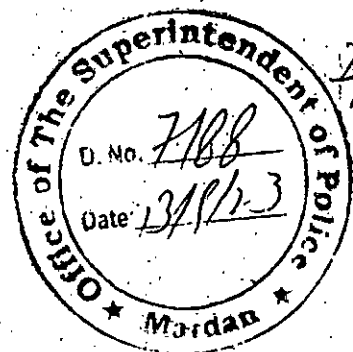
No. 5998 /ES, Dated Mardan the 12/09/2023.

Copy forwarded to District Police Officer, Mardan, for information and necessary action w/r to his office Memo: No. 98/LB dated 16.06.2023. His Service Record is returned herewith.

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DSP/Legal, EC  
For reaction

765/LB  
13-9-23



DPOMardan  
12/9/23

EC  
For reaction  
head  
DSP/L

head  
DSP Legal  
Mardan

فائل انکوائری اذان ہیڈ کنسٹیبل امان اللہ نمبر 314 متعینہ پے برانچ DPO آفس مردان جناب عالی

چارج شیٹ نمبر 438/R مورخہ 10-02-14 مجاریہ DPO صاحب مردان برخلاف ہیڈ کنسٹیبل امان اللہ نمبر 314 جسمیں مذکورہ خلاف الزام لگایا گیا ہے۔ کہ دوران تعیناتی پے برانچ دفتر جناب DPO صاحب مردان مقدمہ علت 50 مورخہ 01-02-14 جرم 302/324/34 تھانہ صدر میں دعویداری ہو کر ملزم ہے۔ دوران انکوائری ہیڈ کنسٹیبل امان اللہ نمبر 314 کو بغرض مطلع کرنے پیشی اور تقسیم کرنے چارج شیٹ پروانہ تحریر کر کے مقامی تھانہ صدر کو بھجوا دیا گیا۔ جس نے تقسیم کرنے کی خاطر مقامی چوکی منگاہ کو بھیج کر HC کو حوالہ ہو کر جس نے ہیڈ کنسٹیبل امان اللہ کے گھر پر اسکے چچا زاد بھائی مسیحی محمد اسلام ولد میاں محمد سکند منگاہ پر تقسیم کر کے رسیدگی کا دستخط ثبت کیا۔ لیکن مذکورہ ہیڈ کنسٹیبل حاضر نہیں آیا۔ تفتیشی آفیسر SI نصیب خان تھانہ صدر کے بیان کے مطابق مقدمہ عنوان بالا میں ہیڈ کنسٹیبل امان اللہ پر دعویداری ہو کر ملزم بعد از تکاب جرم روپوش ہے۔ جس کے خلاف کارروائی روپوشی مکمل ہے۔ اور چالان زبردفعہ 512 ض ف بھجوا دیا گیا۔ اور کارروائی 88 بھی عمل میں لائی گئی ہے۔

دوران انکوائری اس نتیجہ پر پہنچا ہوں کہ مقدمہ عنوان بالا میں مسلمان حبیب اللہ ولد شہزادہ، عابد اللہ ولد حبیب اللہ قتل ہو کر دعویداری ملزمان آواز ولد مکرم اور امان اللہ ولد محمد سعید ساکنان منگاہ پر ہو کر بعد وقوعہ ملزمان روپوش ہو چکے ہیں۔ ہیڈ کنسٹیبل امان اللہ اگر بے گناہ ہوتا تو کبھی روپوش نہ ہوتا لیکن چونکہ اس نے جرم کیا ہے۔ اسلئے روپوش ہو چکا ہے۔ اور جس کو طلی کیلئے پروانہ بھی جاری کیا گیا ہے۔ لیکن اسکے باوجود بھی مذکورہ حاضر نہیں ہوا۔ اسلئے ہیڈ کنسٹیبل امان اللہ نمبر 314 کے خلاف یکطرفہ کارروائی کرتے ہوئے محکمہ پولیس سے برطرف کرنے کی سفارش کی جاتی ہے۔

میاں نصیب جان

ڈپٹی سپرنٹنڈنٹ آف پولیس ہیڈ کوارٹرز مردان

Approved  
Dismissed from service

NOE 313/HQX  
2/5/14

DS Local  
Mardan

(U)

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

No. 438 /R/D.A-P.R-1975.

Dated 10-02-2014

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

I, Gul Afzal Khan District Police Officer, Mardan as competent authority am of the opinion that Head Constable Amanullah No.314, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-2 (iii) of NWFP Police Rules 1975.


