

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 865/2024

Ayaz Ali Shah Ex-Constable Police at District Nowshera No. 695,
r/o Mohallah Saidan, Akbarpura, Tehsil & District Nowshera.

.....Appellant

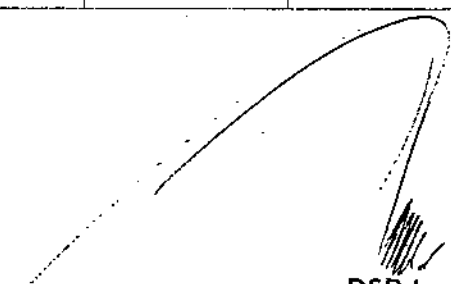
V E R S U S

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

.....Respondents

I N D E X

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DSP Legal,
Nowshera

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 865/2024

Ayaz Ali Shah Ex-Constable Police at District Nowshera No. 695,
r/o Mohallah Saidan, Akbarpura, Tehsil & District Nowshera.

V E R S U S

.....Appellant
Khyber Pakhtunkhwa
Service Tribunal

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

Diary No. 15447

Dated 05.09.2024

.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No. 1&2

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS: -

- 1. That the appellant has got no cause of action and locus standi to file the instant appeal.
- 2. That the appeal is badly barred by law and limitation.
- 3. That the appellant is 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 and proper parties.

Reply on Facts: -

- 1. Pertains to record, hence, no comments.
- 2. Incorrect. The appellant did not perform his duty with zeal and enthusiasm and has been complained against several times for his involvement in unlawful activities. The charge sheet issued to the appellant carries a bunch of serious allegations made against him by the public and has been found guilty therein.

(Copy of charge sheet annexed as "A")

- 3. correct to the extent of departmental enquiry by issuing charge sheet with statement of allegations dated: 08-04-2022 but on the grounds of his being involved in a criminal case vide FIR No. 48 dated: 23-02-2022 u/s 381-A/419/420/147/149 PPC PS Timargra, and was reported vide official correspondence by the Superintendent of Police investigation, Dir Lower to the Capital City Police office, Peshawar.

(Copy of letter by SP Invest: Dir Lower annex as "B").

- 4. Correct to the extent that departmental enquiry was initiated against the appellant on grounds of his involvement in a criminal case, however, he was found guilty therein and punished as deserved. Moreover, the DSP Legal had

rightly quoted important excerpts from the KP EASTA CODE Edition 2012 and various dicta of the Supreme Court of Pakistan that court and departmental proceedings are two separate tracks which can parallel and do not effect each other. Hence, there was no need to keep the departmental enquiry pending until criminal proceedings were dissolved.

5. Incorrect as the appellant was not exonerated of the charges levelled against him. In fact, the recommendations made by the enquiry officer were observed as vague and dubious where he had failed to establish guilt or innocence of the appellant. Therefore, the SP Head Quarters, Peshawar directed the enquiry officer to finalize the inquiry by concluding the charges whether proved against the appellant or not. Hence, the same enquiry was re-concluded wherein the appellant was found guilty.

(Copy of enquiry No. 1285/PA, dated 31-01-2024 Annexed as "C").

6. Correct as the enquiry officer did not fix guilt or innocence of the appellant allegedly involved in the crime. The SP Head Quarters, Peshawar after seeking guidance from the DSP Legal directed the enquiry officer to re-conclude the enquiry in respect of the charges levelled against the appellant. Hence, concluded the same and recommended the defaulter official guilty of the charges.
7. Incorrect. The DSP Legal by referring to ESTA Code and various judgments of the August Supreme Court of Pakistan cleared that the departmental proceedings and criminal proceedings are two different legal tracks and may run parallel without affecting each other. Hence, suggested that keeping the enquiry pending is unlawful.
8. Incorrect as the SP Head Quarters, Peshawar issued directions to re-conclude the enquiry by recommending whether the appellant was involved in the alleged offence or not. Therefore, the opinion sought was to the extent of pendency of departmental enquiry as recommended by the enquiry officer.
9. Incorrect and baseless as the appellant was not exonerated of the charges rather recommended appellant's exoneration till decision of the (criminal) court which in other words mean to keep the departmental enquiry pending until trial in the criminal case against the appellant is dissolved.
10. To proceed in the interest of justice, hence, the relevant record was requisitioned and directed the enquiry officer to call upon the appellant and examine the same as per rules.

(Copy of letter annexed as "D")

11. Correct to the extent of submission of enquiry on 19-07-2023, whereafter, the appellant was issued Final Show Cause Notice on 26-10-2023. Moreover, after doing the needful he was repatriated to his parent district Nowshera and was punished under the relevant rules by the respondent No. 02 being competent authority.

