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BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 2501/2023

Muhammad Tariq (Ex-LHC No. 1608)

District Police MardanAppellant


VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others

.....Respondents

INDEX

S. No.	Description of Documents	Annexure	Pages.
1.	Copy of Written Reply.	--	1-8
2.	Copy of Affidavit.	--	9
3.	Copy of bad entries	A	10-12
4.	Copies of previous charge sheet with statement of allegations, Final Show Cause Notice, dismissal order and Enquiry Papers	B, C, D & E	13-21
5.	Copies of reinstatement and dismissal order dated 23.10.2023	F & G	22-24
6.	Copy of Enquiry Papers	H	25-37
7.	Copy of rejection order	I	38-40
8.	Copy of Authority Letter.	--	41


DSP Legal
Mardan

20-03-2024
S.B
Peshawar

C

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

**Khyber Pakhtunkhwa
Service Tribunal**

Service Appeal No. 2501/2023

Diary No. 11796

Muhammad Tariq (Ex-LHC No. 1608)

Dated 19-03-2024

District Police MardanAppellant

VERSUS

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

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01, 02 & 03:-

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.

REPLY ON FACTS

1. Correct to the extent that as per record, the appellant was initially appointed as constable in Police Department, while rest of para is incorrect because every Police Officer is under obligation to perform his duty upto the entire satisfaction of his superiors. Moreover, service record of the appellant is tainted with bad entries (**Copy of list of bad entries and punishment is attached as Annexure "A"**).
2. Incorrect. Plea taken by the appellant is not plausible, because he has been properly proceeded against departmentally on the basis of report of Sub Divisional Police Officer, (SDPO) Rural, Mardan containing the allegations of criminal negligence and gross misconduct.
As on 01.09.2021 during routine patrolling, IHC Abid Khan No.3293 and LHC Niaz Ali No.2697 etc of Police Post Shaheedan Police Station Rustam, Mardan arrested Kamran r/o Nawan Killey Toru with a 30 bore unlicensed pistol along with five live rounds and a case vide FIR No.1057 dated 01.09.2021 U/S 15-AA Police Station Rustam was registered against him.

On the next day i.e 02.09.2021 IHC Abid Khan drafted application for obtaining judicial remand and sent it to the Court through Constable Ayaz No.1663 with advice that the accused Kamran will be waiting at Mardan Katcheri. On reaching Mardan Katcheri, constable Ayaz found that LHC Niaz Ali was also present in Mardan Katcheri and was standing with accused Kamran, so constable Ayaz handed-over the said documents to LHC Niaz Ali. The accused was produced in the Court by LHC Niaz Ali as he (accused) couldn't produce any surety so the Court awarded him punishment of fine to the tune of Rs.1000/-, but the accused did not pay the above mentioned fine due to which he was sent to judicial lock up. The main motive behind sending the accused to judicial lock-up was that on 03-09-2021 the brother of accused namely Amir Sajjad had to commit murder with the connivance of his brother and the delinquent Officer. Later on, a case vide FIR No.889 dated 03.09.2021 U/S 302/324/34-PPC Police Station, Toru was registered in which the accused Kamran was also charged for the commission of offence.

It is worth mentioning that Superintendent of Police Investigation, Mardan vide his office letter No.531/PA/Inv: dated 06-09-2021 also highlighted the fact that accused Kamran in connivance with LHC Tariq Ali, IHC Abid Khan and LHC Niaz Ali No. 2697 malafidely got registered the above mentioned case so as to entitle the accused for plea of alibi in a murder case and the accused Kamran was presented before the Court without handcuffs. It is pertinent to mention here that the appellant had friendship with accused Kamran and he (appellant) staged the entire drama of involving accused Kamran in the above mentioned case through his brother Niaz Ali who was performing his duties at Police Post Shaheedan Police Station Rustam by issuing him Charge Sheet with Statement of Allegations and enquiry was entrusted to the then SDPO Sheikh Maltoon Mardan. The enquiry officer during the course of enquiry recorded statements of all concerned and fulfilled all legal and codal formalities by extending right of self defense to the appellant to produce evidence/grounds in his defense but in fiasco. The Enquiry Officer after fulfilling necessary process, submitted his finding report and recommended the appellant for major punishment. Therefore, the appellant was issued Final Show Cause Notice vide No. 1074-75/PA dated 07.02.2022 to which his reply was received but found un-satisfactory and the appellant was also called in Orderly Room on 09.03.2022, but this time too, the appellant failed to justify his innocence, hence, he was awarded major punishment of dismissal from service vide OB No. 634 dated 09.03.2022, which does commensurate with the gravity of misconduct of the appellant. Later on, the appellant preferred departmental appeal before appellate authority, but the same was rejected and filed. Thereafter the

appellant approached the Honorable Khyber Pakhtunkhwa Service Tribunal and Service Appeal No. 570/2022 which was decided and issued directions for conducting De-novo Enquiry, which was finalized as per rules/laws and the appellant is again dismissed from service, which does commensurate with the gravity of misconduct of appellant **(Copies of previous charge sheet with statement of allegations, Final Show Cause Notice, dismissal order and Enquiry Papers are attached as Annexure B, C, D & E).**

3. Correct that the Honorable Tribunal vide order dated 25.10.2022 partially accepted appeal of the appellant and issued directions for conducting De-novo Enquiry, which was finalized as per rules/laws and the appellant was again dismissed from service, which does commensurate with the gravity of misconduct of appellant **(Copy of reinstatement and dismissal order dated 23.10.2023 are attached as Annexure F & G).**
4. Incorrect. Stance taken by the appellant is baseless, because as per directions of the Honorable Tribunal, the appellant was re-instated in service for the purpose of de-novo enquiry vide order OB No. 2671 dated 20.12.2022 vide order/endorsement No.7270-74/EC dated 21-12-2022. The appellant was proceeded against a de-novo Departmental Enquiry, under the allegations that while posted at PAL Office Mardan on 01-09-2021, he in collaboration with IHC Abid Khan No.3293, the then In-charge Police Post Shaheedan and LHC Niaz Ali No.3333 his brother had shown arrest of one Kamran resident of Nawan Killey Toru with a (30) bore without number/unlicensed pistol and (05) rounds in the area of Police Station Rustam vide case FIR No.1057 dated 01-09-2021 U/S 15AA Police Station Rustam, who was actually present at Nawan Killey (Toru) at the time of his alleged arrest, as proved from his Call Data Record analysis. He was produced before the concerned court on the following day & was fined Rs.1000/-. However, in a deliberate and preplanned move, he intentionally refused to pay the fine, hence he was sent to Judicial Lock-up. The main purpose of accused to be arrested and lodging in Jail was to have a plea of alibi and to get himself absolved from being charged in a murder case vide FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC Police Station Toru which was committed by his brother namely Amir Sajjad, after due planning & conspiracy, in which, he (accused Kamran) was also charged for commission of crime. Thus, appellant abetted & connived with Kamran to get him plea of alibi in murder case vide FIR No.889 Police Station Toru by registering a false case against him & showing him arrested in Police Station Rustam, whereas in actuality he was present in Toru at that time. De-novo enquiry was conducted by Mr. Rahim Hussain, Superintendent of Police Headquarters, City Traffic Peshawar and Mr. Kamal Hussain D

Superintendent of Police, Capital City Police, Peshawar, wherein the Enquiry Panel held the delinquent official responsible for the charges leveled against him and found him guilty of misconduct, however, strangely enough recommended that as the defaulting official has already remained under (05) days Quarters Guard, so awarding him any punishment on account of such a grave misconduct wherein assassination of a person was facilitated would be a double jeopardy to the accused official and five days Quarters Guard may be considered as suitable punishment in the instant case.

The District Police Officer, Mardan did not agree with the findings being flimsy and another fresh Charge Sheet with Statement of allegations vide No. 169/PA dated 03.07.2023 as well as de-novo enquiry was conducted through Mr. Mehir Ali Superintendent of Police Complaints & Enquiry, Accountability Branch Central Police Office, Peshawar, wherein the Enquiry Officer recorded statement of appellant and again held responsible the delinquent official of commission of grave misconduct, which resulted in benefiting an accused of a murder case. It is pertinent to mention that under Police Rules-1975, Enquiry Officer is meant to enquire & to give verdict whether charges leveled against the delinquent official were established or not and he cannot direct the authority concerned about quantum of punishment to be awarded.

The appellant was heard in Orderly Room on 12-10-2023, during which, he failed to present any cogent reasons in his defense. Further, as the misconduct and abuse of authority has been established in two consecutive departmental enquiries, thus the District Police Officer, Mardan being authority awarded him major punishment of dismissal from service with effect from 09-03-2022 **(Copy of Enquiry Papers is attached as annexure-H).**

5. Correct to the extent that the appellant preferred departmental appeal which was decided on merit by providing full-fledged opportunity of defending himself before the appellate authority but he bitterly failed to produce any cogent reasons in his defense. Therefore, the same was rejected and filed, being devoid of merit **(Copy of rejection order dated 28.11.2023 is attached as annexure-"I")**.
6. Incorrect. Stance taken by the appellant is not plausible because orders passed by the respondent No. 01 and 02 are as per law, facts and natural justice, hence, liable to be maintained and appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

REPLY ON GROUNDS:

- A. Incorrect. Plea taken by the appellant is not plausible because orders passed by the competent authority are as per law, facts according to norms

of natural justice and material available on record, hence liable to be maintained.