**STATEMENT OF ALLEGATIONS**

That Head Constable Amanullah No.314, while posted at Pay Branch at DPO office Mardan, is involved in case FIR No. 50 dated 01.02.2014 u/s 302/324/34 PS Saddar.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Mian Naseeb Jan Khan DSP/HQs 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.

  
(GUL AFZAL KHAN)  
District Police Officer,  
Mardan

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

No. 438 /R, dated Mardan the 10-02 /2014.

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

- S  
1/1  
MKG
1. DSP/Rural Mardan for initiating proceedings against the accused official / Officer namely Head Constable Amanullah No.314, under Police Rules, 1975.
  2. Head Constable Amanullah No.314, 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.

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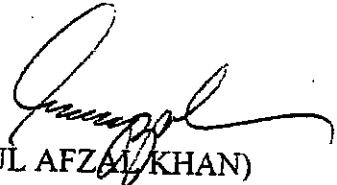
**CHARGE SHEET UNDER NWFP POLICE RULES 1975**

I, Gul Afzal Khan District Police Officer, Mardan as competent authority hereby charge you Head Constable Amanullah No.314, as follows.

That you Head Constable, while posted at Pay Branch at DPO office Mardan, is involved in case FIR No. 50 dated 01.02.2014 u/s 302/324/34 PS Saddar.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the NWFP Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the NWFP 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 persons.

  
(GUL AFZAL KHAN)  
District Police Officer,  
Mardan

head

میں ایک قسم شوکار ٹوئیس کے نام سے ایک قسم کا ایک نیا  
 کان لائے اور محمد سید نے حکم دیا کہ صرف وہی لائے  
 میرے ساتھ لائے اور انکار کاوندہ نام کے دو لائے اور وہی لائے

حقنار



افتخار واروزی چمرمان حقیقہ  
 Nie - 16101-6436420-7  
 Mob - 03469300714

چمرمان واروزی چمرمان حقیقہ  
 Nie - 16101-6519193-9  
 Mob - 03459004579

حقن علی  
 میں کان لائے اور محمد سید نے حکم دیا کہ صرف وہی لائے  
 کے تیرے بارے میں نقل کیا گیا ہے کہ شوکار ٹوئیس  
 لائے محمد سید نے حکم دیا کہ صرف وہی لائے  
 کو لائے اور انکار کاوندہ نام کے دو لائے اور وہی لائے  
 میرے ساتھ لائے اور انکار کاوندہ نام کے دو لائے اور وہی لائے

1Hepp-mach -  
 18.3.014

حقن علی

ایڈیٹ 18/3/14  
 لائے کان لائے اور محمد سید نے حکم دیا کہ صرف وہی لائے  
 کے تیرے بارے میں نقل کیا گیا ہے کہ شوکار ٹوئیس

SHAFI Siddai  
 18/3/14

حقن

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(13)

**ORDER**

Being found charged involved in case Fir No.50  
dated 01.02.2014 u/s 302/324/34 P.S Saddar HC Aman Ullah No.314 is hereby suspended  
with immediate effect.

DB 278

dated 3.2. /2014.

District police Officer,  
Mardan.

No. 276-79/OASI, dated Mardan the 4.2./2014

Copy is forwarded to the:-

1. To Deputy Inspector General of police Mardan Region-I Mardan for favour information.
2. To Deputy Superintendent of Police OPS/HQrs Mardan.
3. To SP Investigation.
4. Pay Officer Mardan.

District police Officer,  
Mardan

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### بیان احوال و تصدیق آن یکی قافہ عدد ۳۰۲

۵۰ سالہ لکھنؤ 50 فرج ۰۲/۲۰۱۵ء دم ۵۱۲ صفا 302/324/34

صیغہ طبرکہ، افتد صیغہ دلہ صیب اللہ مائیں دستا

د لاج ۵۰ شمارہ دلہ نسیم مائیں دلہ اہار

۲۔ ایمان اللہ دلہ شہزادہ لکھنؤ 64/65 مائیں مائیں

تجارت، تفریقین ۱۔ صیب اللہ دلہ شہزادہ لکھنؤ 27/28 مائیں

۲۔ عابد اللہ دلہ صیب اللہ لکھنؤ 34/35 مائیں

صنا علی

عذر من سونہ دہی لکھنؤ نے تفریقین، تفریق و تذکرہ لکھتے تھے  
 DHE طینال دونی رحارت لکھنؤ مالا (دو روپے) کے تحت لکھنؤ  
 نے فراہم کیجیم مالا لکھنؤ کے ذریعہ یہ نصیب کیا۔ لکھنؤ  
 لکھنؤ لکھنؤ کے من ۱۰۵ کو حاضر لکھنؤ لکھنؤ۔ دوران لکھنؤ  
 لکھنؤ مائیں لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ  
 سے عیبت و لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ  
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*Signature*  
 2014  
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لکھنؤ

