

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**Service Appeal No. 5195/2021**

BEFORE: **MR. SALAH UD DIN** ... **MEMBER (J)**  
**MISS FAREEHA PAUL** ... **MEMBER(E)**

Inayat Ali Amjid Sub-Inspector, presently posted at District Police Peshawar.....(*Appellant*)

Versus

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan Region-I, Mardan.
3. District Police Officer, Nowshera.....(*Respondents*)

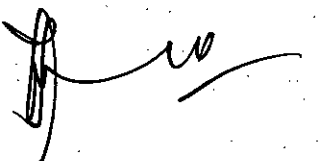
Mr. Yasir Saleem  
 Advocate ... For appellant

Mr. Asif Masood Ali Shah  
 Deputy District Attorney ... For respondents

Date of Institution..... 19.04.2021  
 Date of Hearing..... 10.01.2024  
 Date of Decision..... 10.01.2024

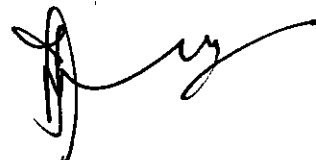
**JUDGEMENT**

**FAREEHA PAUL, MEMBER (E):** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the appellate order dated 08.11.2019, whereby the penalty of forfeiture of two years service, imposed vide order dated 12.09.2019, was modified and reduced to one year forfeiture of service and against the order dated 22.03.2021 whereby revision petition of the appellant was rejected. It has been prayed that on acceptance of the appeal, the original order dated 12.09.2019, the appellate order dated 08.11.2019 and the Board's order dated 22.03.2021 might be set aside and the forfeited service be restored to the appellant with full back and consequential benefits of service.



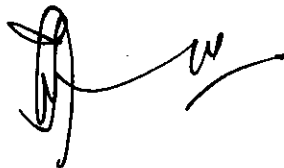
SCANNED  
 PESHAWAR

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was initially appointed as ASI in the Police Department vide order dated 04.11.2010. He was posted as SHO at Police Station Misri Banda, when an incident took place. A lady, namely Aysha, lodged an FIR No. 209 dated 08.08.2019 u/s 337/A(i)(ii)/337F(ii)/336/445/34 PPC at Police Station Misri Banda, District Nowshera against one, Inzemam S/O Zamanat Khan R/O Nandrak. When the issue was raised on social media, the appellant was departmentally proceeded on the allegations of not taking action against the accused Inzemam when the said lady earlier came to the Police Station for redressal of her grievance against Inzemam prior to the registration of FIR and also on the allegations that due to his negligent attitude by not taking preventive measures, the lady sustained injuries. Without serving any charge sheet and statement of allegations, an inquiry was conducted in the matter and the enquiry officer held him responsible and recommended for forfeiture of two years from service vide his report dated 05.09.2019. Thereafter, the competent authority, without serving any show cause notice upon the appellant, awarded him minor punishment of forfeiture of two years from active service vide order dated 12.09.2019. Feeling aggrieved, the appellant filed his departmental appeal, which was partially accepted and vide order dated 08.11.2019, the penalty was reduced to forfeiture of service to one year. The appellant, being aggrieved from partial acceptance of his departmental appeal, filed his revision petition by invoking Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 which was rejected vide order dated 22.03.2021; hence the instant service appeal.



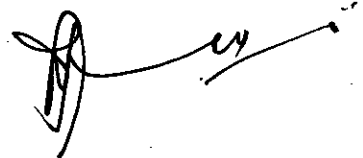
3. Respondents were put on notice who submitted written replies/ comments on the appeal. We heard the learned counsel for the appellant as well as the learned Deputy District Attorney for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant, after presenting the case in detail, argued that the appellant was not afforded opportunity of personal hearing before the imposition of penalty upon him and was condemned unheard. He further argued that no charge sheet, statement of allegation or show cause notice was ever served upon him before awarding him the penalty. He further argued that when the lady, Aysha, sustained injuries, FIR was promptly lodged which showed that the appellant performed his duty and was vigilant enough in the matter. Later on, when the lady/complainant was called to Police Station, she appeared alongwith the elders of the locality and deposed that she did not want any action against the accused Inzemam. Her statement was duly entered in daily diary vide Mad No. 12 dated 06.08.2019. The learned counsel contended that when the complainant did not want to initiate proceedings against Inzemam, then how could the appellant initiate proceedings against him. Learned counsel for the appellant further argued that neither any witness was examined nor the appellant was given opportunity of cross-examination during the enquiry proceedings. According to him, the charges leveled against the appellant were never proved and the enquiry officer gave his findings on the basis of surmises and conjectures. He requested that the appeal might be accepted as prayed for.



5. Learned Deputy District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that the appellant was served with charge sheet and statement of allegations on 16.08.2019. Enquiry was conducted through the ASP Cantt: Nowshera and it was proved that the appellant failed to protect the victim when the matter was reported to him vide FIR dated 08.08.2019. According to the learned DDA, the appellant was provided opportunity to defend himself during the enquiry proceedings but he failed to give any plausible reason in his defence. He requested that the appeal might be dismissed.

6. Arguments and record presented before us shows that the appellant was initially awarded minor punishment of forfeiture of approved service of two years by his competent authority which was reduced to one year by the appellate authority, in response to his departmental appeal. There was an allegation against him that, he, while posted as SHO Police Station, Misri Banda badly failed to take proper action against the accused, Inzimam s/o Zamanat Khan r/o Nandrak, because a victim lady, Mst. Aysha, time and again approached him for redressal of her grievances, which resulted in registration of FIR No. 209 dated 08.08.2019 u/s 337 A(i)(ii)F(ii)/336/455/34 PPC P.S Misri Banda. According to the same statement of allegations, the said lady sustained grievous injuries due to his lethargic and negligent attitude, which shows his inefficiency and lack of interest in official duties and amounts to grave misconduct on his part and because of that he rendered himself liable for minor or major punishment under Khyber Pakhtunkhwa Police Rules, 1975. An inquiry officer was appointed to conduct the inquiry who submitted his




report, according to which the appellant failed to protect the victim when the matter was reported to him and his casual response resulted in the incident as reported in the FIR dated 08.08.2019. Based on those findings he was awarded the minor penalty. Perusal of the proceedings of the inquiry report shows that statement of the appellant was recorded, but no such statement was available with the Inquiry Report annexed with the reply of the respondents. In a single page Inquiry Report, the Inquiry Officer has not tried to get statements of any witnesses related to the incident which resulted in the inquiry against the appellant. When the learned Deputy District Attorney was asked to elaborate the lethargic attitude of the appellant, as stated in the statement of allegations, and how was it proved against him, he could not lay hand on a single document which could establish that allegation.

7. In view of the above discussion, the appeal in hand is allowed as prayed for. Cost shall follow the event. Consign.

08. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 10<sup>th</sup> day of January, 2024.*

  
(FAREEHA PAUL)  
Member (I)

  
(SALAH-UD-DIN)  
Member (J)


S.A 5195/2021


10<sup>th</sup> Jan, 2024 01. Mr. Yasir Saleem, Advocate for the appellant present.  
Mr. Asif Masood Ali Shah, Deputy District Attorney for the  
respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 05 pages, the  
appeal in hand is allowed as prayed for. Cost shall follow the  
event. Consign.

03. *Pronounced in open court in Peshawar and given under  
our hands and seal of the Tribunal on this 10<sup>th</sup> day of January,*

2024.

  
(FAREEHA PAUL)  
Member (E)

  
(SALAH-UD-DIN)  
Member (J)

SCANNED  
Peshawar

\*Fazal Subhan PS\*

S:A #. 5195/2021

4<sup>th</sup> July, 2023

1. Clerk to counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.
2. Lawyers are on strike. Therefore, case is adjourned. To come up for arguments on 01.11.2023 before the D.B. P.P given to the arties.