B. Incorrect. Stance taken by the appellant is baseless, because as per directions of the Honorable Tribunal, the appellant was re-instated in service for the purpose of de-novo enquiry vide order OB No. 2671 dated 20.12.2022 vide order/endorsement No.7270-74/EC dated 21-12-2022. The appellant was proceeded against a de-novo Departmental Enquiry, under the allegations that while posted at PAL Office Mardan on 01-09-2021, he in collaboration with IHC Abid Khan No.3293, the then In-charge Police Post Shaheedan and LHC Niaz Ali No.3333 his brother had shown arrest of one Kamran resident of Nawan Killey Toru with a (30) bore without number/unlicensed pistol and (05) rounds in the area of Police Station Rustam vide case FIR No.1057 dated 01-09-2021 U/S 15AA Police Station Rustam, who was actually present at Nawan Killey (Toru) at the time of his alleged arrest, as proved from his Call Data Record analysis. He was produced before the concerned court on the following day & was fined Rs.1000/-. However, in a deliberate and preplanned move, he intentionally refused to pay the fine, hence he was sent to Judicial Lock-up. The main purpose of accused to be arrested and lodging in Jail was to have a plea of alibi and to get himself absolved from being charged in a murder case vide FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC Police Station Toru, which was committed by his brother namely Amir Sajjad, after due planning & conspiracy, in which, he (accused Kamran) was also charged for the commission of crime. Thus, appellant abetted & connived with Kamran to get him plea of alibi in murder case vide FIR No.889 Police Station Toru by registering a false case against him & showing him arrested in Police Station Rustam, whereas in actuality he was present in Toru at that time.

De-novo enquiry was conducted by Mr. Rahim Hussain, Superintendent of Police Headquarters, City Traffic Peshawar and Mr. Kamal Hussain Deputy Superintendent of Police, Capital City Police, Peshawar, wherein the Enquiry Panel held the delinquent official responsible for the charges leveled against him and found him guilty of misconduct, however, strangely enough recommended that as the defaulting official has already remained under (05) days Quarters Guard, so awarding him any punishment on account of such a grave misconduct wherein assassination of a person was facilitated would be a double jeopardy to the accused official and five days Quarters Guard may be considered as suitable punishment in the instant case.

The District Police Officer, Mardan did not agree with the findings being flimsy and another fresh Charge Sheet with Statement of allegations vide No. 169/PA dated 03.07.2023 as well as de-novo enquiry was conducted through Mr. Mehir Ali Superintendent of Police Complaints & Enquiry,

Accountability Branch Central Police Office, Peshawar, wherein the Enquiry Officer recorded statement of appellant and again held responsible the delinquent official of commission of grave misconduct, which resulted in benefiting an accused of a murder case. It is pertinent to mention that under Police Rules-1975, Enquiry Officer is meant to enquire & to give verdict whether charges leveled against the delinquent official were established or not and he cannot direct the authority concerned about quantum of punishment to be awarded.

The appellant was heard in Orderly Room on 12-10-2023, during which, he failed to present any cogent reasons in his defense. Further, as the misconduct and abuse of authority has been established in two consecutive departmental enquiries, thus the District Police Officer, Mardan being authority awarded him major punishment of dismissal from service with effect from 09-03-2022.

- C. Incorrect. Stance taken by the appellant is totally bereft of any substance because he was issued fresh Charge Sheet with Statement of allegations vide No. 169/PA dated 03.07.2023, which were received on 05.07.2023 by the appellant himself and duly signed the photo copy as token of its receipt **(Photo Copy of receipt of served charge sheet is attached as annexure-J)**.
- D. Incorrect. Stance taken by the appellant is baseless, because as per directions of the Honorable Tribunal, the appellant was re-instated in service for the purpose of de-novo enquiry vide order OB No. 2671 dated 20.12.2022 and another fresh Charge Sheet with Statement of allegation No. 169/PA dated 03.07.2023 was issued to the appellant and de-novo enquiry was conducted through Mr. Mehir Ali SP/Complaints & Enquiry Accountability Branch CPO Peshawar, wherein the Enquiry Officer summoned, heard in person and recorded statement of appellant and after fulfillment of all legal and codal formalities, the Enquiry Officer held responsible the appellant of commission of grave misconduct, which resulting in benefiting an accused of a murder case. Therefore, the appellant was summoned and heard in Orderly Room on 12.10.2023, but he failed to present any plausible reason in his defense, hence, the appellant was again awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant. It is pertinent to mention here that the appellant was also summoned and heard in person in Orderly Room held on 23.11.2023 by the appellant authority, but this time too the appellant failed to produce any cogent reason in his defense, therefore the same was rejected and filed.

- E. Incorrect. Plea taken by the appellant is totally bereft of any substance because the respondent department have no grudges against the appellant and he was treated as per law and justice.
- F. Incorrect. Stance taken by the appellant is baseless, because as per directions of the Honorable Tribunal, the appellant was re-instated in service for the purpose of de-novo enquiry vide order OB No. 2671 dated 20.12.2022 vide order/endorsement No.7270-74/EC dated 21-12-2022. The appellant was proceeded against a de-novo Departmental Enquiry, under the allegations that while posted at PAL Office Mardan on 01-09-2021, he in collaboration with IHC Abid Khan No.3293, the then In-charge Police Post Shaheedan and LHC Niaz Ali No.3333 his brother had shown arrest of one Kamran resident of Nawan Killey Toru with a (30) bore without number/unlicensed pistol and (05) rounds in the area of Police Station Rustam vide case FIR No.1057 dated 01-09-2021 U/S 15AA Police Station Rustam, who was actually present at Nawan Killey (Toru) at the time of his alleged arrest, as proved from his Call Data Record analysis. He was produced before the concerned court on the following day & was fined Rs.1000/-. However, in a deliberate and preplanned move, he intentionally refused to pay the fine, hence he was sent to Judicial Lock-up. The main purpose of accused to be arrested and lodging in Jail was to have a plea of alibi and to get himself absolved from being charged in a murder case vide FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC Police Station Toru; which was committed by his brother namely Amir Sajjad, after due planning & conspiracy, in which, he (accused Kamran) was also charged for the commission of crime. Thus, appellant abetted & connived with Kamran to get him plea of alibi in murder case vide FIR No.889 Police Station Toru by registering a false case against him & showing him arrested in Police Station Rustam, whereas in actuality he was present in Toru at that time.

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The District Police Officer, Mardan did not agree with the findings being flimsy and another fresh Charge Sheet with Statement of allegations vide No. 169/PA dated 03.07.2023 as well as de-novo enquiry was conducted


through Mr. Mehir Ali Superintendent of Police Complaints & Enquiry, Accountability Branch Central Police Office, Peshawar, wherein the Enquiry Officer recorded statement of appellant and again held responsible the delinquent official of commission of grave misconduct, which resulted in benefiting an accused of a murder case. It is pertinent to mention that under Police Rules-1975, Enquiry Officer is meant to enquire & to give verdict whether charges leveled against the delinquent official were established or not and he cannot direct the authority concerned about quantum of punishment to be awarded.

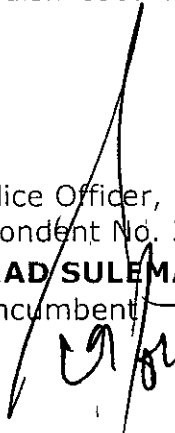
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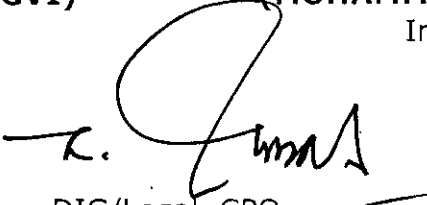
- G. Incorrect. Plea taken by the appellant is ill based, because every Police Officer is under obligation to perform his duty upto the entire satisfaction of his superiors. Moreover, non receipt of complaint against the appellant does not mean a clean chit for the future wrong deeds, but service record of the appellant is tainted with bad entries.
- H. Para pertains to personal information of the appellant needs no comments.
- I. Para already explained needs no comments.
- J. That this Honorable Service Tribunal has vast powers to maintain the order.
- K. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

It is therefore, most humbly prayed that on acceptance of above submissions, appeal of the appellant may very kindly be dismissed being devoid of merits.


District Police Officer, Mardan.
(Respondent No. 3)
(NAJEEB-UR-REHMAN BUGVI)^{PSP}
Incumbent


Regional Police Officer, Mardan.
(Respondent No. 2)
(MUHAMMAD SULEMAN)^{PSP}
Incumbent


DIG/Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)

(DR. MUHAMMAD AKHTAR ABBAS)^{PSP}
Incumbent

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

Service Appeal No. 2501/2023

Muhammad Tariq (Ex-LHC No. 1608)

District Police MardanAppellant

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others

.....Respondents

COUNTER AFFIDAVIT.

