


Cost of Rs. 5,000/- received in Service Appeal No. 1776/2023

Titled Alamgir vs Police

in the office of Assistant Registrar, Vide Order 04-01-2024
submitted on 01/03/2024.


01/03/24
Assistant Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1776/2023

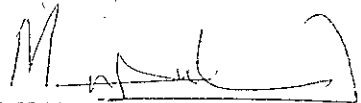
Alamgir Ex-FC Elite ForceAppellant

Versus

Provincial Police officer Khyber Pakhtunkhwa etcRespondent

INDEX

S No.	Description of Documents	Annexure	Pages
1.	Para wise comments		1-4
2.	Copy of Authority letter		5
3.	Affidavit		6
4.	Copy of FIR	A	7
5.	Copy of Charge Sheet	B	08
6.	Copy Finding Report	C	9-10
7.	Copy of Dismissal order	D	11
8.	Copy of Final Show Cause Notice.	E	12
9.	Summary of Allegation	F	13


(MIAN NIAZ MUHAMMAD)
DSP Legal
Elite Force, Peshawar

04-03-2024
swat
S.B.

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE ①

TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No.1776/ 2023

Diary No. 11512

Dated 01-3-2024

Alamgir, Ex-FC Elite ForceAppellant

Versus

Provincial Police Officer, Khyber Pakhtunkhwa Peshawar and others

.....Respondents

PARAWISE COMMENTS BY RESPONDENTS

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:-

- a) That the appeal is not based on facts.
- b) That the appeal is barred by law and limitation.
- c) That the appeal is not maintainable in the present form.
- d) That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- e) That the appellant is stopped to file the instant appeal by his own conduct.
- f) That the instant Service Appeal is badly time barred.
- g) That the appellant has not come to this Honorable Tribunal with clean hands.
- h) That the appellant has got no cause of action and locus standi to file the instant Service Appeal.

FACTS:-

1. Para pertains to record, hence no comments.
2. Para is for the petitioner to prove, however it is worth to clarify that appellant had willfully absented himself with effect from 18.04.2022 while the criminal case vide FIR No. 25 dated 20-04-2022 U/S 324/302/34/109 PS Balambut Dir Lower registered against him was chalked on 20.04.2022, which prima facie attract his involvement in the commission of offence. FIR copy F/A.
3. Para is incorrect and misleading. Appellant being member of the disciplined force was bound to surrender himself before the law, prove his innocence but instead he went into hiding and remained absent from duty for a sufficient long period w.e.f. 18.04.2022 to 23.09.2022 (Total 155 days) without prior permission of leave, which is against the norms of the disciplined force. As such he was proceeded

departmentally. Summary of allegation and charge sheet was issued. DSP/RRF dist: Buner was appointed as Enquiry officer. (Charge Sheet B)

The enquiry officer conducted the enquiry and submitted his findings, (F/C) vide which he recommended that his absence period w.e.f 18-04-2022 to 23-09-2022 may be treated as Leave without pay. However, the competent authority disagreed with the recommendation and issued him Final Show Cause Notice which the appellant submitted his written reply but his reply was found unsatisfactory, therefore after completion of all codal formalities, he was awarded the major penalty of Dismissal from Service by the competent authority which is in accordance with law.(F/D)