**SCANNED**  
**KPST**  
**Peshawar**

*\*Mutazem Shah\**



(Rashida Bano)  
Member (J)



(Kalim Arshad Khan)  
Chairman

01.11.2023

Appellant in person present. Mr. Muhammad Fayaz, Head Constable alongwith Mr. Habib Anwar, Additional Advocate General for the respondents present.

**SCANNED**  
**KPST**  
**Peshawar**

Appellant requested for adjournment on the ground that his counsel is busy in the Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 10.01.2024 before the D.B. Parcha Peshi given to the parties.



(Fareeha Paul)  
Member (E)



(Salah-ud-Din)  
Member (J)

*\*Naeem Amin\**

23.11.2022

Due to rush of work. This case has been deleted. To come up for the same as before on 23.01.2023.

Q  
Readers

SCANNED  
KPST  
Peshawar

23.01.2023

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

SCANNED  
KPST  
Peshawar

Learned Member (Judicial) Mr. Salah-ud-Din is on leave. The bench is incomplete, therefore, the case is adjourned to 02.05.2023 for arguments before the D.B.

Q\*

(Mian Muhammad)  
Member (Executive)

02<sup>nd</sup> 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 seeks adjournment on the ground that he has not made preparation for arguments. To come up for arguments on 04.07.2023 before the D.B. Parcha Peshi is given to the parties.

7.

(Salah-ud-Din)  
Member (J)

9


(Kalim Arshad Khan)  
Chairman



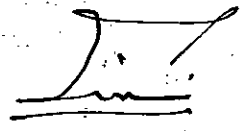
06.07.2022

Appellant alongwith clerk of his counsel present. Mr. Muhammad Fayaz, Head Constable alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant submitted rejoinder, copy of which handed over to learned Additional Advocate General. Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 13.10.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

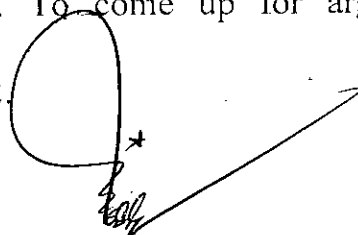
13.10.2022

Appellant in person present. Mr. Muhammad Jan, District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court Peshawar.

Adjourned. To come up for arguments before the D.B on

23.11.2022



(Mian Muhammad)  
Member (E)




(Salah-ud-Din)  
Member (J)

05.07.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 16.11.2021 before the D.B.

Appellant Deposited  
Security & Process Fee

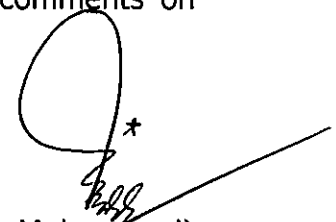
  
5/11/21

  
Chairman

16.11.2021

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG for respondents present.



Written reply on behalf of respondents not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 12.01.2022 before S.B.

  
(Mian Muhammad)  
Member(E)

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. - 5195 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	07/05/2021  27/05/21	<p>The appeal of Mr. Inayat Ali Amjid resubmitted today by Mr. Yasir Salim 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> <p>2-</p>	This case is entrusted to S. Bench for preliminary hearing to be put up there on 05/07/21	<p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Inayat Ali Amjid Sub Inspector district police Peshawar received today i.e. on 19/04/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Affidavit may be got attested by the Oath Commissioner.
- 2- Departmental appeal having no date be dated.
- 3- Copy of appellate order dated 08.11.2019 mentioned in para-7 of the memo of appeal is not attached with the appeal which may be placed on it.
- 4- Annexures-D, H and I of the appeal are illegible which may be replaced by legible/better one.

Waive of →

No. 741 /S.T,


Dt. 19/04 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.


Mr. Yasir Saleem Adv.

Sir,

Resubmitted with clear objection.


  
5/5/21

Annexure I is illegible. The appeal is again returned to the counsel for the appellant for completion & re-submission within 15 days.

  
5/5/2021

Sir,

Resubmitted with clear objection.

  
7/5/21

SCANNED  
KPST  
Peshawar

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

Appeal No. \_\_\_\_\_/2021

**Inayat Ali Amjid** Sub- Inspector presently posted at District Police  
Peshawar.....(Appella  
nt)

**VERSUS**

**Provincial Police Officer**, Khyber Pakhtunkhwa, Peshawar and  
others

(Respondents)

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1	Memo of Appeal & Affidavit		1-4
2	Copy of office order dated 04.11.2010	A	5
3	Copy of FIR dated 08.8.2019	B	6
4	Copy of the Inquiry Report	C	7
5	Copy of the penalty order dated 12.09.2019	D	8
6	Copies of the departmental appeal and appellate order dated 08.11.2019	E & F	9-11
7	Copies of the mercy/ revision petition and rejection order dated 22.03.2021	G & H	12-14
	Copy of mad report dated 06.08.2019	I	15
8	Vakalatnama.		16

*Through*  
Through

*Appellant*

**YASIR SALEEM**  
Advocate High Court  
Office No. 4, 4th Floor  
Bilour Plaza Peshawar Cantt.  
Cell: 0331-8892589  
Email: yasirsaleemadvocate@gmail.com

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

Khyber Pakhtunkhwa Service Tribunal

5195

Diary No. 4941

Appeal No. \_\_\_\_\_/2021

Dated 19/4/2021

**Inayat Ali Amjid** Sub- Inspector presently posted at District Police Peshawar.

(Appellant)

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan Region- I, Mardan
3. District Police Officer, Nowshera.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the appellate order dated 08.11.2019, whereby the initial penalty order dated 12.09.2019, vide which the two years service was forfeited, was only modified and the penalty was reduced to one year forfeiture of service against which his mercy petition dated 04.12.2019 has been rejected by the Board vide order dated 22.03.2021.

Filed to-day  
[Signature]  
Registrar  
19/4/2021

Prayer in Appeal: -

Re-submitted to-day and filed.

[Signature]  
Registrar  
7/5/2021

On acceptance of this appeal both the original order dated 12.09.2019, the appellate order 08.11.2019 and the Board order dated 22.03.2021, may please be set-aside and the forfeited service may be restored to the appellant with full back and consequential benefits of service.

Respectfully Submitted:

1. That the appellant was initially appointed as ASI in the year 2010 vide office order dated 04.11.2010, ever since his enlistment the appellant performed his duties as assigned to him with zeal and devotion. (Copy of office order dated 04.11.2010 is attached as Annexure A)
2. That during his service the appellant was also promoted to the post of sub inspector and has been posted at different stations,
3. That while posted as SHO at Police station Misri Banda an incident took place. A lady namely Aysha lodged an FIR No. 209 dated 08.8.2019 U/S 337/A(i)(ii)/ 337F(ii)/ 336/445/34PPC Police station Misri Banda against one Inzemam S/O Zamanat Khan R/O Nandrak.(Copy of FIR dated 08.8.2019 is attached as Annexure B)
4. That when the issue was raised on social media, the appellant was departmentally proceeded on the allegations of not taking action against the accused inzemam when the said lady earlier came to the PS for redressel of her grievance against inzemam prior to the registration of FIR and also on the allegations that due to his negligent attitude due to not taking preventive measures the lady sustained injuries.
5. That without serving any charge sheet and statement of allegations an inquiry was conducted in the matter and the enquiry officer held him responsible and recommended for forfeiture of two years from service vide his report 05.09.2019. (Copy of the Inquiry Report is attached as Annexure C)
6. That thereafter, the competent authority without serving any Show Cause Notice upon the appellant, awarded him the minor punishment of "Forfeiture of two years from active service" vide order dated 12.09.2019. (Copy of the penalty order dated 12.09.2019 is attached as Annexure D)
7. That feeling aggrieved from the original order, the appellant filed his departmental appeal which was partially accepted and the penalty in the original order was reduced to forfeiture of service to one year vide appellate order dated 08.11.2019. (Copies of the departmental appeal and appellate order dated 08.11.2019 are attached as Annexure E & F)

8. That the appellant, being aggrieved from partial acceptance, then filed his mercy/ revision by invoking Rule 11/A of Police Rules 1975, however the same has been rejected vide office order 22.03.2021. (Copies of the mercy/ revision petition and rejection order dated 22.03.2021 are attached as Annexure G & H)
9. That original order dated 12.09.2019, the partial appellate order 08.11.2019 and the Board order dated 22.03.2021 are illegal against the facts and are liable to be set-aside on the following grounds.