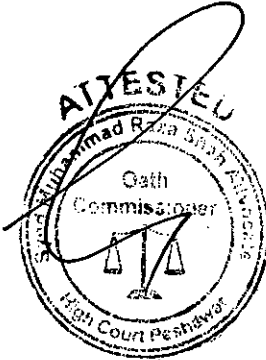
We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honorable Tribunal. It is further stated on oath that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

Najeeb

District Police Officer, Mardan.
(Respondent No. 3)

(NAJEEB-UR-REHMAN BUGVI)^{PSP}

Incumbent



19 MAR 2024

14. COMMENDATORY ENTRIES -- Concl'd.

Serial No.

ORDER

He is hereby Placed under
SUSPENSION and Closed to Poll
Line Mardan, with immediate
effect -

OR NO = 1506

Dated = 06-09-2021



DPO/MRD



ORDER

the
and
No

15. CENSURES AND PUNISHMENTS.

11

ORDER
Awarded him Major punishment of
dismissal from service with immediate
effect in exercise of the power vested
in me under police Rules-1975.

OB NO = 634
Dated - 09-03-2022

[Signature]
District Police Officer
Mardan

ORDER

The appeal is rejected and filed
vide DIG Mardan office order
NO 2768/ES Dated 5-04-2022

DPO/MRD

All the major order at "aring two plants ;novo spy of ess to inquiry e the sue of
al from posted gent for R dated d Khan nran r/o tol along S/S 15AA bid Khan the Court an will be able Ayaz amran, so nd to LHC herein, the 000/-, but e was sent to judicial Amir Sajjad delinquent 302/324/34 Also charged investigation

15. CENSURES AND PUNISHMENTS. Contd.

① day extra drill for his absence.

OB No. 2137
21-10-14

DPO/MR

day extra drill for his absence

OB No. 1614
11-9-15

DPO/MR

Order

The misconduct & abuse of authority has been established in two consecutive departmental enquiries, thus the undersigned being authority awarded him "Major punishment of dismissal from service."

W.e.f = 09-03-2022 in exercise of power vested in me under PR = 1975

OB No 2102
DZ = 18-10-23

Najeeb
District Police Officer Mardan

ORDER The appeal is rejected and filed being devoid of merit. vide RPO Mardan Encl: No. 7786/ES Dated 28/11/23

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also charged
Investigation



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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

Annex B

2021

13

No. 225 /PA

Dated 01/10/2021

DISCIPLINARY ACTION

I, **Dr. Zahid Ullah (PSP)**, District Police Officer Mardan, as competent authority am of the opinion that **LHC Tariq Ali No.627**, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, **LHC Tariq Ali No.627**, while posted at PAL Office Mardan (now under suspension Police Lines Mardan) was found negligence for the following irregularities, as per SDPO Rural Mardan office letter No.1299/R dated 07-09-2021:-

1) On 01-09-2021, IHC Abid Khan No.3293 & LHC Niaz Ali No.2697 etc of PP Shaheedan (now under suspension Police Lines) arrested one Kamran r/o Nawan Kille Toru with a (30) bore without number and unlicensed pistol & (05) rounds during routine patrolling vide case FIR No.1057 dated 01-09-2021 U/S 15AA PS Rustam.

2) On 02-09-2021, IHC Abid Khan has prepared Remand Judicial Challan and sent it to the Court through Constable Ayaz No.1663 with advice that the accused is waiting at Mardan Katcheri. On reaching Mardan Katcheri, he found LHC Niaz Ali No. 2697 along-with accused Kamran, so he handed-over the Remand Judicial papers to LHC Niaz Ali & then he produced the accused to the Court wherein the accused couldn't produce any surety, so the Court fined him of Rs.1000/-, but intentionally the accused regretted by not paying the fined amount, so he was sent to Judicial Lock-up. The main purpose behind preferring Judicial Lock-up was that on 03-09-2021, brother of accused namely Amir Sajjad committed murder vide case FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru, in which, he (accused Kamran) was also charged for the commission of crime.

3) As per SP/Investigation Mardan vide his office letter No.531/PA/Inv. dated 06-09-2021, highlighting that accused Kamran in connivance with LHC Tariq Ali No.627 of PAL Office Mardan and his brother LHC Niaz Ali No. 2697 of PP Shaheedan (Now both suspended) registered the above quoted case against himself, because on the day and at the time of occurrence, accused Kamran was not present on the spot and no direct recovery has been made from him, while on the next day (02-09-2021), accused Kamran was handed-over to Constable Ayaz Ali No.1663 without handcuffs in the Court, wherein before the concerned Magistrate, accused Kamran resiled from his statement and was sent to Judicial Lockup Mardan. From the preliminary enquiry, it has been found that accused Kamran in connivance with LHC Tariq Ali has planned his entrance to Mardan Jail and this fact has been accepted by all.

4) From the above discussion, the involvement of LHC Tariq Ali in this episode/plan can't be ruled-out.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, **Mr. Adnan Azam SDPO SMT is nominated as Enquiry Officer.**

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.

LHC Tariq Ali is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

*01/10/2021
for report please*

*DSP SMT Mardan
01/10/2021*

*1/2 DSB
for report please
27/10/2021
Mardan*

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2021 1

(5)
14

CHARGE SHEET

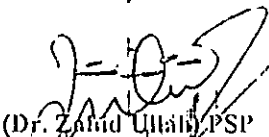
I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority, hereby charge LHC Tariq Ali No.627, while posted at PAL Office Mardan (now under suspension Police Lines Mardan), as per attached Statement of Allegations.

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.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan





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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

Adnan
2022
15

No. 1074-75 /PA

Dated 7 12 2022

FINAL SHOW CAUSE NOTICE

LHC Tariq Ali, while posted at PAL Office Mardan (now under suspension Police Lines Mardan) was found of negligence for the following irregularities, as per SDPO Rural Mardan office letter No.1299/R dated 07-09-2021:-

1) On 01-09-2021, IHC Abid Khan No.3293 & LHC Niaz Ali No.2697 etc. of PP Shaheedan (now under suspension Police Lines) arrested one Kamran r/o Nawwan Killely Toru with a (30) bore without number and unlicensed pistol & (05) rounds during routine patrolling vide case FIR No.1057 dated 01-09-2021 U/S 15AA PS Rustam.

2) On 02-09-2021, IHC Abid Khan has prepared Remand Judicial Challan and sent it to the Court through Constable Ayaz No.1663 with advice that the accused is waiting at Mardan Katcheri. On reaching Mardan Katcheri, he (C/Ayaz) found LHC Niaz Ali No. 2697 along with accused Kamran, so he handed-over the Remand Judicial papers to LHC Niaz Ali & then he produced the accused to the Court wherein the accused couldn't produce any surety, so the Court fined him of Rs.1000/-, but intentionally the accused regretted by not paying the fined amount, so he was sent to Judicial Lock-up. The main purpose behind preferring Judicial Lock-up was that on 03-09-2021, brother of accused namely Amir Sajjad committed murder vide case FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru, in which, he (accused Kamran) was also charged for the commission of crime.

3) As per SP/Investigation Mardan vide his office letter No.531/PA/Inv. dated 06-09-2021, highlighting that accused Kamran in connivance with LHC Tariq Ali No.627 of PAL Office Mardan and his brother LHC Niaz Ali No. 2697 of PP Shaheedan, (Now both suspended), registered the above quoted case against himself, because on the day and at the time of occurrence, accused Kamran was not present on the spot and no direct recovery has been made from him, while on the next day (02-09-2021), accused Kamran was handed-over to Constable Ayaz Ali No.1663 without handcuffs in the Court, wherein before the concerned Magistrate, accused Kamran resiled from his statement and was sent to Judicial Lockup Mardan. From the preliminary enquiry, it has been found that accused Kamran in connivance with LHC Tariq Ali, has planned his entrance to Mardan Jail and this fact has been accepted by all.

4) From the above discussion, your involvement in this episode/plan can't be ruled-out.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Adnan Azam SDPO Sheikh Maltoon vide his office letter No.632/St-SM, dated 13-12-2021, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.225/PA dated 01-10-2021, holding responsible you of gross misconduct & recommended for major punishment. You were heard in OR on 02-02-2022, during which, you have failed to present any plausible reason in your defense.

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

Hence, I Dr. Zahid Ullah (PSP) District Police Officer Mardan, in exercise of the power 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 [Signature]

[Signature]
(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Dated: 07/02/2022

Copy to RI Police Lines Mardan (Attention Reader) 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.

Before the Worthy DPO MARDAN

Subject:

REPLY TO FINAL SHOW CAUSE NOTICE NO 1074-75/PA DATED
07.02.2022.

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Respected Sir,

➤ In response to the Final Show cause, it is submitted that the petitioner was posted at PAL Officer Mardan and has no connection with the affairs of PP Shaheedan.

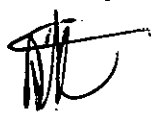
➤ That the petitioner is not aware about the story of case FIR No. 1057 dated 01.09.2021 u/s 15AA PS Rustam. The In-charge PP Shahcedan and his staff will know best regarding the said case at any stage.

