

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL No. 1870/2023

Rafiq..... (Appellant) Pakhtukhwa
Service Tribunal

VERSUS

Diary No. 11037

Dated 7/2/23

Inspector General of Police KP &

Others.....(Respondents)

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Respondents

Through


Said Alam DSP (Legal),
Mohmand

CNIC# 21407-4697246-1

CELL NO: 0345-9160916

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL No. 1870/2023

Rafiq..... (Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkwa, Peshawar & Others.....(Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO 1,2 & 3

RESPECTFULLY SHEWETH:

Preliminary Objections:-

1. That the instant service appeal is not maintainable under the law.
2. That the appeal is not based on facts.
3. That the appellant has got no cause of action and locus standi.
4. That the appellant has concealed the real facts from the honorable Tribunal.
5. That the appellant is estopped to file the service appeal by his own conduct.
6. That the appeal is barred by law & limitation.

REPLY ON FACTS:-

1. Pertains to record.
2. Correct to the extent that the appellant was charged in a criminal case vide FIR No. 68 Dated: 25/07/2021 under section 324/34 PPC in Police Station Ekkaghund. Where after Proper departmental enquiry proceedings were initiated against the appellant. Charge sheet along with summary of allegations (Annexures 'A' & 'B') issued to the appellant.
3. Incorrect, and misleading, Rokhan Zeb SP Investigation, Mohmand was appointed as enquiry officer for the purpose of enquiry and scrutinize the conduct of the appellant. The enquiry officer conducted the proper departmental enquiry in accordance with law/ rules and submitted enquiry findings (Annexure 'C'). The appellant was found guilty of gross misconduct in enquiry. After receipt of enquiry findings, final show cause notice (Annexure 'D') issued to the appellant upon which the appellant replied but his reply was not found satisfactory hence, the then District Police Officer, Mohmand, awarded the appellant major punishment of dismissal from service vide order dated 10.03.2022. (Annexure 'E'). Later on, the appellant was acquitted by the learned Court of District & Session Judge, Mohmand vide order dated 12.05.2023 (Annexure 'F'). The departmental

appeal of the appellant was accepted vide order dated 17.07.2023 (Annexure 'G') wherein the appellant was reinstated in service on the basis of Court orders. However, the intervening period was treated as leave without pay.

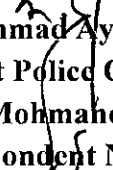
4. Incorrect as already explained vide preceding Para in detail.
5. Incorrect, as already explained in Para No. 3 the appellant was found guilty of gross misconduct hence, he was awarded with major punishment of dismissal from service vide order dated 10.03.2022.
6. Correct to the extent of filing departmental appeal of the appellant.
7. As already explained above in detail that the departmental appeal of the appellant was accepted vide order dated 17.07.2023 wherein the appellant was reinstated in service on the basis of Court orders. However, the intervening period was treated as leave without pay. The appellant through the instant Service Appeal is praying for back benefits for intervening period which are not justified in conflict with principle of 'No work no pay' of the Apex Court. (Reliance has already been placed on the august Apex Court judgment dated 11.02.2021 in C.P. Nos.517-L, 1019-L, 1062-L & 1232-L of 2016 and 1929-L/2017).
8. Incorrect, the instant Service Appeal is barred under Apex Court principles and liable to be dismissed on the following Grounds.

