


Form-A  
FORM OF ORDERSHEET

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

Case No. 865/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	24.06.2024	<p>As per direction of the Hon'ble Member Judicial the present appeal is fixed for preliminary hearing before Single Bench at Peshawar on 26.06.2024. Counsel for the appellant has been informed telephonically.</p> <p> REGISTRAR</p>

Respected Madam,

It is submitted that the present appeal was returned to counsel for the appellant for removing the deficiencies (Flag-A). Today i.e. 14.06.2024 the learned counsel re-filed the appeal without removing the objection no. 3 (Flag-B).

The appeal is now submitted to your honor under rules 7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

Hon'ble Member (J).

OFFICE ASSISTANT

Be fix before Tribunal in P.H. R.


24/06/24.

The appeal of Mr. Ayaz Ali received today i.e on 12.06.2024 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is not signed by the appellant.
- 2- Annexures of the appeal attached with the appeal are unattested.
- 3- All the annexures of the appeal are illegible be replaced by legible/better one.

No. 169 /Inst;/2024/KPST,

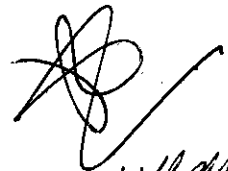
Dt. 13/6 /2024.

  
13/6/24  
OFFICE ASSISTANT  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Khalil Ullah Adv.  
High Court Peshawar.

Note:-

- 1- As to objection No. 1, stated that the memorandum of appeal clearly shows the signature of the appellant at the bottom of every page.
- 2- Objection No. 2 is complied with accordingly.
- 3- As to objection No. 3, all the annexures are very much legible, if thoroughly perused. Hence re-submitted for further necessary action please.

  
Khalil Ullah  
Advocate High  
Court  
19/06/2024.

BEFORE THE HON'BLE SERVICES TRIBUNAL, KHYBER  
PAKHTUNKHWA, PESHAWAR

Service Appeal No. <sup>865</sup> /2024

Ayaz Alli Shah .....Appellant

VERSUS

Regional Police Officer and one other.....Respondents

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12.	Wakalatnama		

Appellant

Through

Khalil Ullah Advocate,  
High court Peshawar

①

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

Service Appeal No. <sup>885</sup>/2024

Ayaz Alli Shah ex-Constable Police at District Nowshera, No.695,  
R/o Mohallah Saidan, Akbar Pura, Tehsil & District  
Nowshera.....Appellant

**VERSUS**

1. Regional Police Officer, Mardan Region
2. District Police Officer, District Nowshera

...Respondents

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APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT,  
1974, AGAINST THE ORDER DATED 14/03/2024 OF  
RESPONDENT NO.2 WHEREBY THE APPELLANT WAS  
AWARDED MAJOR PENALTY OF DISMISSAL FROM  
SERVICE AND AGAINST ORDER DATED 13/05/2024 OF  
RESPONDENT NO.1 WHEREBY THE REPRESENTATION  
FILED BY APPELLANT WAS DISMISSED WITHOUT GIVING  
PROPER OPPORTUNITY OF HEARING.

PRAYER

IT IS THEREFORE MOST HUMBLY PRAYED THAT UPON  
ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDERS  
DATED 14/03/2024 AND 13/05/2024 MAY PLEASE BE SET  
ASIDE BY DECLARING IT ILLEGAL AND IN EFFECTIVE  
UPON THE RIGHTS OF APPELLANT AND THE APPELLANT  
MAY PLEASE BE RE-INSTATED IN THE SERVICE WITH ALL  
BACK BENEFITS OF PAY AND SERVICES.

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②

Respectfully Sheweth!

The appellant most humbly submits as under,

1. That appellant belongs to District Nowshera, was recruited in FRP KP on 30/08/2013 as constable and passed recruit course successfully at PTC Hangu in the term ending 20/06/2014.
2. That from the date of appointment the appellant is performing his duties with full zeal and enthusiasm and no opportunity of any complaint whatsoever has been provided to the high ups.
3. That the appellant proceeded departmentally and was issued charge sheet and statement of allegation on Dated 08/04/2022 on the basis of baseless and illegal FIR. **(Copy of charge Sheet and statement of allegation are attached as Annexure-A)**
4. That a departmental enquiry was initiated against the appellant, solely on the allegation of involvement in criminal case without waiting for the outcome of the trial in the criminal case, vide office order Endst: No.68/E/PA dated 08/04/2022 wherein DSP complaint was appointed as enquiry officer.
5. That after completion of enquiry on 09/01/2023 the enquiry officer after detail enquiry exonerated the petitioner from the charges leveled against him till the decision of the criminal case. **(Copy of inquiry report is attached as Annexure-B)**
6. That after receiving the finding report of the enquiry officer the worthy Superintendent of Police Headquarters, Peshawar marked the file to DSP Legal for necessary legal opinion.
7. That the DSP Legal in his detailed opinion referred to different laws i.e Khyber Pakhtunkhwa Esta code, advisories of law department and judgments of the Hon'ble Supreme Court and suggested that the pending departmental proceedings may be finalized in light of recommendation of the enquiry officer. He added that keeping the enquiry pending is unlawful in view of the above instructions and judgment of the apex court of Pakistan. **(Copy of Opinion is attached as Annexure-C)**

8. That upon receiving the legal opinion the worthy SP HQs Peshawar instead of exonerating the appellant from the departmental proceedings surprisingly remanded back the enquiry to the enquiry officer with direction to submit his finding report within 10 days.
9. That after the above instructions the enquiry officer on 15/02/2023 submitted his fresh enquiry report where he recommended nothing but gave opinion that the petitioner is guilty. It is worth mentioning here that the whole report of the enquiry officer is the same and nothing has been changed from the previous report except the opinion, even reference is not given to the remanding back of the enquiry nor fresh notice was served on the appellant. **(Copy of inquiry report Dated 15/02/2023 is Attached as Annexure-D)**
10. That on 27/02/2023 a final show cause notice was served upon the appellant, and on 31/05/2023 the SP HQs Peshawar sent a letter to the SP Investigation to provide the case file. And the matter was once again sent back to the enquiry officer for enquiry.
11. That on 14/07/2023 the enquiry officer again submitted his enquiry report to the SP HQs Peshawar with opinion to the guilt of the appellant. After which a final show cause notice was issued to the petitioner on 26/10/2023 and on 28/11/2023 the appellant was directed to submit reply to the final show cause notice on 29/11/2023. The petitioner submitted written reply on 29/11/2023. **(Copy of show Cause Notice and reply is attached as Annexure-E)**
12. That on 19/12/2023 the SP HQs Peshawar sent a letter to the SSP Coordination alleging that another enquiry is pending against the appellant in FRP HQs in case FIR No 4421 dated 29/08/2017 u/s 392 PPC Police Station Tatara, the Deputy Commandant FRP KP in reply to letter of SP HQs Peshawar dated 19/12/2023 through letter 10/11/2024 submitted that there is no departmental enquiry pending in the above-mentioned case. **(Copy of letter Dated 10/01/2024 is attached as Annexure-F)**
13. That on 27/02/2024 the appellant was reinstated in service and was transferred from CCP Peshawar to District Police Nowshera.
14. That on 14/03/2024 the worthy District police Officer Nowshera awarded major punishment to the appellant without issuing any

fresh show cause notice or conducting any enquiry or giving an opportunity to defend. (Copy of impugned order Dated 14/03/2024 is attached as Annexure-G)

15. That feeling aggrieved from the above order appellant preferred the departmental appeal to the worthy Respondent No.1, who vide order dated 13/05/2024 dismissed the same without providing any opportunity of hearing. (Copy of Departmental Appeal and Order Dated 13/05/2024 is attached as Annexure-H & I)
16. That now feeling aggrieved from the above orders appellant challenging the same on the following amongst other grounds;

#### Grounds

- i. That the appellant has not been provided proper opportunity of hearing during the enquiry proceeding, nor any witnesses have been examined in presence of the petitioner nor any opportunity of hearing has been provided to the petitioner, hence the whole proceeding were carried in utter violation of rule and regulation.
- ii. That the whole episode of the case clearly shows the mala fide on the part of the Worthy SP Headquarter, Peshawar, who on one pretext or other tried his best to penalized the petitioner without waiting for the outcome of the criminal case.
- iii. That the impugned order has not been passed in accordance to law as no final show cause notice was issued to the appellant by the respondent no 2 before passing the impugned order.
- iv. That the whole departmental file is silent about the guilt of the petitioner, rather the petitioner has been convicted prior than his criminal trial.
- v. That the impugned order has not been passed by competent person nor proper procedure has been adopted.
- vi. That the impugned order passed by the worthy DPO Nowshera is also based on surmises and conjunctures which is very much evident from the perusal of the impugned order dated 14/03/2024. The previous record of the petitioner has been



discussed but without gathering any necessary information which clearly show the mala fide on the part of the respondents.

vii. That both the orders are passed in violation of law and service rules hence liable to be set aside.

viii. That the malafide of the respondents is very much evident from the procedure adopted by the respondents while conducting inquiry as the earlier inquiry exonerated the appellant from the charged in spite of that appellant case was again marked to the inquiry officer for establishing charges, which clearly shows the malafide on the part of respondents, therefore the orders passed has no standing in the eyes of law.

ix. That both the orders passed against the appellant are discriminatory in nature and the appellant was not treated as per requirement of service laws and rules hence the orders are liable to be set aside.

x. That while passing the impugned orders the respondents did not bothered that the trial in the criminal case is yet to be concluded and the guilt in the case is yet to be determined, but without taking into consideration the above fact the appellant was proceeded and was awarded major penalty of dismissal from service.

xi. That neither any statement of witness is recorded in presence of appellant nor was any opportunity of cross examination to the witness provided to the appellant, on this score alone both the orders are illegal hence liable to be set aside.

xii. That no evidence is available on the record which connects the appellant to the commission of offence, thus the department was liable to wait for the outcome of the trial but in utter violation of law the respondents passed impugned orders in violation of Dicta of superior Judiciary.

xiii. That any other ground will be agitated at the time of argument with the permission of this Hon'ble Tribunal.

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It is therefore most humbly prayed that upon acceptance of this appeal this Hon'ble court may please to set aside the impugned orders dated 14/03/2024 and 13/05/2024 by declaring it illegal and in-effective upon the rights of appellant and the appellant may please be re-instated in the service with all back benefits of pay and services.