➤ The charged accused in case FIR No. 889 dated 03.09.2021 u/s 302/324/34 PPC PS Toru is not known to me. Neither accused Kamran falls in my relation, nor has petitioner got any contact with him.

➤ The petitioner has not planned the entry of accused Kamran to Mardan Jail. The petitioner cannot imagine involving himself in such activities.

➤ There is no evidence against the petitioner to connect him with the allegations levelled against him.

➤ That the petitioner was enlisted as Constable on 01.10.2011 in Police Department and has performed his duty with good and efficient behavior. That the petitioner was not dealt departmentally prior to this. All facts are evident from the shining service record of the petitioner as there is no bad entry in service record of the petitioner.


DPO MARDAN

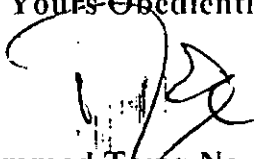
~~OR~~
The petitioner belongs to a police family. The petitioner is the son of a retired police officer HC Bakht Taj who served in Police department. The petitioner is married with 02 kids and old father. The family depends upon the police service of the petitioner. (17)

➤ The petitioner is well educated officer and wishes to get further success in future.

Keeping in view the above facts and circumstances, it is humbly prayed that being innocent, the subject charge sheet may kindly be filed.

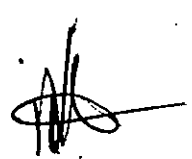
Dated: 10/2/2022

Yours Obediently


Muhammad Tariq No. 627/LHC

OR

DPS/MDN
10/2/22



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DISCIPLINARY ACTION AGAINST LHC TARIQ ALI No. 627.

Kindly refer to your office diary No. 225/PA, dated 01.10.2021.

ALLEGATIONS:-

Whereas, **LHC TARIQ ALI NO.627**, (now under suspension Police Lines Mardan) was found negligence for the following irregularities, as per SDPO rural Mardan office letter No.1299/R dated 07-09-2021:-

1) On 01.09.2021, he accompanied by IHC Abid khan No.3293 and NIAZ ALI NO.2697 etc PP Shaheedan (Now Under suspension police line) arrested one kamran r/o nawan kaly Toru with a(30) bore without number and unlicensed pistol & (05) rounds during routine patrolling vide case FIR No.1057 dated 01.09.2021 15AA PS Rustam.

2) On 02.09.2021 IHC Abid khan has prepared Remand judicial challan and sent to the court through Constable Ayaz No.1663 with advice that the accused is waiting Mardan kacheri. On reaching Mardan kacheri, he found (LHC Niaz Ali No.2697) along with accused kamran, so he handed over the remand judicial papers to LHC Niaz Ali, Who produced the accused to the court wherein the accused couldn't produced any surety, so the court fined him of RS.1000/- but intentionally the accused regretted by not paying the fined amount, so he was sent to judicial Lock up. The main purpose behind preferring judicial lock up was that on 03.09.2021, Brother of Accused Namely Amir sajjad committed a murder while FIR No.889 Dated 03.09.2021 u/s 302.324.34 PS Toru in which he (accused kamran) was also charged for the commission of crime.

3) As per SP/Investigation Mardan vide his office letter No.531/PA/Inv: dated 06.09.2021, highlighting that accused kamran in connivance with LHC Muhammad Tariq No. 627 of PAL Branch office Mardan and his brother LHC Niaz Ali No. 2697 of PP Shaheedan (Now both suspended) registered the above case against himself, because on the day and at the time of occurrence accused kamran was not present on the spot and no direct recovery has been made from him, while on the next day (02.09.2021), accused Kamran was handed over to Constable Ayaz ali No. 1663 without handcuffs in the court, wherein before court magistrate accused Kamran resiled from his statement and was sent to judicial lock up Mardan. from the preliminary inquiry, it has been found that accused Kamran in connivance with LHC Muhammad Tariq has planned his entrance to Mardan jail and this fact has been accepted by all.

4) From the above discussion, the involvement of LHC TARIQ ALI NO.627 in this plan/episode cannot ruled out.

PROCEEDINGS:-

The undersigned conducted departmental enquiry where the delinquent officer LHC Tariq Ali was called to the office and enquired. His written statement was also recorded and placed on enquiry file. The delinquent police officer stated that he was posted at PAL office Mardan and has got not concern with the officers of PP. Shahedan. Further added that he is not aware of actual story of case FIR, No.1057 dated 01.09.2021 u/s 15AA PS Rustam and showed ignorance from the whole scenario. Similarly, he denied any relation with the accused Kamran charged in case FIR No. 889 dated 03.09.2021 u/s 302/324/34 PS Toru. Moreover, he stated that neither the accused Kamran is known to me nor is my relative. That he has not planned the entrance of the accused Kamran to Mardan Jail as he can't to do such illegal activities and denied all the leveled allegations against him.

To dig out facts, secret information/report was obtained where it was found that the accused Kamran and LHC Tariq are friends. Besides this, I.O of the case was called to the office and enquired. SI Niaz Muhammad, I.O of the case stated that accused Ameer Sajjad was arrested on the spot. However, during investigation it came to surface that accused Kamran was in Jail in case FIR No. 1057 dated 01.09.2021 u/s 15AA PS Rustam who was later arrested by the local police after getting bail.

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It is pertinent to mention that in the subject matter SDPO Rural circle has also submitted a detail report vide his office letter No.1299/R dated 07.09.2021 and recommended the alleged officer for departmental proceedings. Besides, preliminary enquiry in the instant matter was conducted by w/SP Investigation Mardan which reveals that the accused in connivance with LHC Tariq Ali and other police officers created the whole scenario in order to save him from the murder case. Hence, they were recommended for proper departmental enquiry.

RECOMMENDATION:

From the enquiry conducted, hearing of the concerned officers and going through the record, the undersigned reached to the conclusion that the alleged officer has indirectly assisted the accused Kamran to confine himself in jail. This helped the accused in the murder case which adversely affected the investigation of the case. Therefore, he is found guilty and is recommended for **Major Punishment** if agreed, please.

No. 632 /St-SMT
Dated. 13/12 /2021

(Adnan Azam Khan)
Deputy Superintendent of Police,
S.M.T-Circle.

OR

~~DP Mardan~~

FCN

12/2/2022

[Handwritten signature]

OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

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No. 2132-24 /PA

Dated 10/13/2022

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ORDER ON ENQUIRY OF LHC TARIQ ALI NO.627

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the LHC Tariq Ali on the report of SDPO Rural circle containing the allegations of criminal negligence and gross misconduct. Brief facts of the case are that:-

During routine patrolling on 01-09-2021 LHC Abid Khan No.3293 & LHC Niaz Ali No.2697 etc of PP Shaheedan arrested Kamran r/o Nawan Kille Toru with a 30 bore unlicensed pistol along with five bullet rounds and a case FIR No.1057 dated 01-09-2021 U/S 15AA PS Rustam was registered against him.

On the next day LHC Abid Khan prepared a report for obtaining judicial remand and sent it to the Court through Constable Ayaz No.1663 with advice that the accused Kamran will be waiting at Mardan Katcheri. On reaching Mardan Katcheri, constable Ayaz found LHC Niaz Ali No. 2697 who was standing with accused Kamran, so constable Ayaz handed-over the report for obtaining judicial remand to LHC Niaz Ali. The accused was produced in the Court by LHC Niaz Ali wherein, the accused couldn't produce any surety so the Court fined him Rs.1000/-, but the accused did not pay the above mentioned fine due to which he was sent to judicial lock up. The main motive behind sending the accused to judicial lock-up was that on 03-09-2021 the brother of accused namely Amir Sajid had to commit murder with the connivance of his brother and the delinquent official. Later on, a case vide FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru was registered in which the accused Kamran was also charged for the commission of offence.

It is worth mentioning that SP/Investigation Mardan vide his office letter No.551 Pw/Inv dated 06-09-2021 also highlighted the fact that accused Kamran in connivance with LHC Tariq Ali, LHC Abid Khan and LHC Niaz Ali No. 2697 mala fide got registered the above mentioned case so as to entitle the accused for plea of alibi in a murder case and the accused Kamran was presented in court without handing his for entitling him to judicial lock up.

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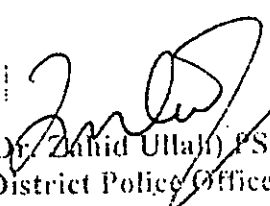
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P.O. Sheikh Maltoon vide his office letter No.632/St-SMT dated 13-12-2021. It was found that the delinquent official acted in connivance by falsely implicating the accused in a minor offence to save him from FIR No.889 dated 03-09-2021 U/S 302/324/34 Toru, holding LHC Tariq Ali guilty of gross misconduct and hence recommended for punishment. During his hearing in O.R on 02-02-2022, he failed to present any plausible reason in his defense, therefore, he (LHC Tariq Ali) was served with a Final Show Notice, under Khyber Pakhtunkhwa Police Rules-1975, issued vide this office letter No.74-75/PA dated 07-02-2022, to which, his reply was received and found unsatisfactory.