**GROUNDS OF APPEAL:**

- A. That the appellant has not been treated in accordance with law, hence his rights secured and guaranteed under the law are badly violated.
- B. That the appellant has not been allowed opportunity of personal hearing before the imposition of penalty upon him, thus he has been condemned unheard.
- C. That no charge sheet, statement of allegation or show cause notice has ever served upon the appellant before awarding him the penalty, hence he has not been provided opportunity to defend himself against the charges leveled.
- D. That the appellant has not been served with Show Cause Notice, nor has he been provided copy of enquiry report, before the imposition of penalty upon him, which is mandatory in case of awarding major Penalty.
- E. That the fact has been ignored by the respondent throughout that the lady when was called to PS Misri Banda she, in front of elders of the locality, deposed that she does not want police action and report against the accused namely inzemam. In this respect her statement was duly entered in daily diary vide mad No. 12 dated 06.08.2019. (Copy of mad report dated 06.08.2019 is attached as Annexure I)
- F. That this fact has also been ignored by the respondents that when the lady did not report against inzemam how could the appellant initiate proceedings against him. It is also pertinent to mention here that when the lady sustained injuries, FIR was promptly lodged which shows that the appellant performed his duty and was vigilant enough in the matter.



- G. That neither any witness has been examined nor the appellant has been given opportunity to cross examined witness if any examined, during the inquiry proceedings.
- H. That the charges leveled against the appellant were never proved in the enquiry, the enquiry officer gave his findings on surmises and conjunctures.
- I. That the imposed penalty has stigmatized spot less service career of the appellant which is liable to be set-aside.
- J. That the penalty imposed is also illegal in the sense that "forfeiture of service" is alien to the services laws and E & D rules.
- K. That the appellant seeks permission of this Honorable Tribunal to rely on additional grounds at the hearing of the appeal.

*It is, therefore, humbly prayed that on acceptance of this appeal both the original order dated 12.09.2019, the appellate order 08.11.2019 and the Board order dated 22.03.2021, may please be set-aside and the forfeited service may be restored to the appellant with full back and consequential benefits.*

*[Signature]*  
Appellant

Through

*[Signature]*  
YASIR SALEEM  
Advocate

Peshawar

**AFFIDAVIT**

It is hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct and that nothing has been kept back or concealed from this Honorable Tribunal.



*[Signature]*  
Deponent

5

Annex-A

The Regional Police Officer,  
Bannu Region, Bannu.

Tax 0928-9270075

- 1. The District Police Officer, Bannu.
- 2. The District Police Officer, Lakki Marwat.

14-15 FC, dated Bannu, the 04/01/2010.

RECRUITMENT TO THE POST OF (115) MALE ASSISTANT SUB INSPECTOR BPS-9 IN POLICE DEPARTMENT (ADVERTISEMENT NO. 4/2008) SNO.1.

The Public Service Commission, Khyber Pakhtunkhwa Peshawar has been pleased to approve the appointment of the following candidates as PASI post the 25% quota reserved for direct appointment in police Deptt. received from CPO Peshwar vide Memo No.28334-40/15-II dated 27-12-2010.

Name and Category	Address
Mohammad Naeem Khan ✓	Bannu Dist ✓
Hamidullah Khan	Bannu Dist ✓
Mohammad Zahir Khan	Bannu Dist ✓
Altaf-ur-Rehman Wazir	Bannu Dist ✓
Damsaz Khan	Bannu Dist ✓
Raham Dil Khan	Bannu Dist ✓
Furqan Iqbal	Bannu Dist ✓
Irfanullah	Lakki Dist ✓
Asimullah	Lakki Dist ✓
Pr. A. M. Ahmad	Lakki Dist ✓
Mohammad Iqbal	Lakki Dist ✓
Mohammad Kamran	Lakki Dist ✓

56  
7/4/10

On their attachment to Bannu Region, they are allotted B. Nos. and posted to the Distts. Units as noted against their names -

S.No	Name	Range No.	Distt. Units.
1	PASI Mohammad Naeem Khan ✓	99/B	Bannu Dist ✓
2	PASI Hamidullah Khan	100/B	Bannu Dist ✓
3	PASI Mohammad Zahir Khan	101/B	Bannu Dist ✓
4	PASI Altaf ur-Rehman Wazir	102/B	Bannu Dist ✓
5	PASI Damsaz Khan	103/B	Bannu Dist ✓
6	PASI Raham Dil Khan	104/B	Bannu Dist ✓
7	PASI Furqan Iqbal	105/B	Bannu Dist ✓
8	PASI Irfanullah	106/B	Lakki Dist.
9	PASI Asimullah	107/B	Lakki Dist.
10	PASI Pr. A. M. Ahmad	108/B	Lakki Dist.
11	PASI Mohammad Iqbal	109/B	Lakki Dist.
12	PASI Mohammad Kamran	110/B	Lakki Dist.

Their appointment order and Gazette notification subject to their medical fitness and fulfilling other requirements may be issued. They may be informed accordingly.

OPASI/SRC  
To issue their Gazette Notification (Appointment) subject to their Medical Fitness and fulfilling other formalities

M. H. KHAN  
PSI  
Regional Police Officer  
Bannu Region, Bannu.

Attested

0342-8195477

قیدی افسر رہبر پارانہ

ve 2  
9-146  
15

کونستبل محمد علی محمد پسر 2288/13-13-2011ء (20.08.2011ء) (م.ن.پ.س)

قارم نمبر 23-5-1

1945 (م.ن.پ.س) (م.ن.پ.س)

7/7/19

پولیس ایف ڈی نمبر

ابتدائی اطلاعی رپورٹ

قابل

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردانہ 152 مجموعہ کی ایک کاپی

تھانہ \_\_\_\_\_ محلہ \_\_\_\_\_

تاریخ \_\_\_\_\_ وقت \_\_\_\_\_

209 8

1- تاریخ وقت رپورٹ	08/19	وقت 03-40	08/19
2- نام و کنونت اطلاع دہندہ و متنبیت	17201-1915329-9	زین خان ولد بھائی محمد علی	0301-3910841
3- شکریہ کیفیت جرم (معدومہ) حال اگر کوئی لیا گیا ہو۔		336 (3) FC (3) A 337	
4- جائے وقوعہ حاصل قاعدے اور دست		تھانہ ازان پور علی واقعہ دہلی	
5- نام و کنونت جرم		الغلام ولد ضیاءت علیہ زین خان کے دیگر 3 لسان پورا مٹھنا	
6- کارروائی جو تفتیش کے حلقے کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کر دو		بہتر موصول ہے کہ ڈاکٹری قدم زین خان کے پاس ہے۔	
7- تھانہ سے روانگی کی تاریخ وقت			

ابتدائی اطلاع نیچے درج کرو۔ سادتیت مذکورہ نامہ نمبر 22 واپس 08/19

رات کو اپنے گھر میں داخل ہوئے اور دختر آتی مسواہ مانگتے ہوئے 23 سالہ زین خان کے پاس گئے اور بیان کیا کہ وہ

پلورٹ پر خلاف الحاکم ولد ضیاءت علیہ زین خان کے دیگر 3 لسان پورا مٹھنا کے پاس ہے۔

انگریزی نام DHR جو کہ گھر میں موجود ہے۔ ضیاءت علیہ زین خان کے پاس ہے۔

میں نے ڈاکٹری حاکم کو فون کیا اور یہ کہ ڈاکٹری حاکم نے کہا کہ وہ اپنے گھر میں ہے۔

میں نے ڈاکٹری حاکم کو فون کیا اور یہ کہ ڈاکٹری حاکم نے کہا کہ وہ اپنے گھر میں ہے۔