Appellant  
Through  
Khalil Ullah Advocate  
High Court Peshawar

**Note:** That although the whole proceedings of inquiry was conducted by Superintendent of Police, Headquarters, Peshawar but the final order which is impugned herein before this Hon'ble tribunal has been passed by the District Police Officer Nowshera, who has been arrayed as respondent no 2. As this Hon'ble Tribunal vide office order No 225-30/st dated 02/02/2024 imposed restrictions that only those parties shall be arrayed as respondents whose orders has been challenged. In compliance of the said order the appellant has arrayed those parties as respondents who have passed the impugned orders, however, if this Hon'ble Tribunal feels it appropriate that SP HQs Peshawar is a necessary party then the appellant requests for addition of his name as respondent in the instant case.

Advocate

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

-Service Appeal No. /2024

**Ayaz Alli Shah .....Appellant**

**VERSUS**

**Regional Police Officer and one other.....Respondents**

**Affidavit**

I Ayaz Alli Shah ex-Constable Police at District Nowshera, No.695, R/o Mohallah Saidan, Akbar Pura, Tehsil & District Nowshera, do hereby solemnly affirm and declare on oath that the contents of the above appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Hon'ble court



DEPONENT

Ayaz Ali Shah

17301-66555846-9

⑧

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

Service Appeal No. /2024

Ayaz Alli Shah .....Appellant

**VERSUS**

**Regional Police Officer and one other.....Respondents**

Addresses of parties

**Appellant**

Ayaz Alli Shah ex-Constable Police at District Nowshera, No.695, R/o  
Mohallah Saidan, Akbar Pura, Tehsil & District Nowshera

**Respondents**

1. Regional Police Officer, Mardan Region at office of Regional Police Officer Mardan..
2. District Police Officer, District Nowshera at District Police Officer Nowshera.

Appellant

Through

Khalil Ullah Advocate, High  
court Peshawar

Annex "A"

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(9)

(57)

**CHARGE SHEET**

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that HC Ayaz Ali No.3880 of Capital City Police Peshawar with the following irregularities.


"It has been reported by SP Investigation Dir Lower vide letter No.971/GB dated 14.03.2022, you HC Ayaz Ali No.3880 while posted at Police Lines, Peshawar were involved in a criminal case vide FIR No.48 dated 23.02.2022 u/s 381-A-419/420/14-Z/149-PPC PS Timergara. This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case ex-parte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

**DISCIPLINARY ACTION**

I, Superintendent of Police, Headquarters, Capital City, Police Peshawar, as a competent authority, am of the opinion that HC Avaz Ali No. 3880 has rendered him self liable to be proceeded against under the provision of Police Disciplinary Rules-1975.

**STATEMENT OF ALLEGATION**

It has been reported by SP Investigation Dir Lower vide letter No. 971/GB dated 14/03/2022 that HC Avaz Ali No. 3880 while posted at Police Lines, Peshawar was involved in a criminal case vide FIR No. 48 dated 23/02/2022 u/s 381-A-419/420/14-Z/149-PPC PS Timergara. This amounts to gross misconduct on his part and is against the discipline of the force.

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and DSP Complaint is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 68 /E/PA, dated Peshawar the 8/4 /2022

1. DSP Complaint is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

2. Official concerned

(11)

Annex "B"

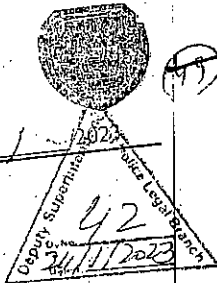
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OFFICE OF THE  
DEPUTY SUPERINTENDANT OF POLICE  
COMPLAINTS & ENQUIRY  
CCP, PESHAWAR.

DATE: 9/11/2022

331

/PA,  
The Superintendent of Police HQrs.,  
Peshawar.



Subject:- ENQUIRY AGAINST HC AYAZ ALI NO. 3880  
Memo:

Kindly refer to your office Dy: No. 68/E/PA, dated 08.04.2022 on the subject cited above.

ALLEGATIONS:-

"It has been reported by SP Investigation Dir Lower vide letter No. 971/GB dated 14.03.2022 that HC Ayaz Ali No. 3880 while posted at Police Lines, Peshawar was involved in a criminal case vide FIR No. 48 dated 23.02.2022 u/s 381-A-419/420/14-Z/149 PPC PS Timergara. This amounts to gross misconduct on his part and is against the discipline of the force".

PROCEEDINGS:-

To dig out the real facts, the alleged HC Ayaz Ali No. 3880 was contacted, attended the enquiry proceedings to hear him in person, recorded his statement and placed on file.

As per statement of HC Ayaz Ali stated that on 08.03.2022 he was present in his sister marriage in district Swabi and received call from PTCL No. 091-9210542 that IO of PS Timergara in the case submitted by Shoukat s/o Liaqat Ali r/o Dir has come to him. As there was marriage ceremony and his presence was important and then called from his phone to ASI Fida Khan Moharrar police lines on his cell NO. 0313-1915735 and told that he will appear tomorrow as this time he was busy in his sister marriage. When appeared on second day and then moharrar police lines gave him written parwana u/s 16 in the Shoukat s/o Liaqat Ali r/o Timergara wherein stated that accused un arrested HC Ayaz Ali No. 3880 on his cell 0310-9920349 time and again contacted and in this regard DD No 70 dated 08.03.2022 was entered and in this regard he was called to appeared and in case of violation legal action will be taken against him. Then he went to Timergara and in the court of Muhammad Shoaib Khan District Session Judge Timergara BBA No. 79/IV year 2022 appeared and submitted written reply to Muhammad Zeb Khan wherein that accused Shoukat Ali s/o Liaqat Ali is known to me since 03 years and was worked in the Peshawar court as Tea and will contact beverages and tea time and again to guest in the different time and does not know him and his relation is till to court and the accused in not personnel known to me. Later on he knew that he is involved in different criminal cases and that's why he appeared to IO of the case and submit his statement u/s 160 and has no idea of the incident.

As per statement of OII stated that on 16.02.2022 Schah Ahmad s/o Muhammad Farooq r/o Balambat has come to police station and stated that on 16.02.2022 at 20:30 he was present at home that his neighbor Spah Khalid s/o Khan Zarin has called from his mobile No. 0342-9204326 to his mobile No. 0346-9394021 that a party will come from Peshawar to see your own car GLI No. AKX-846 grey color

contact with him. Approximately after 15 minutes Shah Khalid has called party has reached to Timergara. He came with Shah Khalid in his car with someone by Shah Khalid and reached to PK Hotel and then told me to few minutes Shah Khalid has come and told me that party from Peshawar had and handed over car documents for checking and he handed over to him with him where 03 persons were found with NCP car already stood while giving his car documents with car chassis No. and meanwhile two persons came in motor car in police uniform and told that he has indicated at Balambat Pul and why they were not stopped, in reply he told that he has arrived 20 minutes ago and he has not seen and no one has indicated in the way and on these they start repetition and he took me in his own car to police station and after a while he dropped him and told that come to PS Timergara. When he reached to police station Timergara and no one came there. Two persons already stood with NCP car knew later on as namely Shoukat Ali and Yousaf and in police uniform police officials went in his car with Shoukat and Yousaf as well as with partner Alam Jan, Shah Khalid, ASI Zia-ul Khaq has inquired that matter u/s 156(iii) and assertiveness against Shoukat Ali, Yousaf, Alam Jan, Shah Khalid and two unknown person and u/s 164 has registered case against 06 accused. During investigation accused Shoukat Ali CDR reveals his contacts with 0310-9920349 time and again and his CDR got and registered in the name of Ayaz Ali Shah s/o Irtiaz Ali. He got information about and knew that Ayaz Ali Shah was in police department. And performing his duty at as Guard in FIA. IO has entered report vide DD NO. 70 dated 08.03.2022 in the police lines, Peshawar and handed over parwana, u/s 160 to MASI police lines, Peshawar as well as entered report at PS Town vide DD No. 51 dated 08.03.222 u/s 160 against him. On 09.03.2022 constable Ayaz Ali Shah appeared in the Session Judge court and reject his BBA and was interrogated and recovered 02 nos of MCB Checks( copy attached) and also recovered GLI car registration smart card No. AKX 846 during searching and play vital role in the case.

**RECOMMENDATION:-**

Keeping in view of the above facts, figure, it came to light that as per statement of OII of the case stated that Sohail Ahmad s/o Muhammad Farooq has come to police station and told that his neighbor Shoukat told that a party came from Peshawar to see your car. After some time they both went to PK Hotel and mean while police officials came there and took them to police station and ASI Zial UI Khaq has started enquiry in the matter and reregistered against 06 accused including LHC Ayaz Ali Shah No. 3880. Accused Shoukat CDR was checked and his mostly contacted with LHC Ayaz Ali Shab and the police also recovered motor Car registration Smart Card along with two MCB Islamabad bank check to the amount of 31000 and 1200000 (copy attached). It is therefore, the undersigned is of the opinion that alleged LHC Ayaz Ali Shah No. 3880 may be exonerated till the decision of the court, if agreed please.

Submitted Please.  
 No. 68-4/22  
 DA 24-6-23

DSR/legal  
 For illegal opinion  
 Superintendent of Police  
 HQs: C-2 Peshawar

INSPECTOR  
 COMPLAINT & ENQUIRY  
 CAPITAL CITY POLICE PESHAWAR  
 9/11/2022

412  
 21-1-2023



(13)

Annex "C"

(62)

REFERENCE ATTACHED.

No. 68-2/17  
of 14-2-23

Respected Sir,

The defaulter Head Constable Ayaz Ali No.3880 was proceeded against departmentally under Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) on the charges of his involvement in a criminal case bearing FIR No.48, dated 23.02.2022, u/s 381-A/419/420/14-Z/149-PPC, PS Timergara. He was served with charge sheet and statement of allegations. DSP Complaint & Enquiry, Peshawar was nominated as Enquiry Officer and after conduct of enquiry, the E.O concluded that the defaulter LHC may be exonerated till the decision of the Court.

As per Khyber Pakhtunkhwa Esta Code Edition 2012 at Serial No.15 and page 174 wherein Law department vide U.O No.OP2(2)82-11544, dated 03.05.1982 have advised as under which is reproduced:-

*"Court and Departmental proceedings can run parallel to each other. They can take place simultaneously against an accused on the same set of facts and yet may end differently without affecting their validity. Even departmental inquiry can be held subsequently on the same charges of which government servant has been acquitted by a Court. The two proceedings are to be pursued independent of each other and it is not necessary to pend departmental proceedings till the finalization of judicial proceedings".*

Further the august Supreme Court of Pakistan time and again made it clear in various dicta that departmental and criminal proceedings are two different entities. To make it elaborate and explanatory, I would like to quote two authorities/judgments for ready reference:-

(PLD 2002 SC 13) Arif Ghaioor Versus Managing Director HMC. Taxila & others.