4. Pertains to Hon'ble PHC, (MBDQS), Mengora, Balambut, Darul qaza Swat , however the involvement in the criminal case should be communicated to the department by him and surrender before the law but instead he absented himself and gone into hiding being a member of a disciplined force.
5. Para is correct to the extent that appellant was placed under suspension on account of involvement in criminal case and was also absented from lawful duty. As explained in para No.3.
6. Para is correct to the extent that on appearance appellant was conditionally re-instated into service but his re-instatement from suspension carry no bar on departmental enquiry.
7. Correct to the extent that proper departmental proceedings against appellant was initiated under the relevant law/ rules. He was issued charge sheet with statement of allegations by the deputy commandant vide No. 2087-88 dated 07.11.2022 and DSP EF/RRF Malakand Region was appointed as Inquiry officer. The E.O conducted proper enquiry, perused the record/material available as evidences and recorded statement. He was also afforded opportunity of personal hearing. After fulfilling all legal and codal formalities, the E.O found the delinquent officer as guilty of gross misconduct in terms of absence and recommended to treat leave without pay.
8. Pertains to record. On the receipt of recommendation from E.O, the competent authority issued to him show cause notice to which he submitted reply but his reply was unsatisfactory and without substance.
9. Para is quite incorrect and misleading. Infact during the course of enquiry appellant was provided opportunity of self defence but he failed to show justification for his prolong absence from legitimate duty and involvement in criminal case. Therefore, after due deliberation and examining the relevant record the punishment order dated 17.05.2023 was passed in accordance with law and rules.

10. Para is incorrect and misleading as the appellant in the preceding paras has admitted that enquiry was conducted against him but on failure to prove his long absence he was awarded the major punishment of dismissal from service which is quit legal and based on justified grounds:


11. Appellant has been treated in accordance with law and rules and he got no cause of action. Besides, appeal of appellant is badly time barred. He did not even bother to submit departmental appeal before the appellate authority and directly approached this Hon'ble Tribunal quite in deviation of law/ rules inter alia on the following grounds:

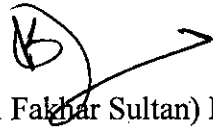
GROUND:-


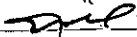
- A. Para is incorrect and baseless. Infact before passing the punishment order by the competent authority a full-fledged inquiry was carried out under Police Rules 1975 read with amended rules 2014.
- B. Para is for the petitioner to prove, however it is worth to clarify that appellant had willfully absented himself with effect from 18.04.2022 while the criminal case registered against him was chalked on 20.04.2022, which prima facie attract his involvement in the commission of offence.
- C. Para is quite incorrect. Besides involvement in criminal case the appellant was also proceeded departmentally on account of absence from lawful duty for a sufficient long period which too is a gross misconduct.
- D. As appellant involved himself in a criminal case, therefore, he was rightly placed under suspension. Moreover, judicial proceedings and departmental proceedings are two separate entities, both can run parallel to each other without affecting the result of each other reliance is placed on 2018-SCMR 733.
- E. Incorrect, appellant has been treated in accordance with law/rules. Each gross misconduct in a disciplined force is dealt sternly under the law/ rules.

PRAYER:

It is, therefore, humbly prayed that the Appeal of the appellant may kindly be dismissed with cost.


(Abdus Samad Khan) PSP
Deputy Commandant
Elite Force,
Khyber Pakhtunkhwa,
Peshawar
(Respondent No. 3)


(Muhammad Wisal Fakhar Sultan) PSP
Additional Inspector General / Commandant,
Elite Force, Khyber Pakhtunkhwa,
Peshawar
(Respondent No. 2)


DIG/ Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
Respondent No. 1
(DR. MUHAMMAD AKHTAR ABBAS)
Incumbent


IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHWAR

Service Appeal No. 1776/2023

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Provincial Police Officer Khyber Pakhtunkhwa & etcRespondent

AUTHORITY LETTER

Mian Niaz Muhammad Khan DSP/Legal Elite Force Khyber Pakhtunkhwa is hereby authorized to submit para wise comments/reply in the instant service appeal in the Hon'able Service Tribunal Peshawar and also to defend instant case on behalf of respondents.

(Abul) Samad) PSP
Deputy Commandant
RRF Khyber Pakhtunkhwa Peshawar.
(Respondent No. 3)

(Muhammad Wisal Fakhar Sultan) PSP

Addl: IGP/Commandant
Elite Force Khyber Pakhtunkhwa Peshawar.
(Respondent No. 2)

DIG/ Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
Respondent No. 1
(DR. MUHAMMAD AKHTAR ABBAS)
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AFFIDAVIT

Abdus Samad Deputy Commandant Elite Force Peshawar respondent No. 3, do hereby solemnly affirmed and declare that the contents of these joint para-wise comments are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honorable Court.