Order

LHC Tariq Ali was heard in OR on 09-03-2022, during which, he failed to present any plausible reasons in his defense, therefore, keeping in view the findings of the Enquiry Officer & material on record, the allegations leveled against the delinquent official have been proved, therefore, awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-

Case No. 634

Dated 9/3 2022.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/a/c/t/b/r to:-

- 1) The DSP/HQs Mardan.
- 2) The P.O & E.C (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with 23 Sheets.



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2022

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

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

ORDER

In compliance with the orders of Honorable KP Service Tribunal announced on 25.10.2022 in service appeal No. 569/2022 dully endorsed by AIG Legal, KP, Peshawar office letter No. 6269/Legal, dated 06.12.2022, Ex-LHC Tariq Ali No. 627 is hereby re-instated in service for the purpose of de-novo enquiry with immediate effect.

Mr Raheem Hussain SP/HQrs Traffic & Mr. Kamal Hussain DSP/Legal CCP, Peshawar are hereby nominated as enquiry officers. They shall submit their finding report within 14 days positively.

OB No. 2671

Dated. 20/12/2022.

District Police Officer
Mardan

No. 7270-74/EC, dated 21/12/2022.

Copy for information to the:-

1. Mr Raheem Hussain SP/HQrs Traffic, Peshawar.
2. Mr Kamal Hussain DSP/Legal CCP, Peshawar.
3. PA to hand over all the relevant document of enquiry to enquiry officers.
4. PO.
5. OSI.



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

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No 9322-26 /PA

Dated 23/10/2023

ORDER ON DE NOVO ENQUIRY OF LHC M. TARIQ NO.1508 (OLD NO.627)

This order will dispose-off de-novo Departmental Enquiry under Police Rules 1975, initiated against LHC Muhammad Tariq No.627, (New No. 1608), under the allegations that while posted at PAL Office Mardan (now Guard ACLC Mardan) on 01-09-2021, he in collaboration with IHC Abid Khan No.3293, the then In-charge PP Saheedan and IHC Niaz Ali No.3333 his brother had shown arrest of one Kamran resident of Nawan Killey Toru with a (30) bore without number/unlicensed pistol and (05) rounds in the area of PS Rustam vide case FIR No.1057 dated 01-09-2021. U/S 15AA PS Rustam, who was actually present at Nawan Killey (Toru) at the time of his alleged arrest, as proved from his CDR analysis. He was produced before the concerned court on the following day & was fined Rs.1000/-. However, in a deliberate and preplanned move, he intentionally refused to pay the fine, hence he was sent to Judicial Lock-up. The main purpose of accused to be arrested and lodging in Jail was to have a plea of alibi and to get himself absolved from being charged in a murder case vide FIR No.880 dated 03-09-2021 U/S 302/324/34 PPC PS Toru, which was committed by his brother namely Amir Sajjad, after due planning & conspiracy, in which, he (accused Kamran) was also charged for the commission of crime. Thus, LHC Muhammad Tariq abetted & conspired with Kamran to get him plea of alibi in murder case vide FIR No.889 PS Toru by registering a false case against him & showing him arrested in Police Station Rustam, whereas in actuality he was present in Toru at that time.

After the allegations leveled against him were established during the course of departmental enquiry conducted by Mr. Adnan Azam, the then SDPO Sheikh Maltoon vide his office letter No 632/ST dated 31-12-2021; in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.225/PA dated 01-10-2021, the accused official LHC Muhammad Tariq was served with Final Show Cause Notice vide No.1074-75/PA dated 07-02-2022 & founding his reply as unsatisfactory, the then DPO Mardan vide this office OR No.634 dated 09-03-2022, issued vide order No.2122-24/PA dated 10-03-2022 dismissed LHC Muhammad Tariq from service.

[Signature]

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Later-on, he was reinstated in service on the directions of K.P Service Tribunal vide this office OB No.2671 dated 20-12-2022, issued vide order/endorsement No.7270-74/EC dated 21-12-2022 and a de-novo enquiry was conducted by Mr. Rahim Hussain, SP/HQrs City Traffic Peshawar and Mr. Kamal Hussain DSP/Legal CCP Peshawar, wherein the Enquiry Panel held the delinquent official responsible for the charges leveled against him and found him guilty of misconduct, however, strangely enough recommended that as the defaulting official has already remained under (05) days Quarters Guard, so awarding him any punishment on account of such a grave misconduct wherein assassination of a person was facilitated would be a double jeopardy to the accused official and five days Quarters Guard may be considered as suitable punishment in the instant case.

The undersigned did not agree with the findings being flimsy and another de-novo enquiry was conducted through Mr. Mehir Ali SP/Complaints & Enquiry, Accountability Branch CPO Peshawar, wherein the Enquiry Officer again held responsible the delinquent official of commission of grave misconduct, which resulted in benefiting an accused of a murder case. It is pertinent to mention that under Police Rules-1975, Enquiry Officer is meant to enquire & to give verdict whether charges leveled against the delinquent official were established or not and he cannot direct the authority concerned about quantum of punishment to be awarded.

Final Order

LHC Muhammad Tariq was heard in OR on 12-10-2023, during which, he failed to present any cogent reasons in his defense. Further, as the misconduct and abuse of authority has been established in two consecutive departmental enquiries, thus the undersigned being authority awarded him major punishment of dismissal from service with effect from 09-03-2022, in exercise of the power vested in me under Police Rules-1975.

OB No. 2102

Dated 19/10 2023

Najeeb
(Najeeb-ur-Rehman Bugvi) PSP
District Police Officer, Mardan.

Copy forwarded for information & n/action to:-

- 1) The Deputy Inspector General of Police Internal Accountability Branch Khyber Pakhtunkhwa Peshawar w/r to his office letter No.1206/CPO/IAB dated 26-07-23.
- 2) The DSP/HQrs Mardan.
- 3) The E.C & P.O (DPO Office) Mardan.
- 4) The In-charge Lab (HRMIS) DPO Office Mardan.
- 5) The OSI (DPO Office) Mardan with () Sheets.

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Subject: DENOVO DEPARTMENTAL ENQUIRY AGAINST FC TARIQ ALI NO.1605 AND LHC NIAZ ALI NO.8333 OF DISTRICT MARDAN

Background of enquiry proceedings

FC Tariq Ali No.1608 and LHC Niaz Ali No. 8333 were dismissed from service in conspiracy in the commission of the offence of murder vide case FIR No. 589 dated 30.09.2022 u/s 302/34/109 PPC Police Station Rustam Mardan. There were allegations that they have paved the way by providing the opportunity of safe escape to one accused (directly charged in the murder case). During preliminary enquiry both officials were found guilty of connivance in the commission of a heinous case of murder. Upon the recommendations of the enquiry officer (DSP Sheikh Maltoon), both the officials were dismissed from service. After rejection their departmental appeals, they approached to Service Tribunal. Their cases were contested by the department but the Tribunal issued order for re-instatement of both the official for the purpose of denovo enquiry. As per practice denovo departmental enquiry, was marked to Mr. Rahim Hussain (SP/HQrs: Traffic, Peshawar) and Mr. Kamal Hussain, DSP/Legal Peshawar.

Charge sheet and summary of allegation were issued to the officials. The enquiry committee after going through the relevant record and cross examination of the accused officials recommended that the punishment of 05 days quarter guard is sufficient. The enquiry report was placed before the DPO Mardan. When the recommendations of the enquiry committee were produced before DPO Mardan (being Competent Authority in the matter) he raised some objections over the recommendations of the enquiry committee and intimated for fresh enquiry through some other officers.

On perusal of objections of DPO Mardan, the denovo departmental enquiry was entrusted to the undersigned.

Proceedings

To dig out the real facts, both the officials (FC Tariq Ali and LHC Niaz Ali) were summoned and their statements were recorded. Fresh Charge Sheets and Summary of allegations were issued to the delinquent officials by DPO, Mardan. Relevant record was thoroughly checked and the delinquent officials were cross

examined. During denovo enquiry it was found that due to unawareness of intention of the accused namely Kamran charged u/s 15-AA but the accused opted to go to Judicial Lock-up instead of payment of fine imposed by the Judicial Magistrate. as the accused party had already conspired for commission of murder of his opponent. It seems that the accused party had already intended to commit murder but the Police officials were not in knowledge of the commission of such offence. They have just apprehended the accused Kamran for showing their efficiency in capatring a weapon. At the same time they have not applied their prudent mind before showing their efficiency.

Keeping in view the above explained scenario, it has come to surface that both the Police officials have provided safe escape to the accused party. If the Police officials could have used their prudent mind, the accused party would not be able to manage their safety from the clutches of law.

Recommendations

For going in view, I have come to the conclusion that the Police officials were not malafidely involved in the case, if they had used their minds about the role of accused party. In the situation explained before malafide involvement of both the Police officials could not be proved beyond reasonable doubt as they have been used due to misunderstanding on their part. Hence, in my opinion the punishment of dismissal awarded to them is too harsh. It is, therefore, recommended that the punishment of dismissal may be converted into any kind of major punishment, less than dismissal or removal from service.

Denovo Enquiry report is submitted, please.

