

INDEX

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO	INSTITUTION	ORIGINAL INSTITUTION	DECISION	PAGES
354/2022	-	21-2-2022	06-03-2024	70

Zazi Gul

vs Police Department

Sr.No.	No of Pages	Documents	Page No
Part-A			
1	01 - 05	Judgment	05
2	06 - 11	Order Sheets	06
3	12 - 44	Appeal	31
4	45 - 66	Reply	22
5	67 - 67	Waikalnamaa	01
6	68 - 70	Notices	03
7	-		
8	-		
9	-		
10	-		
11	-		
12	-		
Part-B			
1	-		
2	-		
3	-		

Total Pages in Part-A	0 70
Total Pages in Part-B	0

Muhari Compilation

Incharge Judicial Branch

29/5/24

570. Iqbal Khan Superintendent Higher ducation Dept Peshawar
 571. Mushtaq Khan Superintendent Excise Dept Peshawar
 572. Basharat Rasool Superintendent PHE Dept Peshawar
 573. Nawab Ali Finance Deptt *Assistant*
 574. Muhammad Iqbal s/o: Muhammad Ashiq *Assistant*
 575. Sher Azad Khan Superintendent PRMU Dept Peshawar
 576. Azam Khan Superintendent Local Govt Dept Peshawar
 577. Ghulamullah Superintendent Agriculture Dept Peshawar
 578. Imtiaz Ali s/o: Mumtaz Ali Superintendent Law Dept Peshawar
 579. Mazullah Superintendent Higher Education Dept Peshawar
 580. Jamshed Khan Superintendent Higher Education Dept Peshawar
 581. Shah Badshah Superintendent Finance Dept Peshawar
 582. Niamat Ali Superintendent C&W Dept Peshawar
 583. Abdullah s/o: Matiur Rahman Superintendent Home Dept Peshawar
 584. Aurangzeb s/o: Khan Sahib law deptt. *Assistant*
 585. Raj wali Superintendent Housing Dept Peshawar
 586. Zakir Hussain Superintendent Mineral Dept Peshawar
 587. Ijaz Ahmad Superintendent Excise Dept Peshawar
 588. Inayat ur Rahman s/o: Saïd Rehman Superintendent Finance Dept Peshawar Noorullah Jan s/o:
 Amir Nawaz Khan LGE & RD Deptt
 589. Saeeda Bano Superintendent E&AD Dept Peshawar
 590. Dastar Ali Superintendent C&W Dept Peshawar
 591. Saif Ullah Superintendent Labour Dept Peshawar
 592. Raizullah Superintendent Irrigation Dept Peshawar
 593. Muhammad Iqbal s/o: Noor Muhammad Superintendent Information Dept Peshawar
 594. Noor un Nabi s/o: Saïd Nabi Superintendent Finance Dept Peshawar
 595. Irfanullah s/o: Roghan Shah Superintendent Food Dept Peshawar
 596. Shuja ud Din s/o: Azim Khan Finance Deptt *Assistant*
 597. Lal Hussain Superintendent P&D Dept Peshawar
 598. Muhammad Ayaz Khan s/o: Afridi Khan Superintendent Benovelent Fund Dept Peshawar
 599. Kashif Superintendent Health Dept Peshawar
600. Farhanullah Superintendent E&A Dept Peshawar
 601. Kifayat Aziz Khan Superintendent CM Secretariat Dept Peshawar
 602. Muhammad Ahmad Superintendent Finance Dept Peshawar
 603. Muhammad Arshad Khan s/o: Muhammad Jamil Superintendent Home Dept Peshawar
 604. Muhammad Rafiq Khan Superintendent Finance Dept Peshawar
 605. Akhtar Gul s/o: Sher Muhammad Superintendent E&SE Dept Peshawar
 606. Abdur Rashid Superintendent Finance Dept Peshawar
 607. Muhammad Asim Siddique Superintendent Local Govt Dept Peshawar
 608. Shaikat Hussain Superintendent Finance Dept Peshawar
 609. Fazal Subhan Superintendent Home Dept Peshawar
 610. Imtiaz Ahmad s/o: Waqif Khan Superintendent Agriculture Dept Peshawar
 611. Hafiz Muhammad Khalid Superintendent Finance Dept Peshawar
 612. Ashraf Khan s/o: Amir Rahman Superintendent CM sect Dept Peshawar
 613. Syed Masood Shah Superintendent E&AD Dept Peshawar
 614. Syed Qaisar Ali Shah Superintendent Energy & Power Dept Peshawar
 615. Wasim ur Rahman Superintendent Finance Dept Peshawar
 616. Rahmanullah s/o: Hamid Home deptt
 617. Nayab Altaf d/o: Altaf Finance deptt
 618. Hamid Shah s/o: Sultan Shah E & AD Deptt
 619. Zahid Hussain s/o: Ali Muhammad Finance deptt
 620. Abdur Rahman s/o: Farid ur Rahman P & D Deptt
 621. Afzal Khan s/o: Zarghoon Shah E & SE Deptt
 622. Masaud Khan s/o: Saïd Afzal E & AD, HRD-I Section
 623. Muhammad Irshad Khan s/o: Muhammad Roshan P & D deptt
 624. Hamayoun Mustafa *Assistant*
 625. Mian Muhammad Tariq s/o: Muhammad Naseem Social welfare deptt
 626. Yousaf Khan s/o: Mamrez Khan Higher education deptt
 627. Muhammad Ashraf Khan s/o: Muhammad Zar Khan E & AD deptt
 628. Noor Begum d/o: Anwar Khan Mineral Dev deptt
 629. Halder Ali s/o: Mumtaz Khan E & AD deptt
 630. Muhammad Sahir s/o: Muhammad Akram Ministry of Federal for education and professional
 deptt
631. Asmat Ullah Khan s/o: Taza Gil Transport deptt
 632. Imtiaz Khan s/o: Abdul Wahid Energy & power deptt
 633. Muhammad Javed Akhtar s/o: Khuda Baksh E & AD deptt
 634. Muhammad Jehangir Rahman s/o: Nabi ur Rahman Environment deptt
 635. Amjad Ali s/o: Nawab Shih E & AD deptt
 636. Shumaila d/o: Muhammad Afzal Home deptt
 637. Fahim Ullah s/o: Bilawal Khan Information deptt
 638. Reza Khan s/o: Bacha Khan Finance Deptt
 639. Naveed Alam s/o: Fazle Sattar Mineral Dev Deptt
 640. Mazhar ul Islam s/o: Muhammad Younas Malak Health Deptt
 641. Muhammad zaheer s/o: Muhammad Boshir Quratshii Housing deptt
 642. Khan Zaman s/o: Sher Bandi Khan Housing deptt
 643. Gul Nawaz s/o: Sharif Gul Housing deptt
 644. Zunaira Rashid d/o: Abdul Rashid E & AD
 645. Qasim Ali Awan s/o: Sabbir Ahmad Awan mineral Dev deptt
 646. Farmanullah s/o: Tasleem Khan Home deptt
 647. Syed Mansoor Ahmad s/o: syed Badshah Gul Agriculture deptt
 648. aziz ur Rahman s/o: Abdur Rehman Mineral Dev deptt
 649. Nisar Ahmad s/o: Abdullah Irrigation deptt

Secy
 Establishment Department

Judge

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 354/2022

BEFORE: MRS. RASHIDA BANO ... MEMBER(J)
MISS FAREEHA PAUL ... MEMBER(E)

Zazi Gul ASI No. 826 MR S/o Anar Gul R/o Kochiyano Kaley Takhtbai
District Mardan.....(Appellant)

VERSUS

- 1. District Police Officer Mardan.
- 2. Regional Police Officer Mardan.
- 3. Inspector General of Police Khyber Pakhtunkhwa Peshawar.

... (Respondents)

Ms. Roeda Khan
Advocate ... For appellant

Mr. Muhammad Jan
District Attorney ... For respondents

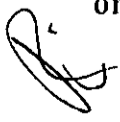
Date of Institution.....21.02.2022
Date of Hearing.....06.03.2024
Date of Decision.....06.03.2024

JUDGMENT

RASHIDA BANO, MEMBER (J):The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

“On acceptance of this appeal, both the impugned order dated 25.08.2021, rejection order dated 25.01.2022 may kindly be set aside and the appellant may kindly be restored on his original post/service along with all back benefits. Any other

SCANNED
KPST
Peshawar



②

2

remedy which this August Tribunal deems fit that may also be onward granted in favor of appellant."

2. Brief facts of the case, as given in the memorandum of appeal, are that appellant was enlisted as Constable in Police Department and since then he performed his duty regularly with full devotion. That while performing his duty as In-charge at Police Station Motorway allegation of corruption by taking illegal gratification has been levelled against him on the basis of which he was suspended and later on major penalty of reduction to a lower rank was imposed upon him vide order dated 28.05.2021. Feeling aggrieved, he filed departmental appeal which was rejected on 25.01.2022, hence, the present service appeal.

3. Respondents were put on notice, who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Deputy District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for appellant argued that he has not been treated in accordance with law and rules. He further argued that the impugned order dated 25.08.2021 and the rejection order dated 25.01.2022 are void ab-initio, hence liable to be set aside; that no charge sheet and statement of allegation has been issued or served to the appellant which are violation of Rule-6 (A) (B) of Police Rules, 1975; that neither show cause notice has been issued nor opportunity of cross examination has been provided to the appellant. He submitted that no chance of personal hearing was afforded to him and he was

condemned unheard which is against the norms of natural justice. He placed reliance on 2007 SCMR 834, 2008 SCMR 678 and 2016 SCMR 108.

5. Conversely learned Deputy District Attorney contended that appellant while posted as In Charge P.P Motorway was placed under suspension on account of involvement in corruption by taking illegal gratification of Rs.50,000/- from one Muhammad Ali Raza, on the basis of which he was proceeded against departmentally by issuing charge sheet and statement of allegation and enquiry was entrusted to the then SDPO TakhtBhai. During the course of inquiry appellant submitted his reply which was found unsatisfactory and after fulfillment of all legal and codal formalities, competent authority imposed major penalty of reduction in rank from ASI to Head Constable.