"Disciplinary Proceedings" and "Criminal Proceedings" as used in service matter \_\_\_\_\_ Distinguished \_\_\_\_\_ Both the proceedings can not be termed as synonymous and interchangeable \_\_\_\_\_

"Disciplinary Proceedings and Criminal Proceedings are quite distinct from each other having altogether different characteristics and there is nothing common between the adjudicative forums by whom separate prescribed procedure and mechanism is followed for adjudication and both the forums have their own domain of jurisdiction. Decision of one forum would have no bearing on the decision of other forum in any manner whatsoever and it would be a misconceived notion to consider the acquittal in criminal trial as an embargo against disciplinary proceedings".

2005 SCMR 1005.

Criminal Courts in the light of strict observance of law of evidence, have to judge admissibility of evidence to hold a person guilty of criminal charge but in case of charge of misconduct, departmental authorities are not required to follow technicalities of law. Unless essential elements of components of a criminal offence are proved through evidence, direct or circumstantial, conviction is not possible, whereas in case of misconduct, departmental

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Authorities may not follow complicated procedure of criminal Court and rule appraisal of evidence, rather such authorities in the light of general principle of law may determine question of guilt or innocence of a person by giving him a fair and adequate opportunity of hearing in accordance with law.

In view of above, it is suggested that the pending departmental proceedings may be finalized in light of recommendation of the enquiry officer. Moreover, keeping the enquiry pending is unlawful in view of above instructions and judgment of apex Court of Pakistan.

Submitted please.

*Yasir H.*  
DSP/Legal,  
CCP, Peshawar.

SP HQrs: Please.

*PA / The Enquiry Officer did not determine the guilt or innocence of the accused in his finding Report. He must reach to the conclusion in respect of the charges after due process of the enquiry proceedings. Therefore, he is authorized to finalize the proceedings within 10 days and shall submit its finding Report.*

*[Signature]*  
2023

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Annex "D"



OFFICE OF THE  
DEPUTY SUPERINTENDANT OF POLICE  
COMPLAINTS & ENQUIRY  
CCP, PESHAWAR

45



NO. 352 /PA,

DATE: 15/2/2023

To: The Superintendent of Police HQrs.,  
Peshawar.

Subject:- ENQUIRY AGAINST HC AYAZ ALI NO. 3880

Memo:

Kindly refer to your office Dy: No. 68/E/PA, dated 08.04.2022 on the subject cited above.

ALLEGATIONS:-

"It has been reported by SP Investigation Dir Lower vide letter No. 971/GB dated 14.03.2022 that HC Ayaz Ali No. 3880 while posted at Police Lines, Peshawar was involved in a criminal case vide FIR No. 48 dated 23.02.2022 u/s 381-A-419/420/14-Z/149 PPC PS Timergara. This amounts to gross misconduct on his part and is against the discipline of the force".

PROCEEDINGS:-

To dig out the real facts, the alleged HC Ayaz Ali No. 3880 was contacted, attended the enquiry proceedings to hear him in person, recorded his statement and placed on file.

As per statement of HC Ayaz Ali stated that on 08.03.2022 he was present in his sister marriage in district Swabi and received call from PTCL No. 091-9210542 that IO of PS Timergara in the case submitted by Shoukat s/o Liaqat Ali r/o Dir has come to him. As there was marriage ceremony and his presence was important and then called from his phone to ASI Fida Khan Moharrar police lines on his cell NO. 0313-1915735 and told that he will appear tomorrow as this time he was busy in his sister marriage. When appeared on second day and then moharrar police lines gave him written parwana u/s 16 in the Shoukat s/o Liaqat Ali r/o Timergara wherein stated that accused un arrested HC Ayaz Ali No. 3880 on his cell 0310-9920349 time and again contacted and in this regard DD No 70 dated 08.03.2022 was entered and in this regard he was called to appeared and in case of violation legal action will be taken against him. Then he went to Timergara and in the court of Munammad Shoaib Khan District Session Judge Timergara BBA No. 79/IV year 2022 appeared and submitted written reply to Muhammad Zeb Khan wherein that accused Shoukat Ali s/o Liaqat Ali is known to me since 03 years and was worked in the Peshawar court as Tea and will contact beverages and tea time and again to guest in the different time and does not know him and his relation is till to court and the accused in not personnel known to me. Later on he knew that he is involved in different criminal cases and that's why he appeared to IO of the case and submit his statement u/s 160 and has no idea of the incident.

As per statement of [redacted] stated that on 16.02.2022 Sohail Ahmad s/o Muhammad Farooq r/o Balamoat has come to police station and stated that on 16.02.2022 at 20:30 he was present at home that his neighbor Shah Khalid s/o Khan Zarin has called from his mobile No. 0342-9204326 to his mobile No. 0346-9594021 that a party will come from Peshawar to see your own car GLI No. AKX-846 grey color

6

and he is on contact with him. Approximately after 15 minutes Shah Khalid has called to him, that party has reached to Timergara. He came with Shah Khalid in his car with contacted to someone by Shah Khalid and reached to PK Hotel and then told me to wait. After few minutes Shah Khalid has come and told me that party from Peshawar has reached and handed over car documents for checking and he handed over to him and went with him where 03 persons were found with NCP car already stood while checking his car documents with car chassis No. and meanwhile two persons came in Alto motor car in police uniform and told that he has indicated at Balambat Pul and why they were not stopped, in reply he told that he has arrived 20 minutes ago and he has not seen and no one has indicated in the way and on these they start repetition and he took me in his own car to police station and after a while he dropped him and told that come to PS Timergara. When he reached to police station Timergara and no one came there. Two persons already stood with NCP car knew later on as namely Shoukat Ali and Yousaf and in police uniform police officials went in his car with Shoukat and Yousaf as well as with partner Alam Jan, Shah Khalid. ASI Zia ul Khaq has inquired that matter u/s 156(iii) and assertiveness against Shoukat Ali, Yousaf, Alam Jan, Shah Khalid and two un known person and u/s 164 has registered case against 06 accused. During investigation accused Shoukat Ali CDR reveals his contacts with 0310-9920349 time and again and his CDR got and registered in the name of Ayaz Ali Shah s/o Intiaz Ali. He got information about and knew that Ayaz Ali Shah was in police department. And performing his duty at as Guard in FIA. IO has entered report vide DD NO. 70 dated 08.03.2022 in the police lines, Peshawar and handed over parwana u/s 160 to MASI police lines, Peshawar as well as entered report at PS Town vide DD No. 51 dated 08.03.222 u/s 160 against him. On 09.03.2022 constable Ayaz Ali Shah appeared in the Session Judge court and reject his BBA and was interrogated and recovered 02 nos of MCB Checks( copy attached) and also recovered GLI car registration smart card No. AKX 846. during searching and play vital role in the case.

**RECOMMENDATION:-**

Keeping in view of the above facts, figure, it came to light that as per statement of OII of the case stated that Sohail Ahmad s/o Muhammad Farooq has come to police station and told that his neighbor Shoukat told that a party came from from Peshawar to see your car. After some time they both went to PK Hotel and mean while police officials came there and took them to police station and ASI Zia Ul Khaq has started enquiry in the matter and registered FIR against 06 accused including LHC Ayaz Ali Shah No. 3880. Accused Shoukat CDR was checked and his mostly contacted with LHC Ayaz Ali Shah and the police also recovered motor Car registration Smart Card along with two MCB Islamabad bank check to the amount of 31000 and 1200000 (copy attached). It is therefore, the undersigned is of the opinion that alleged LHC Ayaz Ali Shah No. 3880 is found guilty, if agreed please.

Submitted Please.

Issue Pinal  
Shoukat Ali  
Shoukat Ali

INSPECTOR  
COMPLAINT & ENQUIRY  
CAPITAL CITY POLICE PESHAWAR  
15/2/2023

Superintendent of Police  
HQs: CCP Peshawar

17

Annex "E"

54

52

**FINAL SHOW CAUSE NOTICE**

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, HC Ayaz Ali No.3880 the final show cause notice.

The Enquiry Officer, Inspector Complaint & Enquiry, after completion of departmental proceedings, has declared you guilty for the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you HC Ayaz Ali No.3880 deserve the punishment in the light of the above said enquiry report.

And as competent authority, has decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975.

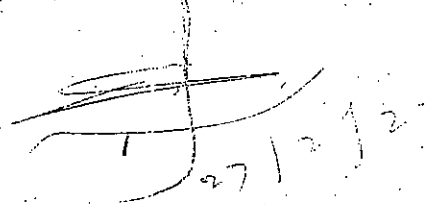
1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 68-ع /PA, SP/HQrs: dated Peshawar the 27/2 /2023.