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.


(ABDUS SAMAD) PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar.



ابتدائی اطلاعی رپورٹ

کاؤنٹر فائل

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 153 مجموعہ ضابطہ فوجداری

تھانہ	بلا میٹ	ضلع	ویریا ٹاؤن
نمبر	25	تاریخ وقت وقوعہ	نمبر
1	تاریخ وقت رپورٹ	مورخہ 20-04-2022 وقت 13:50 بجے	مورخہ 20-04-2022 وقت 14:50 بجے
2	نام و سکونت اطلاع دہندہ	03450911241/1570112374175	روزی خان ولد فتح خان نمبر 76/75 سال ساکن پڑاوشاد ویرا پور
3	مختصر کیفیت جرم (معدہ دفعہ) حال اگر کچھ لیا گیا ہو۔	PPC-302-324-109/34	
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	روزی خان بلا میٹ تاملہ اہتمام نزد مین گیت ڈسٹرکٹ	کورٹ تیسر گرہ بناسلا 5/4 فرلانگ جانب جنوب از تھانہ
5	نام و سکونت ملزم۔	(1) مشتاق (2) سرتاج	(3) انشاؤد زرشاد پسران سید جان ساکنان پڑاوشاد ویرا پورا
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو		بہ رسیدگی تحریری مراسلہ پر پرجہ دیا گیا
7	تھانہ سے روانگی کی تاریخ و وقت		بطور تھانہ رپورٹ

اس وقت ایک تحریری مراسلہ منجانب وکیل خان ASI بدست نور محمد خان ابتدائی اطلاع نیچے درج کرو ASI موصول ہو کر حرف بحرف ذیل ہے۔

بخدمت انسپراج تھانہ بلا میٹ دوران ڈیوٹی عدالت بلا میٹ میں موجود تھا اطلاع ملی کہ بمقام بلا جیل تیسر گرہ سے آئے ہوئے ملزمان پر فائیرنگ ہوئے ہیں اور مجرمین کو ریسکیو 1122 بلکاروں نے بغرض علاج صحابہ DHQ ہسپتال تیسر گرہ لے گئے ہیں اطلاع کی تصدیق اور قانونی کارروائی کے خاطر ہمراہ پولیس ایمر جنسی وارڈ DHQ ہسپتال تیسر گرہ آکر بیڈ پر نقش منتقل ظہور خان ولد روزی خان ساکن پڑاوشاد ویرا پور جبکہ مجرح علی حیدر ولد حضرت احمد ساکن کوہستان اپر ویر پڑے پاکر نقش کے ساتھ موجود مستثنیت بالائیوں رپورٹ کرتا ہے کہ منتقل / نقش میرے بیٹے کا ہے جو مقدمہ عدالت 544 مورخہ 07-08-2016 جرم PPC-302-324/34 تھانہ تیسر گرہ جیل تیسر گرہ میں مقید تھے امروزہ سلسلہ تاریخی عدالت بلا میٹ ہمراہ دیگر ملزمان واپس جیل تیسر گرہ جا رہے تھے جب عدالت میں گیت سے باہر ہوئے ہی اس دوران ملزمان نمبر (1) مشتاق نمبر (2) سرتاج پسران سید جان ساکنان پڑاوشاد ویرا پور کے ایماہ پر ملزمان نمبر (1) انشاؤد (2) زرشاد پسران سید جان ساکنان پڑاوشاد ویرا پور موٹر سائیکل پر سوار باسٹخ آکر پسر آہ پر بہ ارادہ قتل فائیرنگ کی فائیرنگ سے پسر آہ شدید زخمی ہو کر جوتھوں کی تاب نہ لا کر جان بحق ہوا ہے جبکہ ملزم علی حیدر ولد حضرت احمد ساکن کوہستان اپر ویر بھی فائیرنگ کی زد میں آکر جو پیٹ کے دائیں بائیں اور دائیں بازو پر لگ کر زخمی ہوا ہے وقوعہ ہذا پولیس جوڈیشل ایگنران اور دیگر کسان کا چشم دید ہے وجہ عناد سابق دشمنی / قتل مقابلہ سے میں پسر آہ ملزم ظہور خان قتل کرنے جبکہ ملزم / مجرح علی حیدر کو زخمی کرنے کا برخلاف ہر چار ملزمان بالاد عویدار ہوں رپورٹ کرتا ہوں غور ہوئے لعد نشان انگشت کارروائی پولیس حسب گفتہ سائل رپورٹ حرف بحرف درج صدر ہو کر پڑھ کر سنا گیا دست تسلیم کر کے زیر امرت خود انگوٹھا شہیت کی جسکی میں تصدیق کرتا ہوں منتقل ظہور خان کے کاغذات مرگ و نقشہ ضرر و مجرح علی حیدر کا نقشہ ضرر بر مطابق زخمت مرتب کر کے حوالہ آن ڈیوٹی فاکٹر علیگیر کی مٹی مضمون