6. Perusal of record reveals that the appellant has been serving in Police Department since long at District Mardan. That while performing his official duty as incharge of police post Motorway a false and fabricated allegation of corruption by taking illegal gratification of Rs. 50,000/- by one Muhammad Ali Raza has been levelled against the appellant. That due to the reason mentioned above the appellant has been awarded major punishment of reduction from ASI to Head Constable on 25.08.2021 by the respondent department. Perusal of daily dairy No 38 dated 25.05.2021 transpires that DPO Rural Mardan upon direction of high ups visited Police Station Toru and its police post but had not found vehicle of the complainant Muhammad Ali bearing No. WO-84 parked there. In the Meanwhile one Zazi Gul sub inspector came, and told him that vehicle was taken into possession by him upon information of informer and he concealed it in a secret place which Zazi Gul

subsequently produced upon his direction. SDPO got verified the vehicle from excise department which was genuine. Therefore, he handed over vehicle to owner Muhammad Ali who alleged that appellant obtained from him Rs. 50,000/- as illegal gratification and also demanded more amount for release of vehicle. Inquiry report revolves around the daily diary of SDPO but the said SDPO was not examined and no chance of cross examination was provided to the appellant upon him. He was the one who alleged that motor car was recovered from the possession of the appellant and he had parked it in a secret place. Moreover opportunity of cross examination upon complaint Muhammad Ali also must have been provided to the appellant but no such opportunity was provided to appellant which means that he was condemned unheard.

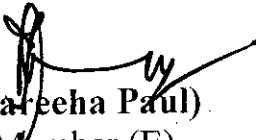
7. It is a well settled legal proposition, that regular inquiry is must before imposition of major penalty, whereas in case of the appellant, no such inquiry was conducted. The Supreme Court of Pakistan in its judgment reported as 2008 SCMR 1369 has held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. In the absence of proper disciplinary proceedings, the appellant was condemned unheard, whereas the principle of 'audi alteram partem' was always deemed to be embedded in the statute and even if there was no such express provision, it would be deemed to be one of




the parts of the statute, as no adverse action can be taken against a person without providing right of hearing to him. Reliance is placed on 2010 PLD SC 483.

8. For what has been discussed above, we are unison to hold that appellant was condemned unheard. Therefore, we set aside impugned orders, direct the respondent to conduct de-novo inquiry within sixty days by providing opportunity of defense, especially cross examination upon SDPO Rural and complainant. The issue of back benefit shall be decided subject to the outcome of denovo inquiry. Costs shall follow the event. Consign.

9. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 6th day of March, 2024.*


(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)

SCANNED
KPST
Peshawar

*Kaleemullah

Ord
She


6


6

ORDER
06.03.2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan learned District Attorney alongwith Atta Ur Rehman, Inspector (Legal) for the respondents present.
2. Vide our detailed judgment of today placed on file, we are unison to hold that appellant was condemned unheard. Therefore, we set aside the impugned orders, direct the respondents to conduct de-novo inquiry within sixty days by providing opportunity of defense, especially cross examination upon SDPO Rural and complainant. The issue of back benefit shall be decided subject to the outcome of de-novo inquiry. Costs shall follow the event. Consign.
3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 6th day of March, 2024.*

SCANNED
KPS
PESHAWAR


(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)

*Kaleemullah


12.01.2024

Learned counsel for the appellant present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Representative of the respondents submitted in writing that inquiry report, bad entry record, charge sheet, statement of Zazi Gul and complaint against him alongwith order of DPO have already been annexed with the reply/comments, while copies of statement of SHO Police Station Excise Mardan, *Naqal Mad* No. 38 dated 25.05.2021 and statement of Muhammad Ali Raza submitted today, which are placed on file. He stated that except the above-mentioned record, no other record is available. Copy of same also handed over to learned counsel for the appellant, who sought adjournment for perusal of the same. Adjourned. To come up for arguments on 06.03.2024 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)


(Salahud-Din)
Member (J)

13.07.2023

Appellant in person present. Mr. Atta-ur-Rehman, Inspector (Legal) Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is out of station today. Adjourned. To come up for arguments on 20.11.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KP ST
Roshawar



(Rashida Bano)
Member (J)



(Salah-ud-Din)
Member (J)

Naeem Amin

20.11.2023

Appellant alongwith his counsel present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

During the course of arguments, it transpired that complete inquiry record has not been submitted by the either party, therefore, representative of the respondents is directed to positively produce the same and to come up for arguments on 12.01.2024 before the D.B. Parcha Peshi given to the parties.

SCANNED
KP ST
Roshawar



(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

Naeem Amin

23.11.2022 Due to rush⁽⁹⁾ of work. This case has been deleted. To come up for the same as before on 24.01.2023.

SCANNED
KPST
Peshawar

G.H.
Reader

24.01.2023

Proper D.B is not available, therefore the case is adjourned to 04.5.2023 for the same as before.



Reader

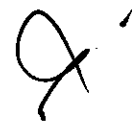
04th May, 2023

SCANNED
KPST
Peshawar

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.
2. Learned counsel for the appellant requested for adjournment on the ground that she has not made preparation for arguments. Adjourned. To come up for arguments on 13.07.2023 before the D.B. Parcha Peshi is given to the parties.

Naeem Amin


(Salah-ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

30th May, 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Atta Ur Rehman, SI for the respondents present.

Written reply/comments not submitted. Learned AAG seeks time to submit written reply/comments on the next date. Granted. To come up for written reply/comments on 29.06.2022 before the S.B.


(Kalim Arshad Khan)
Chairman

29.06.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Atta Ur Rehman, Inspector Legal for respondents present.


Written reply/comments on behalf of respondents submitted which is placed file. A copy of same is handed over to learned counsel of the appellant. To come up for rejoinder/arguments on 12.09.2022 before D.B.



(Fareeha Paul)
Member (E)


12.09.2022

Counsel for the appellant present.

Asif Masood Ali Shah, Deputy District Attorney for respondents present.

 Former made a request for adjournment on the ground that she has not prepared the brief. Adjourned. To come up for arguments on 23.11.2022 before D.E.


(Fareeha Paul)
Member (E)





(Rozina Rehman)
Member (J)

Form- A

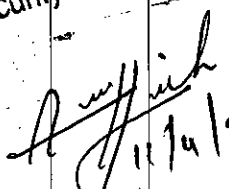
FORM OF ORDER SHEET

Court of _____

Case No. - 354/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/03/2022	<p>The appeal of Mr. Zazi Gul resubmitted today by Roeda Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p>
2-	07.04.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>7-04-2022</u></p> <p style="text-align: right;"> CHAIRMAN</p>
		<p>Appellant present in person and heard.</p> <p>The appeal is admitted for full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 30.05.2022 before S.B.</p> <p style="text-align: right;"> Chairman</p>

Rs. 500/-
Appellant Deposited
Security & Process Fee


11/4/22

The appeal of Mr. Zazi Gul ASI No. 826 MR son of Anar Gul r/o Kochiyano Kaley Takhtbai Mardan received today i.e. on 22.02.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Certificate/note given in the end of appeal is unsigned.
- 2- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Copies of charge sheet, statement of allegations, Show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 4- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 5- Page nos. 9 & 10 are irrelevant.
- 6- Annexure-A of the appeal is illegible which may be replaced by legible/better one.

No. 528 /S.T,

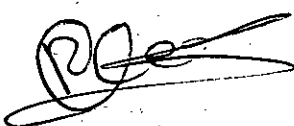
Dt. 22/02 /2022


REGISTRAR

SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Roeeda Khan Adv. Pesh.

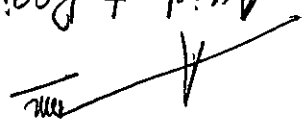
objection No 1 and 2
has been fulfilled, in
Response of objection No 3
No charge sheet, statement
of allegation, No show notice
No Enquiry has been issued
OR commenced / conducted
against the appellant by the
Respondent, the Reply of objection
No 4 has been mentioned in para
5 of fact, objection made in
para 5 are relevant which objection
No 6 has been fully accepted



13

The appeal is returned back to learned counsel for appellant to complete by resubmit same within 15 days as objections no. 4 & 5 still stand.

NO. _____
Dated: _____
/ST

Assistant Registrar


Reply of objection IV
has been mentioned in
pages of facts which
objection No. 8 has been
fulfilled

PO

14

Appeal

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

CHECK LIST

1.	Case title		
2.	Case is duly signed.	Yes	No
3.	The law under which the case is preferred has been mentioned.	Yes	No
4.	Approved file cover is used.	Yes	No
5.	Affidavit is duly attested and appended.	Yes	No
6.	Case and annexure are property paged and numbered according to index.	Yes	No
7.	Copies of annexure are legible and attested. If not, then better copies duly attested have annexed.	Yes	No
8.	Certified copies of all requisite documents have been filed.	Yes	No
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filled.	Yes	No
10.	Case is within time.	Yes	No
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	Yes	No
12.	Court fee in shape of stamp papers affixed. For writ Rs. 500 , for other as required}	Yes	No
13.	Power of attorney is in proper form.	Yes	No
14.	Memo of addressed filed.	Yes	No
15.	List of books mentioned in the petition.	Yes	No
16.	The requisite number of spare copies-attached { Write petition- 3, Civil appeal(SB-2) Civil Revision (SB-1, DB-2)	Yes	No
17.	Case (Revision /appeal/petition etc) is filled on a prescribed form.	Yes	No
18.	Power of attorney is attested by jail authority (for jail prisoner only)	Yes	No

It is certified that formalities /documentations as required in column 2 to 18 above, have been fulfilled.

Name:- **Roeeda Khan**
Advocate High Court
Peshawar

Signature: - _____

Dated: - _____

FOR OFFICE USE ONLY

Case: - _____

Case received on _____

Complete in all respect: Yes/No, (If NO, the grounds) _____

Signature _____
(Reader)

Dated: - _____

Countersigned: - _____
(Deputy Registrar)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

SCANNED
KPST
Peshawar

In Re S.A No. 354 /2022.