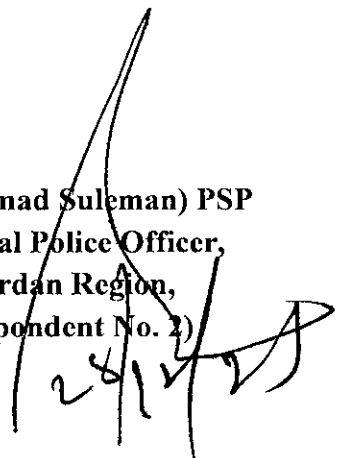
REPLY ON GROUNDS:-


- A. Incorrect, the order dated 17.07.2023 of the respondent department is in accordance with dictum of Apex Court orders on the principle of 'No work-No pay'. The appellant is not entitled for back benefits for intervening period.
- B. Incorrect, no violation of any Article of Constitution of Islamic Republic of Pakistan committed by the respondent department.
- C. Incorrect as already explained above in detail.
- D. Incorrect as already explained above, proper departmental enquiry into the matter conducted by the respondent department and after fulfillment of all codal formalities, the appellant was awarded the punishment as he was found guilty of gross misconduct.
- E. Incorrect, as already explained above that appellant was provided ample opportunity of self defense and he submitted written reply in response of Final Show Cause Notice and the same was found unsatisfactory hence he was awarded major punishment of dismissal from service.
- F. Incorrect, no discrimination or malafide has been committed by the answering respondents.
- G. Respondents may kindly be allowed to adduce other grounds/ documents at the time of hearing and the appeal is time barred, may kindly be dismissed please.

PRAYERS:

Keeping in view the above stated facts it is humbly prayed that the appeal being not maintainable, barred by law/ limitation may kindly be dismissed with costs, please.


(Muhammad Ayaz) PSP
District Police Officer,
Mohmand
(Respondent No. 3)


(Muhammad Suleman) PSP
Regional Police Officer,
Mardan Region,
(Respondent No. 2)


(Dr. Muhammad Akhtar Abbas) PSP
DIG/ Legal, CPO
For Inspector General of Police, Khyber
Pakhtunkhwa, Peshawar.
(Respondent No. 1)

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

SERVICE APPEAL No. 1870/2023

Rafiq..... (Appellant)

VERSUS

Inspector General of Police KP &
Others.....(Respondents)

AFFIDAVIT

I, Muhammad Ayaz (PSP), District Police Officer, Mohmand (Respondent No. 3), do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of Respondents No. 1, 2 & 3 are correct to the best of my knowledge and belief. Nothing has been concealed from this Honorable Khyber Pakhtunkwa Service Tribunal Peshawar. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defence has been struck off.



DEPONENT

(Muhammad Ayaz) PSP
District Police Officer,
Mohmand
(Respondent No. 3)

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BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL No. 1870/2023

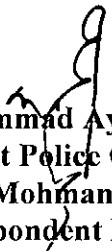
Rafiq..... (Appellant)

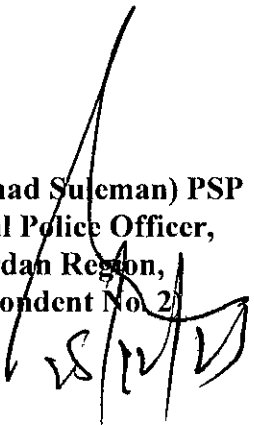
VERSUS


Inspector General of Police KP &
Others.....(Respondents)

AUTHORITY LETTER

Mr. Said Alam working as DSP (Legal) is hereby authorized for submission of legal documents, comments and affidavit before the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar on behalf of Respondents No. 1, 2 & 3 in above mentioned Service Appeal.


(Muhammad Ayaz) PSP
District Police Officer,
Mohmand
(Respondent No. 3)


(Muhammad Suleman) PSP
Regional Police Officer,
Mardan Region,
(Respondent No. 2)


(Dr. Muhammad Akhtar Abbas) PSP
DIG/ Legal, CPO
For Inspector General of Police, Khyber
Pakhtunkhwa, Peshawar.
(Respondent No. 1)

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Annex "A"

CHARGE SHEET

1). I, Salah-Ud-Din, District Police Officer, Mohmand Tribal District, as Competent Authority, hereby charge you **FC Rafique No. 2881** as follows:-

I) On the perusal of DD No. 16, dated 25-07-2021 u/s 324-34PPC PS Ekka Ghund that you along with others were involved in cross FIR version. Your such act is highly objectionable and render him liable for departmental proceeding.