Copy to official concerned

ایڈیٹر سیکرٹری کارپوریشن کاپی اور لائسنس

  
27/2/23

جواب برائے انکوائری پولیس افسران پشاور

بضام

آیا ز علی شاہ ولد سید امتیاز علی شاہ ساکن اکبر پورہ ضلع نوشہرہ

میں سسی آیا ز علی شاہ ولد سید امتیاز علی شاہ ساکن اکبر پورہ ضلع نوشہرہ موبائل نمبر 0310-9920349 شناختی کارڈ نمبر 9-6655846-17201 شعبہ پولیس بیان کرتا ہوں کہ مورخہ 08-03-2022 کو بوقت شام 07 بجے میں اپنی ہمشیرہ کی شادی میں موضع صوابی میں موجود تھا اس وقت مجھے بہن سرکاری پی ٹی ایل 091-9210542 سے اطلاع ملی کہ آپ کے پیچھے تھرگرہ پولیس کا آئی او سلسلہ انکوائری مجرم بنام شوکت ولد لیاقت علی ساکن ویرا آئی ہے چونکہ میں اپنی ہمشیرہ کے شادی کے تقریب میں موجود تھا اور میری موجودگی بہت اہم تھی اس لیے میں نے محرر لائن کو دوبارہ نمبری پر ایبوت 0313-1915735 فدراخان کو اطلاع دی کہ میں کل دفتری اوقات میں حاضر جاؤنگا کیونکہ میں اس وقت اپنی بہن کی شادی میں مصروف ہوں۔ بعدہ دوسرے روز میں پولیس لائن حاضر ہوا تو مجھے محرر لائن نے ایک عدد پروانہ دفعہ 160 ضابطہ فوجداری بنام شوکت علی ولد لیاقت علی ساکن تھرگرہ حوالہ کیا جس میں تحریر تھا کہ "انکار سرکار تحریر ہے کہ مقدمہ عنوان بالا میں نامزد عدم گرفتار ملزم بالا کیساتھ ہیڈ کنسٹیبل آیا ز علی شاہ نمبری 3880/DI/LHC کے موبائل نمبر 0310-9920349 پر بار بار رابطہ ہو چکے ہیں اس سلسلہ میں رپورٹ حوالہ نمبر 70 روز نامہ 08-03-2022 بھی درج کیا گیا ہے لہذا سلسلہ تفتیش / انکوائری کے لیے ہیڈ کنسٹیبل مذکورہ بالا کو پیش ہونے کی ہدایت کی جاتی ہے بصورت دیگر قانونی کارروائی عمل میں لائی جائے گی" نوٹ: مورخہ 09-03-2022 کو بوقت دفتری اوقات 09:00 بجے تھانہ تھرگرہ کو پیش ہوا جائے اس کے بعد میں تھرگرہ روانہ ہوا اور بعدالت جناب محرشیب خان ڈسٹرکٹ ایڈیشنل جج / ضلع قاضی ویر پانکین بمقام تھرگرہ ہر دور تھانہ استنانت نمبر BBA No 79/IV برائے سال 2022 کی مدد سے تھانہ تھرگرہ ہوا اور انکوائری آفیسر محمد زب خان کو رپورٹ ضمنی میں جواب دیا کہ ملزم بالا شوکت علی ولد لیاقت علی ساکن تھرگرہ میں تقریباً پچھلے تین سال سے جا رہا ہوں کیونکہ میں پکھری کے مختلف قسم کے عدالتوں میں بطور نائب کورٹ تعینات تھا اور ضلع پشاور کے پکھری میں ملزم بالا شربت اور چائے کا کام کرتا تھا اس لیے روزانہ کے زیادہ پر مختلف قسم کے اوقات میں مہمانوں کے لیے چائے شربت کے لیے بار بار

Ref

۵۹-۵۵-۵۵-۵۵



خاتمه

این کتاب در سال ۱۳۰۵ خورشیدی در تهران چاپ شده است و در کتابخانه ملی نگهداری می‌گردد. این کتاب در سال ۱۳۰۵ خورشیدی در تهران چاپ شده است و در کتابخانه ملی نگهداری می‌گردد. این کتاب در سال ۱۳۰۵ خورشیدی در تهران چاپ شده است و در کتابخانه ملی نگهداری می‌گردد.

(۵۹)

۵۹

(۱۹)

(20)

Annex "F"

28



S95  
14/11/24

OFFICE OF THE  
DEPUTY COMMANDANT  
FRONTIER RESERVE POLICE  
KHYBER PAKHTUNKHWA, PESHAWAR.

Ph: No. 091-9212602 Fax No. 091-9214114

No. 524-25 /PA D.C, dated Peshawar the 10/11/2024

To Sr: Superintendent of Police,  
Coordination CCP Peshawar.

84-PA-SSP Coord

15-01-2024

Subject: DEPARTMENTAL ENQUIRY INITIATED AGAINST FC AYAZ ALI SHAH NO. 3880

Memo:

With reference to your office Memo No. 21729-30/P.A: SSP. Coord: dated 19.12.2023 on above noted subject.

It is submitted that the office record of FRP Malakand Range was checked through OHC recording FC Ayaz Ali Shah No. 3880 it was transpired that the above mentioned official is not available on belt No. 3880. However there is no departmental enquiry in case No. 4421 dated 29.08.2017 u/s 392/PPC Police Station Tatar.

(MUHAMMAD IRSHAD) PSP  
Deputy Commandant,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa,  
Peshawar

Endorsement of even No & dated

Copy forwarded to the

- 1. P.A to Commandant FRP Khyber Pakhtunkhwa

3

SP HQ

For n.a. w/o to his

office Dy: 5592, Dt: 19/12/23.

PA  
Part copy file

KG  
11

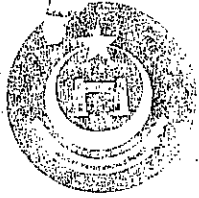
SSP Coord

15.01.2024.

12-01-24



20 "A"



OFFICE OF THE  
SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR  
Phone No. 091-9210737

No. 3592 P.A. Dt: 17/03/22


TO: The SSP Coordination,  
Peshawar.

Subject: DEPARTMENTAL ENQUIRY INITIATED FC AYAZ ALI SHAH BELT NO. 3880.

Memo:

It is submitted that Constable Ayaz Ali Shah Belt No. 3880 is facing departmental enquiry on the charges for being involved in criminal case FIR No. 48 dated 23.02.2022 u/s 381-A-419/420/147/149 PPC PS Timergera. On Checking of his Character and Service Roll it was found that above official was previously involved in Case FIR No. 4421, dated 29.08.2017 u/s 392 PPC PS Tatarra and a departmental enquiry initiated in FRP HQrs was then kept pending.

It is requested that complete enquiry file may kindly be requested from the Commandant FRP for further proceeding in the matter.

  
SUPERINTENDENT OF POLICE  
HQRS: PESHAWAR

ORDER

This order will dispose of the departmental inquiry, initiated against Constable Ayaz Ali Shah No. 695 (Constabulary No. 3880 of District Peshawar). He while posted at FIA Guard, Peshawar was charged in a criminal case, registered vide FIR No. 48 dated 23.02.2022 u/s 381-A/419/420/147/149 PPC PS, Timergara, District Dir Lower.

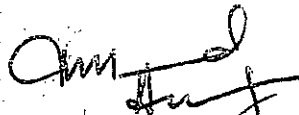
On account of which, SP HQ Peshawar, placed him under suspension, closed to Police Lines Peshawar and proceeded against departmentally through DSP Complaint & Enquiry, CCP Office, Peshawar. During enquiry, he was found guilty by highlighting that during investigation CDRs of accused Shoukat Ali revealed that Constable Ayaz Ali Shah had frequently contacted with him (aforementioned accused). The I.O of the case also recovered Motor Car registration and Smart Card with 02 MCB, Islamabad Cheques from Constable Ayaz Ali Shah No. 695.

His previous record was also perused, which revealed that prior to this, he was found involved in case FIR No. 421 dated 29.07.2017 u/s 392 PPC PS, Tatara, District Peshawar. An another complaint, submitted by Mumtaz Khan r/o Tangi, District Charsadda before the Inspector General of Police, Khyber Pakhtunkhwa, alleging therein that FC Ayaz Ali Shah took responsibility of a fraudulent person who grabbed a large amount of Rs: 400000/- from him. He misused his uniform and authority for ulterior motive. On account of said allegations, he was proceeded against departmentally through SP Warsak, Peshawar during which, he was also found guilty. On 24.01.2024, Mst: Aalia w/o Raaz Gul r/o Peshawar complained that FC Ayaz Ali Shah sold a plot of 10 Marla to her son, which was not his own plot. All this, shows that he has criminal/bad record, which may damage the prestige of entire department.

On 13.03.2024, he was heard in orderly room by the undersigned, wherein he failed to produce any cogent reason in his defense, therefore, Constable Ayaz Ali Shah No. 695 is hereby awarded major punishment of dismissal from service with immediate effect, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 135

Dated 14/03 /2024

  
(MUHAMMAD AZHAR) PSP  
District Police Officer,  
Nowshera

No. 546-52 /PA, dated Nowshera, the 14/03 /2024.

Copy for information and necessary action to:

1. The SP Headquarter, Peshawar w/r to his office letter No. 2152-61/PA dated 27.02.2024.
2. Pay Officer.
3. Establishment Clerk.
4. OHC.
5. I/C Clothing Godown.
6. FMC with its enclosures (101) pages.
7. I/C Computer Lab.

(22)

Annex "H"

854/ES

25/3/24

Before The Worthy Regional Police Officer Mardan Region

Appeal under rule 11 of the police rules 1975 against the order of the worthy District Police Officer Nowshera dated 14/03/2024 where the appellant was awarded with major punishment of dismissal from service

EC/DPO Nowshera

Respectfully Sheweth!

The appellant most humbly submits as under,

1. That the appellant belongs to district Nowshera, was recruited in FRP KP on 30/08/2013 as constable and passed recruit course successfully at PTÇ Hangu in the term ending 20/06/2014.
2. That from the date of appointment the appellant is performing his duties with full zeal and enthusiasm and no opportunity of any complaint whatsoever has been provided to the high ups.
3. That the appellant was charged in case FIR No 48 dated 23/02/2022 u/s 380-A,419,420,148,149 PPC in police station Timargara merely on the basis of CDR by the investigation officer of the case, it is pertinent to mention here that the IO of the case on 08/03/2022 issued a notice under section 160 Crpc to the appellant through MASI police lines on the appellant for appearance and to join the investigation on the basis of alleged CDR, the appellant upon receiving the notice appeared before the IO on the very next day i.e 09/03/2022, recorded his statement but the IO malafidely chalked his name in the list of accused and shown recoveries from the appellant which were never recovered from the appellant. (Copy of FIR is attach)
4. That in the above mentioned case appellant was arrested after dismissal of BBA from the Court of Hon'ble Session Judge Timargara, he was arrested on 18/03/2022, remained in police custody for 5 days, admitted to judicial lock up on 24/03/2022, it is worth mentioning here that during the police custody no recovery whatsoever was made from the appellant or evidence

collected by the IO of the case which could connect the appellant with the commission of the offence.