Zazi Gul ASI No. 826 MR

VERSUS

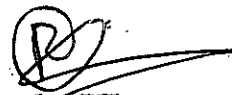
District Police Officer Mardan & Others

INDEX

S#	Description of Documents	Annexure	Pages
1.	Grounds of Petition.		1-5
2.	Affidavit.		6
3.	Addresses of parties		7
4.	Application for Condonation of Delay		8-9 10
5.	Copy of impugned order.	"A"	11
6.	Copy of rejection order	"B"	12-13
7.	Copy of Roznamcha report	"C"	14
8.	Copy of affidavit statement	"D"	15
9.	Wakalatnama		

APPELLANT

Through



Roeda Khan
Advocate, High Court
Peshawar.

Dated: 21/02/2022

(1) (1b)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 336

Dated 21/02/2022

In Re S.A No. 354 /2022

Zazi Gul ASI No. 826 MR S/o Anar Gul R/o Kochiyano
Kaley Takhtbai District Mardan.

Appellant

VERSUS

1. District Police Officer Mardan.
2. Regional Police Officer Mardan.
3. Inspector General of Police KPK Peshawar.

Respondents

APPEAL U/S-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 25-08-2021, WHEREBY MAJOR PUNISHMENT OF REDUCTION FROM ASI TO HEAD CONSTABLE HAS BEEN AWARDED TO THE APPELLANT AGAINST WHICH THE APPELLANT FILED DEPARTMENTAL APPEAL WITHIN ONE MONTH FROM THE DATE OF COMMUNICATION OF THE IMPUGNED ORDER DATED 25.08.2021 WHICH HAS BEEN REJECTED ON 28/01/2022 ON NO GOOD GROUNDS.

Filed to-day
Registrar
21/2/2022

PRAYER:-

ON ACCEPTANCE OF THIS APPEAL
BOTH THE IMPUGNED ORDERS DATED
25/08/2021, REJECTION ORDERS DATED

Re-submitted to-day
and filed.

Registrar
10/3/2022

(17) (2)

25.01.2022 MAY KINDLY BE SET ASIDE
AND THE APPELLANT MAY KINDLY BE
RESTORED ON HIS ORIGINAL POST/
SERVICE ALONG WITH ALL BACK
BENEFITS. ANY OTHER REMEDY
WHICH THIS AUGUST TRIBUNAL
DEEMS FIT THAT MAY ALSO BE
ONWARD GRANTED IN FAVOUR OF
APPELLANT.

Respectfully Sheweth.

1. That the Appellant has been serving in Police Department since long time at District Mardan.
2. That the appellant performed his duty regularly and with full devotion and no complaint whatsoever has been made against the appellant.
3. That while performing his official duty as incharge of police post Motor Way a false and fabricated allegation of corruption by taking in illegal gratification of Rs. 50,000/- by one Muhammad Ali Raza has been level against the appellant.
4. That due to the reason mention in para-3 the appellant has been awarded major punishment of reduction from ASI to Head Constable on 25.08.2021 by the respondent department. (Copy of impugned order is attached as annexure "A").

5. That the appellant submitted departmental appeal within one month from the date of communications of the impugned order dated 25.08.2021 which has been rejected on 25.01.2022 but unluckily the copy of the department appeal has not been kept by the appellant. **(Copy of rejection order is attached as annexure "B")**.
6. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

GRUNDS:-

- A. That the impugned order dated 25/08/2021 and the rejection orders dated 25/01/2022 are void and ab-initio orders because it has been passed without fulfilling codal formalities in this respect the appellant relied upon a judgment reported on 2007 SCMR Page 834.
- B. That no charge sheet and statement of allegation has been issued or served to the appellant, which is a clear cut violation of Rule-6 (A) (B) of police Rules-1975.
- C. That it is a well settled principle of law no one can be condemned unheard because it is against the natural justice of law in this

respect the appellant relied upon a judgment reported on 2008 SCMR page:678.

D. That no opportunity of cross examination has been provided to the appellant. In this respect the appellant relied upon a judgment reported on 2016 SCMR Page 108.

E. That no show cause notice has been issued against the appellant by the respondent department.

F. That while performing his official duty with respondent department the vehicle in question is taken by the appellant under section 54 and properly lodged Roznamcha Report on 12.05.2021 regarding the said vehicle. (Copy of Roznamcha report is attached as annexure "C").

G. That there is no proof and evidence regarding the allegation of corruption & illegal gratification leveled against the appellant.

H. That the innocence of the appellant has also been clarified from the statement of the owner of the vehicle recorded in the shape of affidavit (Copy of affidavit statement is attached as annexure "D").

I. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

It is therefore, most humbly prayed that on acceptance of this Appeal both the impugned orders dated 25/08/2021, rejection orders dated 25.01.2022 may kindly be set aside and the appellant may kindly be restored on his Original Post/ Service along with all back benefits. Any other remedy which this august tribunal deems fit that may also be onward granted in favour of appellant.



APPELLANT

Through

Roeeed Khan
&
Sheeba Khan
Advocates, High
Court
Peshawar.

Dated: 21/02/2022

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.



Advocate.

(21) (6)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2022

Zazi Gul ASI No. 826 MR

VERSUS

District Police Officer Mardan & Others

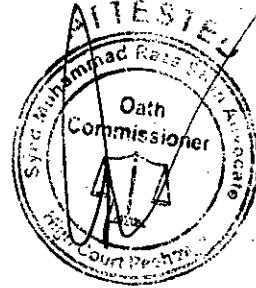
AFFIDAVIT

I, Zazi Gul ASI No. 826 MR S/o Anar Gul R/o Kochiyano Kaley Takhtbai District Mardan, do hereby solemnly affirm and declare that all the contents of the **instant appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

DEPONENT

IDENTIFIED BY:

Rozeda Khan
Advocate High Court
Peshawar.



22 7

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2022

Zazi Gul ASI No. 826 MR

VERSUS

District Police Officer Mardan & Others

ADDRESSES OF PARTIES

PETITIONER.

Zazi Gul ASI No. 826 MR S/o Anar Gul R/o
Kochiyano Kaley Takhtbai District Mardan.

ADDRESSES OF RESPONDENTS

1. District Police Officer Mardan.
2. Regional Police Officer Mardan
3. Inspector General of Police KPK Peshawar.

APPELLANT

Through

Roeeda Khan
Advocate, High Court
Peshawar.

Dated: 21/02/2022

BEFORE THE HON'BLE SERVICE TRIBUNAL

PESHAWAR

In Re S.A No. _____/2022

Zazi Gul ASI No. 826 MR

VERSUS

District Police Officer Mardan & Others

APPLICATION FOR CONDONATION OF DELAY (IF ANY)

Respectfully Sheweth,

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
2. That while performing his official duty with respondent department, the impugned order dated 25.08.2021 has been passed against the appellant where by major punishment of reduction from ASI to Head constable has been awarded to the appellant.
3. That against the said impugned order the appellant submitted departmental appeal within one month from the date of communications of the impugned order dated 25.08.2021 which has been rejected on 25.01.2022 on no good grounds, but unluckily the appellant has not been kept the copies of departmental appeal.

GROUNDS:


- A. That the impugned order is void and illegal and no limitation run against the void orders because the impugned order has been passed without fulfilling the codal formalities.
- B. That there are number of precedents of the Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities.
- C. That there are many judgment of the superior court as well as specific provision of service law that limitation has been counted from the date of communication/knowledge.

It is, therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.

APPELLANT

Through

Roeeda Khan
 &
 Sheeba Khan
 Advocates, High Court
 Peshawar.



Dated: 21/02/2022

25

Better Copy Page.11

Office of the
District Police Officer,
Mardan

Tel No. 0977-9230109 & Fax No. 0937-9230111

No. 2911-14/PA

Dated 15/8/2021

ORDER ON ENQUIRY OF ASI ZAZI GUL NOS 82/MIR

This under will dispose-off a Departmental Inquiry under Police Rules 1975, initiated against the subject official, under the allegation that he while posted as Incharge Police Post Motorway (now under suspension Police Lines Mardan), was placed under suspension vide this office OB No. 899 dated 25.05.2021, issued vide under endorsement No. 3287-91/EC dated 26.05.2021, on account of involving in corruption by taking on illegal gratification of Rs. 50,000/- from one Muhammad Ali Raza Son of Muhammad Saleem resident of Wahari (Punjba) on the pretext that his vehicle (Motor Car) No. WO-84 is tempered/theft) one, while during checking/verification at Excise Department, the vehicle in-question was found correct/clear, as highlighted by Mr. Adnan Azam, the then SDPO/Rural Mardan in his preliminary enquiry conducted into these allegations on the directions of the undersigned into his office letter No. 898/St dated 25.05.2021.

It may be mentioned here that on talking into possession the vehicle in question by ASI Zazi Gul, neither he parked it at Police Station Toru or any of the police post of PS Toru, nor brought it into the notice of SHO Toru, beside non lodging any report in the roznamcha in-time, clarifying misconduct & mala-fide intension on his post.

To ascertain real facts the delinquent official was proceeded against departmentally thorough ASP Muhammad Qais Khan SDPO- Takht bhai vide thoffice statement of diseplinary active charge sheet No. 130/PA dated 02-06-2021, who after fulfilling necessary process, submit his Finding Report in this office vide his office letter No. 675/ST dated 21-07-2021, holding responsible ASI Zazi Gul of negligence that he was issued to lodged a report in the no lodge a report in the Roznamcha on taking into position the vehicle in question but he failed to do so and recommended for minor punishment.

Final Order

ASI Zazi Gul was heard in OR on 25.08.2021 with giving opportunity to clarify to his position to which he failed, therefor keeping in view the inquiry findings and materials on record he is awarded major punishment averaging to the rink of head constable and is reinstated on service from the date of suspension with counting his suspension period on duty with immediate effect in exercise of power wasted on me on police rule 1975.