(MEHIRALI)
SP/Complaint & Enquiry
Internal Accountability Branch
Khyber Pakhtunkhwa,
Peshawar

LHC M. Tanvir 1608
Dismissed from service
Waqar 0121

Submitted for Perusal, P/O

DPB/M
Waqar
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PA 07/18



(27)

2023

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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

No. 169 /PA

Dated 3/17/2023

DE-NOVO DISCIPLINARY ACTION

I, NAJEEB-UR-REHMAN BUGVI (PSP), District Police Officer Mardan, as competent authority am of the opinion that LHC Muhammad Tariq No.627 (Now 1608), himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, LHC Muhammad Tariq No.627 (Now 1608), while posted at PAL Office Mardan (now Guard ACLC Mardan), was found of negligence for the following irregularities, as per SDPO Rural Mardan office letter No. 299/R dated 07-09-2021:-

1) On 01-09-2021, IHC Abid Khan No.3293, (Now dismissed) & LHC Niaz Ali No.2697 (Now 3333) of PP Shaheedan had arrested one Kamran r/o Nawan Killely Toru with a (30) bore without number and unlicensed pistol & (05) rounds during routine patrolling vide case FIR No. 057 dated 01-09-2021 U/S 15AA PS Rustam.

2) - On 02-09-2021, IHC Abid Khan had prepared Remand Judicial Challan and sent it to the Court through Constable Ayaz No.1563 with advice that the accused is waiting at Mardan Katcheri. On reaching Mardan Katcheri, he found LHC Niaz Ali along-with accused Kamran, so he handed-over the Remand Judicial papers to LHC Niaz Ali & then he produced the accused to the Court wherein the accused couldn't produce any surety, so the Court fined him of Rs.1000/-, but intentionally the accused regretted by not paying the fined amount, so he was sent to Judicial Lock-up. The main purpose behind preferring Judicial Lock-up was that on 03-09-2021, brother of accused namely Amir Sajjad committed murder vide case FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru, in which, he (accused Kamran) was also charged for the commission of crime.

3) As per SP/Investigation Mardan vide his office letter No.531/PA/Inv: dated 06-09-2021, highlighting that accused Kamran in connivance with LHC Muhammad Tariq of PAL Office Mardan and his brother LHC Niaz Ali of PP Shaheedan registered the above quoted case against himself, because on the day and at the time of occurrence, accused Kamran was not present on the spot and no direct recovery has been made from him. while on the next day (02-09-2021), accused Kamran was handed-over to Constable Ayaz Ali No.1563 without handcuffs in the Court, wherein before the concerned Magistrate, accused Kamran resided from his statement and was sent to Judicial Lockup Mardan. From the preliminary enquiry, it has been found that accused Kamran in connivance with LHC Muhammad Tariq has planned his entrance to Mardan Jail and this fact has been accepted by all.

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4) From the above discussion, the involvement of LHC Muhammad Tariq in this case plan can't be ruled-out.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Mehir Ali SP/Complaints & Enquiry Internal Accountability Branch CPO Peshawar has been nominated as Enquiry Officer by Worthy DIG IAB Khyber Pakhtunkhwa CPO Peshawar to conduct denovo enquiry proceedings vide SP/C&F office letter No.943-45/PA-AIG/IAB dated 08-06-2023.

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

LHC Muhammad Tariq is directed to appear before the Enquiry Officer on the date & time and place fixed by the Enquiry Officer.

(Najeeb-ur-Rehman Buzvi) PSP
District Police Officer, Mardan.
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**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomr.dn@gmail.com

2023

CHARGE SHEET

I, NAJEEB-UR-REHMAN BUGVI (PSP), District Police Officer Mardan, as competent authority, hereby charge LHC Muhammad Tariq No.627 (Now 1608), while posted at FAL Office Mardar (now Guard Anti Car Lifting Cell Mardan), 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 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 shall follow against you.
4. Intimate whether you desired to be heard in person.

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5-07-2023

Handwritten signature of Najeeb-ur-Rehman Bugvi.

(Najeeb-ur-Rehman Bugvi) PSP
District Police Officer, Mardan.

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Subject:

DE-NOVO DEPARTMENTAL INQUIRY AGAINST EX-LHC TARIQ ALI BELT NO. 627/1608.

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Please refer to the attached enquiry papers received from your good office vide No. 73C4/EV, dated 21.12.2022.

(B) BACKGROUND

3. The accused official LHC Tariq Ali No. 627/1608 was alleged as follows:-

"while posted as PAL office Mardan (now under suspension Police Lines Mardan) was found negligence for the following irregularities as per SDPO Rural Mardan Office Letter No. 1299/R, dated 07.09.2021.

a) on 01.09.2021 IHC Abid Khar. No. 3293 and LHC Niaz Ali No. 2697 Etc of PP Shaheedan (now under suspension Police Lines) arrested one Kamran r/o Nawan Kalley Toru with a 30 bore without number and un licensed Pistol and 05 rounds during routine patrolling vide case FIR No., 1057, dated 01.09.2021 u/s 15AA PS Rustam.

b) On 02.09.2021 IHC Abid Khar prepared remand Judicial Challan and sent it to the court through Constable Ayaz No. 1663 with the advice that the accused is waiting at Mardan Kacheri. On reaching Mardan Kacheri he found LHC Niaz Ali No. 2697 along-with accused Kamran, so he handed over the remand Judicial papers to LHC Niaz Ali and then he produce the accused to the court. Wherein the accused could not produce any surety, so the Court fined him of Rs. 1000/- but intentionally the accuse regretted by not paying the fine amount. So he was sent to the judicial lockup. The main purpose being preferring Judicial lockup was that on 03.09.2021 brother of accused namely Amer Sajjad committed murder vide Case FIR No. 889, dated 03.09.2021 u/s 302/324/34 PPC PS Toru in which he accused Kamran was also charged for the commission of crime.

c) As per SP Investigation Mardan vide his office Letter No. 531/PA/INV, dated 06.09.2021 highlighting that accused Kamran in connivance with LHC Tariq Ali No. 627 of PAL office Mardan and his brother LHC Niaz Ali No. 2697 of PP Shaheedan (now both suspended) registered the above quoted case against himself because on the day and at the time of occurrence accused Kamran was not present on the spot and

no direct recovery has been made from him. While on the next day on 02.09.2021 accused Kamran was handed over to Constable Ayaz Ali No. 1663 without handcuffs in the court. Wherein before the concerned Magistrate accused Kamran resiled from his statement and was sent to Judicial Lockup Mardan. From the preliminary enquiry it has been found that accused Kamran in connivance with LHC Tariq Ali has planned his entrance to Mardan jail and this fact has been accepted by all.

d) From the above discussion the involvement of LHC Tariq Ali in this episode/plan cannot be ruled out.

(A) PROCEEDINGS

i. In order to probe into the matter and ascertain the real facts, statements of the following were recorded:

- a. Complainant Mr. Sher Ullah s/o Hanif Ullah r/o Nawan Killey Toru in case FIR No: 889, dated 03.09.2021 u/s 302/324/34 PPC PS Toru Mardan.
- b. Complainant Muhammad Salim s/o Jehangir Khan Nawan Killey Toru in case FIR No. 889, dated 03.09.2021 u/s 302/324/34/109 PPC PS Toru Mardan.
- c. I.O of the above quoted case SI Niaz Muhammad Belt No. 587/MR.
- d. ASI Abid Khan No. 3293 the then In-Charge PP Shaheedan.
- e. Constable Ayaz Ali Belt No. 1663 of PP Shaheedan.
- f. Constable Wakeel Belt No. 2644 of FP Shaheedan.
- g. Constable Sajjad Ahmad Belt No. 2979 of PP Shaheedan.
- h. Constable Fayaz Ahmad Belt No. 544 of FP Shaheedan.
- i. Accused LHC Tariq Ali Belt No. 1608/627.
- j. Accused LHC Niaz Aji Belt No. 2697/3333.

ii. The following documents were obtained and attached with file.

- i. CDR of Cell phone No. 0314-5733257 of LHC Tariq Ali Shah pertaining to his contacts with his brother LHC Niaz Ali.
- ii. CDR of Cell phone No. 0310-9867050 of Accused Kamran in case FIR No. 1057, dated 01.09.2021 u/s 15AA PS Rustam pertaining to his contacts with LHC Tariq Ali.
- iii. CDR of Cell phone No. 0333-9655510 of Accused Kamran in case FIR No. 1057, dated 01.09.2021 u/s 15AA PS Rustam pertaining to his contacts with LHC Tariq Ali.
- iv. CDR of Cell phone No. 311-7695993 of LHC Niaz Ali.
- v. Report of MASI PS Rustam, ASI Zia ur Rehman Belt No. 3410 pertaining to non-confinement of accused Kamran Ali in PS Rustam in FIR No. 1057, dated 01.09.2021 u/s 15AA.
- vi. Report of ASI Azam Shah I/C PP Shaheedan pertaining to non-confinement of accused Kamran Ali in PP Shaheedan in FIR No. 1057, dated 01.09.2021 u/s 15AA.