II) Being a part of a uniform force this act shows gross misconduct on your part.

By reason of the above, you appear to be guilty of misconduct under Police Disciplinary Rules 1975 with amendments 2014 and have rendered yourself liable to all or any of the penalties specified in the Rules:-

- 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 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, ex-parte action will be taken against you.
- 4) You are also at liberty, if you wish to be heard in person.
- 5) Statement of allegation is enclosed.

**District Police Officer,
Mohmand Tribal District**

Accepted
(A) in

7

Annex "B"

SUMMARY OF ALLEGATION.

1). I, Salah-Ud -Din, District Police Officer, Mohmand Tribal District, am of the opinion that **FC Rafique No. 2881** has rendered himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Disciplinary Rules, 1975 read with Amendments 2014.

STATEMENT OF ALLEGATIONS.

I) On the perusal of DD No. 16, dated 25-07-2021 u/s 324-34PPC PS Ekka Ghund that he along with others were involved in cross FIR version. His such act is highly objectionable and render him liable for departmental proceeding.

II) Being a part of a uniform force this act shows gross misconduct on his part.

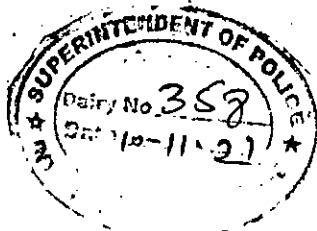
2). For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, **Mr. Rokhan Zeb (SP Investigation)** is appointed as Enquiry Officer, to conduct enquiry under the Rules.

3). The Enquiry Officer shall, in accordance with the provision of the Police Disciplinary Rules, 1975 read with Amendments 2014 provide reasonable opportunity of hearing to the accused, record its findings and make within 15 days of the receipt of this order recommendation as to punishment or other appropriate action against the accused.

*Baran Khan
In enquiry
2 days*

RP

15/11/21



[Signature]
District Police Officer,
Mohmand Tribal District

No. 1647-50 /PA

Dated Mohmand the: 28/07/2021.

Cc:

The Regional Police Officer, Mardan for favor of information.

- Enquiry Officer of the District Mohmand **Mr. Rokhan Zeb (SP Investigation)** is directed to initiate departmental proceedings against the accused under the Police Disciplinary Rules, 1975 read with Amendments 2014.
- **FC Rafique No. 2881** to appear before the Enquiry Officer on the date, time & Place fixed by the Enquiry Officer for the purpose of enquiry proceedings.

*Attested
[Signature]*

انکوائری رپورٹ

جناب عالی!

بحوالہ چھٹی انگریزی نمبر PA/50-1647 مورخہ 28/07/2021 مجاریہ DPO صاحب ضلع مہمند معروض ہوں۔ کہ کنسٹیبلان برادران (1) حاجی رفیق 2881 (2) تنظیم اللہ 2882 پر بحوالہ مد نمبر 16 روزنامہ 25/07/2021 جرم 324/34 PPC تھانہ یکہ غنڈ دعوی داری ہو کر معطل ہو چکے ہیں۔ اور تنخواہیں بھی بند ہو چکے ہیں۔ مجروحین کنسٹیبلان کے تنخواہیں کھولنے بارے برادر مجروحین مسمی شریف خان نے بھی جناب DPO صاحب کو درخواست دی ہے۔ جولف انکوائری ہے۔ انکوائری ہذا من انسپکٹر کو حوالہ ہو کر ذیل کارروائی عمل میں لائی گئی ہے۔