(Copy of letter of repatriation is annexure "E").

12. Correct. In fact, on perusal of the Character/Service Roll of the appellant it was disclosed that previously a departmental enquiry was initiated by FRP against him allegedly involved in a criminal case vide FIR No.4421 dated:29-08-2017 u/s 392 PPC, PS Tatarra while the same was then kept pending. Hence, needed to verify status of the appellant in the previous departmental/criminal proceedings initiated against him.

13. Correct as the appellant was recruited in FRP and belonged to district Nowshera. After concluding guilt of the appellant by the enquiry officer, the borrowing district repatriated his services to the parent district for the purpose of awarding punishment under Rule 9 of the KP Police Rule, 1975.

(Rule 9 of Police Rule, 1975 annexed as "F")

14. Incorrect as the borrowing authority has already conducted the enquiry proceedings in accordance with the relevant rules where the appellant was given every opportunity of defense, hence, the respondent No.2 being competent authority awarded him the impugned punishment.

15. Incorrect as the appellant was given every opportunity of self-defense but he failed all the times to justify his guilt, hence, his appeal being devoid of merits was dismissed by the Appellate Authority i-e respondent No.1.

16. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others:

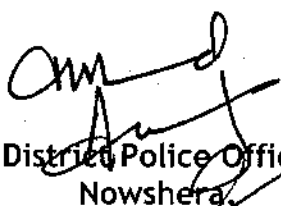
GROUNDS:

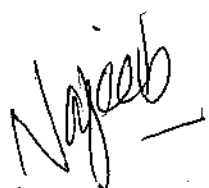
- i. Incorrect and baseless. All the departmental proceedings were conducted in accordance with rules and provided the appellant with proper opportunity of defense, hence, denied.
- ii. The contents of this para are incorrect and blaming in nature as no mala fide could be observed throughout the whole departmental proceedings against the appellant. Hence, strongly denied.

- iii. Incorrect as the entire departmental proceedings were conducted by the borrowing district under the rules. After conclusion of the proceedings the the appellant was issued Final Show Cause Notice and referred the case for awarding penalty to the respondent No.2 (lending authority), hence, proceeded against as per rules.
- iv. Incorrect. The appellant was properly proceeded against and held guilty. Moreover, there has been a series of public complaints against him and found him every time violating the code of conduct. Hence, rightly punished.
- v. Incorrect. All codal formalities were observed, hence, denied.
- vi. Incorrect and baseless and no mala fide could be observed on part of the respondent No. 2. Moreover, the impugned order is based on the facts/evidences collected during the enquiry proceedings, hence, there is no question of surmises and junctures in the impugned order.
- vii. Incorrect both the orders are passed in accordance with rules/law, hence, denied.
- viii. There is no mala fide on the part of respondents rather conducted the entire proceedings under the relevant rules/law. Hence, denied.
- ix. Incorrect as no discrimination could be observed throughout the entire departmental proceedings. Hence, treated the appellant under the relevant rules/law.
- x. Incorrect as the KP Esta code and judgments of the August Supreme Court provides that the two proceedings could be run parallel and without affecting each other. Hence, denied.
- xi. Incorrect as the appellant was given proper opportunities of defence by fulfilling all the legal/codal formalities hence, denied.
- xii. Incorrect. As replied in above paras.
- xiii. That the respondents seek leave to raise additional grounds at the time of arguments.

Prayers

It is, therefore, most humbly prayed that on acceptance of above submissions, the appeal of the appellant may be dismissed with costs, please.


District Police Officer,
Nowshera
Respondent No.02
(Muhammad Azhar) PSP
Incumbent.


Regional Police Officer,
Mardan
Respondent No.01
(Najeeb-ur-Rehman Bhagvi) PSP
Incumbent

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

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Ayaz Ali Shah Ex-Constable Police at District Nowshera No. 695,
r/o Mohallah Saidan, Akbarpura, Tehsil & District Nowshera.

.....Appellant

V E R S U S

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


.....Respondents

AFFIDAVIT

I, Muhammad Azhar, District Police Officer, Nowshera, respondent No.2 do hereby solemnly affirm and declare on Oath that the contents of reply of the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable tribunal.

It is further stated on Oath in this appeal the answering respondents have neither been placed ex-parte nor their defense has been struck off.




District Police Officer,
Nowshera
Respondent No.02
(MUHAMMAD AZHAR) PSP
Incumbent

06 SEP 2024

(6)

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

Service Appeal No. 865/2024

Ayaz Ali Shah Ex-Constable Police at District Nowshera No. 695,
r/o Mohallah Saidan, Akbarpura, Tehsil & District Nowshera.