31

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- vii. Copy of Murasila report in case FIR No. 1057, dated 01.09.2021 u/s 15AA PS Rustam.
- viii. FSL report of CCTV footage installed in Mardan Kacheri.
- ix. Copy of FIR No. 1057, u/s 15AA PS Rustam.
- x. Copy of Judicial Remand paper in case FIR No. 1057, dated 01.09.2021 u/s 15AA PS Rustam.
- xi. Copy of Recovery memo in case FIR No. 1057, u/s 15AA PS Rustam.
- xii. Copy of Surety bond in case FIR No. 1057, u/s 15AA PS Rustam.
- xiii. Copy of DD Report No. 13, dated 05.09.2021 pertaining to confinement to quarter guard of LHC Tariq Ali and LHC Niaz Ali
- xiv. Copy of DD report No 54, dated 10.09.2021 pertaining to release from quarter guard of LHC Tariq Ali and LHC Niaz Ali.

32

i. **STATEMENT OF COMPLAINANT SHER ULLAH S/O HANIF ULLAH**

R/O NAWAN KILLEY TORU stated that he had not seen Kamran at the time of occurrence of the murder incident, however, he nominated him only because he was involved in previous conflicts between his family and the family of in-laws of his daughter. The complainant Sher Ullah has also stated that he had not nominated any Police official in the Case FIR No. 889, dated 03.09.2021 u/s 302/324/34 PPC PS Toru nor he had any grudges with the Police officials. His statement is attached as **Annexure ("A")**

ii. **STATEMENT OF COMPLAINANT MUHAMMAD SALIM S/O JEHANGIR**

KHAN R/O NAWAN KILLEY TORU stated that he has charged accused Sabir and Kamran in his statement, u/s 164 CrPC for abetment in aforementioned murder case instead of directly commission of offence. He further stated that he had not directly nominated LHC Tariq Ali and LHC Niaz Ali in the above mentioned FIR, however, they had contacts with accused Kamran and accused Sabir as per the Call Data Records. His statement is attached as **Annexure "B"**.

iii. **SI NIAZ MUHAMMAD THE THEN OII PS TORU** (previously posted at PS Toru) stated that the accused Kamran was directly charged in case FIR No. 889, dated 03.09.2021 u/s 302/324/34 PPC PS Toru. However, he was imprisoned in Mardan Jail in Case FIR No. 1057, dated 01.09.2021 u/s 15AA. He further stated that during the course of investigation the CDR reports revealed the contacts of LHC Tariq Ali with the accused Kamran. However, during the course of investigation LHC Tariq Ali and LHC Niaz Ali were not found guilty of planned confinement of accused Kamran in Mardan jail in case FIR No. 1057, dated 01.09.2021 u/s 15AA PS Toru. Similarly the

TV footage revealed that LHCs Tariq and Niaz Ali were accompanying accused Kamran in court while he was presented in court in connection with Case FIR No. 1057 dated 01.09.2021 u/s 15AA PS toru. His statement is attached as **Annexure ("C")**

33

iv. **ASI ABID KHAN THE THEN IN-CHARGE PP SHAHEEDAN** stated that he was on Mobile patrolling in the area of PS Rustan and in the meanwhile Niaz Ali LHC Called him and told that if permitted he had an accused with 30 bore pistol and 05 rounds without license and FIR will be registered on his behalf by Niaz Ali. That he allowed registering FIR on his behalf. Resultantly and FIR No. 1057, dated 01.09.2021 u/s 15AA lodged in PS Rustam. Niaz Ali prepared papers of Judicial remand and produced accused through Constable Ayaz before the learned court. That e doesn't know about the confinement of accused in lockup as he was actually not present on the reported place of occurrence of that case u/s 15AA. That upon reaching PP-Shaheedan he was informed that the accused Kamran will reach court on his own on 02.09.2021. And that the Roznamcha of PP Shaheedan was usually maintained by LHC Niaz Ali. His statement is attached as **Annexure ("D")**.

v. **CONSTABLE AYAZ ALI BELT NO. 1663 OF PP SHAHEEDAN** stated that ON 02.09.2021 he was directed that the accused Kamran is waiting at Mardan Kacheri and he may be presented before the Magistrate. On reaching Mardan Kacheri, he found LHC Niaz Ali No. 2697 and LHC Tariq Ali were accompanying accused Kamran, then he produced the accused to the court. Wherein the accused could not produce any surety, the Court then fined him of Rs. 1000/-. The court directed the accused to borrow from someone the fine amount but he refused to do so. The accused denied to pay fine amount. Eventually he was sent to the Mardan Judicial lockup. He further stated that he was not handcuffed at the time of presenting him before the Magistrate because he had not taken the accused from Police Station rather he accompanied him from the Kacheri. As Niaz Ali was his senior, hence, he presented the accused Kamran before the Magistrate without handcuffs. The accused was then handcuffed and sent to Judicial lockup Mardan and the receipt of receiving of the prisoner duly signed by Darban Jail was sent to the reader SP Investigation, Mardan His statement is attached as **Annexure ("E")**

Kamran

AS

CONSTABLE WAKEEL BELT No. 2644 OF PP SHAHEEDAN stated that

ON 01.09.2021 he was present in PP Shaheedan when LHC Niaz Ali made a call to ASI Abid and asked him that they are lacking behind in progress and he desires to lodge a self-styled FIR u/s 15AA against one of his friend. ASI Abid Ali permitted him for doing so and the recovery memo was signed by Constable Wakeel No. 2644. His statement is attached as **Annexure ("F")**

vii. **CONSTABLE SAJJAD AKHTAR BELT NO. 2979** stated that he along-with constable Sajjad, Fayaz, Sarwar and Wakeel was performing duties in PP Shaheedan and the roznamcha of the said PP was usually maintained by LHC Niaz Ali. He also stated that he is totally unaware about the case FIR No. 1057, dated 01.09.2021 u/s 15AA. His statement is attached as **Annexure ("G")**.

viii. **EX-LHC MUHAMMAD TARIQ BELT NO. 1608** stated that he was performing duties in PAL when he was directed to report his arrival in Police Lines Mardan and was then confined in quarter guard. He later learnt that he has been suspended owing to case FIR No. 1057 of PS Rustam in which Mr. Kamran was accused. The accused Kamran was once again nominated in case FIR No. 889, dated 03.09.2021, u/s 302/324/34 PPC PS Toru. The accused official denied any acquaintance or relation with Kamran and stated that the charges levelled against him are totally baseless. The accused official denied his presence with accused Kamran in Court on the day of his appearance. However he had contacted him 02 to 03 times but he couldn't remember the reason behind contacts. And that he was posted at PAL office and he might had established contacts with Kamran. He also stated that he was given full opportunity of personal hearing and cross examination during this enquiry procedure. His statement is attached as **Annexure ("H")**.

F. FINDINGS

1. Accused Kamran charged in case FIR No. 1057 dt 01.09.2021 u/s 15AA PS Rustam, Distt: Mardan has asked Muhammad Tariq LHC, then posted in PAL office Mardan, to arrest him with pistol and send him to jail.
2. Muhammad Tariq LHC, talked to his brother Niaz Ali who was posted in PP Shaheedan PS Rustam for booking Kamran u/s 15AA in PS Rustam and Niaz Ali talked to Abid Ali IHC the then In-charge PP Shaheedan. Both were agreed on the plan as discussed above. Kamran was shown arrested in above FIR registered on 01.09.2021.

34

Sarwar

AB

Accused Kamran was shown arrested in Murasla and FIR with 30 bore without number pistol with 5 live rounds without licence but whether accused was released on bail or put into the lockup and where? Nothing available on record of PP. Shaheedan and PS Rustam.

4. Accused Muhammad Tariq in his written statement to the charge sheet had denied any contact with accused Kamran but CDR of his cell phone No. divulge that he had contact with accused Kamran before arrest and sending him to jail in case FIR No. 1057 u/s 15AA PS Rustam. Similarly Muhammad Tariq LHC and Niaz Ali LHC are real brothers and remained in contact with each other. On this account too accused officials could not justified their stance.
5. Accused Kamran was not present on the place, time and date of occurrence as shown in Murasila and FIR as evident from statements of witnesses.
6. According to statement of Niaz Muhammad SI/IO of the case, videos clips of CCTV Cameras installed in Kachehri Mardan were obtained, sealed and sent to Laboratory. In those videos both accused officials Niaz Ali and Muhammad Tariq were present with accused Kamran at the time of his production before the learned court.
7. The incident of case FIR No. 889 dated 03.09.2021 u/s 302/324/34/109 PPC PS Toru took place when accused Kamran was in Mardan Jail. In this case Sher Ullah khan complainant had directly charged accused Ameer Sajjad and Kamran for murder of two persons.
8. Accused Ameer Sajjad was arrested and sent to jail. Later on, Muhammad Saleem in his statement u/s 164 CrPC had charged accused Sabir and Kamran for abetment in aforementioned murder case, instead of directly commission of offence. Accused Kamran later on bailed out. Accused Ameer Sajjad had recorded his confessional statement in which he did not accused Kamran for any role.
9. The complainant Sher Ullah and Muhammad Salim did not charge in FIR and in subsequent statements police officials for any offence. They even did not charge them in their statements recorded in this De-Novo inquiry for any role in criminal cases.
10. Contacts between accused official Muhammad Tariq and accused Kamran do exist. However, it does not constitute any role of police officials in commission of offence in murder case.