دوران انکوائری حالات واقعات یوں پائے گئے۔ کہ کنسٹیبلان (1) حاجی رفیق 2881 (2) تنظیم اللہ 2882 قبل ازیں خاصہ دارفوس میں ڈیوٹی سرانجام دے رہے تھے۔ جبکہ سال 2020 میں محکمہ پولیس میں ضم ہو کر اور شاہ کس سنٹر کے ریکروٹ کورس کیلئے منتخب ہو کر دونوں کنسٹیبلان برادران نے مورخہ 31/05/2021 کو ٹریننگ سنٹر میں حاضری کی۔ شاہ کس سنٹر کے افسران بالانے بوجہ عیدالضحیٰ 07 یوم چھٹی دیکر گھر خود آئے تھے۔ مورخہ 25/07/2021 کو بعد اختتام رخصت دونوں کنسٹیبلان برادران مسمی عمران ساکن دیہہ اش کے ساتھ عمران کے ملکیتی موٹر سائیکل پر سوار ہو کر اڈہ واقع مچنی پل روانہ ہوئے۔ جونہی وہ بمقام برج چوک پہنچے تو وہاں پر مسمی عادل ولد نور سند شاہ بھی اپنے موٹر سائیکل پر آ کر ان کو کہا۔ کہ ایک بندہ میرے ساتھ موٹر سائیکل پر سوار ہو جائے۔ تو کنسٹیبل تنظیم اللہ 2882 عمران کیساتھ موٹر سائیکل پر بیٹھ کر بطرف اڈہ روانہ ہوئے۔ جونہی بمقام جائے وقوعہ پہنچے تو وہاں پر پہلے سے مسمان گل شاہ علی۔ حسین۔ غوث علی پسران کتخاب ساکنان مچنی کریڈی کلمے جو پہلے سے مسلح با اسلحہ آتشین کھڑے تھے۔ ہر سہہ کسان نے حاجی رفیق۔ تنظیم اللہ۔ عمران اور عادل پر بہ ارادہ قتل فائرنگ شروع کی۔ جنکے فائرنگ سے ہر چاروں کسان لگ کر شدید زخمی ہوئے۔ جبکہ عمران علاج معالجہ کیلئے راستہ میں زخموں کی تاب نہ لا کر جان بحق ہوا۔ ملزمان کی فائرنگ سے عمران کا موٹر سائیکل بھی نقصان رسید ہو چکا ہے۔ اسی طرح مجروح کنسٹیبل حاجی رفیق کے مدعیت میں برخلاف ملزمان گل شاہ علی۔ حسین۔ غوث علی پسران کتخاب ساکنان مچنی کریڈی کلمے بحوالہ مد نمبر 8 6 مورخہ 25/07/2021 جرم PPC 302/324/34/427 تھانہ یکہ غنڈ مقدمہ درج رجسٹر ہو چکا ہے۔ مقدمہ ہذا میں دونوں کنسٹیبلان برادران شدید زخمی ہو کر کنسٹیبل حاجی رفیق نمبر 2881 وہیل چیئر پر پڑا ہے۔ جبکہ کنسٹیبل تنظیم اللہ نمبر 2882 کو ما کے حالت میں بستر خود پر پڑا ہے۔

علاوہ ازیں بحوالہ مد نمبر 16 روزنامہ 25/07/2021 جرم PPC 324/34 تھانہ یکہ غنڈ بالمقابل کر اس ورن درج کی گئی ہے۔ اور اس مقدمہ میں ہر دونوں کنسٹیبلان برادران حاجی رفیق اور تنظیم اللہ پر دعوی داری ہو کر مثل مقدمہ عدالت میں زیر سماعت ہے۔ اور دونوں مجروحین کنسٹیبلان برادران عدالت سے بر ضمانت ہیں۔ انکوائری کے سلسلہ میں مجروحین متذکرہ بالا کے بیانات لینے کے سلسلہ میں دیہہ مچنی بنگلو جا کر مجروحین کنسٹیبلان برادران میں سے کنسٹیبل حاجی رفیق 2881 زخمی حالت میں پا کر اس کا بیان لیا گیا۔ جبکہ کنسٹیبل تنظیم اللہ 2882 کو ما حالت میں بستر خود پر پڑا کر جو بیان دینے کا قابل نہیں ہے۔ مجروح عادل کا بیان بھی لیا جا کر لف انکوائری ہے۔ دوران قلمبندی بیانات حاجی رفیق۔ تنظیم اللہ اور عادل کے میڈیکل کاغذات بھی پیش کر کے جولف انکوائری ہذا ہے۔ اسی طرح تفتیشی آفسر ارشد خان تھانہ یکہ غنڈ کا بھی تحریری بیان لیا جا کر لف انکوائری ہذا ہے۔ مجروحین کنسٹیبلان (برادران) معطل ہو چکے ہیں۔ اور ان کے تنخواہیں بھی تا حال بند ہیں۔