M. S. C.
D.S.P. C.

Mob # 0345-5697630

CHARGE SHEET

I, Tariq Iqbal, Deputy Commandant, Rapid Response Force Khyber Pakhtunkhwa, Peshawar as competent authority hereby charge you Constable Alamgir No. 503 RRF Unit No. 11 Buner as follows:-

As per information received from DSP EF/RRF Malakand Region Swat that you were charged in case FIR No. 25 dated 20.04.2022 u/s 302/324/34/109 PPC PS Balambut Dir Lower and absent from duty w.e.from 18.04.2022.

- You were issued Charge Sheets & Statements of Allegations and DSP EF/RRF Malakand Region was appointed as Enquiry Officer vide this office letter No. 1012-13/RRF dated 18.05.2022.
 - The Enquiry Officer after conducting enquiry came to the conclusion that the accused official is at large and avoid his legal arrest, therefore, Charge Sheet & Summary of Allegation could not be served upon him.
 - On 27.10.2022, a detailed report was sought from S/O II PS Balambut that at the time of occurrence, you were injured by Police firing and escaped from the spot. On 20.07.2022, the local Police arrested you. In Police custody, you confessed your guilt.
 - During your body search some wound marks were found. To clarify wound marks, you were examined through Doctor. The Doctor verified that the wounds marks are of fire arms. After completion of investigation you were sent to Judicial Lockup. On 16.09.2022 your bail application was accepted and the competent Court granted bail to you. He further disclosed that in the Bhctak of one Ikram you have been provided first Aid.
2. By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014) and have rendered yourself liable to all or any of the penalties specified in the rules.
3. You should submit your written report, if any, to the Enquiry Officer within 07 days of the receipt of this notice, failing which it shall be presumed that you have no defense to offer and ex-parte action shall be initiated against you.
4. You are at liberty, if desire to be heard in person.
5. A statement of allegations is enclosed.

TARIQ IQBAL (UNPM BAR)
Deputy Commandant,
RRF, Khyber Pakhtunkhwa Peshawar.

M. J. L.
DSP. L



آفس آف دی ڈپٹی سپرنٹنڈنٹ آف پولیس
ایلیٹ فورس ضلع بونیر



تاریخ: 23/03/2023

150

نمبر: /R-EF-Buncel

فائینڈنگ رپورٹ

جناب عالی!