میں نے ڈاکٹری حاکم کو فون کیا اور یہ کہ ڈاکٹری حاکم نے کہا کہ وہ اپنے گھر میں ہے۔

میں نے ڈاکٹری حاکم کو فون کیا اور یہ کہ ڈاکٹری حاکم نے کہا کہ وہ اپنے گھر میں ہے۔

میں نے ڈاکٹری حاکم کو فون کیا اور یہ کہ ڈاکٹری حاکم نے کہا کہ وہ اپنے گھر میں ہے۔

22 اپریل 2011ء بمطابق 08/19

ابتدائی اطلاع درج کرو۔ سادتیت مذکورہ نامہ نمبر 22 واپس 08/19

رات کو اپنے گھر میں داخل ہوئے اور دختر آتی مسواہ مانگتے ہوئے 23 سالہ زین خان کے پاس گئے اور بیان کیا کہ وہ

پلورٹ پر خلاف الحاکم ولد ضیاءت علیہ زین خان کے دیگر 3 لسان پورا مٹھنا کے پاس ہے۔

انگریزی نام DHR جو کہ گھر میں موجود ہے۔ ضیاءت علیہ زین خان کے پاس ہے۔

میں نے ڈاکٹری حاکم کو فون کیا اور یہ کہ ڈاکٹری حاکم نے کہا کہ وہ اپنے گھر میں ہے۔

میں نے ڈاکٹری حاکم کو فون کیا اور یہ کہ ڈاکٹری حاکم نے کہا کہ وہ اپنے گھر میں ہے۔

میں نے ڈاکٹری حاکم کو فون کیا اور یہ کہ ڈاکٹری حاکم نے کہا کہ وہ اپنے گھر میں ہے۔

میں نے ڈاکٹری حاکم کو فون کیا اور یہ کہ ڈاکٹری حاکم نے کہا کہ وہ اپنے گھر میں ہے۔

میں نے ڈاکٹری حاکم کو فون کیا اور یہ کہ ڈاکٹری حاکم نے کہا کہ وہ اپنے گھر میں ہے۔

میں نے ڈاکٹری حاکم کو فون کیا اور یہ کہ ڈاکٹری حاکم نے کہا کہ وہ اپنے گھر میں ہے۔

میں نے ڈاکٹری حاکم کو فون کیا اور یہ کہ ڈاکٹری حاکم نے کہا کہ وہ اپنے گھر میں ہے۔

Attested

Annex 'C'

7

1

**ENQUIRY REPORT AGAINST SI INAYAT ALI AMJID SHO PS MISRIBANDA.**  
**ALLEGATION:**

Whereas, SI Inayat Ali Amjid while posted as SHO PS Misri Bnada badly failed to take proper action against accused Inzimam s/o Zamanat Khan r/o Nandrak because the victim lady Mst: Aesha time and again approached him for redressal of her grievances, which resulted in registration of case FIR No.209 dated 08.08.2019 u/s 337(A)(i)(ii)/336/455/34-PPC PS Misri Bnada. The said lady sustained grievous injuries due to his lethargic and negligent attitude, which shows to grave misconduct on his part and rendered him liable for Minor/Major punishment under Khyber Pakhtunkhwa Police Rules 1975.

**PROCEEDINGS:**

The officer under enquiry was heard in person and his statement was recorded wherein he submitted that elders of the locality along Mst: Aesha came to PS Misri Banda. Mst Aesha told that she had been in relationship with Inzimam for three years and promised to marry her but did not do so. On this she decided to live with Zamin Khan in presence of elders. As far as her injury is concerned a case has been registered vide FIR No. 209 dated 8.8.2019 u/s 337A(i)(ii)/337F(ii)/336/455/34 PPC PS Misri Banda against accused Inzimam who secure BBA in the case and showed unawareness of the incident. Zamin Khan father of Mst Aesha stated that he was present/asleep at home when Aesha come she was injured. There is no eyewitness in this case. He further added that he did no act of indiscipline. However case is pending investigation and all out efforts are being carried out to dig out the real facts. He requested for filing of charge sheet.

**FINDINGS:**

The undersigned after enquiry has arrived at conclusion that the delinquent police officer SI Inayat Ali Amjid failed to protect the victim when matter was reported to him. His casual response resulted in the incident as reported in case vide FIR No. 209 dated 08.08.2019 u/s 337A(i)(ii)/337F(ii)/336/455/34 PPC. Therefore he is recommended to be punished with forfeiture of service up to (02) years if agreed

-sd-

Assistant Superintendent of Police,  
Circle Cantt Nowshera

No. 931 / St:

Dated 5/09/2019.

*[Signature]*  
**Attested**

Annex-D

8

POLICE DEPARTMENT

NOWSHERA DISTRICT

ORDER

This order will dispose of departmental enquiry initiated by Pakhtunkhwa Police Rules, 1975 against SI Inayat Ali Anjad, he while posted as SHO Misri Banda, failed to take in time action against accused Inziman s/o Zamanat Khan and because the victim lady Mst: Aesha time and again approached him for redressal of her grievances, which resulted in registration of case FIR No. 209 dated 08.08.2019 s/o AG(I)DF(ii)/336/455/34 PPC PS Misri Banda. The said lady sustained grievous injury due to lethargic and negligent attitude of SHO.

On account of which, he was proceeded against departmentally through Mr. Tassawar Iqbal, ASP Cantt Nowshera, who after fulfillment of legal formalities, submitted his report to undersigned vide his office lndst: No. 931/Sr: dated 05.09.2019, wherein the allegations leveled against him have been proved and suggested him for minor punishment of forfeiture of approved service for 02 years.

The undersigned agreed with the recommendations of enquiry officers and awarded him minor punishment of forfeiture of approved service for 02 years, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 995  
Dated 12/09 2019

District Police Officer,  
Nowshera

No. 4318-20/PA, dated Nowshera, the 12/09 2019.  
Copy for information and necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. FMC with its enclosures (10 sheets)

Attested

**POLICE DEPARTMENT**

**ORDER**

This order will disposed of the departmental enquiry initiated (sic) Khyber Pakhtunkhwa Police Rules, 1975 against SI Inayat Ali Amjad, he while posted as SHO (sic) Banda, failed o take in time action against accused Inzamam S/o Zamanat Khan R/o (sic) because the victim lady Mst. Aesha time and again approached him for redressal her grievances, which resulted in registration of case FIR No. 209 dated 08.08.2019 (sic) A(i)(ii)F(ii)/336/455/34 PPC PS Misri Banda. The said lady sustained grievance deposited lethargic and negligent attitude of SHO.

On account of which he was proceeded against departmentally (sic) Mr. Tasawar Iqbal ASP Cantt Nowshera, who after fulfillment of legal formalities submitted his report to undersigned vide his office endst No. 931/Stt dated 05.09.2019, wherein the allegations leveled against him have been proved and suggested him for minor punishment of forfeiture of approved service for 02 years.

The undersigned agreed with the recommendations of enquiry officers and awarded him minor punishment of forfeiture approved service for 02 years in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975.

OB No. 995

Dated 12/09/2019

Sd/-  
District Police Officer  
Nowshera

No. 4318-20/PA, dated Nowshera, the 12/09/2019.

Copy for information and necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. FMC with its enclosures (10 sheets).



Annex 'E'

9

To: - The Deputy Inspector General of Police,  
Mardan Region-I Mardan.  
Through:- PROPER CHANNEL  
Subject: - APPEAL.

Respected Sir,

With due respect I beg to submit that I have been awarded a Minor punishment of forfeiture of 2 years approved service by the DPO Nowshera, vide OB No.995 dated 12-09-2019 for the allegation of failure of taking in time action against accused Inzimam s/o Zamanat Khan r/o Nandrak because the victim lady Mst. Ayesha time and again approached me for redressal of her grievances, which resulted in registration of case FIR No.209 dated 08-08-2019 u/s 337A (i) (ii) F (ii/336/455/24 PPC) PS Misri Banda, against which I am going to submit the present Appeal on the following grounds for consideration:-

1. I was issued Charge Sheet by leveling therein the above cited allegations in response to which, I have submitted a detailed and well convincing reply, but it was not paid due consideration. ASP Nowshera Cantt was appointed as Enquiry Officer to conduct an enquiry under Police Rules-1975. The E.O. conducted enquiry and submitted his report with the recommendation of awarding me Minor Punishment and I was awarded Minor Punishment of forfeiture of 2 years approved service.