OB NO. 1385
Dated 25.08.2021
Zahid Ullah
District Police Officer Mardan

Copy of forwarded for:

1. The Regional Police officer Mardan please.
2. The DSP/HQs Mardan
3. The P.O & ES (Police Officer Mardan).

36 11 CA



OFFICE OF THE DISTRICT POLICE OFFICER,

MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111

No = 826
2021

No. 2811-16/PA

Dated 25/8/2021

ORDER ON ENQUIRY OF ASI ZAZI GUL NO.826/MR

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted as In-charge Police Post Motorway (now under suspension Police Lines Mardan), was placed under suspension vide this office OB No.899 dated 25-05-2021, issued vide order/enforcement No.3287-91/EC dated 26-05-2021, on account of involving in corruption by taking an illegal gratification of Rs.50,000/- from one Muhammad Ali Raza Son of Muhammad Saleem resident of Wahari (Punjab) on the pretext that his vehicle (Motor Car) No.1.WO-84 is tempered/defective one, while during checking/verification at Excise Department, the vehicle in-question was found correct/clear, as highlighted by Mr. Adnan Azam, the then SDPO/Rural Mardan in his preliminary enquiry, conducted into these allegations on the directions of the undersigned vide his office letter No.898/St dated 25-05-2021.

It may be mentioned here that on taking into possession the vehicle in-question by ASI Zazi Gul, neither he parked it at Police Station Toru or any of the Police Post of PS Toru, nor brought it into the notice of SHO Toru, besides non lodging any report in the Roznamcha in-time, clarifying misconduct & mala-fide intention on his part.

To ascertain real facts, the delinquent official was proceeded against departmentally through ASP Muhammad Qais Khan SDPO Takht-Bhku vide this office Statement of Disciplinary Action/Charge Sheet No.130/PA dated 02-06-2021, who (1:0) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.675/ST dated 21-07-2021, holding responsible ASI Zazi Gul of negligence that he was bound to lodge a report in the Roznamcha on taking into possession the vehicle in-question, but he failed to do so and recommended for minor punishment.

Final Order

ASI Zazi Gul was heard in OR on 25-08-2021 with giving opportunity to clarify his possession, to which, he failed, therefore, keeping in view the enquiry findings & materials on record, he is awarded major punishment of reversion to the rank of Head Constable & is reinstated in service from the date of suspension with counting his suspension period as duty with immediate effect, in exercise of the power vested in me under Police Rules-1975

OB No. 1385

Dated 25/8/2021

(Dr. Zahid Ullah) DSP
District Police Officer
Mardan

Copy forwarded for information & intaction to:-

- 1) The Regional Police Officer Mardan, please.
- 2) The DSP/HQ's Mardan.
- 3) The P.O & E.O (Police Office) Mardan.
- 4) The CCI (Dist. Mardan) Mardan.

ATTACHED

(12)

(37) B

ORDER.

This order will dispose-off the departmental appeal preferred by Head Constable Zazi Gul No. 2637 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of reduction in rank from substantive rank of ASI to his substantive rank of Head Constable vide OB: No. 1385 dated 25.08.2021. The appellant was proceeded against departmentally on the allegations that he while posted as In-charge Police Post Motorway Police Station, Toru, being involved in corruption by taking an illegal gratification of Rs.50,000/- from one Muhammad Ali Raza Son of Muhammad Saleem resident of Wahari (Punjab) on the pretext that his vehicle (Motor Car) No.LWO-84 is tampered/theft one. However, during checking/verification from Excise Department, the vehicle in-question was found correct/clear, as highlighted by Mr. Adnan Azam, the then Sub Divisional Police Officer, (SDPO) Rural Mardan in his preliminary enquiry.

It is pertinent to mention here that on taking into possession the vehicle in-question by delinquent Officer (ASI Zazi Gul), neither he parked it at Police Station Toru nor any of the Police Post of Police Station Toru and failed to bring it into the notice of SHO concerned. Besides he did not bother to pen any report in the daily diary, which shows mala-fide intention on his part.

To ascertain the real facts, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Sub Divisional Police Officer (SDPO) Takht-Bhai, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Mardan, wherein he held responsible the delinquent Officer for negligence that he was bound to lodge a report in the daily diary on taking into possession the vehicle in-question, but he failed to do so and recommended for minor punishment.

He was heard in Orderly Room by the District Police Officer, Mardan on 28.07.2021 but he failed to advance any cogent reason in his defense. Therefore, he was awarded major punishment of reduction in rank from substantive rank of ASI to his substantive rank of Head Constable by the District Police Officer, Mardan vide his office OB: No. 1385 dated 25.08.2021.

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 24.11.2021 during which the appellant denied his involvement.

ATTESTED

38

13

Hence, in order to make thorough probe into the issue, de-novo enquiry proceedings were entrusted to the Sub Divisional Police Officer, (SDPO) Takht Bhai District Mardan vide this office endorsement No. 702A/ES dated 09.12.2021. The enquiry Officer after conducting thorough probe submitted his findings wherein he has again held the appellant responsible for the said misconduct.

Hence, the appellant was again summoned and heard in person in orderly room held in this office on 20.01.2022 but this time too he failed to advance any cogent reason to justify his innocence.

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. As during the course of enquiry it has been established that the appellant has willfully and deliberately concealed the possession of Car in question by neither penning any report in the daily diary nor parking the same in either the Police Station or any Police Post of the Police Station concerned. It has also been established that after getting money to the tune of Rs.50,000/- as illegal gratification, the Car in question was handed over to the person from whom it was taken into possession. The appellant has already been treated leniently as the involvement of appellant in such like activities is clearly a stigma on his conduct which do attract the punishment of dismissal from service. Moreover, he could not present any cogent justification regarding his innocence.

Keeping in view the above, I, Yaseen Farooq, 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.

Regional Police Officer,
Mardan.

No. 690 /ES, Dated Mardan the 25-01 /2022.

Copy forwarded to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 217/LB dated 27.09.2021. His Service Record is returned herewith.

(*****)

ATTACHED

بورس کراچی

کاروبار وقت شروع

12 مئی 2021 22:00 بجے

کاروبار وقت لپورٹ

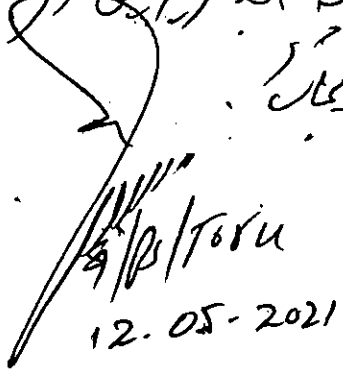
12 مئی 2021 22:20 بجے

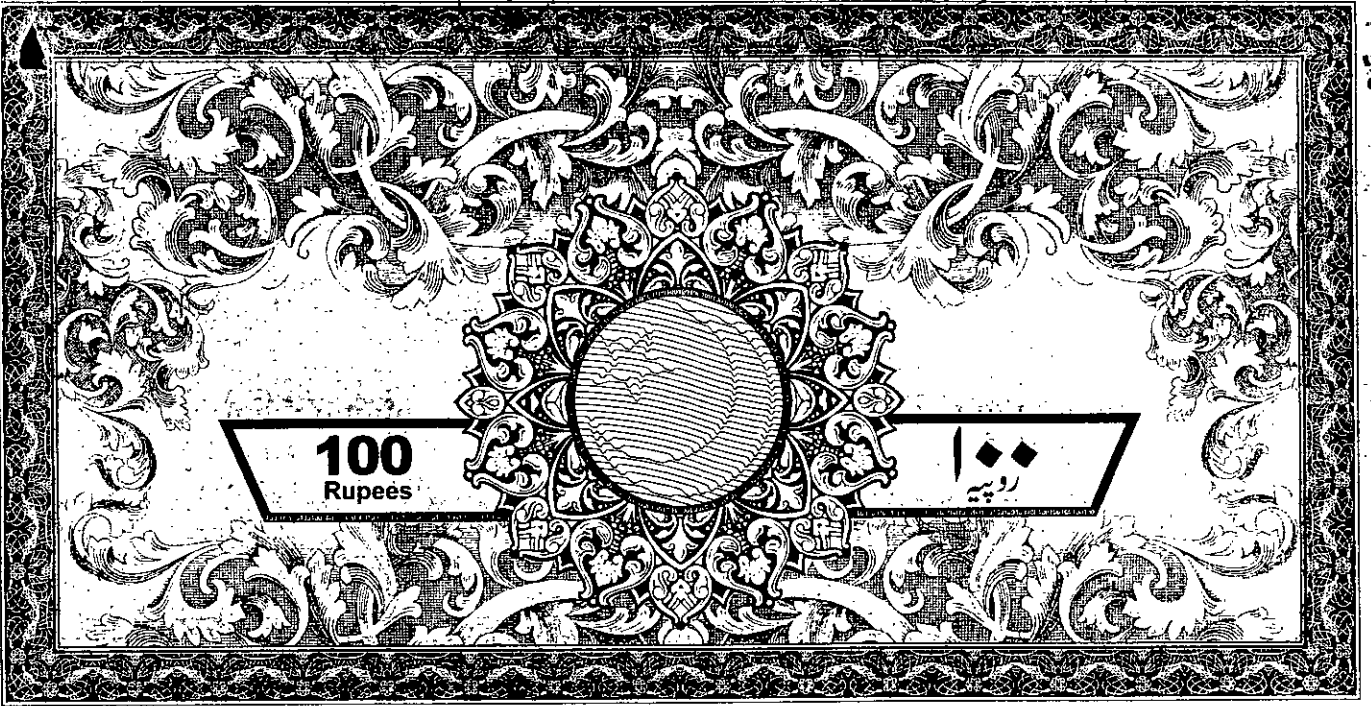
حالت شروع

سروس اپریل تا آخر دسمبر 2020 سے بطور اسٹیٹس کی جانے لگی ہے

حفاظت کے لیے اسٹیٹس کی جانے لگی ہے

اسٹیٹس دہلا کر گھنٹہ کی صورت میں جاری کیا گیا ہے۔ مختصر اطلاع
 ہے کہ تمام اسٹیٹس اپریل تا آخر دسمبر 2020 سے بطور اسٹیٹس کی جانے لگی ہے۔
 جسے غیر ڈیٹا کی صورت میں جاری کیا گیا ہے۔ مختصر اطلاع
 از قلم حضرت اسٹیٹس 84/2021 سے 725/100 BR x 63 x 60/2021
 کو ایڈجسٹڈ کر کے اسٹیٹس کی صورت میں جاری کیا گیا ہے۔ مختصر اطلاع
 محمد شفیع علیہ السلام نے اسٹیٹس کی شکل میں جاری کیا ہے۔ مختصر اطلاع
 مندرجہ ذیل کے تمام اسٹیٹس کو اسٹیٹس کی صورت میں جاری کیا گیا ہے۔ مختصر اطلاع
 اسٹیٹس کی صورت میں جاری کیا گیا ہے۔ مختصر اطلاع
 اسٹیٹس کی صورت میں جاری کیا گیا ہے۔ مختصر اطلاع


