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

Service Appeal No. 461/2022

Muhammad Javid Ex-ASI No.661/MR PP Ethem, PS Kalu Khan, District Swabi
.....Appellant

VERSUS

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

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VERSUS

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.....Respondents

Para-wise comments on behalf of respondents:-

Respectfully Sheweth,

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, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.
7. That the appeal is bad for miss joinder and non joinder of necessary parties.
8. That the appeal is barred by law and limitation.

REPLY ON FACTS

1. Para to the extent of initial appointment in Police Department as constable pertains to record needs no comments, while rest of the Para is not plausible because every Police Officer is under obligation to perform his duty up-to the entire satisfaction of his high ups.
2. Correct to the extent that the appellant while posted as Incharge Police Post Hathian was issued Charge Sheet with Statement of Allegations on account of self generated the remarks of Mr. Ali Bin Tariq the then SDPO Takht Bhai in his ACR for the year 2017 and enquiry was entrusted to the then DSP Security Mardan for probing into the matter. During the course of enquiry he submitted his reply but found unsatisfactory, hence, after fulfillment of all legal and codal formalities the enquiry officer recommended the appellant for stoppage of his promotion **(Copy of Charge Sheet with Statement of allegations is attached as annexure "A")**.
3. Correct to the extent that the enquiry officer, after making through probe submitted his finding wherein he mentioned that if the appellant did his ACR from the then SDPO/ASP Takht Bhai, the reporting officer, might have given good ACR but in the instant case the appellant has self generated the remarks which is clearly a cheating **(Copies of Enquiry report & Final Show Cause Notice are attached as annexure "B & C")**.
4. Correct to the extent that Denovo Enquiry proceedings were entrusted to the then SP Operations Mardan who during the course of enquiry provided full-

fledged opportunity but he bitterly failed to produce even a single iota of evidence in his defense, therefore, the Enquiry Officer reported that allegations leveled against the appellant have been proved, hence, found him guilty of misconduct **(Copy of De-novo Enquiry is attached as annexure "D")**.

5. Correct to the extent that the appellant was issued Show Cause Notice to which he submitted his reply but the same was found unsatisfactory. Moreover, the story tailored by the appellant regarding handing over his ACR to on duty FC official who was performing security duty at the Bungalow of reporting officer i.e. Ali Bin Tariq ASP is totally concocted. As the appellant was provided ample opportunities to provide the details of the said FC official so that this fact would be confirmed/verified **(Copies of Final Show Cause Notice is attached as annexure "E")**.

6. Correct to the extent that on the aforementioned allegations when stand proved, the appellant was impose appropriate punishment. However, rest of the para is totally incorrect because the said officer i.e the then ASP Takht Bhai was sent a letter vide No.326/PA/ACR dated 25.09.2018 for verification of comments/remarks as well as his signature. The said officer vide his office letter No. 5166/ACCTTT/FC/OGHI/2018 dated 02.10.2018 he reported in the following terms:-

"It is stated that remarks alongwith signature (s) recorded in the Annual Confidential Report (ACR) induplicate in r/o of ASI: Javed No. 661/MR for the period from 01.01.2017 to 31.12.2017 verified by the undersigned which are found Fake/Bogus. He never got his ACR signed from me instead the signature and remarks are self generated therefore strict disciplinary action may please be taken against him. The ACR received under reference cited above is returned herewith for further due process please **(Copies of letters are attached as Annexure "F")**.

Correct to the extent that the appellant preferred departmental appeal as well as revision petition which were also decided on merit because the appellant was provided full-fledged opportunity of defending himself before the appellate authorities but he bitterly failed to produce any cogent reasons in his defense. Therefore, the same were rejected/filed being devoid of any merit **(Copies of order are attached as Annexure "G")**.

7. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

REPLY ON GROUNDS:

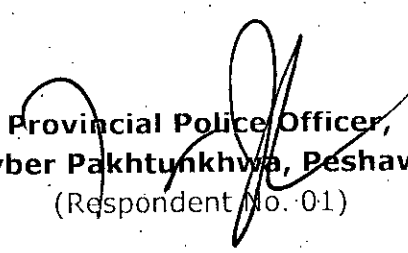
- A. Incorrect. Orders passed by the competent as well as appellate authorities are according to law, facts and norms of natural justice, hence, liable to be maintained.
- B. Incorrect. Stance taken by the appellant is not plausible because he has properly proceeded departmentally by issuing him charge sheet with statement of allegations and enquiry was entrusted to the then DSP Security Mardan. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense, but he failed. However, after fulfillment of all legal and codal formalities, the Enquiry Officer submitted his