2. Brief facts of the case are that on 06-08-2019, when I was performing patrolling duty in the area and reached near village Nandrak, I came to know that a young girl namely Mst. Ayesha who is residing in the said village, have friendly relations with Inzimam s/o Zamanat Khan and have spent sufficient time with each other.

Zamin Khan s/o Raid Ali r/o Nandrak (with whom Mst. Ayesha is living) and Mst. Ayesha along with elders of the area were called to Police Station and the matter was discussed in detail but Mst. Ayesha did not report against Inzimam and she was insisting to go with Zamin Khan instead of her parents' home. The report was entered in the DD vide Mad No.12 dated 06-08-2019. Inzimam had promised to marry Mst. Ayesha but did not she was not ready to marry with him. So far, injury to Mst. Ayesha is concerned, in this connection, in time action has been taken by registering proper case vide FIR cited above. Investigation of the case was underway and efforts were afoot, but in the meantime the accused arranged his BBA, which was later on cancelled and he was

Attested

considered as arrested in the case. Similarly, giving injury to Mst. Ayesha by accused Inzimam it has not been seen by any one which is beyond understating.

3. I am serving in the department for the last 08 years and has been performing my duties up to the entire satisfaction of my superiors.

4. I have earned CCs with cash reward for my good work.

5. There is no complaint of any kind received against me during my whole service.

6. There is not a single bad entry/punishment in my service record during my long/whole service.

7. I have been put to great financial loss and my service career has also been damaged, due to this punishment.

Therefore, I approach your good self to kindly accept my Appeal and the order of punishment of forfeiture of 2 years approved service effect awarded by the DPO Nowshera vide OB No.995 dated 12-09-2019 may kindly be withdrawn.

I shall be highly obliged and will pray for your long life and prosperity.

Yours Obediently,

(Inayat Ali Amjid)SI

ASHO Police Station  
NSR Cantt.  
District Nowshera

Sir, Forwarded RL  
DSP Cantt NSR



Attested



Annex F

11

**ORDER.**

This order will dispose-off the departmental appeal preferred by SI Inayat Ali Amjid of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded Minor punishment of Forfeiture of 02 years approved Service vide OB No. 995 dated 12.09.2019.

Brief facts of the case are that, the appellant, while posted as SHO Police Station, Misri Banda, one Mst: Aesha reported the appellant time and again to take action against accused Inziman s/o Zamanat Khan r/o Nandrak. The appellant though was approached prior to the incident for taking preventive action on her report but he failed to do so, due to which situation got worsened and the said Mst: Aesha sustained grievous injuries, in respect of which a criminal case vide FIR No. 209 u/s 337A(1)(II)F(II)/336/455/34 PPC Police Station, Misri Banda was registered against the accused Inziman. This shows lethargic attitude on part of the appellant towards his official duties.

On account of which, he was proceeded against departmentally through Mr. Tassarwar Iqbal, the then ASP Cantt Nowshera. The Enquiry Officer after fulfillment of legal formalities, submitted his report to District Police Officer, Nowshera, wherein the allegations leveled against him were proved and suggested him for minor punishment of forfeiture of 2 years approved service.

The District Police Officer, Nowshera agreed with the recommendations of enquiry officer and awarded him minor punishment of forfeiture of approved service for 02 years.

He was called in orderly room held in this office on 05.11.2019 and heard him in person, the appellant advanced some cogent reasons in his defence. Therefore, by taking lenient view, the punishment awarded is converted into Forfeiture of one year approved service.

PO, EC, ~~PO~~, ~~PO~~, ~~PO~~  
for m. a. k. m.  
No. 13672/ES, "11/11/19"

*Muhammad*  
(MUHAMMAD ALI KHAN) PSP  
Regional Police Officer,  
Mardan.

Dated Mardan the 28/11/2019.

Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo: No. 5975/PA dated 30.10.2019. His Service Record is returned herewith.

(\*\*\*\*\*)

OB No: 1282  
Dated: 13/11/2019

No. 2124/PA  
dt 18/11/19

*[Signature]*  
Attested

To: - The Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar.

**Through:-** PROPER CHANNEL

**Subject: -** Mercy Petition.

Respected Sir,

With due respect I beg to submit that I have been awarded a Minor punishment of forfeiture of 2 years approved service by the DPO Nowshera, vide OB No.995 dated 12-09-2019 for the allegation of failure of taking in time action against accused Inzimam s/o Zamanat Khan r/o Nandrak because the victim lady Mst. Ayesha time and again approached me for redressal of her grievances, which resulted in registration of case FIR No.209 dated 08-08-2019 u/s 337A.(i) (ii) F (ii/336/455/24 PPC) PS Misri Banda, against which I have submitted an Appeal before the DIG Mardan Region- I Mardan and the punishment of forfeiture of 2 years approved service was converted into forfeiture of 1 year approved service, vide his office Endst. No.13676/ES, dated 08-11-2019 (photocopy attached), therefore, the present Mercy Petition is forwarded for consideration and according an order regarding with drawn of punishment of forfeiture of 1 year approved service, on the following grounds for consideration:-

1. I was issued Charge Sheet by leveling therein the above cited allegations in response to which, I have submitted a detailed and well convincing reply, but it was not paid due consideration. ASP Nowshera Cantt was appointed as Enquiry Officer to conduct an enquiry under Police Rules-1975. The E.O. conducted enquiry and submitted his report with the recommendation of awarding me Minor Punishment and I was awarded Minor Punishment of forfeiture of 2 years approved service.

2. Brief facts of the case are that on 06-08-2019, when I was performing patrolling duty in the area and reached near village Nandrak, I came to know that a young girl namely Mst. Ayesha who is residing in the said village, have friendly relations with Inzimam s/o Zamanat Khan and have spent sufficient time with each other.

Zamin Khan s/o Raid Ali r/o Nandrak (with whom Mst. Ayesha is living) and Mst. Ayesha along with elders of the area were called to Police Station and the matter was discussed in detail but Mst. Ayesha did not report against Inzimam and she was insisting to go with Zamin Khan instead of her parents' home. The report was entered in the DD vide Mad No.12 dated 06-08-2019. Inzimam had promised to marry Mst. Ayesha but did not she was not ready to marry with him. So far, injury to Mst. Ayesha is concerned, in this connection, in time action has been taken by registering proper case vide FIR cited above. Investigation of the case was underway and efforts were afoot, but in the meantime the accused arranged his BBA, which was later on cancelled and he was considered as arrested in the case. Similarly, giving injury to Mst. Ayesha by accused Inzimam it has not seen by any one which is beyond understating.

Attested

3. I am serving in the department for the last 08 years and has been performing my duties up to the entire satisfaction of my superiors.
4. I have earned CCs with cash reward for my good work.
5. There is no complaint of any kind received against me during my whole service.
6. There is not a single bad entry/punishment in my service record during my long/whole service.
7. I have been put to great financial loss and my service career has also been damaged, due to this punishment.


Therefore, I approach your good self to kindly accept my Mercy Petition and the order of remaining punishment of forfeiture of 1 year approved service effect awarded by the then DPO Nowshera vide OB No.995 dated 12-09-2019 may kindly be withdrawn.


I shall be highly obliged and will pray for your long life and prosperity.