خلاصہ انکوائری

انکوائری کاغذات من انسپکٹر کو حوالہ ہو کر دوران انکوائری حالات واقعات یوں پائے گئے۔ کہ بحوالہ نمبر 16 روزنامہ
 25/07/2021 جرم PPC324/34 تھانہ یکہ غنڈ میں دعویٰ جاری مجروحین کنسٹیبلان (برادران) (1) حاجی رفیق 2881 (2) تنظیم
 اللہ 2882۔ مجروح عادل ولد نور سند شاہ سکنہ بنگلو اور مقتول عمران ولد سحر گل سکنہ بھائی کور پر ہو چکی ہیں۔ اور کنسٹیبلان (1) حاجی رفیق (2)
 2881 تنظیم اللہ 2882 معطل ہو چکے ہیں۔ جبکہ ہر دونوں مجروحین کنسٹیبلان (برادران) عدالت سے برضانت ہیں۔ اور فریقین کے
 مابین مقدمات عدالت میں زیر سماعت ہے۔ وجہ عناد سابقہ قتل مقاتلہ کی دشمنی ہے۔ دوران انکوائری کنسٹیبلان مجروحین (برادران) میں سے
 کنسٹیبل حاجی رفیق نمبر 2881۔ مجروح عادل اور تفتیشی آفسر ارشد خان کے بیانات لئے جا کر لف انکوائری ہذا ہے۔ جبکہ مجروح کنسٹیبل تنظیم
 اللہ نمبر 2882 کو مایں ہے۔ اور گھر خود میں جا رہا ہے اور موت کے کشمکش میں پڑا ہے۔ حاجی رفیق۔ تنظیم اللہ اور عادل کے میڈیکل
 کاغذات بھی من انکوائری آفسر کو پیش کر کے جو لف انکوائری ہذا ہے۔ اسی طرح مجروح کنسٹیبل حاجی رفیق کی مدعیت میں برخلاف ملزمان
 کنسٹیبلان برادران (1) گل شاہ علی نمبر 2195 (2) حسین نمبر 2207 (3) غوث علی نمبر 3616 پر بحوالہ مقدمہ علت 68 مورخہ
 25/07/2021 جرم PPC 302/324/148/149 تھانہ یکہ غنڈ کی گئی ہے۔ دوران تفتیش و انکوائری کنسٹیبلان برادران (1) حاجی
 رفیق 2881 (2) تنظیم اللہ 2882 گنہگار ٹھہرائے گئے۔ جنکے خلاف سنگین سزاء دینے کی سفارش کی جاتی ہے۔ انکوائری رپورٹ گزارش

محمد زمان خان انسپکٹر انوشی کیشن ضلع مہمند

Sir

Forwarded P13

[Signature]

SB in
11/12/2021

Issue Final Show Cause
to both Constables Haji Rafiq
2881, Tanzeem Ullah 2882

Attended
[Signature]

13/12

Order
13/12/2021



OFFICE OF THE
DISTRICT POLICE OFFICER,
MOHMAND TRIBAL DISTRICT GHALLANAI

Email: dpomohmand@gmail.com

Ph: 0924-290179 Fax: 0924-290056

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Annex "D"

FINAL SHOW CAUSE NOTICE

No. 3821 /PA, dated Mohmand the: 28 /12/2021

WHEREAS, You FC Rafique No. 2881 while posted at Circle Ekka Ghund was found guilty as under:-

That you while posted at Circle Ekka Ghund were charged vide DD No. 16 dated 25.07.2021 u/s 324-34PPc PS Ekka Ghund in cross version FIR. Your such act was highly objectionable and render liable for departmental proceeding.