 12.05.2021



سید علی رضا ولد سلیم خان سکھ و ہاڑی مقنن زین الدین - زارزی ٹیچر وہ دھندل
 سکھ و ہاڑی کے مختلف بھائی۔

وہ دھندل دست - آراج محمد - سکھ بھائی۔ اس سے علی رضا ولد سلیم سکھ
 و ہاڑی مقنن نے - زارزی ٹیچر وہ دھندل سکھ کو ہاڑی کے مختلف بھائی
 سے دستگیر حکمرانوں سے صلہ مرادوں جو کہ ایک سہ کاری ملازم ہے۔ ان
 کے بارے میں - سن و الزام نسبت رقع لگاتا تھا۔ وہ رقع
 علی زارزی ٹیچر سے سناؤا گیا تھا۔ لہذا وہ رقع بچائے زارزی ٹیچر
 کے نجان وہ - منتقلی سے اس رقع - ان دونوں کے اپنے درمیان
 کاروباری لین دین تھا۔ اس وجہ سے علی رضا کار رقع
 نجان وہ - منتقلی سے اس رقع - زارزی ٹیچر وہ دھندل
 بے تصور ہے۔ سب رقع کا سارا لین دین نجان کے پاس ہے
 زارزی ٹیچر اس رقع سے میرا ہے اور بھائی۔ میرا جو دھندل دھندل
 نسبت رقع زارزی ٹیچر میں وہ میری سہرا رقع علی زارزی ٹیچر
 سکھ - میرا یہ بیان جلدی نسبت رقع نجان زارزی ٹیچر وہ دھندل
 سکھ رقع ہے۔ یہ رقع علی رضا کے پاس ہے۔

3- 3044223 - 16102
 زارزی ٹیچر وہ دھندل

5- 6192492 - 36603
 علی رضا ولد سلیم سکھ و ہاڑی مقنن
 6570324 - 0305



اتصال
 ATTESTED

5- 2984529 - 17101
 نجات حسین ولد اورنگزیں خان تھوڑی
 0346 9228077
 5- 9415317
 0345
 5- 36387 - 16101
 سید گلن سہ اسم نوش خان رستہ
 5000039
 0345

بیان: عطاء الرحمن انسٹیٹوٹ بیانیہ یون۔ کہیں

بے پیرہہ فوجی سٹیل آران زارزی سٹیل لادنا یون

B اور منقلم ریکارڈ منی ڈیکوریشن لادنا یون۔ بیڈ ڈیکوریشن

چارڈ سٹیٹ۔ بیان زارزی سٹیل۔ سٹیفائیٹ سیرکلوف

زارزی سٹیل اور فیکٹری DP جو اب کے سٹاک کے بدلے سے

جو سٹور ہے۔ اس کے ساتھ ہی ریکارڈ اور بیان کے سٹاک کو

تفیح۔ جنہو سردی موجودہ ریکارڈ کے علاوہ اس کے

کسی کے نسبت کوئی ریکارڈ دفتر میں نہیں ہے

انسٹیٹوٹ عطاء الرحمن
12-1-24

provisions of the rules for the time being in force.

NOTE: For History-cum-Civics: The candidates must possess Master's Degree either in History or Political Science provided the other required subjects has studied at B.A level. The other requirement of teaching degree will, however, remain intact.

For Biology: 2nd Class Master Degree in Botany or Zoology provided that other subject have been studied at graduate level.

AGE LIMIT: 25 to 40 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Female.

ALLOCATION:

S.No	Subject	No. of Posts	Allocation
5.	Islamiyat	02	Merit Quota
6.	Pak. Study	03	Merit Quota
7.	History-Cum-Civics	02	Merit Quota
8.	Economics	02	Merit Quota
9.	English	02	Merit Quota
10.	Statistics	02	Merit Quota
11.	Maths	02	Merit Quota
12.	Biology	02	Merit Quota
13.	Chemistry	02	Merit Quota
14.	Physics	02	Merit Quota

(S.No. 52) Sixteen Hundred Eighty One (1681) Posts of Male SETs. /S.S.Ts (Both Science & Arts) (with out graduaty and pension).

QUALIFICATION: For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.

AGE LIMIT: 21 to 35 years. **PAY SCALE:** BPS-16 **ELIGIBILITY:** Male.

ALLOCATION:

Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5
420	280	281	280	210	210

(S.No. 53) Thirty Four (34) Posts of Male Disabled SETs. /S.S.Ts (Both Science & Arts) (with out graduaty and pension).

QUALIFICATION: For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.

AGE LIMIT: 21 to 35 years. **PAY SCALE:** BPS-16 **ELIGIBILITY:** Male.

ALLOCATION: Merit.

(S.No. 54) Ninety Two (92) Posts of Male SETs. /S.S.Ts For Earth-Quake Quota (I.E) Battagram, Manshra, Shangla, Kohistan, Abbottabad. (Both Science & Arts) (with out graduaty and pension).

QUALIFICATION: For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.

AGE LIMIT: 21 to 35 years. **PAY SCALE:** BPS-16 **ELIGIBILITY:** Male.

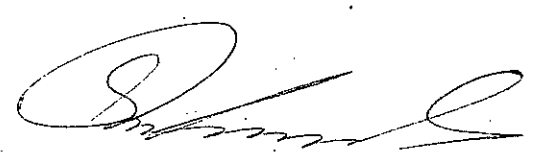
ALLOCATION: Merit.

Report

I S.H.O Excise Police Station Mardan Region Squad
send and to check the status of the vehicle
bearing Registration LWO-0084 Honda Civic, Color
Silver having chassis no: NFBFD163XGR100725

The squad report that the following vehicle
Cut & Weld chassis so illegal vehicle
However the book seems to be OK and
genuine but will be confirmed from MRA
Lahore.

Report Submitted for further action &
Inquiry



Inspector / S.H.O
Excise Police Station
Mardan Region
Dated. 19-05-2021

آفتاب علی وقت 300 اور خیر 25/5/21 سے جو کہ شہان و خیرہ جلال اللہ علیہ السلام نے عارضہ سے والوں آبا بپا کو ان شہداء کو
 اطلاع ہوئی ہے اور یہ حکم طور پر اصرار ہے کہ ہر گز 50 روپے اور خیرہ کا ہر گز 84 روپے اور خیرہ کی نسبت از علی کا الیہ
 یہ رقم کا اور عیاریہ جو بار ہوا میں رہنے کے تمام کے نفی میں جو بار ہوا کا، خیرہ کی نسبت از علی کا الیہ
 علیہ ان نفی کے جو بار ہوا کا حصہ کے دونوں کے ہوتے ہوئے جو حکم میں خیرہ کو 50 روپے اور خیرہ کا ہر گز 84 روپے اور خیرہ کی نسبت از علی کا الیہ
 بخارجہ کی صورت میں ہے اس 50 روپے کا اور خیرہ کی نسبت معلوم ہے کہ اسے 50 روپے اور خیرہ کا ہر گز 84 روپے اور خیرہ کی نسبت از علی کا الیہ
 خانہ کے لیے ایک حصہ خیرہ کے ہر حصہ میں ہے اور اس کے بعد جو خیرہ کا ہر گز 84 روپے اور خیرہ کی نسبت از علی کا الیہ
 ایسا نہ رہتا ہے بلکہ یہ معلوم ہے کہ اس میں خیرہ کا ہر گز 84 روپے اور خیرہ کی نسبت از علی کا الیہ
 کو شکایت ہوئی ہے کہ خیرہ کا حصہ میں سے والے لڑائے اور خیرہ کا ہر گز 84 روپے اور خیرہ کی نسبت از علی کا الیہ
 اور یہ سب تمام میں ہے۔ مذکورہ رقم کا اطلاق ہی نہیں ہے بلکہ خیرہ کا ہر گز 84 روپے اور خیرہ کی نسبت از علی کا الیہ
 خیرہ کے ساتھ ساتھ خیرہ کے لڑائے والوں میں سے خیرہ کا ہر گز 84 روپے اور خیرہ کی نسبت از علی کا الیہ
 عیاریہ کے ہر گز 84 روپے اور خیرہ کی نسبت از علی کا الیہ