finding report holding responsible the appellant of misconduct and recommended for minor punishment of withholding his promotion, in light of above Final Show Cause Notice was issued to appellant to which his reply was received but unsatisfactory and he was also heard in Orderly Room on 15.01.2019 but he failed to present any plausible reasons in his defense. Therefore, a De,novo Enquiry was conducted through the then SP Operations Mardan, who submitted his finding report holding responsible the appellant of misconduct by proving the allegations mentioned in Statement of Allegations against appellant. Again another Final Show Cause Notice issued to the appellant to which his reply was received and again he was summoned and heard in Orderly Room on 26.02.2019 but he bitterly failed to justify his innocence in his defense, hence he was awarded minor punishment of forfeiture his 02 years approved service, which does commensurate with the gravity of misconduct of the appellant.

- C. Para explained earlier needs no comments.
- D. Incorrect as the appellant has tailored the instant concocted story just to save his skin.
- E. Correct to the extent that the enquiry officer, after making through probe submitted his finding wherein he mentioned that if the appellant did his ACR from the then SDPO/ASP Takht Bhai, the reporting officer, might have given good ACR but in the instant case the appellant has self generated the remarks which is clearly a cheating.
- F. Incorrect. Stance taken by the appellant is baseless because he has been treated according to law and rules.
- G. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

Keeping in view the above stated facts and rules it is most humbly prayed that the appeal of the appellant being devoid of merit may kindly be dismissed with costs please.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)


Regional Police Officer,
Mardan.
(Respondent No. 02)


District Police Officer,
Mardan.
(Respondent No. 03)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

In Re S.A No. 461/2022

Muhammad Javed

VERSUS

District Police Officer, Mardan & others

Reply to the application for condonation of delay:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

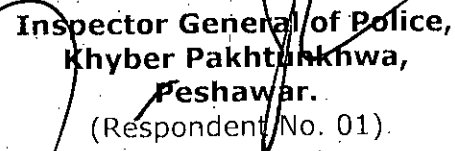
1. That applicant has no cause of action to file the instant application:
2. That the application is barred by law.

REPLY ON FACTS

1. That the appeal filed by the applicant before this Honorable Tribunal may kindly be dismissed being a badly time-barred.
2. Incorrect. Stance taken by the applicant is not plausible because he has properly proceeded departmentally by issuing him charge sheet with statement of allegations and enquiry was entrusted to the then DSP Security Mardan. The enquiry officer during the course of enquiry provided full-fledged opportunity to the applicant to produce evidence/grounds in his defense, but he failed. However, after fulfillment of all legal and codal formalities, the Enquiry Officer submitted his finding report holding responsible the applicant of misconduct and recommended for minor punishment of withholding his promotion, in light of above Final Show Cause Notice was issued to applicant to which his reply was received but unsatisfactory and he was also heard in Orderly Room on 15.01.2019 but he failed to present any plausible reasons in his defense. Therefore, a De-novo Enquiry was conducted through the then SP Operations Mardan, who submitted his finding report holding responsible the applicant of misconduct by proving the allegations mentioned in Statement of Allegations against applicant. Once again another Final Show Cause Notice issued to the appellant to which his reply was received and again he was summoned and heard in Orderly Room on 26.02.2019 but he bitterly failed to justify his innocence in his defense, hence he was awarded minor punishment of forfeiture his 02 years approved service, which does commensurate with the gravity of misconduct of the applicant.
3. Incorrect, plea taken by the applicant is whimsical / concocted rather fanciful hence, liable to be set at naught. As the apex court of Pakistan has held that the question of limitation cannot be considered a "technicality" simpliciter as it has got its own significance and would have substantial bearing on merits of the case.

4. That appeal of the applicant may kindly dismissed being devoid of any merit.

Keeping in view the above submission, it is humbly prayed that application of the applicant regarding condonation of delay may very kindly be dismissed please.


Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 01)


Regional Police Officer,
Mardan.
(Respondent No. 02)


District Police Officer,
Mardan.
(Respondent No. 03)

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

Service Appeal No. 461/2022

Muhammad Javid Ex-ASI No.661/MR PP Ethem, PS Kalu Khan, District Swabi
.....Appellant

VERSUS

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

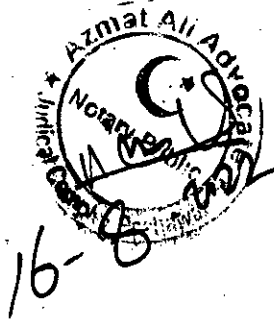
COUNTER AFFIDAVIT.

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 Honourable Tribunal.


**Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar**
(Respondent No. 01)


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

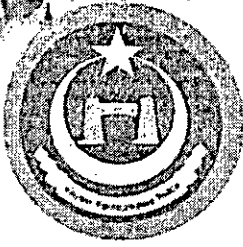
ATTESTED




**District Police Officer,
Mardan.**
(Respondent No. 03)

Amadu 2/13

①



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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com



No. 8241-42 /PA

Dated 1/11/2018

DISCIPLINARY ACTION

I, Sajjad Khan (PSP), District Police Officer Mardan, as competent authority am of the opinion that ASI Javed Khan, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, ASI Javed Khan, while posted as In-charge PP Hathian, self generated the remarks of Mr. Ali Bin Tariq, the then SDPO Takht-Bhai in his ACR for the year 2017 vide Regional Office Mardan endorsement No. 358/PA-ACR dated 05.10.2018.

For the purpose of scrutinizing the conduct of the said accused Official with reference to the above allegations, Mr. Sher Rehman DSP/Sec is nominated as E.O.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

ASI Javed Khan is directed to appear before the Enquiry Officer on the date & time and place fixed by the Enquiry Officer.

(SAJJAD KHAN) PSP
District Police Officer,
Mardan.

(2)



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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2018

CHARGE SHEET

I, **SAJJAD KHAN (PSP)**, District Police Officer Mardan, as competent authority, hereby charge **ASI Javid Khan**, while posted as In-charge PP Hathian, as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
2. You are, therefore, required to submit your written defense within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
3. Your written defense, if any, should reach the Enquiry Officers within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.

(SAJJAD KHAN) PSP
District Police Officer,
Mardan.

(3)

ج

جواب عالی

حوالہ چارج شیڈ و ایلیٹیشن نمبر 8241-42/PA تجاویز
01-11-2018

DPo صاحب مردان مشمولہ معروضی خدمت ہوں

کہ من آسی کا سالانہ ACR نمبر 358/PA سال 2017 کی
نسبت گذارش ہے

جواب ASP صاحب سائل تحت بمالیا یہاں سے FC جمیڈ -

- نوٹرز لٹیاور تبدیل ہوا تھا

جواب سے ACR حاصل کرنے کے لئے ایک اجازت حاصل

کرنے سائل FC جمیڈ نوٹرز لٹیاور کیا - چونکہ جواب

ASP صاحب موجود نہ پایا میں ACR جواب کے ساتھ

بیر موجود الیکٹار کو حوالہ کر کے جواب سے رپورٹ حاصل

کرنے کی ہدایت کی اور میں وہاں سے سیدھا ڈیولٹ کے لئے

آیا 3 دن بعد متعلقہ الیکٹار FC نے ACR حاصل کرنے کی اطلاع

دی میں وہاں پر جا کر انہیں سالانہ ACR حاصل کرنے جمع کیا

مجھے یہ علم نہیں کہ ACR جواب ASP صاحب نے خود تحریر کیا

ہے یا کسی اور کے ذریعہ تحریر کروا دیا ہے - اس میں سائل

کا کوئی بیرونی شامل نہیں ہے

یہاں پر جواب کو اتنا عرض کرنا چاہتا ہوں کہ ACR خفیہ رپورٹ

ہوتا ہے جس شخص (الیکٹار) کا ACR مطلوب ہو تو مجاویز دفتر

کے رپورٹ کا متعلقہ الیکٹار کو علم نہیں ہوتا ہے

(9)

یہ ACR ملک کی ذمہ داری ہوتی ہے۔ یہ محاز آفس کے تبادلے
پر جس آفسر کا متعلقہ عملیاتی ACR درکار ہو۔ سے سالانہ
ACR رپورٹ خود حاصل کریں۔ لیکن ایسا نہ کرنا ہماری
پالیسی ہے

اسد علی نے یہ فوری نو معاف فرما کر کاغذات
ملا کر داخل فرمانے کا حکم صادر فرما دیا ہے