To substantiate the allegation leveled in the cross version FIR, you were charge sheeted together with statement of allegation and SP Investigation Mohmand was appointed as an inquiry officer to conduct inquiry under the rule.


WHEREAS, Enquiry Officer in findings of the enquiry report has found you guilty and therefore, he has recommended you for awarding Major punishment.

AND WHEREAS, I am satisfied that you had committed misconduct and guilty of negligence and carelessness which stand proved and rendered you liable.

Now Therefore, I Salah-ud-Din, District Police Officer, Mohmand as Competent Authority has tentatively decided to imposed upon you, any one or more penalties including the penalty of dismissal from service under KPK Police Rules, 1975.

You are therefore, required to submit reply of this Final Show Cause within 07 days of the receipt of this notice, as to why the aforesaid penalty or any other should not be imposed upon you, failing which it shall be presumed that you have no defense to offer and an ex-parte action shall be taken against you. Meanwhile you also intimate that whether you desire to be heard in person or otherwise.

Receiver Name: Sharif
-sign. 
Date: 1-1-2022


District Police Officer,
Mohmand Tribal District





(11)

Annex "E"

**OFFICE OF THE
DISTRICT POLICE OFFICER
MOHMAND TRIBAL DISTRICT GHALLANAI**

Email: dpomohmand@gmail.com
Ph: 0924-290179 Fax: 0924-290056

ORDER:

This order will dispose-off the inquiry proceeding against **FC Rafique No. 2881** with the allegations that he was charged in a cross version FIR vide DD No. 16, dated 25-07-2021 u/s 302-34 PPC by Police Station Ekka Ghund.

To scrutinize the conduct of the delinquent official, he was issued charge sheet together with statement of allegation & inquiry was entrusted to Investigation Officer vide this office letter No. 1647-50/PA, dated 28.07.2021. The inquiry officer after fulfilling all legal and codal formalities, the alleged constable was found at fault, however, recommended for **Major Punishment**.

In light of findings of the inquiry officer, the undersigned issued final show cause notice to the delinquent officials reply to which was received, perused and was found unsatisfactory.

Based on the above I **Salah-ud-Din Kundi, District Police Officer, Mohmand** being the competent authority and exercise of power vested in me under the Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) rules 2011, hereby awarded him **Major Punishment of Dismissal from the service with immediate effect**.


District Police Officer,
Mohmand Tribal District

OB No. 1349

Dated: 10/03/2022

No. 936-42 /PA, dated Mohmand the: 10/03/2022

Copy forwarded to the:

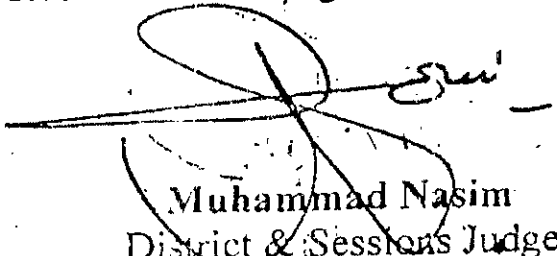
- Regional Police Officer, Mardan for favor of kind information please.
- HC/EC/FMC/Pay Officer/Kot In-charge

Accepted


(12)

Annex " F " "

(15)