صیغہ آج  
 مائیں لکھنؤ  
 صیغہ ۵۰ سالہ  
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(1)

(15)

**ORDER.**

This order will dispose-off the departmental appeal preferred by Ex-Head Constable Aman Ullah No. 314 of Mardan District Police against the order of the then District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 1077 dated 08.05.2014. The appellant was proceeded against departmentally on the allegations that he while posted in Pay Branch DPO Office, Mardan was charged in case FIR No. 50 dated 01.02.2014 U/S 302/324/34-PPC Police Station Saddar District Mardan.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Deputy Superintendent of Police Headquarters, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to the then District Police Officer, Mardan, highlighted that the delinquent Officer went into hiding after commission of offence and evading his lawful arrest, therefore, recommended him for ex-parte action.

Consequently in the light of recommendations of enquiry Officer, an ex-parte action was taken against the delinquent Officer and he was awarded major punishment of dismissal from Service by the then District Police Officer, Mardan vide OB: No. 1077 dated 08.05.2023.

Feeling aggrieved from the order of the then District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 30.08.2023.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations of misconduct against the appellant have been proved beyond any shadow of doubt. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in such heinous crime brought a bad name for entire Police force in the eyes of general public. During the course of enquiry proceedings, the appellant did not bother to join enquiry proceedings. Moreover, the delinquent Officer is challaned in case FIR No. 50 dated 01.02.2014 U/S 302/324/34-PPC Police Station Saddar District Mardan. As per the report of Officer Incharge Investigation, Police Station, Saddar, Mardan the delinquent Officer was guilty of the offence. Besides, he was awarded life imprisonment by the trial court. However, after filing appeal against conviction before the Peshawar High Court, Peshawar, he was

*Lusad*  
DSP Legal  
Mardan

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quitted from the charges. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in such like heinous cases brought a bad name for entire Police force in the eyes of general public. Therefore, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. Besides the above, the appellant approached this forum at a belated stage by filing the instant appeal which is badly time barred for 09 years and 01 month without advancing any cogent reason regarding such delay.

Keeping in view the above, I, Muhammad Suleman, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit as well as badly time barred for 09 years and 01 month.

Order Announced.

(MUHAMMAD SULEMAN) PSP  
Regional Police Officer,  
Mardan.

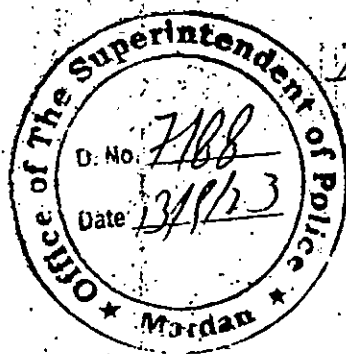
No. 5998 /ES, Dated Mardan the 12/09/2023.

Copy forwarded to District Police Officer, Mardan, for information and necessary action w/r to his office Memo: No. 98/LB dated 16.06.2023. His Service Record is returned herewith.

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

DSP/Hezal, EC  
For n/a action

765/LB  
13-9-23



DPOMardan  
12/9/23

EC

For n/a action  
Hezal

DSP/L

DSP Hezal  
Mardan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR.

**Service Appeal No. 2057/2023**

Aman Ullah son of Mian Muhammad Saeed Ex-Head Constable No. 314 (Mardan District Police) Resident of House No.8, Street No. 1, Faisal Colony, G.T Road, Road, Peshawar

.....Appellant.

**VERSUS**

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

**AUTHORITY LETTER.**

Mr. Wisal Ahmad Superintendent of Police Headquarters Mardan is hereby authorized to appear before the Honorable 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.



**(NAJEEB-UR-REHMAN BUGVI) PSP**  
District Police Officer, Mardan.  
(Respondent No. 1)

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