Yours Obediently,

  
(Inayat Ali Amjid)SI

SHO Police Station  
NSR Cantt.  
District Nowshera

  
SHO Police Station  
04 - 12 - 2019

  
Attested

Annex-11

14



DTI Inspector General of Police  
DPI No. 673  
Date 26-3-21  
Region-1 Mardan

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

21, dated Peshawar the 22/3/2021.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by SI Inayat Ali Amjad. The petitioner was awarded punishment of forfeiture of two years approved service by District Police Officer, Nowshera vide QB No. 095, dated 12.09.2019 on the allegations that he while posted as SHO PS Misri Banda, one Mst: Aesha reported the appellant time and again to take action against accused Inzimam s/o Zamanat Khan r/o Nandras. The appellant though was approached prior to the incident for taking preventive action on her report but he failed to do so, due to which situation got worsened and the said Mst: Aesha sustained grievous injuries in respect of which a criminal case vide FIR No. 209 u/s 337A(1) (II)F(II)/336/455/34 PPC PS Misri Banda was registered against the accused Inzimam. The Appellate Authority i.e. Regional Police Officer, Mardan has converted his punishment into forfeiture of one year approved service vide order Endst: No. 13673/ES, dated 08.11.2019.

Meeting of the Appellate Board was held on 25.02.2021, wherein the petitioner was present and heard in detail.

The punishment has already been reduced by Regional Police Officer, Mardan. The officer has offered no new defence in his personal hearing. Therefore, the Board decided that his petition is hereby rejected.

Sd/-

**KASHIF ALAM, PSP**

Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI 1240-49/21,

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. A copy of complete enquiry file of the above named SI received vide your office Memo: No. 564/ES, dated 29.01.2021 is returned herewith for your office record. One Service Book, one Service Roll and one Fauji Missal of SI Inayat Ali Amjad is sent herewith for your office record. The receipt of service record may please be acknowledged.
2. District Police Officer, Nowshera.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO, Peshawar.
4. AIG: Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-III, CPO Peshawar.
8. Officer concerned.

EC/DPO NSR

For action

my  
RPO/Mdn.

(RAI BABAR SAEED) PSP  
Deputy Inspector General of Police, HQrs:  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

No. 1637/ES

dt: 26-3-21

Enc: 1. Roll + Book + F. Missal +  
2. Enquiry File

Attested

Sis  
Pfr Attached  
A/ce  
EC/FMC  
For action

DPO NSR  
21/3/2021

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR

No. 239/21, dated Peshawar the 22/03/2021

Order

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule 1975 (amended 2014) submitted by SI Inayat Ali Amjad. The petitioner was awarded punishment of forfeiture of two years approved service by District Police Officer, Nowshera vide OS No. 995 dated 12.09.2019 on the allegations that he while posted as SHO PS Misri Banda, one Mst. Aesha reported the appellant time and again to take action against accused Inzimam S/o Zamanat Khan R/o Nandrak. The appellant though was approached prior to the incident for taking preventive action on her report but he failed to do so, due to which situation got worsened and the said Mst. Ayesha sustained grievous injuries in respect of which a criminal case vide FIR No. 209 u/s 337A(1)(II)F(II)/336/455/34 PPC PS Misri Banda was registered against the accused Inzimama. The Appellate Authority i.e. Regional Police Officer, Mardan has converted his punishment into forfeiture of one year approved service vide order Endst No. 13673/ES, dated 08.11.2019

Meeting of the Appellate Board was held on 25.02.2021, wherein the petitioner was present and heard in detail.

The punishment has already been reduced by Regional Police Officer, Mardan. The Officer has offered no new defence in his personal hearing therefore, the Board decided that his petition is hereby rejected.

Sd/-

Kashif Alam, PSP  
Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa Peshawar.

No. S/1240-49/21,

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. A copy of complete enquiry file of the above named SI received vide your office Memo No. 564/ES, dated 29.01.2021 is returned herewith for your office record. One service book, one service roll and one faudi missal of SI Inayat Ali Amjad is sent herewith for your office record. The receipt of service record may please be acknowledged.
2. District Police Officer, Nowshera.
3. PSO to IGP Khyber Pakhtunkhwa GPO Peshawar.
4. AIG / Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP / HQrs: Khyber Pakhtunkhwa Peshawar.
6. PA to DIG / HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-III, CPO Peshawar.
8. Officer concerned.

Sd/-

(Rai Babar Saeed) PSP  
Deputy Inspector General of Police, HQrs:  
For Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar



## واپسی رپورٹ

عنایت علی امجد SI صاحب 06/08/2019 وقت 16:15 بجے میں معہ ہمراہیاں رفتہ بحوالہ مد  
 بالا بعد از فراغت علاقہ سے واپس آیا، دوران گشت دیہہ قریبی مصری بانڈہ، رڑہ میانہ، ولی انٹر چینج، علی محمد فیکٹ،  
 منکی، کی گئی، دوران گشت دیہہ نزد فیکٹ میں معلوم ہوا کہ ایک جوان العر لڑکی کچھ عرصہ سے دیہہ بلا آ کر آباد ہوئی  
 ہے جس کی معلومات پتہ براری کر کے معلوم ہوا کہ مسمی زمین خان ولد میر علی سکند نزد کوٹ کے گھر لڑکی مسماۃ عائشہ  
 بمر 23/24 سال کچھ عرصہ سے آ کر اس کے گھر میں رہائش پذیر ہے اور مذکورہ زمین خان نے لڑکی مذکورہ کو اپنی  
 بیٹی بنا کر اپنے نام پر اس کی شناختی کارڈ بھی بنوایا ہے یہ بھی معلوم ہوا ہے کہ یہی لڑکی مسمی اسلام ولد ضمانت سکند  
 کے ساتھ بوجہ دوستانہ تعلقات کل کچھ عرصہ ساتھ گزاری ہے مسمی زمین خان نے بیٹی عائشہ کو تھانہ طلب  
 کر کے حسب طلبی مسمی زمین خان کے مسماۃ عائشہ، مشران صدف خان ولد تاج محمد، حواص خان ولد خواسید، شکور  
 ولد رید علی تھانہ حاضر آ کر مسماۃ عائشہ کے ساتھ بموجودگی منہ بولا باپ زمین خان، دیگر مشران تفصیلی بات چیت  
 ہوئی، لیکن مزید یہ کہ مسمی اسلام کے خلاف کسی قسم کی رپورٹ وغیرہ کرانا نہیں چاہتی ہے جبکہ مسمی زمین خان مسماۃ  
 عائشہ کو بخوشی خود اپن ریا تھ اپنے گھر لے جانا چاہتا ہے اور مسماۃ عائشہ جو اپنی مرضی نہیں بتلاتی ہے اور اپنے  
 خاندان کے ساتھ سے خوفزدہ ہے، اپنے مرضی سے اپنے منہ بولا باپ زمین خان کے ساتھ جانا چاہتی ہوں، جس  
 کی رپورٹ بیان درج روزنامہ 4 جبکہ مسماۃ عائشہ نے رپورٹ بالا کی تائید کی العبد دستخط نشان انگوٹھا، اسی طرح  
 مشران زمین ولد وید علی اور صدف خان ولد تاج محمد، حواص خان ولد مولاداد، شکور ولد رید علی نے بھی رپورٹ بالا  
 کی تائید کی اور بیان کیا کہ زمین خان مذکورہ، مسماۃ عائشہ کی ہر قسم کی خرچہ خوراک کا ذمہ دار ہوگا زمین خان العبد  
 انوٹھا، صدف خان العبد دستخط، حواص خان العبد انگوٹھا، شکور العبد دستخط، مسماۃ عائشہ چونکہ بخوشی خود زمین خان کے  
 ساتھ جانا چاہتی ہے لہذا بموجودگی مشران مسماۃ عائشہ کو حوالہ زمین خان ولد رید علی ہو کر رخصت کی گئی۔ دستخط  
 انگریزی

Abdullah  
 J

POWER OF ATTORNEY

16

In the Court of KP Service Tribunal Peshawar

Inayat Ali Amjid

- } For
- } Plaintiff
- } Appellant
- } Petitioner
- } Complainant

VERSUS

Provincial Police Officers and others

- } Defendant
- } Respondent
- } Accused
- }

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_  
Fixed for \_\_\_\_\_

I/We, the undersigned, do hereby nominate and appoint

**YASIR SALEEM,  
JAWAD UR REHMAN &  
PIRZADA MUHAMMAD TAYAB AMIN** Advocates Peshawar

my true and lawful attorney, for me in my same and on my behalf to appear at \_\_\_\_\_ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at \_\_\_\_\_  
the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_  
Executant/Executants \_\_\_\_\_

Accepted subject to the terms regarding fee \_\_\_\_\_

*Jawad ur Rehman*

**JAWAD UR REHMAN**  
Advocate High Court

*Yasir Saleem*

**YASIR SALEEM**  
Advocate High Court, Peshawar

&

*M. Tayyab*

**PIRZADA MUHAMMAD TAYAB AMIN**  
Advocate Peshawar



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

**SCANNED  
KPST  
Peshawar**

Service Appeal No. 5195/2021

Inayat Ali Amjid Sub-Inspector presently posted at District Police, Peshawar.