04/11
2018

~~اسد علی~~
جاوید خان ASI جو کہ انحصار
تعارف کو مندرجہ

انگوائری جاوید خان ASI متعینہ تھانہ لونڈخوڑ ضلع مردان۔

جناب عالی!۔

بحوالہ چارج شیٹ نمبری PA/42-8241 مورہ 01.11.2018 از ان جاوید خان ASI معروض خدمت ہوں کہ جاوید خان ASI نے ACR بابت سال 2017 افسران بالا سے حاصل کر کے جناب DIG صاحب ہزارہ کے پاس بعرض کاڈنٹر سائن بھجوایا۔ جناب DIG صاحب ہزارہ نے ASP صاحب تحت بھائی کا دستخط مشکوک جان کر جناب DIG صاحب ہزارہ نے بحوالہ چھٹی انگریزی نمبری PA/4711 مورہ 24.09.2018 واپس DIG صاحب مردان کو بھجوایا جو جناب DIG صاحب نے بعرض ویریفیکیشن جناب ASP صاحب کو بحوالہ چھٹی انگریزی نمبری PA/ACR/326 مورہ 25.09.2018 کو بعرض تصدیق دستخط بھجوایا جا کر جس پر جناب ASP صاحب نے دستخط کو بحوالہ چھٹی انگریزی نمبری PA/ACCTT/FC/OGHI/2018 مورہ 02.10.2018 بوجس تحریر کیا جس پر افسران بالا نے جاوید خان ASI کو چارج شیٹ بمعدہ سینٹ آف ایلیکیشن بعرض جواب طلبی دے کر من DSP کو بعرض انگوائری حوالہ ہوئی۔

بدوران انگوائری مذکورہ ASI کی کارکردگی کو چیک کیا جو تسلی بخش ہے جسکی کارکردگی سال 2017 کی تفصیل ذیل ہے۔

PO,s	پستول	رائفل	بندوق	کارٹوس	چرس	شراب	107/151 ضف
11 نفر	28	01	07	431	13422 گرام	01 بوتل	111 نفر

اس طرح مذکورہ ASI کے اخلاق اور چال چلن کے متعلق اعلانیہ اور خفیہ طور پر معلوم کیا۔ چال چلن اور پبلک ڈینگ درست معلوم ہوا۔ اور کارس کار میں دلچسپی لے رہا ہے۔ اور کسی قسم کی کرپشن کی شکایت بھی نہیں ہے۔ اس طرح مذکورہ ASI کا سروس ریکارڈ بھی چیک کیا جس میں کوئی خاص سزا کی انٹری موجود نہیں ہے۔

بدوران انگوائری معلوم ہوا کہ جاوید خان ASI نے اپنے ACR پر ASP صاحب کا دستخط بوجس طریقے سے ثبت کیا جو ACR پر واضح نظر آتا۔ ASI کی کارکردگی اور زیادہ نوکری کو مدنظر رکھتے ہوئے اگر یہ ACR جناب ASP صاحب سے کرتا تو ہو سکتا ہے کہ ACR پر جناب ASP صاحب نے بہتر ریماکس ثبت کرتا۔ انگوائری سے ثابت ہو کہ ASI مذکورہ نے جلد بازی اور سستی سے کام لیتے ہوئے دستخط خود کسی طریقے سے حاصل کیا ہے۔ جسکو بطور سزا پر ویشن سٹاف کرنے کی سفارش کی جاتی ہے

شیر رحمان خان

ڈی ایس پی سیکورٹی مردان

No. 1128/Security

Dt. 17-12-18

Diana
with
signature

SB all
has been
dono

Annexure 'C'
(6)



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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2018

No. 9796 /PA

Dated 31/12/2018

FINAL SHOW CAUSE NOTICE

Whereas, ASI Javed Khan, while posted as In-charge Police Post Hathian, self generated the remarks of Mr. Ali Bin Tariq, the then SDPO Takht Bhai in your ACR for the year 2017 vide Regional Office Mardan endorsement No.358/PA-ACR dated 05-10-2018. In this connection, during the course of departmental enquiry conducted by Mr. Sher Rehman DSP/Security Mardan vide his office letter No.1128/Security dated 17-12-2018, in pursuance of this office Disciplinary Action No.8241-42/PA dated 01-11-2018, recommending you for with-holding promotion.

Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4 (b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I Sajjad Khan (PSP) District Police Officer Mardan, in exercise of the powers vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of receipt of this notice, failing which; it will be presumed that you have no explanation to offer.

You are liberty to appear for personal hearing before the undersigned.

Received by _____

Dated: ___/___/2018

(SAJJAD KHAN) PSP
District Police Officer,
Mardan.

Copy to SHO Lund Khwar to deliver this Notice upon the alleged official & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.

0345-9241255

خارجی

حوالہ فائل شوکارڈ نوٹس نمبر 9796/PA مجازہ جاب DPo
31-12-2018

مزان شہرہ محمد میں عزت سے ہوں تم
سائل اپنی ڈیوٹی مگن۔ دیوانہ ڈرائیو سے سرانجام ڈرائیو
ہے۔ جہاں تک ACR پر جاب ASP ما کے دستخط کا تعلق

ہے۔ تو اس سلسلے میں عدالت سے ہے۔
جہاں ASP ما کے سہیل تحت عدالت سے الگ سے ہی امید کوادری
لکشا اور تبدیل ہو کر جاب سے ACR حاصل کرنے کے لئے ایک دن
کی اجازت حاصل کیا اور سپر ویزا FC امید کوادری لکشا اور
تھا۔ چونکہ جاب ASP ما کے امید کوادری میں موجود رہ گیا ہے
سائل نے اپنا ACR جاب کے سہیل میں موجود اہلکار کے حوالے
کئے جاب سے رپورٹ حاصل کرنے کی ہدایت کی اور سائل
میں سے سپر ویزا ڈیوٹی لئے آیا۔

R
Send the
Signature to
FSL for estab:
of fruit.