بحوالہ مشمولہ چارج شیٹ نمبری RRF/88-2087 محرمہ 11-07-2022 معروض خدمت ہوں۔ کہ دفتر جناب ڈپٹی کمائزٹ صاحب ایلیٹ RRF نمبر پنجو نخواہ پناہ اور، سے چارج شیٹ متذکرہ بذریعہ ڈاک موصول ہو کر ملاحظہ کرنے پر پایا گیا کہ کنسٹیبل عالمگیر نمبر 503 آر آر ایف یونٹ نمبر 11 ضلع بونیر پر کیس FIR نمبر 25 مورخہ 20-04-2022 جرم-302 PPC 109-34-324 تھانہ بلاسٹ ضلع دیر لور میں ملزم نامزد ہونے اور بعد از وقوعہ لوکل پولیس کے جوابی فائزنگ میں زخمی ہونے، جھینک اذان اکرام میں First Aid کرانے، اور جسم پر گولیوں کے زخمت (ڈاکٹر کے تصدیق شدہ) موجود ہونے کے الزامات لاگائے گئے ہیں۔ اور من زیرہ تختی کو انکو انری آفیسر مقرر کیا گیا ہے۔

اندریں بارہ من زیرہ تختی نے حسب ضابطہ انکو انری شروع کر کے واضح کیا جاتا ہے کہ کنسٹیبل مذکور کے خلاف مائل، بحوالہ چارج شیٹ نمبری RRF/13-1012 محرمہ 05-18-2022 انکو انری کر کے اس وقت کنسٹیبل مذکور ڈپٹی سے غیر حاضر اور مقدمہ میں روپوش تھا۔ انکو انری رپورٹ بحوالہ فائینڈنگ رپورٹ نمبری R/1229 محرمہ 06-28-2022 مورخہ 28-06-2022 سے 33 قسطوں بعد انڈیکس کاغذات بحوالہ مشمولہ رسید راجداری مورخہ 08-29-2022 کو ایلیٹ ہیڈ کوارٹر پشاور بھیجے اور من زیرہ تختی۔

FAHAD
Elite Force RRF
District Buncel

اب بحوالہ چارج شیٹ نمبری RRF/88-2087 محرمہ 11-07-2022 دوبارہ انکو انری شروع کر کے کنسٹیبل عالمگیر نمبر 503 کا میان قلمبند کر کے جس میں مذکورہ نے واضح کیا کہ میں مورخہ 04-18-2022 کو ب امر مجبوری بوجہ ضروری کارخانگی غیر حاضر ہوا تھا۔ سائل کو مقدمہ عات نمبر 25 مورخہ 20-04-2022 جرم-302-324/34 PPC 109 تھانہ بلاسٹ ضلع دیر لور میں، مدعی مقدمہ نے وقوعہ کے 07 دن بعد ملزم نمبر ایلیٹ۔ چونکہ الزام انتہائی سنگین تھا۔ جان کی حفاظت کی خاطر 20-07-2022 تک روپوش رہا۔ روپوشی کے دوران مختلف ذرائع سے مدعی مقدمہ کو مطمئن کرنے اور اپنے لیے کتابی ثابت کرنے کی بھرپور کوشش کی مگر بے سود۔ بعد، جیل سے منانت پر رہا ہو کر مورخہ 09-23-2022 کو ڈپٹی پر حاضر آکر بحوالہ شوکار نمبری RRF/1768 محرمہ 09-15-2022 اپنا تفصیلی وضاحتی رپورٹ بروقت جمع کیا تھا۔ جہاں تک چارج شیٹ میں میرے گولی سے زخمی ہونے کا ذکر کیا گیا ہے۔ اندریں بارہ وضاحت کی جاتی ہے کہ وقوعہ سے عرصہ قریب 03 ماہ قبل بھائیوں کے ساتھ جائیداد تنازعہ اور خانگی تقسیم پر آپس میں جھگڑا ہوا تھا۔ جھگڑے کے دوران بھائی ام کسی۔ است اللہ نے مجھے پر دراز نے دھمکانے کی خاطر فائز کیا تھا، جس کے فائزنگ سے میں نتیجہ کو طور پر بہرہ فستقی سے ایک ہاتھ اور ایک پاؤں (گھنٹے) پر لگے کر زخمی ہوا تھا۔ جو کہ دیگر رشتہ داران اور علاقہ معززین کے وساطت سے ہمارے مابین صلح کر کے جائیداد تنازعہ ختم و