Kamran

No corroborative statement of either party to the criminal cases available against both police officials.

36

12 The questions arise here are as follows;

- i. Who is the maximum gainer in this scenario?
- ii. Was accused Kamran involved physically in murdering two persons namely Suleiman and Sami Ullah and had accused Police official helped him to get out of the charges by putting him in jail in another case i.e. u/s 15AA? If yes, is there any proof against the accused Police Official?
- iii. Had the accused Police Official managed, planned or abetted the murder case in PS Toru?
- iv. Had the accused official gained something in lieu thereof?
- v. Was accused Kamran legitimately charged, arrested and produced before the learned court as shown in the Police File.

The answers as per available record are as under:-

Ans to Q.i:- No one found beneficiary of the whole episode rather they are the losers as per the reasons mentioned hereunder:-

- a. Accused Kamran was not present at the time of the commission of murder case but he was charged, as he was shown present by the complainant Sher Ullah. So, it was untrue and they committed another misunderstanding by charging the same accused under a different role (for abatement) in light of supplementary statements recorded u/s 164CrPC before the learned court by Muhammad Salim brother of deceased Suleiman.
- b. Accused Kamran, despite the alleged managed plea of alibi he was charged for abetment while he was in the Judicial lockup.
- c. The accused Police Official LHC Tariq, Ali despite he had not been charged or factually contradicted by either party to the criminal case, had been dismissed from service and now his future is on the line.

Ans Q.ii. No proof was found against the accused Police Official.

Ans Q.iii. No proof or even supportive statement in favor of this allegation available.

Ans Q.IV. No Proof available.

Not. Police officials Tariq Ali, Niaz Ali neither arrested the accused Kamran at the reported place and time of occurrence nor any recovery was made. This FIR No. 1057/2021 U/S 15AA is totally fabricated and concocted for which both are found guilty.

37

CONCLUSION

Police officials LHC Tariq Ali Belt No. 627/1608 and LHC Niaz Ali Belt No. 2697/3333 neither arrested the accused Kamran at the reported place at time of occurrence nor any recovery was made. This FIR No. 1057/2021 U/S 15AA is totally fabricated and concocted for which both are found guilty. However, on this account, both the accused have already been punished for confinement to Quarter Guard for 05 days i.e. 05.09.2021 to 10.09.2021. The Enquiry Committee, keeping in view the above circumstances, is of the opinion that awarding more than one punishment would be a double jeopardy and it will be in a fitness of things and in accordance with KP Police Rules 1975 that the above mentioned punishment i.e. of 05 days Quarter Guard awarded w.e.f 05.09.2021 to 10.09.2021 may be considered as suitable punishment.

(KAMAL HUSSAIN)
DSP Legal
CCP Peshawar

29-12-2021
(RAHIM HUSSAIN)
Superintendent of Police HQrs
City Traffic Police Peshawar

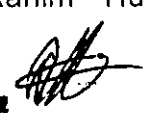
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ORDER.

This order will dispose-off the departmental appeal preferred by Ex-LHC Tariq Ali No. 1068 of Mardan District Police, against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB No. 2102 dated 19.10.2023. The appellant was proceeded against a de-novo Departmental Enquiry, under the allegations that while posted at PAL Office Mardan on 01-09-2021, he in collaboration with IHC Abid Khan No.3293, the then In-charge Police Post Shaheedan and LHC Niaz Ali No.3333 his brother had shown arrest of one Kamran resident of Nawan Kille Toru with a (30) bore without number/unlicensed pistol and (05) rounds in the area of Police Station Rustam vide case FIR No.1057 dated 01-09-2021 U/S 15AA Police Station Rustam, who was actually present at Nawan Kille (Toru) at the time of his alleged arrest, as proved from his Call Data Record analysis. He was produced before the concerned court on the following day & was fined Rs.1000/-. However, in a deliberate and preplanned move, he intentionally refused to pay the fine, hence he was sent to Judicial Lock-up. The main purpose of accused to be arrested and lodging in Jail was to have a plea of alibi and to get himself absolved from being charged in a murder case vide FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC Police Station Toru, which was committed by his brother namely Amir Sajjad, after due planning & conspiracy, in which, he (accused Kamran) was also charged for the commission of crime. Thus, LHC Muhammad Tariq abetted & connived with Kamran to get him plea of alibi in murder case vide FIR No.889 Police Station Toru by registering a false case against him & showing him arrested in Police Station Rustam, whereas in actuality he was present in Toru at that time.

After the allegations leveled against him were established during the course of departmental enquiry conducted by Mr. Adnan Azam, the then Sub Divisional Police Officer, (SDPO) Sheikh Maltoon, the accused official LHC Muhammad Tariq was served with Final Show Cause Notice vide & founding his reply as unsatisfactory, the then District Police Officer, Mardan vide his office OB No.634 dated 09-03-2022, dismissed LHC Muhammad Tariq from service.

Later-on, he was reinstated in service on the directions of Khyber Pakhtunkhwa Service Tribunal vide OB No.2671 dated 20-12-2022, issued vide order/endorsement No.7270-74/EC dated 21-12-2022 by the District Police Officer, Mardan and a de-novo enquiry was conducted by Mr. Rahim Hussain,



Superintendent of Police Headquarters, City Traffic Peshawar and Mr. Kamal Hussain Deputy Superintendent of Police, Capital City Police, Peshawar, wherein the Enquiry Panel held the delinquent official responsible for the charges leveled against him and found him guilty of misconduct, however, strangely enough recommended that as the defaulting official has already remained under (05) days Quarters Guard, so awarding him any punishment on account of such a grave misconduct wherein assassination of a person was facilitated would be a double jeopardy to the accused official and five days Quarters Guard may be considered as suitable punishment in the instant case.

The District Police Officer, Mardan did not agree with the findings being flimsy and another de-novo enquiry was conducted through Mr. Mehir Ali Superintendent of Police Complaints & Enquiry, Accountability Branch Central Police Office, Peshawar, wherein the Enquiry Officer again held responsible the delinquent official of commission of grave misconduct, which resulted in benefiting an accused of a murder case. It is pertinent to mention that under Police Rules-1975, Enquiry Officer is meant to enquire & to give verdict whether charges leveled against the delinquent official were established or not and he cannot direct the authority concerned about quantum of punishment to be awarded.

The delinquent Officer was heard in Orderly Room on 12-10-2023, during which, he failed to present any cogent reasons in his defense. Further, as the misconduct and abuse of authority has been established in two consecutive departmental enquiries, thus the District Police Officer, Mardan being authority awarded him major punishment of dismissal from service with effect from 09-03-2022.

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 23.11.2023.

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. Moreover, the Investigating Officer of case FIR No. No.889 dated 03-09-2021 U/S 302/324/34 PPC Police Station Toru also affirmed the involvement of appellant in this heinous criminal case because Call Data Record of accused Kamran revealed that he was present in his village Toru despite his arrest in case FIR No. 1057 dated 01.09.2021 U/S 15-AA Police Station Rustam and on the

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very next day he came to District Courts, Mardan from his home where from he was sent to District Jail, Mardan. The accused Officer namely Abid Ali No. 627 (appellant) staged the drama of the FIR for sending accused Kamran to Jail just to facilitate him in a murder which the brother of the accused planned to commit after two days. Hence, the involvement of appellant in such like activities is clearly a stigma on his conduct. 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. Moreover, he could not present any cogent justification regarding his innocence.

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.

Order Announced:

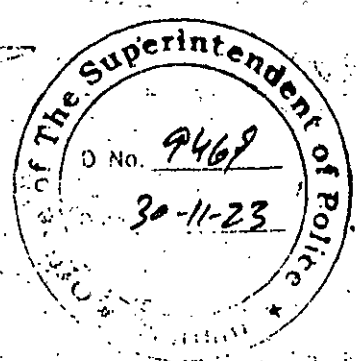
(MUHAMMAD SULEMAN) PSP
Regional Police Officer,
Mardan

No. 7786 /ES, Dated Mardan the 28/11/2023

Copy forwarded to District Police Officer, Mardan, for information and necessary action w/r to his office Memo: No. 160/LB dated 07.11.20223. His Service Record is returned herewith.

✓
DPO/EC/OS
For information

DPO/OS



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

Service Appeal No. 2501/2023

Muhammad Tariq (Ex-LHC No. 1608)

District Police MardanAppellant

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others

.....Respondents

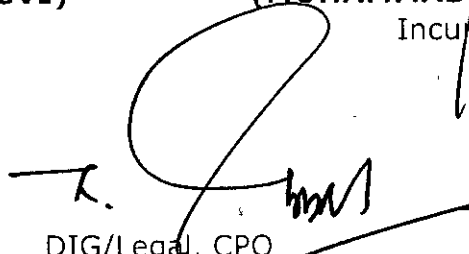
AUTHORITY LETTER.

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.



District Police Officer, Mardan.
(Respondent No. 3)
(NAJEEB-UR-REHMAN BUGVI)^{PSP}
Incumbent

Regional Police Officer, Mardan.
(Respondent No. 2)
(MUHAMMAD SULEMAN)^{PSP}
Incumbent



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