3 دن لہر سہیل اہلکار FC نے ACR حاصل کرنے کا امداد
دی۔ سائل میں سپر ویزا اپنا سلام ACR حاصل کر کے جمع کیا
ہے۔ سائل کو یہ سہیل میں تم ACR جاب ASP ما کے خود
تحریر کیا ہے۔ یہاں کسی اور کے ذریعہ تحریر کروانا ہے۔ اس میں
سائل کی کوئی ہدایت نہیں شامل ہے۔

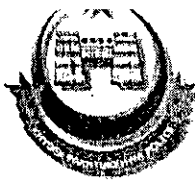
OR
DPo/11/11/11

جہاں ASP ما کے ایک مخلص اور شفیق آفیسر ہیں۔ وہ
سائل کو اچھی سے اچھی رپورٹ دیتا ہے۔ سائل کو نوٹس
دستخط کی کما ضرورت تھی

اس سہیل کے سائل کو صاف فرما کر کاغذات بلا کارروائی داخل فرمایا جا

Answered³

(8)



OFFICE OF THE
SUPERINTENDENT OF POLICE
OPERATIONS & HEADQUARTERS
MARDAN

Tell: 0937-9230117
Fax: 0937-9230111
E.Mail: Spops1506@gmail.com

No. 5743 /PA,(Ops)

Dated 22 / 01 /2019.

To The District Police Officer,
Mardan.

Subject: DENOVO DEPARTMENTAL ENQUIRY AGAINST ASI
JAVID KHAN.

Memo:

Kindly find enclosed the complete enquiry file vide disciplinary action Memo: No. 8241-42/PA dated 01.11.2018 on the subject noted above.

ALLEGATIONS:

The subject enquiry proceeding against ASI Javid Khan, was initiated under the allegations that he while posted as In-charge PP Hatyan, self generated the remarks of Mr. Ali Bin Tariq then SDPO Takh Bhai in his ACR for the year 2017 vide regional office Mardan endorsement No. 358 dated /PA-ACR dated 05.10.2018.

PROCEEDING:

During course of enquiry, ASI Javid Khan was called in the office. He was heard at length and examined his flow of conversation. His statement reflecting his progress made in the year 2107 is placed on the file. The already conducted enquiry file and correspondence made in this regard was thoroughly perused. ASI Javid Khan stated that on transfer of Ali Bin Tariq then SPDO Takht Bhai to FC headquarter he himself proceeded to FC Headquarters, for getting his ACR report, whereby due to unavailability of the officer, he handed over the ACR to on duty FC personnel deputed on security duty at bungalow and relieved him to put up the ACR before the officer for getting comments/report. After three days he was informed to receive his ACR.

The defaulter officer pleaded that regarding the signature /remarks of ASP Ali Bin Tariq he had no knowledge that either officer/ASP TBI has get signed the ACR or the F.C official whom the ACR was relieved has signed the same by himself. During cross questioning the defaulter officer was asked to provide the Name / Mobile No. of the mentioned F.C officials but he did not provide any information regarding the said FC official.

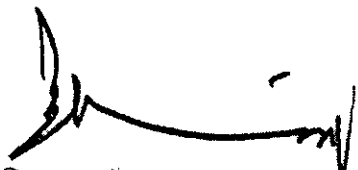
9

CONCLUSION:

Vide letter No. 326/PA/ACR dated 25.09.2018, the comments/signature recorded on the annual confidential report in r/o of ASI Javid No. 661/MR for the period from 01.01.2017 to 31.12.2017 was send /routed to the reporting officer (ASP Ali Bin Tariq) for verification, whether these were given by him or otherwise. In response, vide letter Memo: No. 5166 /ACCTT/FC/OGHI/2018 the reporting officer, reported that 'he (ASI Javid) never got his ACR signed from him instead the signature /remarks are self generated'. Furthermore, the impression of signature/remarks itself reveals the facts that the same is self generated. Besides, providing him ample opportunity for his defense he has nothing to offer except assurance from his side. However, progress made by the defaulter officer in the year 2017 was verified and found satisfactory, but in the instant matter he acted with mala-fide intention and he himself managed/self generated signature/remarks of the reporting officer.