38 اور
 المرحومہ کا
 اور علی

میں غلطی ہے
 No. 1064
 25/5/21

بیان اذان محمد علی رضا اور محمد سلیمان کے لئے 83 اڈہ حکم نامہ

نیا کالی

مذکورہ میں ہے کہ میں مسجد جامعہ میں بجت میں مسجد اقصیٰ
 ملازم ہوں کچھ پور قبل میں اپنے ورکرز کے ہمراہ صلح مسجد سے آئے تھے
 طاریا کا۔ مقام میام و نظام کوٹہ کے M1 پر کھانے سے لے کر رکھا۔ تو اس
 دوران کچھ پولیس اہلکار بھی اس پر کھانے کی گاڑی کا رکنڈ میں دوران
 کے ساتھ تھے۔ مسجد کو مسجد میں کافی دوران کے پولیس اہلکار تھے کیا کہ
 ایک گاڑی کے متعلق اطلاع ہے کہ یہ چوری کی گاڑی ہے اور تھے اپنے ساتھ
 چوکی لے گئے۔ بیان درج سے صلح ہو گیا اور وہ لے کر تھے کیا کہ
 کہ آج گاڑی چھوڑیں اور چند رقم لے کر وہ کسی دن آجاس۔
 میں دن کوہ میں تھا نہ طور اور چوکی آیا تو میری صورت کار LWO
 0084 اڑت
 نیا عدم وجود تھا جس کے گھنٹے میں افسر نے زبانی سرکارت کی یہی
 سر بیان سے جو درست اور کیفیت پر ہے۔

0305-6570324
36603-6192492-5

الکر ایف ایف

محمد علی رضا اور محمد سلیمان کے لئے 83 اڈہ حکم نامہ صلح و پارٹی منجانب

C (45)

Reply

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

**SCANNED
KPST
Peshawar**

Service Appeal No. 354/2022

Zazi Gul ASI No.826/MR s/o Anar Gul r/o Kochiyano Kaley Takht Bhai District
Mardan.....Appellant

VERSUS

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar and others
.....Respondents

INDEX

S. No.	Description of Documents	Annexure	Pages.
1.	Copy of Written Reply.	--	1-3
2.	Reply to the application for condonation of delay	--	4-5
3.	Copy of Affidavit.	--	6
4.	Copy of bad entries	A	7-12
5.	Copy of Charge Sheet with statement of allegations	B	13-14
6.	Copy of Enquiry report & order	C	15-20
7.	Copy of Authority Letter.	--	21

46

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

Service Appeal No. 354/2022

Zazi Gul ASI No.826/MR s/o Anar Gul r/o Kochiyano Kaley Takht Bhai District
Mardan.....Khyber Pakhtunkhwa Service Tribunal Appellant

VERSUS

Diary No. 562

Dated 29-6-2022

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar and others
.....Respondents

Para-wise comments by respondents:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

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

REPLY ON FACTS

1. Correct to the extent that the appellant is the employee of Police Department.
2. Incorrect. Plea taken by the appellant is not plausible because every Police Officer is under obligation to perform has been performing 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 **(Copy of list of bad entries and punishment enclosed as Annexure "A")**.
3. Incorrect. Stance taken by the appellant is totally ill based, because he while posted as In-charge Police Post Motorway was placed under suspension on account of involvement in corruption by taking an illegal

gratification of Rs.50,000/- from one Muhammad Ali Raza s/o Muhammad Saleem r/o Wahari (Punjab) on the pretext that his vehicle (Motor Car) No. LWO-84 is tempered/theft one, while during checking/verification at Excise Department, the vehicle in-question was found correct/clear, as highlighted by Mr. Adnan Azam the then SDPO Rural in his preliminary enquiry, already conducted into these allegations. It may be mentioned here that on taking into possession the vehicle in-question by appellant, neither he parked it at Police Station Toru or any of the Police Post of PS Toru nor brought it into the notice of SHO Toru, besides non lodging any report in the Roznamcha in-time, clarifying misconduct & mala-fide intention on his part. Hence, on account of aforementioned allegations, the appellant was issued charge sheet with statement of allegations and enquiry was entrusted to ASP Muhammad Qais Khan the then SDPO Takht Bhai. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense, but he failed. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for awarding minor punishment. Therefore, in light of above, the appellant was summoned & heard in Orderly Room on 25.08.2021, but he failed to justify his innocence hence, he was awarded major punishment of reversion to the rank of Head Constable, which does commensurate with the gravity of misconduct of the appellant **(Copies of Charge Sheet with statement of allegations, and enquiry report are annexed as annexure "B & C")**.

4. Correct to the extent that the appellant was proceeded against departmentally on the allegations of taking Rs.50,000/- illegal gratification. The appellant was awarded major punishment of reduction in rank after fulfillment of all legal and codal formalities as the allegations mentioned above stood proved against beyond any shadow of doubt.
5. Correct to the extent that the appellant preferred departmental appeal which was also decided on merit because he was called in orderly room on 24.11.2021 but this time too he bitterly failed to produce any cogent justification in his defense. Therefore, his departmental appeal was also rejected and filed being devoid of merit.
6. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

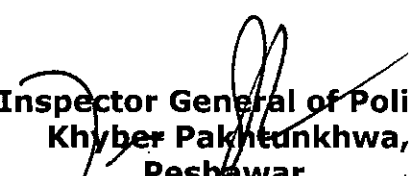
REPLY ON GROUNDS:

- A. Incorrect. Orders passed by the competent as well as appellate authorities are legal, lawful and passed it after fulfilling all legal and codal formalities, hence, liable to be maintained.


- B. Incorrect. Plea taken by the appellant is not plausible, because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations and enquiry was entrusted to the then SDPO Takht. Bhai. During the course of enquiry the appellant submitted his reply but found unsatisfactory.
- C. Correct to the extent that no one can be condemned unheard but the appellant cannot take this plea as he has duly been provided fulfilled opportunity of defending himself, during the course of enquiry as well as other proceeding carried out subsequently.
- D. Incorrect. Stance taken by the appellant is totally devoid of merit because during the course of enquiry the appellant was extended fulfilled opportunity of defending himself but he bitterly failed to justify his innocence.
- E. Para already explained needs no comments.
- F. Incorrect. Plea taken by the appellant is totally a tailored one because in this regard he could not produced any evidence.
- G. Incorrect as the appellant has tailored the instant concocted story just of save his skin.
- H. Plea taken by the appellant is bereft of any substance because compromise affidavit and departmental proceedings are two different entities which can run parallel and the fate of case will have no effects on the departmental proceedings.
- I. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

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


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 03)


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


**District Police Officer,
Mardan.**
(Respondent No. 01)

49

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

In Re S.A No. 354/2022

Zazi Gul ASI No. 826/MR

VERSUS

District Police Officer, Mardan & others

Reply to the application for condonation of delay:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

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

REPLY ON FACTS

1. That the appeal filed by the applicant before this Honorable Tribunal may kindly be dismissed being a badly time-barred.
2. The applicant was placed under suspension on account of involvement in corruption by taking an illegal gratification of Rs.50,000/- from one Muhammad Ali Raza s/o Muhammad Saleem r/o Wahari (Punjab) on the pretext that his vehicle (Motor Car) No. LWO-84 is tempered/theft one, while during checking/verification at Excise Department, the vehicle in-question was found correct/clear, as highlighted by Mr. Adnan Azam the then SDPO Rural in his preliminary enquiry, already conducted into these allegations. It may be mentioned here that on taking into possession the vehicle in-question by appellant neither he parked it at Police Station Toru or any of the Police Post of PS Toru nor brought it into the notice of SHO Toru, besides non lodging any report in the Roznamcha in-time, clarifying misconduct & mala-fide intention on his part. Hence, on account of aforementioned allegations, the applicant was issued charge sheet with statement of allegations and enquiry was entrusted to ASP Muhammad Qais Khan the then SDPO Takht Bhai. The enquiry officer during the course of enquiry provided full-fledged opportunity to the applicant to produce evidence/grounds in his defense, but he failed. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the applicant for awarding minor punishment. Therefore, in light of above, the applicant was summoned & heard in Orderly Room on 25.08.2021, but he failed to justify his innocence hence, he was awarded major punishment of reversion to the rank of Head Constable, which does commensurate with the gravity of misconduct of the applicant. It is pertinent to mention here that, stance of the applicant is baseless and he has preferred this appeal before the

Service Tribunal with a delay of 180 days after rejection his department appeal.

3. The applicant preferred departmental appeal which was also decided on merit because he was called in orderly room on 24.11.2021 but this time too he bitterly failed to produced any cogent justification in his defense. Therefore, his departmental appeal was also rejected and filed being devoid of merit.

Reply on Grounds

- A. Incorrect. Order passed by the competent authority is legal, lawful and passed it after fulfilling all legal and codal formalities, hence, liable to be maintained.
- B. Incorrect, plea taken by the applicant is whimsical / concocted rather fanciful hence, liable to be set at naught. As the apex court of Pakistan has held that the question of limitation cannot be considered a "technicality" simpliciter as it has got its own significance and would have substantial bearing on merits of the case.
- C. Para already explained needs no comments.

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

**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 03)

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

**District Police Officer,
Mardan.**
(Respondent No. 01)

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

Service Appeal No. 354/2022

Zazi Gul ASI-No.826/MR s/o Anar Gul r/o Kochiyano Kaley Takht Bhai District
Mardan.....Appellant

VERSUS

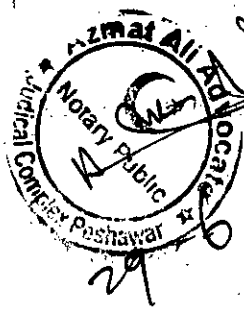
The Inspector General of Police Khyber Pakhtunkhwa, Peshawar and others
.....Respondents

COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.