تقسیم سے حل کیا گیا تھا۔ مدعی مقدمہ اور ملزم کنسٹیبل انشا احمد سے میرا نہ کوئی رشتہ داری ہے اور نہ ہی کوئی دشمنی۔ بیشک اذان اکرام ساکن تیسر گڑھ میں مجھ پر Treatment کا الزام منگھڑت اور بے بنیاد ہے۔ لوکل پولیس کے بیانات 161 سے میں بے خبر ہوں۔ چارج شیٹ متذکرہ اور مثل مقدمہ میں میرے خلاف لگائے گئے الزامات بے بنیاد من گھڑت اور حقیقت سے بعید ہیں۔ اس وقت مقدمہ بالا، عدالت میں زیر سماعت اور میں بر ضمانت اپنے ڈیوٹی پر مامور ہوں۔

اسی طرح SI نور غنی خان OII تھانہ بلا مٹ سے پراگرس رپورٹ حاصل کر کے ہمراہ لف انکوائری لہذا ہے۔ جس میں OII نے کنسٹیبل عالمگیر کے بیان 161، گولیوں کے زخمت موجود ہونے اور فرد نشاندہی کے روشنی میں کنسٹیبل عالمگیر نمبر 503 کو گنہگار ٹھہرایا ہے۔

تاہم کنسٹیبل عالمگیر نمبر 503 نے اپنے اوپر لگائے گئے الزامات کو منگھڑت اور بے بنیاد قرار دے دیا ہے۔ جبکہ گولیوں کے نشانات موجود ہونے کی نسبت واضح کیا ہے کہ وقوعہ سے عرصہ قریب 03 ماہ قبل بھائیوں کے ساتھ جائیداد تنازعہ اور خانگی تقسیم پر آپس میں جھگڑے کے دوران اپنے بھائی کسی راحت اللہ کے ہاتھوں زخمی ہونا بیان کر کے ثبوت کے طور پر خانگی راضی نامہ پیش کر کے ہمراہ لف انکوائری لہذا ہے۔

علاوہ ازیں، عدالت سے چالان ضمنیات، چالان فارم، بیان 161 اذان ملزم کنسٹیبل عالمگیر نمبر 503 اور فرد نشاندہی موقع حاصل کر کے ہمراہ لف انکوائری لہذا ہیں۔

خلاصہ رپورٹ:

ہر دو انکوائریوں میں حاصل کردہ بیانات، کاغذات اور خفیہ معلومات کے مطابق ملزم کنسٹیبل عالمگیر نمبر 503 پر کوئی چشم دید گواہ سامنے نہیں آیا ہے۔ اور نہ ہی کنسٹیبل مذکور پر FIR میں ڈائریکٹ دعویداری کی گئی ہے۔ تاہم کنسٹیبل مورخہ 18-04-2022 سے مورخہ 23-09-2022 تک کل 167 یوم ڈیوٹی سے غیر حاضر رہ چکا ہے۔

لہذا، کنسٹیبل عالمگیر نمبر 503 آر آر ایف یونٹ نمبر 11 کو غیر حاضری کے مد میں کل 167 یوم بلا تنخواہ اور ایک سالانہ اینکریٹ بینٹ Stop کر کے، نوکری پر Conditionally بحال کیا جا کر انکوائری بمطابق باب 16 فقرہ 02 ضمن 02 پولیس رولز، تافیلہ عدالت Pending رکھا جائے تو قرین انصاف۔ ممکن ہو سکے گا۔

اس قدر حالات پر فائنڈنگ رپورٹ مرتب ہو کر بغرض مناسب حکم گزارش ہے۔

(مہند خان)

ڈپٹی سپرنٹنڈنٹ آف پولیس

ابلیٹ فورس ضلع بونیر۔

Office of the Deputy Commandant
RRF, Khyber Pakhtunkhwa Peshawar.