Keeping in view of the above, the allegations mentioned in the charge sheet and statement of allegations leveled against ASI Javid Khan, stands proved, he is found guilty of gross misconduct which tantamount to sever breach of trust.

Submitted please


Superintendent of Police
Operations & Headquarters
Mardan

JANU PSC 14
OB

Omme E

(10)

OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@police.gov.pk

2019

No. 45 /PA

Dated 13/12/2019

FINAL SHOW CAUSE NOTICE

Whereas, ASI Javed Khan, while posted at PS Lund Khwar, self generated the remarks of Mr. Ali Bin Tariq, the then SDPO Takht Bhai in your ACR for the year 2017 vide Regional Office, Mardan, endorsement No. 3799/PA-ACR dated 05-10-2018.

In this connection, during the course of departmental enquiry conducted by Mr. Sher Rehman DSP/Security Mardan vide his office letter No.1128/Security dated 17-12-2018, in pursuance of this office Disciplinary Action No.8241-42/PA dated 01-11-2018, recommending you for with-holding promotion, to which, your reply was received & were heard in OR on 15.01.2019, but you have failed to submit any plausible reasons in your defense, therefore, the enquiry papers were marked to SP/Operation Mardan for De-novo Proceedings into the matter, who after fulfilling De-novo Proceedings, submitted his Finding Report to this office vide his office letter No.5743/PA, (Ops) dated 22.01.2019, holding responsible you of gross misconduct by proving the allegations mentioned in the Statement of Allegations/Charge Sheet against you.

Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4 (b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I Sajjad Khan (PSP) District Police Officer Mardan, in exercise of the powers vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of receipt of this notice, failing which; it will be presumed that you have no explanation to offer.

You are liberty to appear for personal hearing before the undersigned.

Received by

Dated: 13/12/2019

(SAJJAD KHAN) PSP
District Police Officer
Mardan

Copy to SHO Lund Khwar to deliver this Notice upon the alleged official & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.

۱۱

خط عالی

بجائے فائنل شیڈولز نوٹس نمبر 45/PA عمارت -

13-2-19

DRo صاحب شمولہ معروض خدمت یہوں بہتر

جہاں ACR سالانہ پر دستخط کا تقاضا ہے تو اس میں

میں عرض ہے۔

کہ فزوری اپنی ڈیوٹی دن اور دینا سترار کی سے سرانجام دے رہے ہیں جو سائل کے ڈیوٹی کے بارے میں معززین سلام اور ریکارڈ تیار گواہ ہے۔

دوران تعیناتی سالانہ رپورٹ حاصل کرنے کے لئے جہاں

ASP صاحب جو FC حصہ کوادرٹ شہادہ تبدیل سوا تھا

کے پاس جاری خط ASP صاحب موجود نہ تھا ڈیوٹی پر

موجود FC اہلکار کو ACR حوالہ کیا۔ چونکہ ایک دن کی

معمولاً حاصل کی تھی تو وقت نہ پہنچنے کی وجہ سے وہاں نہ کھینچ سکا۔

3 دن بعد اطلاع پر جاری FC اہلکار نے جمع

ACR رپورٹ حوالہ کی۔ جمعے پر مسلم ٹینس ACR پر دستخط کس نے کیا ہے۔ اس میں فزوری کے حضور ہے۔

جویم سالانہ رپورٹ ختم ہوئی ہے۔ اور یہ رپورٹ منسلک ملکہ حاصل کر لیا ہے۔

سید الیاس لکھا ہے

خان صاحب

As

تعمیر کوہنہ خزا

OR

9

D/Secy

view taken
going forward
D/Secy
D/Secy

Government of Pakistan
Headquarters, Frontier Constabulary
(OGHI - Khyber Pakhtunkhwa)

FC

OGHI

(F)

12

No. 5166 /ACCT/FC/OGHI/2018

DATED 02-1-10 /2018

MEMORANDUM

SUBJECT: - ANNUAL CONFIDENTIAL REPORT.

Please ref: to your office Letter No.326/PA/ACR dated 25.09.2018.

It is stated that remarks alongwith signature (s) recorded in the Annual Confidential Report (ACR) induplicate in r/o of ASI: Javed No.661/MR for the period from 01.01.2017 to 31.12.2017 verified by the undersigned which are found Fake /Bogus. He never got his AGR signed from me instead the signature and remarks are self generated therefore strict disciplinary action may please be taken against him.

The ACR received under reference cited above is returned herewith for further due process please.