5. That the trial in above noted case is still pending before the Court Hon'ble Judicial Magistrate Timargara and is not finally decided yet.
6. That a departmental enquiry was initiated against the appellant, solely on the allegation of involvement in criminal case without waiting for the outcome of the trial in the criminal case, vide office order Endst: No.68/E/PA dated 08/04/2022 wherein DSP complaint was appointed as enquiry officer.
7. That after completion of enquiry on 09/01/2023 the enquiry officer after detail enquiry exonerated the appellant from the charges leveled against him till the decision of the criminal case. *(Inquiry Report copy attached)*
8. That after receiving the finding report of the enquiry officer the worthy Superintendent of Police Headquarters, Peshawar marked the file to DSP Legal for necessary legal opinion.
9. That the DSP Legal in his detailed opinion referred to different laws i.e Khyber Pakhtunkhwa Esta code, advisories of law department and judgments of the Hon'ble Supreme Court and suggested that the pending departmental proceedings may be finalized in light of recommendation of the enquiry officer. He added that keeping the enquiry pending is unlawful in view of the above instructions and judgment of the apex court of Pakistan. *(Copy of legal opinion is attached)*
10. That upon receiving the legal opinion the worthy SP HQs Peshawar instead of exonerating the appellant from the departmental proceedings surprisingly remanded back the enquiry to the enquiry officer with direction to submit his finding report within 10 days. *(Copy of Remanded order attached)*
11. That after the above instructions the enquiry officer on 15/02/2023 submitted his fresh enquiry report where he recommended nothing but gave opinion that the appellant is guilty. It is worth mentioning here that the whole report of the enquiry officer is the same and nothing has been changed from

25 24

the previous report except the opinion, even reference is not given to the remanding back of the enquiry nor fresh notice was served on the appellant.

12. That on 27/02/2023 a final show cause notice was served upon the appellant, on 31/05/2023 ~~the~~ the appellant was heard in person and SP HQs Peshawar sent a letter to the SP Investigation to provide the case file, And the matter was once again sent back to the enquiry officer for enquiry. *(Copy of letter attached)*
13. That on 14/07/2023 the enquiry officer again submitted his enquiry report to the SP HQs Peshawar with opinion to the guilt of the appellant. After which a final showcause notice was issued to the appellant on 26/10/2023 and on 28/11/2023 the appellant was directed to appear with written reply to the final show cause notice on 29/11/2023. The appellant appeared in person and submitted written reply on 29/11/2023. *(Copies attached)*
14. That on 19/12/2023 the SP HQs Peshawar sent a letter to the SSP Coordination alleging that another enquiry is pending against the appellant in FRP HQs in case FIR No 4421 dated 29/08/2017 u/s 392 PPC Police Station Tatara, the Deputy Commandant FRP KP in reply to letter of SP HQs Peshawar dated 19/12/2023 through letter 10/11/2023 submitted that there is no departmental enquiry pending in the above mentioned case. *(Letter dated 10/12/2023 attached) and letter Dated 10/11/2023 attached)*
15. That on 27/02/2024 the appellant was reinstated in service and was transferred <sup>from</sup> to CCP Peshawar to District Police Nowshera.
16. That on 14/03/2024 the worthy District police Officer Nowshera awarded major punishment to the appellant without issuing any fresh show cause notice or conducting any enquiry or giving an opportunity to defend himself. *(Copy of impugned order attached)*
17. That the appellant has not been provided proper opportunity of hearing during the enquiry proceeding, nor any witnesses have been examined in presence of the appellant nor any opportunity of hearing has been provided to the appellant, hence the whole proceeding were carried in utter violation of rule and regulation.

- 18. That the whole episode of the case clearly show the mala fide on the part of the Worthy SP Headquarter, Peshawar, who on one pretext or other tried his best to penalized the appellant without waiting for the outcome of the criminal case.
- 19. That the impugned order has not been passed in accordance to law.
- 20. That the whole departmental file is silent about the guilt of the appellant, rather the appellant has been convicted prior than his criminal trial.
- 21. That the impugned order has not been passed by competent person nor proper procedure has been adopted.
- 22. That the impugned order passed by the worthy DPO Nowshera is also based on surmises and conjunctures which is very much evident from the perusal of the impugned order dated 14/03/2024. The previous record of the appellant has been discussed but without gathering any necessary information which clearly show the mala fide on the part of the respondents.

It is therefore most humbly prayed that upon acceptance this appeal the impugned order dated 14/03/2024 of the District Police Officer may please be set aside and the appellant may please be reinstated to service with all back benefits of pay and service.

Appellant  
 Ayaz Ali Shah  
 17301-66555846-9  
 L.H. 675

2024-03-14  
 2024-03-14  
 Affidavit

It is hereby solemnly affirm and declare on Oath that the contents of the Instant appeal is true and correct to the best of my knowledge and belief and nothing has been concealed.

Deponent  
 17301-66555846-9

*[Handwritten signature]*

(26)

Annex "I"

ORDER - RAO

This order will dispose-off the departmental appeal preferred by Ex-Constable Ayaz Ali Shah No. 695 of Nowshera District Police against the order of the then District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB: No. 135 dated 14.03.2024. The appellant was proceeded against departmentally on the allegations that he while posted at FIA Guard, Peshawar was charged in a criminal case, registered vide case FIR No. 48 dated 23.02.2022 u/s 381-A/419/420/147/149 PPC Police Station, Timergara, District Dir Lower.

He was placed him under suspension, closed to Police Lines, Peshawar and issued Show Cause Notice to which his reply was received and found unsatisfactory, therefore, proper departmental enquiry was initiated against him through Deputy Superintendent of Police, Complaints & Enquiry, Capital City, Police Office, Peshawar. During enquiry, he was found guilty by highlighting that during investigation, CDRs of accused Shoukat Ali revealed that Constable Ayaz Ali Shah had in frequent contacts with him (aforementioned accused). The Investigation Officer of the case also recovered Motor Car registration and Smart Card with 02 MCB, Islamabad Cheques from Constable Ayaz Ali Shah No. 695.

His previous record was also perused, which revealed that prior to this, he was found involved in case vide FIR No. 421 dated 29.07.2017 u/s 392 PPC Police Station, Tatara, District Peshawar. An another complaint, submitted by Mumtaz Khan r/o Tangi, District Charsadda before the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar alleging therein that FC Ayaz Ali Shah took responsibility of a fraudulent person who grabbed a large amount of Rs. 400000/- from him. He misused his uniform and authority for ulterior motive. On account of said allegations, he was proceeded against departmentally through Superintendent of Police, Warsak, Peshawar during which, he was also found guilty. On 24.01.2024, Mst. Aalia w/o Raaz Gul r/o Peshawar complained that FC Ayaz Ali Shah sold a plot of 10 Marla to her son, which was not his own plot. All this, shows that he has criminal/bad record, which will certainly damage the prestige of entire department.

He was issued Final Show Cause Notice to which his reply was received and found unsatisfactory.

On 13.03.2024, the delinquent Officer was summoned for orderly room and was heard personally in detail, but he failed to satisfy the District Police Officer.

Nowshera. After perusal of the enquiry papers and recommendations of the enquiry Officers and hearing him in person, he was awarded major punishment of dismissal from services with immediate effect vide OB No. 14.03.2024.

Feeling aggrieved from the order of the District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 08.05.2024.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Moreover, the involvement of appellant in these heinous criminal cases is clearly a stigma on his conduct. It is added that he could not produce any cogent justification in rebuttal rather the allegations of malpractices and corruption have been proved to the hilt. The involvement of the delinquent Official in such like malpractices and corrupt activities brought a bad name for entire Police force in the eyes of general public, hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. He could not present any cogent justification to warrant interference in the order passed by the competent authority. Keeping in view the above, I, Najeeb-Ur-Rehman Bugti, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and tied, being devoid of merit.

Order Announced

(Najeeb-Ur-Rehman Bugti) PSP  
Regional Police Officer,  
Mardan.

No. 1368 /ES, Dated Mardan the 13/05/2024

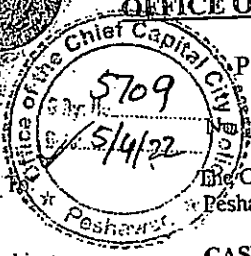
Copy forwarded to District Police Officer, Nowshera for information and necessary writ to his office Memo. No. 1013/PA dated 23.04.2024 His service record is returned herewith

14/5/24  
Open  
In a return  
EC/Br

No 80114  
dt 14/5/24



**OFFICE OF THE SUPERINTENDENT OF POLICE  
INVESTIGATION DIR LOWER**



Ph# 0945-9250008 Fax# 0945-9250045  
E-mail: [invdirlower@gmail.com](mailto:invdirlower@gmail.com)  
971 /GB, Dated 14/03/2022

The Capital City Police Officer, Peshawar. PAF No. 1731  
Date 04/03/22

Subject: **CASE FIR NO. 48 DATED 23.02.2022 U/S 381A-419/420/14 Z/149  
PPC PS TIMERGARA.**

Memo: - It is submitted that in subject case, accused Ayaz Ali s/o Ali Shah r/o Akbarpura, District Nowshera is charged in the subject case and he got (BBA) bail before arrest from the honorable Court. Reportedly, he is a Government Servant and serving as Head Constable No.3880 and presently posted in FIA Guard District Peshawar under your kind command.

It is therefore, requested that, necessary departmental proceeding may please be initiated against him under intimation to this office, Please.

- C.C.P.O.
- SSI/Coord.
- SSI/PO
- SSI/Inv.
- SSI/Cust.
- SSI/City
- SSI/Karai
- SSI/Soc.
- SSI/IO
- SSI/Tr.
- SSI/ACB
- SSI/CC
- SSI/CP
- SSI/DP
- SSI/SP
- SSI/ST
- SSI/OT
- SSI/OT
- SSI/OT
- SSI/OT

NO. 972 /GB,  
14.03.2022.

Copy forwarded to C.I.O PS Timergara w/i to his application dated

Signature: *[Handwritten Signature]*

PA

*[Handwritten Signature]*

Signature: *[Handwritten Signature]*

HCrest: C.C. Peshawar.

Superintendent of Police,  
Investigation, Dir Lower

Superintendent of Police,  
Investigation, Dir Lower

SA

**ORDER**

HC Ayaz Ali No.3880 of Capital City Police Peshawar while posted at FIA Guard Peshawar, Peshawar is hereby placed under suspension & closed to Police Lines Peshawar with immediate effect due to involvement in a criminal case vide FIR No.48 dated 23.02.2022 u/s 381-A-419/420/14-Z/149-PPC PS Timergara.

Charge sheet & summary of allegations is being issued to him separately.

SUPERINTENDENT OF POLICE  
HEADQUARTER PESHAWAR.

O.B No 933  
Dated 8/04/2022

No. 1213-2A/PA/SP/H.Qrs: dated Peshawar, the 8/4/2022

Copy to:

- 1. The Capital City Police Officer, Peshawar
- 2. The SSP Operations, Peshawar
- 3. The SSP Investigation, Peshawar
- 5. DSP H.Qrs: Peshawar.
- 6. Pay Officer & CRC
- 7. FMC & OASI

REFERENCE ATTACHED

This is a formal departmental proceedings against HC Ayaz Ali No.3880 while posted at Police Lines, Peshawar was involved in a criminal case vide FIR No.48 dated 23.02.2022 u/s 381-A-419/420/14-Z/149-PPC PS Timergara.