No. 622-32 /RRF

Dated: 17 / 05 / 2023

ORDER

Constable Alamgir No. 503 while posted in RRF Unit No. 11 Buner, an information report was received from DSP Elite/RRF Malakand Region vide No. 1126/R/EF dated 30.04.2022 that he has been nominated as accused in case FIR No. 25 dated 20.04.2022 u/s 302/324/34/109 PPC Police Station Balambutt district Dir Lower and absent from duty w.e. from 18.04.2022.

He was issued Charge Sheet and Statement of Allegations vide No. 1012-13/RRF dated 18.05.2022 and DSP Elite/RRF Buner was appointed as Enquiry Officer.

The Enquiry Officer after conducting enquiry and submitted finding vide No. 1229/R dated 28.06.2022 that accused Constable Alamgir is avoiding legal arrest and presently at large. His continuous absence from duty and avoiding arrest seem that to some extent he is involved in the occurrence.

On 20.07.2022, the accused Constable was arrested by the Local Police. According to the report of OII PS Balambutt, the accused confessed his guilt and pointed the place of occurrence. During investigation, blood stained plastic recovered from the roof top of the room in the house of one Akhtar Munir r/o Malak Abad where first aid was provided to the accused Constable injured by the Police firing.

The accused Constable was examined through Doctor to clarify wound marks on the body of accused. The Doctor verified that wound marks are of fire arms. The Doctor took blood sample of the accused to match with already recovered blood stained plastic mentioned above. The sample was sent to FSL for examination and opinion. The FSL opinion was received bearing the result that the blood sample taken from the accused matches with blood stained plastic.

The Enquiry Officer submitted his findings with the recommendation that the absence period of the delinquent official from 18.04.2022 to 23.09.2022 (Total 155 days) may be treated as leave without pay and one annual increment stopped.

The undersigned disagreed with the recommendation of the enquiry officer and of the opinion to enhance the punishment on the grounds that the accused official played role of guard had shaken hands with the culprits, thus, such like black sheeps are not required to retain in the force.

He was issued Final Show Cause Notice vide this office No. 1768/RRF, dated 15.09.2022 with the opportunity of personal hearing. His reply to the Final Show Cause Notice was received and found unsatisfactory. During his personal hearing he failed to produce any cogent reason regarding his non-involvement in the case.

I, Abdus Samad (PSP) Deputy Commandant RRF Khyber Pakhtunkhwa Peshawar as competent authority, awarded him the major punishment of Dismissal from service under Police Rules 1975 (amended 2014) with immediate effect.

(ABDUS SAMAD) PSP
Deputy Commandant,
RRF, Khyber Pakhtunkhwa Peshawar.

M. Samad
DSP C

Copy of the above is forwarded to the:-

1. Addl: IGP/Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar. { For information }
2. Deputy Commandant Elite Force, Khyber Pakhtunkhwa, Peshawar. { please }
3. District Police Officer, Dir Upper.
4. SP Elite Force /RRF Malakand Region Swat.
5. Accountant, RRF Khyber Pakhtunkhwa Peshawar.
6. SRC/FMC, RRF-Khyber-Pakhtunkhwa-Peshawar.
7. RI/LO, RRF Khyber Pakhtunkhwa Peshawar. { For necessary }
8. OHC, RRF Khyber Pakhtunkhwa Peshawar. { action please }
9. Constable Alamgir No. 503 RRF Unit No. 11 Buner.


KWA E-12

FINAL SHOW CAUSE NOTICE

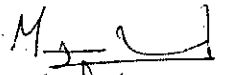
I, Tariq Iqbal, Deputy Commandant RRF, Khyber Pakhtunkhwa Peshawar as competent authority under the Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014), do hereby serve you Constable Alamgir No. 503 of RRF Unit No. 11 District Bunir as follows:-

As per information report received from DSP Elite/RRF Malakand Region Swat vide No. 1103/R EF, dated 21.04.2022 that you have been charged in case FIR No. 25 dated 20.04.2022 U/S 302-324-34-109 PPC Police Station Balambat District Dir Lower and absent from duty w.e.from 18.04.2022.