CAPT: (R) ALI BIN TARIQ - PSP
DISTRICT OFFICER
FRONTIER CONSTABULARY
OGHI - KPK

To: ✓
The Regional Police Officer,
Hazarat Region

No. _____ /Acct/FC/Oghi/2018

Copy of the above is forwarded for information to: -

01 The Regional Police Officer Hazara Region (Abbotabad).

5077 X
CAPT: (R) ALI BIN TARIQ - PSP
DISTRICT OFFICER
FRONTIER CONSTABULARY
OGHI - KPK

The Regional Police
Hazara Region (Abbottabad)

(B)


To: The Regional Police Officer,
Mardan Region.

No. 4711 / PA Dated Abbottabad, the 24. 9. /2018.

Subject: ANNUAL CONFIDENTIAL REPORT

Memo: Please refer to your office letter No: 316/PA/ACR, dated 18.09.2018.

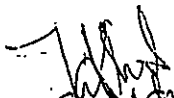
Annual Confidential Report induplicate in r/o ASI Javed No: 661/MR, for the period from 01.01.2017. to 31.12.2017 is forwarded herewith for verification of the remarks of Captain @ Ali Bin Tariq SDPO Takht Bhai as to whether these were given by him or otherwise.


REGIONAL POLICE OFFICER
Hazara Region (Abbottabad)

OFFICE OF DEPUTY INSPECTOR GENERAL OF POLICE, MARDAN REGION
No. 326 / PA/ACR, Dated Mardan, the 25/9/2018.

Copy of above is forwarded to Captain @ Ali Bin Tariq, the then SDPO Takht Bhai now DOPC again Manshera for an action and verification report. Pl. enter

OK


7/11/18
PA
25/9/2018

STATEMENT

DISTRICT MARDAN

Confidential Report on the Working of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors
December, 2017.

(14)

Serial or Range No. Rank and	ASI Javid No.MR/661
Name	Gul Rehman
Where and in what duties, employed during the past 12 months.	01.01.2017 to 24.04.2017 I/C PP Umarabad 25.04.2017 to 11.06.2017 Suspend/Reinstated Lines 12.06.2017 to 31.12.2017 I/C PP Seraf

Class of Superintendent of Police's Report 'A' or 'B' or 'C'
A

Remarks by:
No Complaint

- (1) Superintendent of Police
- (2) Deputy Inspector-General of Police

He is an outstanding officer who needs to be more mature and sincere towards the profession fit for promotion to the next level.

(Signature)
Captain (i) Ali Raza P.S.P
SDPO (i) Mardan

(Abdul Rauf Babar Qaisrani)PSP
S.P/Operations, Mardan

Agreed

(Signature)
(Dr. Mian Saeed Ahmad)PSP
District Police Officer,
Mardan.

thereof

22
15

STATEMENT

DISTRICT MARDAN

Periodical Report on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors for the year ending 31 December 2017.

Name, Range No. Rank and	ASI Javid No.MR/661
Name	Gul Rehman
What duties employed during the past 12 months.	01.01.2017 to 24.04.2017 I/C PP Umarabad 25.04.2017 to 11.06.2017 Suspend/Reinstated Lines 12.06.2017 to 31.12.2017 I/C PP Serai
Class of Superintendent of Police's Report, i.e. 'A' or 'B' or 'C'	A
Is he honest?	No Complaint

Remarks by:-

- (1) Superintendent of Police
- (2) Deputy Inspector-General of Police

He is an outstanding officer who needs to be motivated and encouraged towards the profession "Fit for Pakistan" to the next rank.

(Signature)
 Captain ~~Abdul Qadir~~ PSP
 SDPO, ~~Mardan~~ Mardan

(Abdul Rauf Babar Quisrani) PSP
 S.P/Operations, Mardan

Agreed

(Signature)
 (Dr. Murtaza Saeed Ahmad) DSP
 District Police Officer,
 Mardan.

Annex

(5)

(16)



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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com



No. 1685-88 /PA

Dated 12/13 /2019

ORDER ON ENQUIRY OF ASI JAVED KHAN

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at PS Lund Khwar, Proceeded against departmentally through Mr. Sher Rehman DSP/Security Mardan vide this Office Disciplinary Action/Charge Sheet No.8241-42/PA dated 01-11-2018 on account of self generating the remarks of Mr. Ali Bin Tariq, the then SDPO Takht-Bhai in his ACR for the year 2017 vide Regional Office Mardan endorsement No. 358/PA-ACR dated 05.10.2018, who (E.O) after fulfilling necessary process, submitted his Finding Report to this Office vide his Office letter No.1128/Security dated 17-12-2018, holding responsible the alleged official of misconduct & recommended for minor punishment of withholding his promotion.