In this regard, he was placed under suspension & issued charge sheet & summary of allegation. Inspector Complaints was appointed as E.O. He conducted the enquiry proceedings & submitted his report/findings that the alleged official is found guilty of this misconduct vide Enquiry Report No.357/PA dated 15.02.2023 vide at F/A.

Upon the finding of E.O, he was issued final show cause notice to which he received & replied vide at F/B.

Upon which, DSP Legal opinion was sought. He opined that "the pending departmental proceedings may be finalized in light of the recommendation of the Enquiry Officer, Moreover, keeping the enquiry pending is unlawful in view of instructions and judgment of apex Court of Pakistan Vide at F/C."

Submitted for further order please.

  
P.A

SP H/O PA  
DFA for CDR, if any,  
and copy of FIR in the  
criminal case.  
19923

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(58)



OFFICE OF THE  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

Phone No. 091-9210737

No. 1228/PA, Dt: 27/04/2023


TO: SP/Investigation  
Dir Lower,

Subject: Departmental enquiry against accused HC Ayaz  
No.3880,CCP Peshawar

Memo:

It is stated that departmental enquiry against HC Ayaz No.3880 is under process on the record of this office in case vide FIR No.48 dated 23.02.2022u/s 381-A-419/420/14-Z/149-PPC PS Timergara.

Therefore, CDR, if any, and Copy of FIR in the above mentioned criminal case may pleased be provided at earliest in order to proceed farther into matter please.

  
SUPERINTENDENT OF POLICE  
HQRS: PESHAWAR

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682  
22

OFFICE OF THE  
SUPERINTENDENT OF POLICE  
INVESTIGATION DISTRICT DIR LOWER

Phone: 0945-9250003 Fax: 0945-9250045 Email: invdirlower@gmail.com

To: The Superintendent of Police,  
Headquarters, Peshawar

No. 1249 /GB/Inv, Dated Timergara the 05/05 /2023.

Subject: DEPARTMENTAL ENQUIRY AGAINST ACCUSED HC AYAZ NO.3880,  
CCP PESHAWAR.

Kindly refer to your office memo No.1228/PA, dated 27/04/2023 on the subject noted above.

It is submitted that the requisite information in the subject case are sent herewith as desired, please.

Enclosed :( 31pages)

  
SUPERINTENDENT OF POLICE  
INVESTIGATION DIR LOWER

*PA  
Call the accused  
official on 31/5/23*

*He appeared and states that he was innocent and that relevant record of the case and his CDs be checked. Therefore, it is in the interests of justice to have thorough inquiry conducted and the matter is sent back to the E.O for further inquiry getting relevant record from Timergara Police. This office is also issuing a letter for provision of record by concerned IO/011 and will be handed over to the EO for completion.*

*31/5/23*

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**OFFICE OF THE  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR**

Phone No. 091-9210737

No. 1973 /PA, Dt: 31/5/2023

Encl / Enquiry File/6

**TO:** The SP Investigation,  
Lower Dir.

**Subject:** DEPARTMENTAL ENQUIRY AGAINST HC AYAZ NO.3880 CCP  
PESHAWAR

Memo:

In continuation to this office letter No.1228/PA dated 27.04.2023.

The accused official was called for hearing. He stated that he was innocent and that relevant record of the case and CDRs be checked. Therefore it is in the interest of justice to have thorough enquiry conducted.

It is requested that copies of relevant case file in FIR No. 48 dated 23.02.2022 u/s 381-A, 419/420/147/149PPC PS Timergara may be sent to this office at the earliest so that the enquiry could be completed and disposed off, please.

  
SUPERINTENDENT OF POLICE  
HQRS: PESHAWAR

No. 1973 /PA, dated Peshawar, the 31/5/2023

Copy of above is forwarded to:-

1. The SSP Coordination, Peshawar for information.
- ✓ 2. The Inspector Complaint CCP Peshawar. The enquiry file is returned with the direction to check relevant record from district Dir lower, DD reports in CCP and Witnesses in support of the charges or in defense of accused be called and examined as per rules. The enquiry be completed as soon as possible.

  
SUPERINTENDENT OF POLICE  
HQRS: PESHAWAR

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OFFICE OF THE  
DEPUTY SUPERINTENDANT OF POLICE  
COMPLAINTS & ENQUIRY  
CCP, PESHAWAR



NO. 529 /PA,

DATE: 14/7 /2023

To: The Superintendent of Police HQrs.,  
Peshawar.

Subject:- ENQUIRY AGAINST HC AYAZ ALI NO. 3880  
Memo:

Kindly refer to your office Dy: No. 68/E/PA, dated 08.04.2022 on the subject cited above.

**ALLEGATIONS:-**

"It has been reported by SP Investigation Dir Lower vide letter No. 971/GB dated 14.03.2022 that HC Ayaz Ali No. 3880 while posted at Police Lines, Peshawar was involved in a criminal case vide FIR No. 48 dated 23.02.2022 u/s 381-A-419/420/14-Z/149 PPC PS Timergara. This amounts to gross misconduct on his part and is against the discipline of the force".

**PROCEEDINGS:-**

To dig out the real facts, the alleged HC Ayaz Ali No. 3880 was contacted, attended the enquiry proceedings to hear him in person, recorded his statement and placed on file.

As per statement of HC Ayaz Ali stated that on 08.03.2022 he was present in his sister marriage in district Swabi and received call from PTCL No. 091-9210542 that IO of PS Timergara in the case submitted by Shoukat s/o Liaqat Ali r/o Dir has come to him. As there was marriage ceremony and his presence was important and then called from his phone to ASI Fida Khan Moharrar police lines on his cell NO. 0313-1915735 and told that he will appear tomorrow as this time he was busy in his sister marriage. When appeared on second day and then moharrar police lines gave him written parwana u/s 160 in the Shoukat s/o Liaqat Ali r/o Timergara wherein stated that accused un arrested HC Ayaz Ali No. 3880 on his cell 0310-9920349 time and again contacted and in this regard DD No 70 dated 08.03.2022 was entered and in this regard he was called to appeared and in case of violation legal action will be taken against him. Then he went to Timergara and in the court of Muhammad Shoaib Khan District Session Judge Timergara BBA No. 79/IV year 2022 appeared and submitted written reply to Muhammad Zeb Khan wherein that accused Shoukat Ali s/o Liaqat Ali is known to me since 03 years and was worked in the Peshawar court as Tea and will contact beverages and tea time and again to guest in the different time and does not know him and his relation is till to court and the accused in not personnel known to me. Later on he knew that he is involved in different criminal cases and that's why he appeared to IO of the case and submit his statement u/s 161 and has no idea of the incident.

As per statement of OII stated that on 16.02.2022 Sohail Ahmad s/o Muhammad Farooq r/o Balambat has come to police station and stated that on 16.02.2022 at 20:30 he was present at home that his neighbor Shah Khalid s/o Khan Zarin has called from his mobile No. 0342-9204326 to his mobile No. 0346-9394021 that a party will come from Peshawar to see your own car GLI No. AKX-846-grey color and he is on contact with him. Approximately after 15 minutes Shah

Khalid has called to him that party has reached to Timergara. He came with Shah Khalid in his car with contacted to someone by Shah Khalid and reached to PK Hotel and then told me to wait. After few minutes Shah Khalid has come and told me that party from Peshawar has reached and handed over car documents for checking and he handed over to him and went with him where 03 persons were found with NCP car already stood while checking his car documents with car chassis No. and meanwhile two persons came in Alto motor car in police uniform and told that he has indicated at Balambat Pul and why they were not stopped, in reply he told that he has arrived 20 minutes ago and he has not seen and no one has indicated in the way and on these they start repetition and he took me in his own car towards police station and after a while he dropped him and told that come to PS Timergara. When he reached to police station Timergara and no one came there. Two persons already stood with NCP car knew later on as namely Shoukat Ali and Yousaf and in police uniform police officials went in his car with Shoukat and Yousaf as well as with partner Alam Jan, Shah Khalid. ASI Zia ul-Khaq has inquired that matter u/s 156(iii) and assertiveness against Shoukat Ali, Yousaf, Alam Jan, Shah Khalid and two unknown person and u/s 164 has registered case against 06 accused. During investigation accused Shoukat Ali CDR reveals his contacts with 0310-9920349 time and again and his CDR got and registered in the name of Ayaz Ali Shah s/o Imtiaz Ali. He got information about and knew that Ayaz Ali Shah was in police department. And performing his duty at as Guard in FIA. IO has entered report vide DD NO. 70 dated 08.03.2022 in the police lines, Peshawar and handed over parwana u/s 160 to MASI police lines, Peshawar as well as entered report at PS Town vide DD No. 51 dated 08.03.2022 u/s 160 against him. On 09.03.2022 constable Ayaz Ali Shah appeared in the Session Judge court and reject his BBA and was interrogated and recovered 02 nos of MCB Checks (copy attached) and also recovered GLI car registration smart card No. AKX 846 during searching and play vital role in the case.

As per statement of Ayaz Hussain Shah s/o Syed Amir Ali Shah stated has produce a written agreement in which Ayaz Shah r/o Akbar Pura of the first party while Rana Muhammad Mihtab Jamil s/o Rana Muhammad Jamil from the second party. An agreement was signed between both the parties in which first party Ayaz Shah has bought disputed car from the third party on the amount of Rs 1672000/- In which first party has forgave amount of Rs 72000/- on the spot and remaining amount of 1600000 he will be paid Rs 150000/- on 28.02.2022 and Rs 250000/- will be paid on 10.03.2023 by the second party and also written that Rs 12 lacs cheques will be return to first party and the jirga will be conducted of first party with third party. Second Party will handed over the car to first party in the jirga and for the said reason second party has gave gurantee cheques to first party of Rs 12 lacs and given alto motor car to second party.

As per statement of Ali Raza s/o Ayaz Hussain Shah stated that a written agreement was presented in which Ayaz Shah was the first party while the Rana Muhammad Mihtab Jamil was second party. An agreement was signed between both the parties in which first party Ayaz Shah has bought disputed car from the third party on the amount of Rs 1672000/- in which first party has forgave amount of Rs 72000/- on the spot and remaining amount of 1600000 he will be paid Rs 150000/- on 28.02.2022 and Rs 250000/- will be paid on 10.03.2023 by the second party and also written that Rs 12 lacs cheques will be return to first party and the jirga will be conducted of first party with third party. Second party will bring the car in the jirga in which he gave a cheque of Rs 12 lacs to first party and second party will present a car in the jirga and then will be return to second party.