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
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12/05/2023	<p>Similarly, the accused Gul Shah Ali and Ghaus Ali are convicted for the offence u/s 427/34 PPC and sentenced to undergo one-month SI and to pay a fine of Rs. 5000 each. In default of payment the accused shall undergo 10 days SI.</p> <p>Benefit of Section 382 B CrPC is given to the accused. All the sentences so awarded shall run concurrently. Case property be disposed of according to law, whereas the motor bike belonging to the deceased Muhammad Imran be returned to his legal heirs.</p> <p>It is clear from the above that there exists a prima facie case against the absconding co-accused namely Hussain. He is therefore declared proclaimed offender. Perpetual warrant of arrest be issued against him and his name be forwarded to DPO Mohmand for entry into the Register maintained for the POs.</p> <p>Since prosecution failed to prove its case against the accused Haji Rafiq, Adil, and Tanzeemullah beyond any shadow of doubt. All the said accused are therefore acquitted of the charges. They are on bail. Their sureties are discharged from the liability of their bails bonds. And attested copy of this judgment be supplied to each of the accused free of cost. This file be consigned to record room.</p> <p>Announced 12.05.2023.</p> <p style="text-align: right;"> Muhammad Nasim District & Sessions Judge, Mohmand</p>

(13)

Annex "G"

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Rafique No. 2881 of Mohmand District against the order of District Police Officer, Mohmand, whereby he was awarded major punishment of dismissal from service vide OB: No. 1349 dated 10.03.2022 by the District Police Officer, Mohmand. The appellant was proceeded against departmentally on the allegations that he was involved in a cross version FIR vide DD No. 16 dated 25.07.2021 U/S 302/34-PPC Police Station, Yakka Ghund District Mohmand.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Inspector Muhammad Zaman of Investigation Wing, Mohmand was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Mohmand, wherein he has recommended the delinquent Officer for major punishment.

In light of findings of Enquiry Officer issued him Final Show Cause Notice to the delinquent Officer to which his reply was received/perused and found unsatisfactory. Therefore, he was awarded major punishment of dismissal from service vide OB: No. 1349 dated 01.06.2022 by the District Police Officer, Mohmand.

Feeling aggrieved from the order of District Police Officer, Mohmand, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 01.06.2022, the Superintendent of Police Investigation, Mohmand was asked fresh report regarding involvement of appellant, vide this office endorsement No. 3891/ES dated 02.06.2022.

The Superintendent of Police Investigation, Mohmand has submitted his report vide his office letter No. 491/Inv: Mohmand dated 04.08.2022 wherein he has stated that trial of the case is in progress and as per case file, evidence is available regarding the involvement of appellant.

Hence, the appellant was again summoned and heard in person in Orderly Room held in this office on 09.08.2022.

From the perusal of the enquiry file and personal hearing of the appellant it has been found that trial of the case is sub-judice before the concerned court which has not yet been decided. Therefore, his departmental appeal was kept pending in hand till the final outcome of the trial vide case FIR quoted above by the

Attended
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then Regional Police Officer, Mardan vide this office order endorsement No. 5302/ES dated 09.08.2022. However, the appellant after acquittal from the charges by the Court of learned District & Sessions Judge Mohmand, submitted application alongwith court order.

Hence, the appellant was again summoned and heard in person in orderly room held in this office on 21.06.2023.

From the perusal of the enquiry file and service record of the appellant, it has been found that the appellant has been acquitted from the charges by the trial court vide order quoted above.

Based on the above, I, **Muhammad Suleman, PSP Regional Police Officer, Mardan** being the appellate authority, hereby set-aside the order of punishment of dismissal from service and re-instate the appellant into service on the basis of Court orders. However, the intervening period is treated as leave without pay.

Order Announced.

(MUHAMMAD SULEMAN) PSP
Regional Police Officer,
Mardan.

No. 4674 /ES, Dated Mardan the 17/07 /2023.

Copy forwarded to District Police Officer, Mohmand for information and necessary action w/r to his office Memo: No. 833/Legal dated 25.04.2022. His Service Record is returned herewith.

(*****)

Attested
A. C.