.....Appellant


V E R S U S


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

.....Respondents

AUTHORITY LETTER

Muhammad Shafiq DSP Legal Nowshera is hereby authorized to appear and do the needful on behalf of respondents in the Khyber Pakhtunkhwa, Service Tribunal, in the above cited service appeal. He is also authorized to submit any document and record, statement etc required by the Honourable Tribunal.


District Police Officer,
Nowshera
Respondent No.02
(Muhammad Azhar) PSP
Incumbent


Regional Police Officer,
Mardan
Respondent No.01
(Najeeb-ur-Rehman Bhagvi) PSP
Incumbent

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A3

Annexure

CHARGE SHEET

No. B2-E /PA

Date 22/12/23

Superintendent of Police
Warsal Div: Ccp Peshawar

1. Whereas I am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary & expedient.
2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.
3. Now therefore, as required by Rule 6 (1) of the said Rules, I, Lt Cdr @ Kashif Aftab Ahmad Abbasi, PSP, SSP Operations, Peshawar hereby charge you Constable Ayaz Ali Shah No. 3880 of CCP Peshawar under Rule 5 (4) of the Police Rules 1975 on the allegations mentioned in the enclosed Summary of Allegations.
4. And I hereby direct you further under Rule 6 (1) of the said Rules to put forth written defence within 7 days of the receipt of this Charge Sheet as to why the proposed action should not be taken against you and also stating at the same time whether you desire to be heard in person.
5. And in case your reply is not received within the specific period, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.
6. Statement of Allegation is enclosed.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI) PSP
Senior Superintendent of Police
(Operations) Peshawar

No 291/E /PA dated Peshawar the : 20/12/2023

Copy of the above is forwarded to the Enquiry Officer for initiating proceeding against the above named officer.

PA
COP Concerned
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Tan

ATTESTED

DSP Legar Nowshera

SUMMARY OF ALLEGATIONS

1. Lt Cdr @ Kashif Aftab Ahmad Abbasi, PSP, SSP/Operations Peshawar as competent authority, am of the opinion that Constable Ayyaz Ali Shah No. 3880 of CCP Peshawar has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omission within the meaning of section 03 of the Khyber Pakhtunkhwa Police Rules, 1975.

STATEMENT OF ALLEGATIONS

- i) In a preliminary enquiry conducted by AIG/Enquiry Internal Accountability Branch CPO Khyber Pakhtunkhwa Peshawar vide his office 1854-55/CPO/IAE dated 08.12.2023 found guilty.
- ii) That he met with applicant Mumtaz Khan in proper uniform and took the responsibility of a fraud person with malafide intention who grabbed a large amount of Rs. 4000000/- fraudulently from the applicant. He misused his uniform & authority and had malafide intention for which he will be held responsible.
- iii) Being a disciplinary force his this act is highly objectionable on his part and renders him liable for disciplinary proceedings under Police Rules, 1975.

2. For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations SP Warsak is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

3. The Enquiry Officer shall in accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI)PSP
Senior Superintendent of Police
(Operations) Peshawar

ATTENDED
DSP Legal Nowsheera

ATTENDED

EO for completion. *3/15/23*

Concerned 10/01/23 and will be handled over to
 issuing a letter for provision of records by
 Record from Timergara. This office is also
 the E.O for further inquiry pending
 conducted and the matter is sent back to
 interest of justice to have thorough inquiry
 his case be closed. *3/15/23*
 and that relevant record of the case and
 He appeared and staffs that he was involved

PA
Call the accused
3/31/23

3/15/23

SUPERINTENDENT OF POLICE
INVESTIGATION DISTRICT LOWER

Enclosed (3 pages)

herewith as desired, please.

It is submitted that the requisite information in the subject case are sent

subject noted above.

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

DEPARTMENTAL ENQUIRY AGAINST ACCUSED NO 4942 NO. 4942
CCP PESHAWAR

Subject:

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

The Superintendent of Police,
 Headquarters, Peshawar

OFFICE OF THE SUPERINTENDENT OF POLICE
INVESTIGATION DISTRICT DIR LOWER
 Phone: 0945-9250008 Fax: 0945-9250045 Email: invdirlower@gmail.com



④

Amr Khan B



HEADQUARTERS, PESHAWAR

Phone No. 091-9210737

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

Amedune (C)

(10)

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 Endst: 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/OII 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.

ATTESTED

DSP Legal Nowshera

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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 alto 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 Timargera. 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 Sobail 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 3rd Party of Timergera. So the Jirga decided that RS. 72000/- is waived off in the favor of 2nd Party while Rs. 1600000/- will be paid to accused Ayaz Ali Shah in lieu of motor Car.