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Commandant of Police, Headquarters, Capital City, Islamabad, 1975 do hereby

As per statement of Muhammad Ismail s/o Saraf Khan stated that a jirga was held in his supervision between the Ayaz and Muhammad Mihtab, in which first party will handed over the car to second party due to which second party will pay the amount of Rs 150000/- on 28.02.2022 while on 10.03.2023 will pay the amount of Rs 250000/- and gave the cheques of Rs 12 lacs subject to the first party will held jirga with third party and second party will present disputed car in the jirga and the first party will return the said cheques to second party. He has signed the agreement with the other members of the jirga also(copy attached).

**RECOMMENDATION:-**

Keeping in view of the above facts, figure, it came to light that Rana Mehtab Jamil is the actual owner of the car and he gave the car to Ayaz Hussain Shah r/o Islamabad 11G6 (Bargainer) for rent to a person namely javed from Dalazak Road Peshawar took the car from Ayaz Hussain Shah(bargainer) on rent. He sold the car in the District Buner and Muhammad Farooq (Father of sohail complainant of FIR NO.48 dated 16.02.2022 u/s 381A-419-420-147-149 PPC PS timergara) has bought the car from the person of District Buner and Muhammad Farooq want to sold the car then Shah Khalid told him he has party to sold the said car. Muhammad Farooq called to his son Mr. sohail that his neighbor shah khaild has the party to sold the said car. Sohail ahmad s/o Muhammad farooq-r/o Balambat was present at home that his neighbor shah Khalid s/o khan Zareen has called from his cell No.0342920436 to his cell no .03469394021 that a party will come from Peshawar to see your own car GLI No.AKX-846 grey colour and he is on contact with him. Approximately after 15 minutes Shah Khalid has called to him that party has reached to Timergara. He came with Shah Khalid in his car with contact to someone by Shah Khalid and reached to PK Hotel and then told me to wait. After few minutes Shah Khalid has come and told me that party from Peshawar has reached and handed over car documents for checking and he handed over to him and went with him where 03 persons were found with NCP car already stood while checking his car documents with car chassis No. and meanwhile two persons came in Alto motor car in police uniform and told that he has indicated at Balambat Pul and why they were not stopped, in reply he told that he has arrived 20 minutes ago and he has not seen and no one has indicated in the way and on these they start repetition and he took me in his own car towards police station and after a while he dropped him and told that come to PS Timergara. When he reached to police station Timergara and no one came there. Two persons already stood with NCP car knew later on as namely Shoukat Ali and Yousaf and in police uniform police officials went in his car with Shoukat and Yousaf as well as with partner Alam Jan, Shah Khalid. During investigation accused Shoukat Ali CDR reveals his contacts with 0310-9920349 time and again and his CDR got and registered in the name of Ayaz Ali Shah s/o Imtiaz Ali. Then sohail Ahmad reported the whole story in police station to concerned police officials. After proper enquiry the above mentioned FIR has been lodged against the said HC Muhammad Ayaz 3880 and other. The enquiry officer of police station timergara has also recovered moter car registration smart card with two MCB Islamabad Bank cheques to the amount of 31000/- and 1200000/- ( copy attached). Rana Mehtab Jameel has signed a written agreement with alleged IHC

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Intendent of Police

Ayaz wherein he stated that both the parties in which first party Ayaz Shah has bought disputed car from the third party on the amount of Rs 1672000/- in which first party has forgave amount of Rs.72000/- on the spot and remaining amount of 1600000 he will be paid Rs 150000/- on 28.02.2022 and Rs 250000/- will be paid on 10.03.2023 by the second party and also written that Rs 12 lacs cheques will be return to first party and the jirga will be conducted of first party with third party. Second Party will handed over the car to first party in the jirga and for the said reason second party has gave gurantee cheques to first party of Rs 12 lacs and given alto motor car to second party. The statements of all the party member ( party 1 and party 2) of the agreement and their witnesses were also taken (copies attached). It is therefore, the undersigned is of the opinion that alleged LHC Ayaz Ali Shah No. 3880 is found guilty, if agreed please.

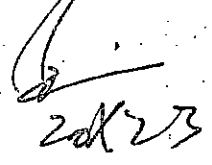
Submitted Please.



INSPECTOR  
COMPLAINT & ENQUIRY  
CAPITAL CITY POLICE PESHAWAR

14-7-23

ISSUE FSCN



20/2/23

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FINAL SHOW CAUSE NOTICE

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, HC Ayaz Ali No. 3880 the final show cause notice.

The Enquiry Officer, DSP Complaint & Enquiry after completion of departmental proceedings, of the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you HC Ayaz Ali No. 3880 deserve the punishment in the light of the above said enquiry report.

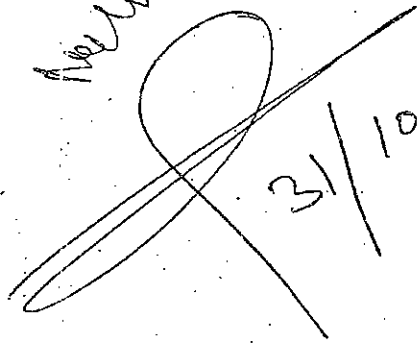
And as competent authority, has decided to impose upon you the penalty of punishment under Police Disciplinary Rules 1975.

1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 4062 /PA, SP/HQrs: dated Peshawar the 26-10-2023.

Copy to official concerned

4062  
  
31/10-23

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**OFFICE OF THE  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR**

Phone No. 091-9210737

No. 1285 /PA. Dt: 31/01/2024

TO: The SSP Coordination,  
CCP Peshawar.

Subject: DEPARTMENTLY ENQUIRY AGAINST FC AYAZ ALI SHAH NO. 3880.

Memo:

Kindly refer subject cited above.

It is submitted that HC Ayaz Ali Shah No. 3880 was charged on the basis of letter No. 971/GB, dated 14.03.2023 received from the SP Investigation Dir Lower for being involvement in criminal case vide FIR No. 48, dated 23.02.2022 u/s 381-A/419/420/148/149 PPC PS Timergara and departmental enquiry was initiated vide this office Order Endst: No. 68/E/PA, dated 08.04.2022 and DSP Complaint was appointed as Enquiry Officer.

2. The Enquiry Officer submitted finding report on 07.01.2023 stating that accused Ayaz Ali Shah No. 3880 may be exonerated from the charges. However, the Enquiry Officer stated involvement of the accused in above criminal case.

3. On 10.02.2023, after legal opinion, the enquiry was remanded back to the Enquiry Officer for conclusive report whether the accused is innocent or guilty?

4. On 15.02.2023 the enquiry Officer again submitted finding report that LHC Ayaz Ali Shah was found guilty. On 27.02.2023 Final Show Cause Notice was issued to him to which he replied and attached with file.

5. On 31.05.2023, he was called in office, and heard. The accused stated that his record in this case and CDR etc may be called for from PS Timergara and checked. Therefore, the matter was again sent back to the Enquiry Officer for further completion and getting record including CDR etc.

6. On 14.07.2023, the Enquiry Officer, after due process submitted finding report that LHC Ayaz Ali Shah No. 3880 was found guilty. Therefore, another FSCN issued vide this office Endstt: No. 4062/PA, dated 26.10.2023. He received and replied to it.

Brief facts are that:-

1. As per the statement of the I.O of the case, Mr Amin Ul Wahab SI/Oil PS Temagara, that Sohail Ahmed s/o Muhammad Farooq resident of Balambat, reported on 16.02.2022 at 20:30 hrs at PS Timergara that he was present in his house when his neighbour Shah Khalid s/o Khan Zarin called him from cell phone No. 0342-9204326 on his phone No. 0346-9394021 and told that one party coming from Peshawar for purchasing of motor car GLI bearing No. AKX-846 owned by Sohail Ahmad.

That after 15 minutes Shah Khalid again called him that the Purchasing party reached Timergera. Afterwards, the complainant Sohail and his neighbour Shah Khalid sat in the said Motor car and went to Shaheed Chowk. After sometime Shah Khalid told him that the purchasing party reached from Peshawar and he may give documents and key of the Motor Car for checking by the purchasing party. There were three persons standing with NCP Motor Car already present who checked documents of his car with chassis number. In the meanwhile, two persons in Police uniform in white colour also motor car came over there and told him that they had signaled to stop at Balambat Bridge why he did not stop? Sohail replied that he come over there about 20 minutes ago and that he was not signalled by any one even he have not seen anyone on Balambat Bridge. Both Police Officials took him forcefully in the above motor car toward PS Timergera and after some distance alighted from the Car with the directions to reach PS Timergera. The alleged Police Official alongwith Shoukat Ali and Yousaf who were standing with NCP Car also sat in his Car towards PS Timergera. Alam Jan and Shah Khalid who were partners with them also went in his car. Initially enquiry u/s 156(3) CrPC was initiated by Zia Ul Haq Khan ASI and during the enquiry Shoukat Ali, Yousaf, Alam Jan, Shah Khalid and two unknown persons were charged in above FIR. During assessment of CDR accused Shoukat Ali cell Phone No. 0310-9920349 had constant contacts with Ayaz Ali Shah s/o Imtiaz Ali Shah who later on known as LHC in Peshawar Police. Local Police came in Police Lines Peshawar and entered a report vide DD No. 70, dated 08.03.2022. Accused Ayaz Ali Shah, on 09.03.2022, has managed pre-arrest bail which was cancelled on 18.03.2022. He was arrested and, after five days Police custody, admitted in the judicial lockup of Timergera. During the investigation, the accused admitted his crime. The I.O recovered two Numbers of bank cheques of MCB Bank Abpara branch Islamabad, which were attached with case file. He also recovered smart card of above Motor Car AKX-846 from the body search of Ayaz Ali Shah. They have also recovered uniform used during the commission of offence.

2. Statement of Ayaz Hussain Shah s/o Syed Ameer Ali Shah R/O G-11 Islamabad, Ali Raza S/O Ayaz Hussain Shah R/O House No. 69-A Street No. 77 G-611 Islamabad and Muhammad Ismail s/o Saraf Khan R/O Wali Khel Landi Kotal, Khyber were also recorded by the Enquiry Officer.

