

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

Service Appeal No. 1201/2024

Amin Shah (Ex-Constable No.1188 District Police Charsadda)

.....Appellant

V E R S U S

PPO/KPK & others

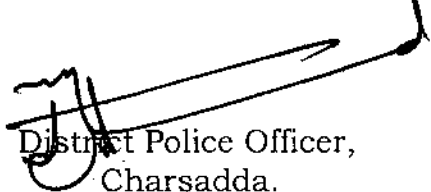
.....Respondents

I N D E X

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DEPONENT

Through


District Police Officer,
Charsadda.

①

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

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1201/2024

Diary No. 15624

Amin Shah (Ex-Constable No.1188 District Police Charsadda)

Dated 10/9/24

.....Appellant

V E R S U S

PPO/KPK & others

.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 to 3

Respectfully Sheweth:

Preliminary Objections

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

REPLY ON FACTS

1. Para to the extent of appointment of appellant as constable in respondent department is correct, while rest of the para is incorrect as prior to the instant dismissal, appellant had earlier been dismissed from service due to absence of duty. However, he was reinstated into service by the appellate authority. Both the dismissal orders dated 30.11.2013 & 06.12.2023 are **annexed as 'A & B'**.
2. Incorrect. On 17.08.2023 an accused namely Waqar s/o Noor Islam r/o Tetara Taru Jaba was arrested with a pistol within the premises of Judicial Complex Charsadda. When the accused was interrogated, he stated that he has been hired for Rs. 25-lacs for the murder of Wahid etc. He further revealed that he had been provided the pistol in the Judicial Complex by the appellant. Therefore, he was charged in the case FIR No.901 dated 17.08.2023 u/s 120/120-B/15-AA/34 Police Station Charsadda. Copy of FIR No.901 is **annexed as 'C'**.
3. Para is pertains to record.

4. Para is correct to the extent that appellant was issued Charge Sheet with Statement of allegations and DSP Sardheri was nominated as enquiry officer. The enquiry officer heard the appellant in person who (appellant) provided his written statement. In addition statement of Moharrar Police Station City as well as CIO of PS City were also recorded. The enquiry officer after fulfillment of legal and all codal formalities recommended the appellant for major punishment. Charge Sheet & Statement of allegation is **annexure 'D' & enquiry is annexure 'E'**.
5. Para already explained above.
6. Para correct to the extent that appellant was issued Show Cause Notice to which he submitted his reply but the same was found unsatisfactory. Copy of Show cause notice & his reply is **annexed as 'F'**.
7. Para correct to the extent that appellant moved departmental appeal against the punishment order but the same was filed being devoid of merit. Copy of departmental appeal & rejection order is **annexed as 'G'**. Appellant then moved revision petition before Respondent No.1 but the same was also filed being time barred. Copy of revision petition & rejection order is **annexed as 'H'**.
8. Appeal of the appellant is liable to be dismissed inter alia on the following grounds;

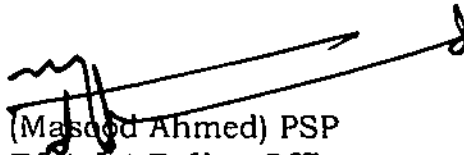
GROUNDS


- A. Incorrect. All the orders passed against the appellant are in accordance with law and facts, therefore, are liable to be maintained.
- B. Incorrect. Proper enquiry was conducted in the matter and during the course of enquiry appellant was not only heard but his statement was also recorded. There was sufficient ground against the appellant as he was directly charged in FIR, therefore, the enquiry officer recommended him for major punishment.
- C. Incorrect. On 17.08.2023 an accused namely Waqar s/o Noor Islam r/o Tetara Taru Jaba was arrested with a pistol within the premises of Judicial Complex Charsadda. When the accused was interrogated, he stated that he has been hired for Rs. 25-lacs for the murder of Wahid etc. He further revealed that he had been provided the pistol in the Judicial Complex by the appellant.
- D. Para already explained above.
- E. Para already explained.
- F. Para already explained.
- G. Para is for the appellant to prove.

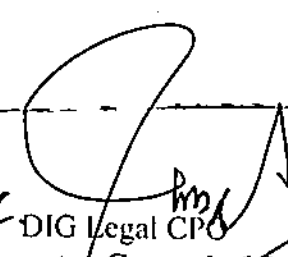
- H. That as besides being charged in a criminal case, appellant had remained absent from duty for 49-days without any leave or prior permission from his senior officers, therefore, while awarding him major punishment of dismissal from service, his absence period i.e 49-days was treated as without pay.
- I. Para is for the appellant to prove that he was denied provision of enquiry report.
- J. Para already explained.
- K. Para already explained.
- L. That the respondents may also be allowed to advance additional grounds/documents at the time of hearing before this Hon'ble Tribunal.

PRAYER:

Keeping in view the facts above, it is therefore humbly prayed that the appeal of appellant, being devoid of merits and substance, may kindly be dismissed with cost, please.