.....Appellant

The Provincial Police Officer, Governemnt of Khyber Pakhtunkhwa and others.

.....Respondents

**I N D E X**

<b>S.No.</b>	<b>Description of documents</b>	<b>Annexure</b>	<b>Pages</b>
1.	Reply of Respondents	-	1-3
2.	Affidavit	-	04
3.	Statement of allegation and charge sheet	A	05-06
4.	Copy of enquiry report	B	07
5.	Copy of Police rules of 1975	C	08

  
**Inspector Legal,  
Nowshera**

①

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

Service Appeal No. 5195/2021

Inayat Ali Amjid Sub-Inspector presently posted at District Police, Peshawar.

.....Appellant

**V E R S U S**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan Region-I, Mardan.
3. District Police Officer, Nowshera.

.....Respondents

**PARAWISE REPLY ON BEHALF OF RESPONDENT NO. 01 TO 03**

**Respectfully Sheweth: -**

That the respondents submitted as under: -

**PRELIMINARY OBJECTIONS**

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appeal is badly barred by law and limitations.
3. That the appellant has been estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to the Honourable Tribunal with clean hands.
6. That the appeal is bad for mis-joinder and non-joinder of necessary parties.

**On Facts**

1. Initial part of the para pertains to enlistment/appointment of appellant in Police Department as ASI hence, needs no comments while regarding rest of the para it is stated that each and every Police Officer/Official is under obligation to perform his duty with devotion and upto the entire satisfaction of his high-ups.
2. Para pertains to subsequent promotion of appellant to the rank SI and his further postings hence, needs no comments.
3. Incorrect. Prior to the registration of case vide FIR No. 209 dated 08-08-2019 u/s 337-A(I)(II)/336/455/34 PPC Police Station, Misri Banda, Mst: Aisha time and again approached appellant, as he was posted as SHO Police Station, Misri Banda, for redressal of her grievances to take action against accused Inziam s/o Zamanat Khan r/o Nandrak but he failed to do so, which resulted in the aforementioned FIR as the said lady sustained grievous injuries.
4. Para already explained above.
5. Incorrect. Appellant was duly served with charge sheet and Statement of Allegations vide No. 117/PA, dated 16-08-2019. Moreover, in order to scrutinize conduct of the appellant, enquiry was conducted through the then ASP

Nowshera Cantt.: Enquiry Officer in his findings highlighted that appellant failed to protect the victim when the matter was reported to him. His casual response resulted in the above mentioned FIR. (Copy of statement of allegations and charge sheet is annexure "A" and Copy of Enquiry Report is annexure "B").

- 6. Incorrect. Appellant had been issued proper Charge Sheet with Statement of Allegations and proper enquiry was conducted. On the recommendation of enquiry officer, appellant was awarded minor punishment of forfeiture of approved service for 02 years.
- 7. Correct to the extent that appellant moved departmental appeal before respondent No. 02 whereupon punishment order of the appellant was converted into forfeiture of 01 year approved served.
- 8. Correct to the extent that appellant moved Revision Petition before respondent No. 01, however, the same was rejected as appellant had not offered any new defense in his personal hearing.
- 9. Incorrect. Orders dated 12-09-2019, 08-11-2019 and 22-03-2021 are legal and in accordance with law/rules, hence, liable to be maintained on the following grounds: -

**GROUND**

- A. Incorrect. That appellant has been treated in accordance with law/rules and none of his rights have either been denied or violated by the respondents.
- B. Incorrect. It is evident from the orders of respondent No. 01 & 02 that he was heard in person.
- C. Incorrect. Charge Sheet with statement of allegations was issued and served upon the appellant.
- D. Incorrect. Copy of enquiry report has been provided to the appellant which has been annexed by him as annexure-C in the appeal.
- E. Incorrect. Plea of the appellant that he entered the matter into daily diary is not plausible as the same matter lead to the registration of aforementioned FIR.
- F. Incorrect. Plea of the appellant is not plausible because even if no cognizable offence had been committed by the accused, when the matter was report to him, he could have taken the preventive measures against the accused.
- G. Incorrect. As the matter itself was as clear as daylight therefore no witnesses were required to be examined. Besides, appellant was provided opportunity to defend himself during enquiry proceeding but he failed to give any plausible reasons in his defense.
- H. Incorrect. In his findings, the enquiry officer has clearly mentioned that appellant failed to protect the victim when the matter was reported to him and


(3)


his casual response resulted in the incident as reported in case vide FIR No. 209 dated 08-08-2019 u/s 337-A(i)(ii)/337-F(ii)/336/455/34 PPC.


- I. Incorrect. That the penalty so imposed on the appellant commensurate with the gravity of misconduct of appellant hence, liable to be maintained.
- J. Incorrect. Police Officer/Official are not proceeded against departmentally under E & D Rules rather are proceeded against under the Khyber Pakhtunkhwa, Police Rules 1975, wherein one of the minor punishments is forfeiture of approved service upto 02 years. (Copy of relevant part is annexure "C").
- K. The respondents also seek permission of this Honourable Tribunal to advance additional grounds at the time of arguments.

**Prayers**

Keeping in view of the above stated facts, it is, most humbly prayed that the appeal of the appellant being badly barred by law and devoid of legal force, may very kindly be dismissed with cost.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.  
Respondent No.1

  
Regional Police Officer,  
Mardan Region-I, Mardan.  
Respondent No. 02

  
District Police Officer,  
Nowshera.  
Respondent No.03

(4)

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

Service Appeal No. 5195/2021

Inayat Ali Amjid Sub-Inspector presently posted at District Police, Peshawar.

.....Appellant


**V E R S U S**


1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan Region-I, Mardan.
3. District Police Officer, Nowshera.


.....Respondents

**AFFIDAVIT**

We the respondents No. 1,2&3 do hereby solemnly affirm and declare on Oath that the contents of reply to the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable tribunal.

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

  
Regional Police Officer,  
Mardan Region-I, Mardan.  
Respondent No. 02

  
District Police Officer,  
Nowshera.  
Respondent No.03

5

Amex «A»

**DISCIPLINARY ACTION**

I, **Mansoor Aman, PSP**, District Police Officer, Nowshera as competent authority am of the opinion that **SI Inayat Ali Amjad** has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Rules, 1975.

**STATEMENT OF ALLEGATIONS**

Whereas, **SI Inayat Ali Amjad**, while posted as SHO Police Station, Misri Banda badly failed to take proper action against accused Inzimam s/o Zamanat Khan r/o Nandrak because the victim lady Mst: Aesha time and again approached him for redressal of her grievances, which resulted in registration of case FIR No. 209 dated 08.08.2019 u/s 337 A(i)(ii)F(ii)/336/455/34 PPC PS Misri Banda. The said lady sustained grievous injuries due to his lethargic and negligent attitude, which shows his inefficiency and lack of interest in official duties and amounts to grave misconduct on his part and rendered him liable for Minor/Major punishment under Khyber Pakhtunkhwa Police Rules, 1975.

For the purpose of scrutinizing the conduct of the said accused official with reference to above allegations, **Mr. Tassawar Iqbal, ASP Cantt Nowshera**, is hereby nominated as Enquiry Officer.