3. During this process a Jirga was arranged by two parties i.e Party No. 1 Ayaz Ali Shah LHC accused in this enquiry, party no. 02 Rana Muhammad Aftab Jamil owner of the vehicle and Ayaz Hussain bargain proprietor. The third party was Sohail and his father Farooq from whose possession the car was snatched. The Jirga was convened between both party No. 01 and 02 while party No. 03 did not participate. Ayaz Ali Shah accused official told in Jirga that he has purchased the said motorcar at Rs. 1672000/- from the 3<sup>rd</sup> Party of Timergera. So the Jirga decided that RS. 72000/- is waived off in the favor of 2<sup>nd</sup> Party while Rs. 1600000/- will be paid to accused Ayaz Ali Shah in lieu of motor Car.

The second party managed Rs. 1600000/- as per below details:-

- (i). Bank Cheque of Rs. 1200000/- was handed over as gurantee to Ayaz Ali Shah accused official, by Party No. 02
- (ii). Rs. 1500000/- were decided to be paid on 28.02.2022 and Rs. 250000/- on 10.03.2022 to be paid to Ayaz Ali Shah by the 2<sup>nd</sup> party.
- (iii). The second Party did not have the above Rs. 4 Lacs and therefore it handed over an Alto Car to accused Ayaz Ali Shah as gurantee and if 2<sup>nd</sup> Party does Pay then the Alto Car will be returned to 2<sup>nd</sup> party.

4. Through above Jirga, the 2<sup>nd</sup> party managed his original car back and during this process he was also in contact with PS Timergera. Therefore, the local Police of PS Timergera arrested Ayaz Ali Shah recovered stolen motor car, smart card cheques and uniform as mentioned above.

5. The accused Officer Ayaz Ali Shah was arrested on 18.03.2022, remained in Police Costody for 05 days and admitted to judicial lockup on 24.03.2022. The accused, as per record of Timergara Jail authorities, was released on 16.04.2022. Hence, he remained behind the Judicial bar for 27 days and then bailed out. He is still an accused in above criminal and moral crime.

II 6. Besides, another complaint was registered against him by one Mumtaz Khan s/o sardar Khan r/o Tangi District Charsadda before the Inquiry Branch CPO alleging that FC Ayaz Ali Shah 3880 took responsibility of fraud person with malafide intention who grabed a large amount of Rs 400000/-. He misused his uniform and authority and had malafide intention. He was found guilty in the preliminary enquiry in the office of the AIG Enquiry and internal accountability Branch. Proper departmtnetal proceedings were initiated and SP Warsak was appointed as Enquiry Officer. The enquiry officer found the official guilty of using the uniform in private matters for ulterior motives and grabbed a larged amount from the applicant.

III 7. Another complaint 24.01.2024 has been registered by Mst: Aalja wife of Raz Gul against FC Ayaz Ali Shah No. 3880. She has alleged that FC Ayaz Ali Shah has fraudulently sold a plot of 10 Marlas to her son. In return has acquired. Rs. 200,000/- She has requested that justice be meted out to her.

A 8. It was also found from his Character Roll that this official was earlier charged in another case vide FIR No. 421, dated 29.07.2017 u/s 392 PPC PS Tataru distt: Peshawar and he was proceded against departmentally in FRP. He was placed under suspension vide order No. 1363-65/PA, dated 31.10.2017 by the Commandant FRP and vide order No. 1489-92/PA, dated 05.08.2018 he was re-instated in service from suspension. However, the enquiry papers were kept pending till the decision of Court by the Commandant FRP. In this regard, this office, vide Letter No. 5592 dated 19.12.2023, had requested for provision of Complete enquiry file based on Criminal case in PS Tataru but it was replied vide letter 524-52/PA D.C dated 10.01.2024 by the Commandant FRP that the Office record of FRP Malakand Range was checked through OHC record FC Ayaz Ali Shah No. 3880

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it was transpired that the above mentioned official is not available on belt No. 3880. However, there is no departmental enquiry in case No. 421, dated 29.08.2017.

9. His Character Service Roll was checked and it was found that he was recruited in FRP KP on 30.08.2013 as Constable on Temporary Basis. He belongs to district of domicile Nowshera. He passed recruit course at PTC Hangu in the term ending 20.06.2014 by-awarding grace marks.

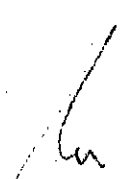
10. Standing order No. 2/2016 issued by the W/IGP provides that all officials enrolled in centralized units shall be on the roll of District of domicile and their lien, seniority and promotion shall be maintained with District of domicile. The above official belongs to District Nowshera. In this regard this office has sought guidance from CPO vide Letter No.20743-44/CRC, dated 06.12.2023 and the CPO guided vide letter No. 310/CPB dated 13.12.2023 which is attached herewith.

11. According to rule 9 of the KP.Police Rule 1975 this district is borrowing Authority as he was recruited in FRP and belongs to District Nowshera. As per this rule the borrowing Authority can only initiate departmental proceedings and for final decision the case will be transmitted to the lending Authority i.e the DPO Nowshera.

12. Accused official found guilty in criminal case and another complaint enquired into by the SP Warsak he deserves Major Punishments.

13. He was also found guilty as per Show Cause Notice issued to him on the basis of negligence while on duty at gate No. 01 of Malik Saad Shaheed Police Line on 09.01.2024. His replies are unsatisfactory and he deserves Punishment.

14. Therefore, keeping in view above, it is requested that the service of Ayaz Ali Shah, Constable, Belt No. 3880 are no more required to this district and he may be repatriated to his Parent District Nowshera.

  
SUPERINTENDENT OF POLICE  
HQRS: PESHAWAR.



(43)

(104)

OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

Phone No. 091-9213757

No: 2239-40 /PA-SSP-Coord:

Dated Peshawar the 2 /2 /2024

To:

The Assistant Inspector General of Police,  
Establishment, Khyber Pakhtunkhwa,  
Peshawar.

345  
Date: 6/2/2024

Subject: -

REQUEST FOR REPATRIATION OF FC AYAZ ALI SHAH NO.3880 TO  
HIS PARENT DISTRICT NOWSHERA


Memo:

Kindly refer to the subject noted above.

Enclosed please find here with an enquiry report submitted by SP Headquarter  
CCP, Peshawar in respect of FC Ayaz Ali Shah No. 3880. It is submitted the services of the subject  
constable are no more required to this district.

Therefore, it is requested that in view of multiple disciplinary issues and  
misconduct, FC Ayaz Ali Shah No. 3880 may kindly be repatriated to his parent District Nowshera  
for further departmental action at their end, please.

Encl: (04 pages)

  
IMRAN KHAN (PSP)  
SSP COORDINATION  
FOR CAPITAL CITY POLICE OFFICER  
PESHAWAR

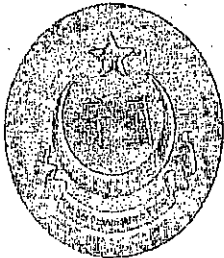
Copy to: -

✓ SP Headquarters CCP, Peshawar w/r to his office memo No. 1285/PA, dated 31.01.2024.

PA  
Attach with file -  
SP



44



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE,  
PESHAWAR

Gmail: - E4branchcpo@gmail.com

No. 1403-04 /E-IV dated Peshawar the 30 / 08 /2024

ORDER

TRANSFER/POSTING:- Constable Ayaz Ali Shah Belt No. 3880 of District Police Nowshera presently serving in CCP, Peshawar is hereby repatriated to his parent District Police Nowshera with immediate effect.

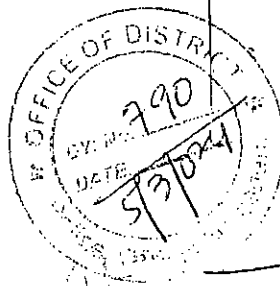
Handwritten notes: 1403-04, 30/08/24

*(Signature)*  
(MUHAMMAD AZHAR) PSP  
AIG/Establishment  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

ENDST: NO. & DATED EVEN:-

Copy of above is forwarded to the:-

1. Capital City Police Officer, Peshawar w/r to this office Order No. 2239-40/PA-SSP-Coord: dated 02.02.2024.
2. Regional Police Officer, Mardan Region. Departmental enquiry report in r/o of the above named Constable submitted by SP/ HQrs: Peshawar vide No. 1285/PA dated 31.01.2024 is sent herewith for further necessary action.



EC/PA

For information

DPC 14/2  
21/2/2024

Handwritten notes: 1403-04, 30/08/24

45



**OFFICE OF THE  
SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR**

Phone No. 091-9210737

No. \_\_\_\_\_ /PA, Dt: \_\_\_\_\_ / 02/2024

**ORDER**

FC Ayaz Ali Shah No. 3880, suspended vide this office Order Endstt No 1213-20/PA /SP/HQrs, dated 08.04.2022, is reinstated in service as he has been transferred to Parent District Nowshera vide CPO Order Endstt No. 1403-04/E-IV dated 20.02.2024. His Departmental enquiries may be decided by the DPO Nowshera.

**SUPERINTENDENT OF POLICE  
HQRS: PESHAWAR**

*27/2/24*

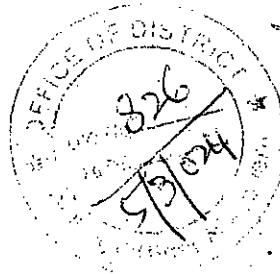
OB NO. 598

Dated. 27-2-24

No. 2159-61/PA, dated Peshawar, the 27/02/2024

Copy for information to:-

- 1. The W/Capital City Police Officer Peshawar.
- 2. The SSP Operations, & Coordination Peshawar
- 3. The District Police Officer, Nowshera.
- 4. The DSP HQrs CCP Peshawar.
- 5. OASI, Pay Officer, CRC and FMC.



*PA/EE / DHC / FMC*

*For n/cation*

*DPO MSR  
05/3/2024*

بعدالت

جناب سروس ریسیونل خیر کنٹریکٹوواہ

آباز علی شاہ بنام آر پی او ڈسٹرکٹ

11-06-2024

2 مہینے

موزخہ  
مقدمہ  
دعویٰ  
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ کیا خلیل اللہ اینڈ ڈسٹن انڈر ریسیونل

آن مقام میں کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور مذکورہ ذمہ داری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

آباز علی شاہ  
ملازم علی میرزا السید اور اس کے صاحب  
17301-66555846-9

المرقوم 11 06 2024

Attested & Accepted

Handwritten signature

المقام