**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 03)

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

ATTESTED

Notary Public
Judicial Complex Peshawar
29/06/22

**District Police Officer,
Mardan.**
(Respondent No. 01)

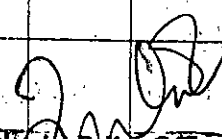
1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state: (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
<p style="text-align: center;"><u>ORDER:</u></p>							
<p style="text-align: center;">He is hereby placed under</p>							
<p style="text-align: center;">suspension with immediate effect based on</p>							
<p style="text-align: center;">the findings of preliminary enquiry</p>							
<p style="text-align: center;">conducted on allegations of uploading & sharing</p>							
<p style="text-align: center;">secret information on social media.</p>							
<p>OR No-1471</p>							
<p>02/09/2020</p>							
<p style="text-align: right;">DPO/Manan</p>							



53
10 (2)



No. 211

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term 'pay'	Date of Appointment	Signature of Government servant
<u>ORDER</u>							
He is hereby placed under							
Suspension & closed to Police							
line with immediate effect.							
OB NO = 899							
Dated - 25-05-2021							
<u>ORDER</u>							
He was heard in OR on 25-8-2021							
with giving opportunity to clarify his possession, to							
which he failed, therefore, keeping in view the enquiry							
findings and materials on record, he is awarded major							
punishment of reversion to the rank of Head constable							
and re-instated in service from the date of suspension							
with counting his suspension period as duty with							
immediate effect, and pay fixed Rs. 23450 p.m.							
OBNO. 1385							
DT: 25-8-2021							
 District Police Officer Mardan							

1975, initi
Police Pc
suspensio
No.3287-
gratificati
of Waha
one, whi
correct/c
prelimin
his offic

in-ques
of PS 1
Roznar

depart
Staten
fulfilli
No.67
to loc
failed

Final
clarit
mate
& is
with
OB
Dat

54

3

9 Signature of Government Servant	10 Designation of the office attesting officer in attestation of columns 1 to 8	11 Date of termination or appointment	12 Reason of termination (such as promotion, transfer, dismissal, etc.)	13 Signature of the head of the office or other attesting officer	13 Leave		14 Nature and duration of leave taken	15 Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	16 Signature of the head of the office or other attesting officer.	17 Reference to any recorded punishment or cessure, or reward or praise of the Government Servant
					Period					
					Government to Which debitable					
<u>ORDER</u>										
appeal is Rejected vide RPO Mardan										
order Endst NO: 690/ES, dt: 25-01-2022.										
APR DPO/Mardan										
<u>ORDER</u>										
He is hereby placed under Suspension										
and ordered to Police Line with immediate										
effect.										
APR DPO/Mardan										
OB NO: 2248										
dt: 01-12-2021										
<u>ORDER</u>										
He is hereby Re-instating in service from The date of										
Suspension and counted his Suspension's Period as duty										
and minor punishment of Censure.										
APR DPO/Mardan										
OB NO: 672										
dt: 14-3-2022										

022

Rules
id at
on &
vide
ublic

inst
fice
fter
tter
uct
so

to
th
ty

(4)

(55)



No. 96 AB

1 Name of Post	2 Whether substan- tive or officiating and whether permanent or temporary.	3 If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional pay for officiating	6 Other employment falling under the term "pay"	7 Date of Appointment	8 Signature of Government serv ant	9 and d l l t u n
<p>ORDER</p> <p>He is hereby warned to be Careful in Future while dealing with Courts matters with immediate effect -</p> <p style="text-align: center;">OBNO-1043 Dated 28/4/2022</p> <p style="text-align: right;">DPO / Mardan</p>								

1975,
PS G
close
orde
con

de
S
f

CHARACTER ROLL OF

6. APPOINTMENTS, PROMOTION, REDUCTION, DISCHARGES, ETC.

1	2	3	4	5
Appointed, promoted, suspended, reduced, discharged, dismissed, resigned or died	To what grade and pay Appointed, promoted or reduced	Date	No. of District Order	Full Signature of Superintendent of Police
<p>Appointed as Constable Time Scale on Three years Probation w.e. from 7.2.2002 in B.P.S. No. 5 (2100-100-5100) and Pay fixed as Rs. 2100/- PM</p> <p>OB No. 144 Dated 9.2.2002</p> <p>P. I. as <u>PL</u> @ Rs. 100/- Rs. 2300/- PM. with effect from, 1. 12. 2002</p> <p>P. I. as <u>PL</u> @ Rs. 100/- Rs. 2300/- PM. with effect from, 1. 12. 2003</p> <p>P. I. as <u>PL</u> @ Rs. 100/- Rs. 2400/- PM. with effect from, 1. 12. 2012</p>	<p>S. P. Mardan</p> <p>S. P. Mardan</p> <p>S. P. Mardan</p>	<p>He is hereby dismissed from service for his involvement in case No. 278 dt 5-8-13 u/s 302/148/149/PPC PS S. Shah from the date of his absence w.e. 13-8-2013</p> <p>OB No. 2888 on 27/12/13</p>	<p>Superintendent of Police MARDAN. 15.1.04</p> <p><u>ORDER</u></p> <p>D.P. Mardan</p>	<p>Full Signature of Superintendent of Police</p>

7. TRANSFERS BEYOND THE DISTRICT

1	2	3	4
Date	From	To	Authority for transfer

(6) 57

ORDER

Due to his Pathetic family condition as well as his Long Services, he is re-histed in Service with immediate effect, absence period w.ct 13-8-2013 to 31-10-2014 to be treated as leave without pay vide DIG/Mardan order endt. no. 7098/Es, dated:- 31-10-2014 and pay fixed Rs:- 9320/PM.

CB No. 2201
31.10.14

[Signature]
District Police Officer
Mardan

MF 84
Still drawn @ 2058/2 as pay as allow
for 11/2014 on MC of re-inst.
in Services @ 9320/PM + allow
Adjot in 12/2014

[Handwritten notes]
12/14
8365/11
12053/15

DCA
11/12

Office of the Accountant General
Khyber Pakhtun Khwa Peshawar
Pay Fixed in the Regular Basic Pay Scale
Fixed @ Rs 8365/-
Fixed @ Rs 12053/-
Increase in 2015
01-12-2015
Accounts Officer
Khyber Pakhtun Khwa Peshawar



58
Amc PB

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

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



8

No. 130 /PA

Dated 21/6/2021

DISCIPLINARY ACTION

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

STATEMENT OF ALLEGATIONS

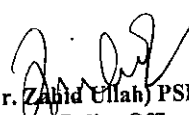
Whereas, ASI Zazi Gul No.826/MR, while posted as In-charge Police Post Motorway (now under suspension Police Lines) was found involved in corruption by taking an illegal gratification of Rs.50,000/- from one Muhammad Ali Raza Son of Muhammad Saleem resident of Wahari (Punjab) on the pretext that his vehicle (Motor Car) No.LWO-84 is tempered/theft one, while during checking/verification at Excise Department, the vehicle in-question was found correct/clear, as highlighted by Mr. Adnan Azam SDPO/Rural Mardan in his preliminary enquiry, already conducted into these allegations on the directions of the undersigned vide his office letter No.898/St dated 25-05-2021 (Worth perusal by Enquiry Officer).

It may be mentioned here that on taking into possession the vehicle in-question by ASI Zazi Gul, neither he parked at Police Station Toru or any of the Police Post of PS Toru, nor brought it into the notice of SHO concerned, besides non lodging any report in the Roznamcha in-time, clarifying misconduct & mala-fide intention on his part.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations ASP Muhammad Qais Khan SDPO Takht-Bhai 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 Official, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

ASI Zazi Gul is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan





59
OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

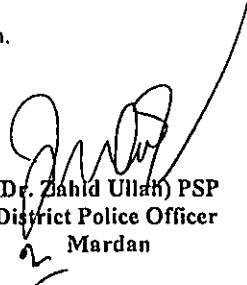
Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com



CHARGE SHEET

I, DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent authority, hereby charge ASI Zazi Gul No.826/MR, while posted as In-charge Police Post Motorway (now under suspension Police Lines), 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.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan



OFFICE OF THE
SUB-DIVISIONAL POLICE OFFICER,
TAKHT BHAI CIRCLE

Tel. & Fax: 0937552211, E-Mail: dsp.tbl@gmail.com

No. 675 /ST, Dated: 28/07/2021.

To, THE DISTRICT POLICE OFFICER,
MARDAN

Subject: DISCIPLINARY ACTION AGAINST ASI ZAZI GUL NO. 826MR.

Memo: Kindly refer to your office Diary No. 130/PA, dated 02.06.2021.

ALLEGATIONS:

This enquiry report is the outcome of an elaborate enquiry into a statement of allegation against ASI Zazi Gul No. 826/MR, while posted as In-charge Police Post Motorway (now under suspension Police Lines) was found involved in corruption by taking an illegal gratification of Rs. 50,000/- from one Muhammad Ali Raza son of Muhammad Saleem resident of Wahari (Punjab) on the pretext that his vehicle (Motor Car) No. LWO-84 is tempered/theft one, while during checking/verification at Excise Department, the vehicle in-question was found correct/clear, as highlighted by Mr. Adnan Azam SDPO/Rural Mardan in his preliminary enquiry, already conducted into these allegation on the direction of the worthy DPO Mardan vide his office letter No. 898/St dated 25.05.2021.

It may be mentioned here that on taking into possession the vehicle in-question by ASI Zazi Gul, neither he parked at Police Station Toru or any of the Police Post of Police Station Toru, nor brought it into notice of SHO concerned, besides non lodging any report in the Roznamcha in-time, clarifying misconduct & mala-fide intention on his part.

FINDING OF THE ENQUIRY:

Enquiry proceedings were initiated and the alleged ASI Zazi Gul was summoned and copy of charge sheet was handed over to him accordingly. He produced his written statement and he was heard in person. He negated the allegation and stated that he has not taken any bribe money from complainant, in this connection he also produced an affidavit duly signed by complainant Ali Raza. The complainant Ali Raza does not want further action and clarified that he has not given money to ASI Zazi Gul.

ASI Zazi Gul further stated that on receiving information he checked the engine and chassis number of the motorcar and were found cut/welded. So he took the motorcar in possession, parked it in PP Motorway and informed SHO/SI Iftikhar Khan.

R. to led. file I. eff. D.S.

60
2

10
72

2

✓

During the process of enquiry complainant Ali Raza was contacted on his mobile number 0305-6570324 from office phone number 0937-552211. He expressed his inavailability to come in person to the office of undersigned stating that he had already submitted an affidavit and wanted no action. (11)

On perusal of record it was found that while taking the motorcar into possession ASI Zazi Gul was bound to lodge a report in the Roznamcha accordingly but he did not do so which indicates negligence on part of alleged ASI Zazi Gul. (3)

RECOMMENDATION:

Keeping in view the above facts and preliminary enquiry, the allegations regarding abuse of authority hold substantial ground, however keeping in view the retracting statement of the complainant, the ASI Zazi Gul No. 826/MR might be awarded minor punishment if agreed.