1. That consequent upon the completion of enquiry conducted against you by DSP Elite/RRF Malakand Region, you were at large, avoiding legal arrest.
2. Ongoing through the finding and recommendation of the enquiry officer, the material available on record, I am satisfied that you have committed the omission/commission specified in the Police Rules Khyber Pakhtunkhwa, 1975 (Amended 2014) and charges leveled against you have been established beyond any doubt.
3. As a result therefore, I, Tariq Iqbal, Deputy Commandant RRF, Khyber Pakhtunkhwa Peshawar as competent authority have tentatively decided to impose major or minor penalty upon you, under the above Police Rules.
4. You are therefore, directed to show cause as to why the aforesaid penalty should not be imposed upon you.
5. If no reply to this show cause notice is received within seven days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defense to put and in that case an ex-parte action shall be taken against you.


TARIQ IQBAL (UNPM BAR)
Deputy Commandant,
RRF, Khyber Pakhtunkhwa Peshawar.

No. 1768 /RRF, dated Peshawar the 15/04/2022.


DSP

Copy to the delinquent Constable Alamgir No. 503 of RRF Unit No. 11 Buner. Reader DSP Elite/RRF Malakand Region is directed to serve the final show cause notice on the delinquent official and a copy of the notice duly signed by him may be sent to this office as token of receipt.

SUMMARY OF ALLEGATIONS

I, Tariq Iqbal, Deputy Commandant, Rapid Response Force, Khyber Pakhtunkhwa, Peshawar as competent authority, am of the opinion that Constable Alamgir No. 503 RRF Unit No. 11 Buner has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014).

SUMMARY OF ALLEGATIONS


As per information received from DSP EF/RRF Malakand Region Swat that he was charged in case FIR No. 25 dated 20.04.2022 u/s 302/324/34/109 PPC PS Balambut Dir Lower and absent from duty w.e.from 18.04.2022.

- He was issued Charge Sheets & Statements of Allegations and DSP EF/RRF Malakand Region was appointed as Enquiry Officer vide this office letter No. 1012-13/RRF dated 18.05.2022.
- The Enquiry Officer after conducting enquiry came to the conclusion that the accused official is at large and avoid his legal arrest, therefore, Charge Sheet & Summary of Allegation could not be served upon him.
- On 27.10.2022, a detailed report was sought from S/O II PS Balambut that at the time of occurrence, he was injured by Police firing and escaped from the spot. On 20.07.2022, the local Police arrested him. In Police custody, he confessed his guilt.
- During his body search some wound marks were found. To clarify wound marks he was examined through Doctor. The Doctor verified that the wounds marks are of fire arms. After completion of investigation he was sent to Judicial Lockup. On 16.09.2022 his bail application was accepted and the competent Court granted bail to him. He further disclosed that in the Bhetak of one Ikram he has been provided first Aid.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, Mr. Fahad Khan DSP EF/RRF Buner is appointed as Enquiry Officer.

3. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused official, record statements etc and submit findings within (25 days) of the receipt of this order.

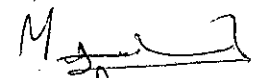
4. The accused shall join the proceedings on the date, time, and place fixed by the Enquiry Officer.


TARIQ IQBAL (SP/IBAR)
Deputy Commandant,
RRF, Khyber Pakhtunkhwa Peshawar.

No. 2087-28 /RRF, dated Peshawar the: 7/11 2022.

Copy of the above is forwarded to the:-

1. Deputy Superintendent of Police, EF/RRF Buner.
2. Constable Alamgir No. 503 RRF Unit No. 11 Buner with the direction to attend the enquiry proceedings on the date, time and place fixed by the Enquiry Officer. Reader to DSP EF/RRF Buner is directed to deliver the Charge Sheet & Summary of Allegations to the accused official and duplicate copy duly signed by him may be sent to this office as token of receipt.


DSP-C