The Enquiry Officer shall in accordance with the provision of Police Rules, 1975, provide reasonable opportunity of hearing to the defaulter official, record his findings and make immediate recommendations as to punish or other appropriate action against the defaulter official.

**SI Inayat Ali Amjad** is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.

- Sd -  
District Police Officer,  
Nowshera.

No. 117 /PA,

Dated 16.08 /2019.

**CHARGE SHEET**

1. I, **Mansoor Aman, PSP** District Police Officer, Nowshera, as competent authority, hereby charge **SI Inayat Ali Amjad** as per Statement of Allegations enclosed.
2. 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.
3. 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.
4. 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.
5. Intimate whether you desire to be heard in persons.

-Sd-  
District Police Officer,  
Nowshera.

(7)

Annex B<sub>3</sub>

1.

**ENQUIRY REPORT AGAINST SI INAYAT ALI AMJID SHO PS MISRIBANDA.**  
**ALLEGATION:**

Whereas, SI Inayat Ali Amjid while posted as SHO PS Misri Bnada badly failed to take proper action against accused Inzimam s/o Zamanat Khan r/o Nandrak because the victim lady Mst: Aesha time and again approached him for redressal of her grievances, which resulted in registration of case FIR No.209 dated 08.08.2019 u/s 337(A)(i)(ii)/336/455/34-PPC PS Misri Bnada. The said lady sustained grievous injuries due to his lethargic and negligent attitude, which shows to grave misconduct on his part and rendered him liable for Minor/Major punishment under Khyber Pakhtunkhwa Police Rules 1975.

**PROCEEDINGS:**

The officer under enquiry was heard in person and his statement was recorded wherein he submitted that elders of the locality along Mst: Aesha came to PS Misri Banda. Mst Aesha told that she had been in relationship with Inzimam for three years and promised to marry her but did not do so. On this she decided to live with Zamin Khan in presence of elders. As far as her injury is concerned a case has been registered vide FIR No. 209 dated 8.8.2019 u/s 337A(i)(ii)/337F(ii)/336/455/34 PPC PS Misri Banda against accused inzimam who secure BBA in the case and showed unawareness of the incident. Zamin Khan father of Mst Aesha stated that he was present/asleep at home when Aesha come she was injured. There is no eyewitness in this case. He further added that he did no act of indiscipline. However case is pending investigation and all out efforts are being carried out to dig out the real facts. He requested for filing of charge sheet.

**FINDINGS:**

The undersigned after enquiry has arrived at conclusion that the delinquent police officer SI Inayat Ali Amjid failed to protect the victim when matter was reported to him. His casual response resulted in the incident as reported in case vide FIR No. 209 dated 08.08.2019 u/s 337A(i)(ii)/337F(ii)/336/455/34 PPC. Therefore he is recommended to be punished with forfeiture of service up to (02) years if agreed

-sd-

Assistant Superintendent of Police,  
Circle Cantt Nowshera

No. 931 / St:

Dated 5/07/2019.



Government Officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Police Officer.

(iv) 'Punishment' means a punishment which may be imposed under these rules by authority as indicated in Schedule I.

3. **Grounds of punishment.-**

Where a Police Officer, in the opinion of the authority-

- a) Is inefficient or has ceased to be efficient; or
- b) Is guilty of misconduct; or
- c) Is corrupt or may reasonably be considered corrupt because-
  - (i) He is or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources of property disproportionate to his known sources of income; or
  - (ii) He has assumed a style of living beyond his ostensible means; or
  - (iii) He has a persistent reputation of being corrupt; or
  - (d) Is engaged Or is reasonably suspected of being engaged in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person, and his retention in service is, therefore, prejudicial to national security, the authority may impose on him one or more punishments.

4. **Punishments.-**

1. The following are the minor and major punishments, namely:---

(a) **Minor punishments-**

- (i) Confinement of Constables and Head Constables for 15 days to Quarter Guards;
- (ii) Censure;
- (iii) Forfeiture of approved service up to 2 years;
- (iv) With holding of promotion up to one year;
- (v) Stoppage of increment for a period not exceeding 3 years with or without cumulative effect;

❖

(iv) Fine up to Rs15000/- as per schedule-I.

(b) **Major punishments-**

- (i) Reduction in rank/pay;
- (ii) Compulsory retirement;
- (iii) Removal from service; and
- (iv) Dismissal from service.

2. (a) Removal from service does not but dismissal from service does, disqualify for future employment.

(b) Reversion from an officiating rank is not a punishment.

❖ Amended vide Notification No: 3859/Legal, dated 27/08/2014 issued by IGP, KPK

**BEFORE THE KHYBER PUKHTUNKWA SERVICE**  
**TRIBUNAL, PESHAWAR**

In service appeal No. 5195/2021

SCANNED  
K  
Peshawar

Inayat Ali Amjad vs P.P.O and Others

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**Rejoinder on behalf of the appellant**

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Respectfully sheweth,

**Preliminary Objections:**

1. That para no.1 is incorrect the/appellant has been awarded the penalty without any cogent reason thus being an aggrieved Civil Servant he has got cause of action and locus stand to file the instant appeal.
2. That para no.2 is incorrect the appeal is filed within the time frame provided by the law, which has been competently filed before this Hon'ble Tribunal.
3. Contents incorrect. No rule of estoppel is applicable in the instant case.
4. Contents incorrect. The instant appeal is fully maintainable in its present form.
5. Contents incorrect. The appellant has come to this Hon'ble Tribunal with clean hands.
6. Contents incorrect. All the necessary parties have been arrayed as respondents in the matter.

**On Facts:**

1. That Para no.1 needs no reply.

2. That Para no.2 also needs no comments.
3. Contents of para 2 of the appeal are true and correct. Reply given to the para is incorrect, hence denied. Mst. Ayesha never approached the appellant or visited P.S for her grievances. In fact the appellant, on coming into knowledge about the issue in between the lady and one Inzimam, called them along with the elders of the locality to P.S to heard the issue. Inzimam did not turned up while Mst. Ayesha with her elders and also the elders of the locality and maternal uncle of Inzimam visited P.S and in the presence of her elders and the elders of the locality, Mst. Ayesha deposed that she has already settled the matter with Inzimam and she does not want to a proceed or lodge any complaint against the said Inzimam and to this effect proper endorsement was made in daily diary vide Naqalmd No. 12 dated 06.08.2019 in P.S Misri Banda. (Copy already attached with the main appeal).
4. No comments.
5. Contents of Para No. 5 of the appeal are true and correct, reply given to the para is false, hence denied. Charge Sheet may have drafted but neither communicated to the appellant nor he was informed about any inquiry proceedings. infact he was condemned unheard.
6. As submitted above the appellant was condemned unheard and the punishment was awarded without hearing him, which is illegal and as such not sustainable under the law.
7. No comments.
8. Contents incorrect. Infact he explained his position during personal hearing but this aspect has been ignored that even though the penalty is minor but it would certainly effect his spotless service carrier and would stigmatize his service carrier.
9. Contents incorrect. Contents of Para No. 9 of the appeal is correct.

Grounds:

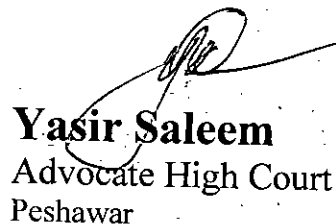
SCANNED  
KPST  
Peshawar

All the Grounds taken in the appeal are legal and shall be substantiated during the course of arguments.

*It is, therefore, prayed that the appeal may kindly be accepted as prayed for.*

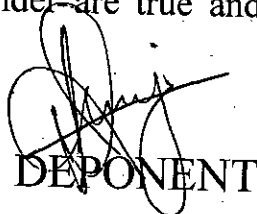
  
Appellant

Through

  
**Yasir Saleem**  
Advocate High Court  
Peshawar

Affidavit:

It is stated on oath that the contents of the re-joinder are true and correct.

  
DEPONENT