ATTESTED

DSP Legal Nowshera

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

- (i). Bank Cheque of Rs. 1200000/- was handed over as guarantee 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 2nd 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 guarantee and if 2nd Party does Pay then the Alto Car will be returned to 2nd party.

4. Through above Jirga, the 2nd 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 Custody 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 grabbed 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 departmental 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 large amount from the applicant.

III

7. Another complaint 24.01.2024 has been registered by Mst: Aalia 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.

IV

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 Tatara distt: Peshawar and he was proceeded 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 Tatara 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

ATTESTED

DSP Legal Nowshera

it was transpired that the above mentioned official is not available on belt No. 380. 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.

ATTESTED

DSP Legal Nowshera

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(14)



OFFICE OF THE
SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR
Phone No. 091-9210737
No. 1973 /PA, Dt: 31/5/2023

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. _____ /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.

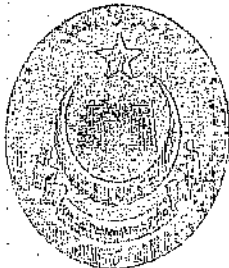

SUPERINTENDENT OF POLICE
HQRS: PESHAWAR

ATTESTED

DSP Legal Nowshera

Annexure to E3

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(2)



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

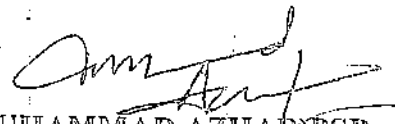
Gmail: E4branchcpo@gmail.com

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.

489/105
18-02-24


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

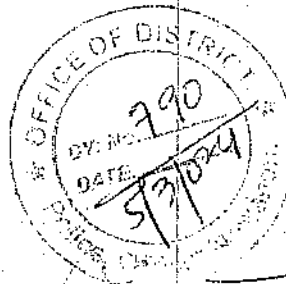
ENDST: NO. & DATED EVEN:-

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.


(As above)

18/02/2024 Nowshera
For information along with
Dept. Enquiry report.



EC/PA

For information


DPC NSR
29/2/2024

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DSP Legul Nowshera

R/O/Mardan

The Khyber Pakhtunkhwa Police Rules, 1975

(With Amendments-2014)

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Khyber Pakhtunkhwa Police Rules, 1975

In exercise of the powers conferred under section 7 of Police Act 1861, the Government of Khyber Pakhtunkhwa, is pleased to make the following Rules, namely:-

1. Short title, commencement and application:-

- (i) These rules may be called the Police Rules, 1975;
- (ii) They shall come into force at once and shall apply to all Police Officers of and below the rank of Deputy Superintendent of Police.

2. Definitions:-

In these rules, unless the context otherwise requires:-

- (i) 'Accused' means a Police Officer against whom action is taken under these rules;
- (ii) 'Authority' means authority competent to award punishment as per Schedule
- (iii) 'Misconduct' means conduct prejudicial to good order of discipline in the Police Force, or contrary to Government Servants (Conduct) Rules or unbecoming of a Police Officer and a gentleman, any commission or omission which violates any of the provisions of law and rules regulating the function and duty of Police Officer to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Government or any

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7. **Powers of Inquiry Officer:-**

- 1) For the purpose of departmental inquiry under these rules, the Inquiry Officer shall have the powers of a Civil Court trying a suit under Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters, namely:---
 - (a) Summoning and enforcing the attendance of any person and examining him on oath;
 - (b) Requiring the discovery and production of documents;
 - (c) Receiving evidence on affidavits;
 - (d) Issuing commission for the examination of witnesses or documents.
- 2) The proceedings under these rules shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860).

8. **Rules 5 and 6 not to apply in certain cases.-**

Nothing in rules 5 and 6 shall apply in a case-

- (a) where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of imprisonment; or
- (b) where the authority competent to dismiss or remove a person from service, or to reduce a person in rank, is satisfied that for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

9. **Procedure of inquiry against officers lent to other Government or Authority.-**

- i. Where the services of Police Officer to whom these rules apply are lent to any other Government or to a local or other authority, in this rule referred to as the borrowing authority, the borrowing authority shall have the powers of the authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under these rules.
 - ii. Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in this rule referred to as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be.
 - iii. If in the light of the findings in the proceedings taken against the Police Officer in terms of sub-rule (1) the borrowing authority is of opinion that any punishment should be imposed on him, it shall transmit to the lending authority the record of the proceedings and thereupon the lending authority shall take action as prescribed in these rules.
10. No party to any proceedings under the rules before the authority or Inquiry Officer shall be represented by an Advocate.

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DSP Legal Nowshera