Muhammad Qais Khan (PSP)
Sub-Divisional Police Officer,
Takht Bhai

OR
~~25/12/11~~

The officer was heard in O.R.
He was given opportunity to
clarify his position but failed.
Keeping in view the enquiry findings
and material on record ASI is
awarded major punishment of
reversion in rank to the rank
of HC with immediate effect.

Darshan
20/12/11
Page 2 of 2

62

12

To
 The District Police Officer Mardan
 Through the enquiry Officer
 (ASP Muhammad Qais Khan)
 SDPO Takht Bhai Mardan

Subject: **Defense reply to the charge sheet vide**
Endsr No. 130/PA dated: 02-06-2021.

Sir,
 Reference the above complaint charge sheet (Received on 05.06.2021).

It is submitted that the allegation as leveled against me are incorrect, and false and based on malice & retalian.

I had not taken any gratification as alleged. The undertaking of the complement Mr. Ali Raza attached herewith, wherein has clarified that no amount was paid to me.

It is further clarified that on the information of an informer, when I checked the engine of the Motor Car it was found tempered by cutting. The photage of the relevant part of the engine (enclosed herewith) clearly shows the signs of cutting and welding of the piece of Chaises No.

Sincere, it was last days of Ramazan and Eid ul Fitr was just ahead; hence retained the vehicle in police custody, the alleged culprit was released on personal bonds (copies attached).

I also informed Mr. Istikhar SI/the S.H.O Police Station Toru Mardan and parked the vehicle in the PP Motorway. There is no daily dairy in the relevant PP yet, recovery memo; of custody was prepared duly witnessed by Shaukat Constable and Saadullah H.C (Copy is Attached).

Ali

SP
 5-5430
 01/06/21
 11-11-2021

63

(B)

After production of original documents on 17.05.2021 the same was examined through the Excise Deptt. Mardan and the S.H.O./Inspector, Police Station Mardan Region vide report dated 19.05.2021, has claimed that the chassis No. of vehicle is cut and welded. This report of S.H.O. Excise Deptt also negates that the vehicle was clear. (Copy is attached).

Respected sir, the culprit ~~Ali Raza~~ has been released along with with the tempered vehicle without legal action being taken against him and I have been under enormous mental stress being suspended and placed under enquiry by taking cognizance of an illegal action to which I was duty bound.

It is requested that I may be exonerated from the charges as leveled against me.

Dated: 12/06/2021

Yours obediently
Asi Zazi Gul
No. 826MR

12.06.2021
The origin of the engine of the vehicle was found to be cut and welded. The photograph of the relevant part of the engine is attached herewith for the signature and marking of the name of Chinese No. 12.06.2021
The engine of the vehicle was found to be cut and welded. The photograph of the relevant part of the engine is attached herewith for the signature and marking of the name of Chinese No. 12.06.2021
The engine of the vehicle was found to be cut and welded. The photograph of the relevant part of the engine is attached herewith for the signature and marking of the name of Chinese No. 12.06.2021

(14)

OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
RURAL CIRCLE, MARDAN.

Phone: 0937-580322 E-mail: dsp.ruralmdn@gmail.com

(21)

No. 898 /St.

Dated 25/05/2021

To: The worthy District Police Officer,
Mardan.

Subject: COMPLAINT OF ALI RAZA AGAINST SI ZAZI GUL KHAN
INCHARGE PP MOTORWAY PS TORU.

Respected Sir,

It is submitted that the above named complainant alleged that SI Zazi Gul Khan have taken in possession his Motor Car No. LWO-84 from him, while he has been pressurized by him that his Car is tempered and bribed Rs.50,000/- from him and still demanding more money in this regard

In this connection initial enquiry was conducted by the undersigned and it was found that the SI Zazi Gul have taken in possession a Motor Car from the complainant on information of the informer namely Numan r/o Tangi District Charsadda that it is a theft vehicle. The vehicle was not parked in the Police Station or in any PP of the PS. In this connection SHO PS Toru SI Iqhar Khan was also informed by the high-ups that they have taken in possession a Motor Car No. LWO-84 through information, in this regard he inspected the PS and PPs as well as informed MASI in-charge PPs and beat officers but all showed incognizance about the vehicle. Later on SI Zazi Gul Khan in-charge PP Motor way informed the SHO that he has taken in possession on information and parked it at unknown place. The SHO directed him to park the vehicle in the PS as soon as possible; SI Zazi Gul produced the Motor Car and was parked in PS, the SHO concern examined the registration book through Excise department which was found clear, while the vehicle which was handed over to the complainant. The detail report was entered in the daily dairy vide DD No. 32 dated 25.05.2021 PS Toru. (Report attached)

The allegations are concerned, that the SI Zazi Gul Khan have bribed amount 50,000 from the complainant seems to genuine because that the SI Zazi Gul have direct contacts with one namely Numan (informer) who is also having contacts with the complainant Ali Raza through WhatsApp messages who is demanding more money for the alleged SI Zazi Gul (WhatsApp messages is attached). Moreover he has not parked the vehicle in any PP or PS while he was also found guilty that he did not entered any report in the daily dairy regarding the said vehicle on time nor he bring the whole situation in the notice of SHO concern.

It is therefore recommended that SI Zazi Gul may be proceeded departmentally.

Report is submitted please.

(Signature)
Deputy Superintendent of Police,
Rural Circle, Mardan.



(65)
**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

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



No. 2811-14 /PA

Dated 25/8 /2021

ORDER ON ENQUIRY OF ASI ZAZI GUL NO.826/MR

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted as In-charge Police Post Motorway (now under suspension Police Lines Mardan), was placed under suspension vide this office OB No.899 dated 25-05-2021, issued vide order/endorsement No.3287-91/EC dated 26-05-2021, on account of involving in corruption by taking an illegal gratification of Rs.50,000/- from one Muhammad Ali Raza Son of Muhammad Saleem resident of Wahari (Punjab) on the pretext that his vehicle (Motor Car) No.LWO-84 is tempered/theft one, while during checking/verification at Excise Department, the vehicle in-question was found correct/clear, as highlighted by Mr. Adnan Azam, the then SDPO/Rural Mardan in his preliminary enquiry, conducted into these allegations on the directions of the undersigned vide his office letter No.898/St dated 25-05-2021.

It may be mentioned here that on taking into possession the vehicle in-question by ASI Zazi Gul, neither he parked it at Police Station Toru or any of the Police Post of PS Toru, nor brought it into the notice of SHO Toru, besides non lodging any report in the Roznamcha in-time, clarifying misconduct & mala-fide intention on his part.


To ascertain real facts, the delinquent official was proceeded against departmentally through ASP Muhammad Qais Khan SDPO Takht-Bhai vide this office Statement of Disciplinary Action/Charge Sheet No.130/PA dated 02-06-2021, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.675/ST dated 28-07-2021, holding responsible ASI Zazi Gul of negligence that he was bound to lodge a report in the Roznamcha on taking into possession the vehicle in-question, but he failed to do so and recommended for minor punishment.

Final Order

ASI Zazi Gul was heard in OR on 25-08-2021 with giving opportunity to clarify his possession, to which, he failed, therefore, keeping in view the enquiry findings & materials on record, he is awarded major punishment of reversion to the rank of Head Constable & is reinstated in service from the date of suspension with counting his suspension period as duty with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 1385

Dated 25/8 2021.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan, please.
- 2) The DSP/HQs Mardan.

66

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

Service Appeal No. 354/2022

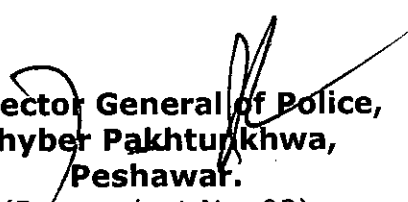
Zazi Gul ASI No.826/MR s/o Anar Gul r/o Kochiyano Kaley Takht Bhai District
Mardan.....Appellant

VERSUS

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar and others
.....Respondents

AUTHORITY LETTER.

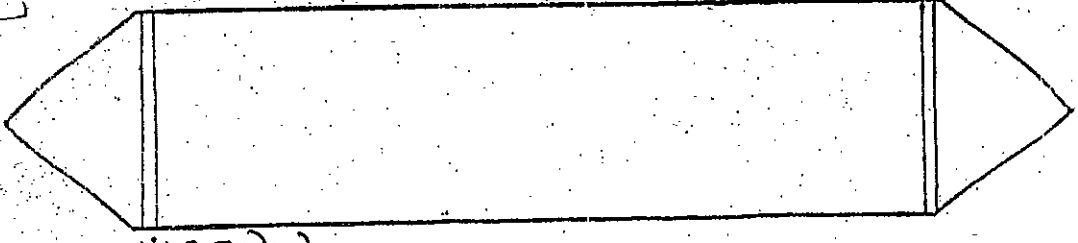
Mr. Atta-ur-Rahman Inspector Legal Branch, (Police)
Mardan is hereby authorized to appear before the Honourable Service Tribunal,
Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on
behalf of the respondents. He is also authorized to submit all required
documents and replies etc. as representative of the respondents through the
Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal,
Peshawar.


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 03)


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


**District Police Officer,
Mardan.**
(Respondent No. 01)

بعد الت عنوان درجہ بالا میں اپنی طرف سے واسطے پیردی و جواب دہی وکل کاروائی متعلقہ



2022 جناب اندلانت
لا حاصل بنام
لوگ لیس

سورخہ
مقدمہ
دعوی
جرم

باعث تحریر آئنگے

آن مقام لاہور کیلئے رویداد کے سلسلے میں

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی و جواب دہی وکل کاروائی متعلقہ مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق و رائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیردی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیردی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لانا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائنہ التوائے مقدمہ کے سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیردی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 17 ماہ فوجیا 2022

الع باب

بمقام نگر

Accepted By

PLC