In this connection, the alleged official was served with a Final Show Cause Notice, under K.P.K Police Rules-1975, issued vide this office No.9796/PA dated 31-12-2018, to which, his reply was received & was heard in OR on 15-01-2019, but failed to submit any plausible reasons in his defense, therefore, a De-novo Enquiry was conducted through Mr. Mushtaq Ahmad SP/Operations Mardan, who in Finding Report vide his office letter No.5743/PA (Ops) dated 22-01-2019, concluded that the allegations leveled against the alleged official stands proved, so another Final Show Cause Notice was also issued to the alleged official vide this office No.45/PA dated 13-02-2019, to which, his reply was received.

Final Order

ASI Javed Khan was heard in OR on 26-02-2019 & in the light of his misconduct & suggestions of Enquiry Officers, he is deserve to be punished exemplary, but keeping in view his family back-ground & long service, a lenient view is taken against him by awarding a **Minor Punishment of forfeiture his (02) years approved service with immediate effect**, in exercise of the power vested in me under Police Rules-1975.

OB No. 551

Dated 11/10/2019.


(Sajjad Khan) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan, please.
- 2) The SDPO Takht-Bhai.
- 3) The P.O + E.C (Police Office) Mardan.
- 4) The OSI (Police Office) Mardan with (77) Sheets.

(17)

4 (17)

ORDER.

This order will dispose-off the departmental appeal preferred by ASI Javed Khan No. 661/MR of Swabi District against the order of District Police Officer, Mardan, whereby he was awarded minor punishment of forfeiture of two years approved service vide District Police Officer, Mardan OB: No. 55 dated 11.03.2019. The appellant was proceeded against departmentally, on the allegations that he while posted at Police Station Lund Khwar, wrote down self generated remarks as well as forged the signature of Mr. Ali Bin Tariq, the then ASP/City, Mardan in his ACR for the year 2017 vide endorsement No. 358/PA-ACR dated 05.10.2019 being his reporting Officer.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Deputy Superintendent of Police Security, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he recommended the delinquent Officer for minor punishment of withholding his promotion.

He was issued Final Show Cause Notice to which, his reply was received and found unsatisfactory. He was also provided opportunity of self defence by summoning him in the orderly Room held in the office of District Police Officer, Mardan on 15.01.2019. The appellant failed to justify his innocence. However, the competent authority did not agree with the recommendations of Enquiry Officer. Hence, de-novo enquiry was initiated which was entrusted to Superintendent of Police Operation, Mardan. The Enquiry Officer after fulfilling codal formalities, concluded that the allegations leveled against the appellant stood proved, so another Final Show Cause Notice was also issued to the delinquent Officer to which his reply was received and found unsatisfactory.

The delinquent Officer was again provided opportunity of self defense by summoning him in the Orderly Room held in the office of District Police Officer, Mardan on 26.02.2019. But he failed to produce any evidence in his defense. Hence, he was awarded Minor Punishment of forfeiture of his two years approved service by the District Police Officer, Mardan vide his office OB: No. 55 dated 11.03.2019.

(18)

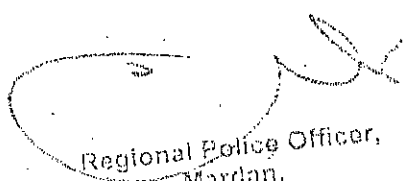
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Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 25.02.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt and the competent authority has already treated him leniently although the misconduct of appellant deserved a harsher punishment. Besides, the appellant approached this forum at a belated stage without advancing any cogent reason regarding such delay. Hence, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, finds no substance in the appeal, therefore, the same is rejected and filed, being time barred.

Order Announced.


Regional Police Officer,
Mardan.

No. 2297-98 JES, Dated Mardan the 03 - 03 - 2020.

1. Copy forwarded for information and necessary action to the District Police Officer, Swabi w/r to his office Memo: No. 30/Insp: Legal dated 13.02.2020. His Service Record is returned herewith.
2. District Police Officer, Mardan. His Fauji Missal is returned herewith.

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

Service Appeal No. 461/2022

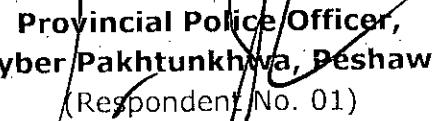
Muhammad Javid Ex-ASI No.661/MR PP Ethem, PS Kalu Khan, District Swabi
.....Appellant

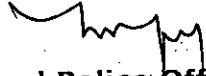
VERSUS

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

AUTHORITY LETTER.

Mr. Atta-ur Rehman Inspector Legal Branch, (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.


**Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar**
(Respondent No. 01)


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


**District Police Officer,
Mardan.**
(Respondent No. 03)