 (Masood Ahmed) PSP
District Police Officer,
Charsadda
 (Respondent No.3)
 Incumbent


 (Najeeb-ur-Rehman Bugvi) PSP
Regional Police Officer,
Mardan.
 (Respondent No.2)
 Incumbent


 DIG Legal CPO
 For Inspector General of Police
 Khyber Pakhtunkhwa Peshawar
 (Respondent No. 1)
 (Dr. Muhammad Akhtar Abbas) PSP
 Incumbent

O.R.D.E.R

This office order relates to the dispose of departmental Enquiry Constable Amin Shah No. 2165 of FRP HQrs: Peshawar, who remained absent from official duty w.e. from 15.09.2013.

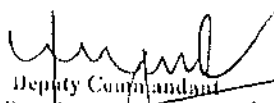
In this regard formal departmental proceedings were initiated against him and I/C Mess/FRP, HQrs: was nominated as Enquiry Officer. He conducted enquiry into the matter and submitted his findings wherein the accused official Constable Amin Shah No. 2165 has been found guilty of the charge and recommended him for major punishment.

Upon the findings of the Enquiry Officer Constable Amin Shah No. 2165 has been issued Final Show Cause Notice, which was duly delivered upon him on his home address and his signature was taken as token of its receipt. His reply to Final Show Cause Notice has not been received in the stipulated period of (15) days. He was summoned for personal hearing but failed to do so.

Keeping in view the finding/recommendations of the Enquiry Officer and other material available on recorded the accused Constable Amin Shah No. 2165 stand guilty of gross misconduct under the relevant law/rules. His service record also shows that he was repeatedly absent from official duty on one pretext or the other during his short span of service. He has been given ample opportunity to reform himself by giving him repeated warning but he failed to mend his habits. It is evident that he is not fit for Police service which requires discipline coupled with punctual performance of official duty especially in prevailing law & order milieu. He has also become a source of in disciplinary inclinations for rank and file due to his repeated absences from and casual/ irregular attitude towards official duty/responsibilities.

Therefore, in view of the above circumstances the defaulter Constable Amin Shah No. 2165 is hereby discharged from service under Police Rules, 1975 with immediate effect.

Order enounced.

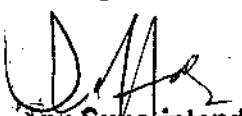

Deputy Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

No. 241-46/PA, FRP HQrs: dated Peshawar the 30/11/2013.

Copy of above is forwarded for information & n/action to the:-

1. The Addl: IGP/Commandant FRP Khyber Pakhtunkhwa, Peshawar.
2. The Accountant, Hqrs:
3. The RI, FRP Hqrs:
4. The SRC, FRP Hqrs:
5. The OSI, FRP Hqrs:
6. The FMC, FRP Hqrs with original Enquiry file.



Attested

Dy: Superintendent
of Police, Legal
Charsadda

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Annexure - B

ORDER

This order will dispose-off the departmental enquiry against Constable Amin Shah No. 1188, while posted at PS Charsadda, Involved/charged in case FIR No. 901, dated 17.08.2023 u/s 120/120-B/15-AA/34 PPC PS Charsadda and also remained absent from his lawful duty w.e from 16.08.2023 to 03.10.2023 (49-days) without any leave or prior permission from his senior officers. Absence report recorded vide D.D No. 46 dated 16.08.2023. His act is not only objectionable but stigmatized the force name.

On the above allegations he was suspended and closed to police lines Charsadda vide O.B No. 1129 dated 18.08.2023 and was issued Charge Sheet together with statement of allegations under, Section 5 Sub Section 3 of Police Rules 1975 and Mr. Sanobar Shah Khan the then DSP Sardheri was nominated as inquiry officer for probing into the matter by conducting departmental inquiry against him but after his posting as SP Investigation Charsadda the instant enquiry was entrusted to Mr. Nasar Ullah Khan DSP HQrs Charsadda (with the additional charge of Sardheri Circle) and he after fulfillment of codal formalities has submitted his findings, recommending him for major punishment upon his 49-days absence from duty and confession of his guilt as evident from the statement of I.O of the case Sub-Inspector Noor Ali which is on enquiry file at Annex- "J".

(Subsequently, Constable Amin Shah No. 1188, was issued Final Show Cause Notice U/S 5(3) Police Rules 1975 reply to which was received.

On 05.12.2023 the delinquent official was summoned for orderely room and was heard personally in detail, but he failed to satisfy the undersigned with his reply. After perusal of the enquiry papers & recommendation of the enquiry officer and hearing him in person, The undersigned reached to the conclusion that the official has nothing to put-up in his defence, hence he is hereby awarded the Major punishment of dismissal from service with immediate effect and his absence period i.e 49-days is also treated as without pay.

(Nazir Khan) PSP
DISTRICT POLICE OFFICER
CHARSADDA

O.B No. 1542


Date 06/12/2023

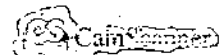
No. 2225-28 /HC, dated Charsadda the 11/12 /2023

CC.

Pay Officer
EC/FMC enclose (3) pages
I/C Lab

Attested


J. Superintendent
of Police, Legal
Charsadda



17/11/2022

Attested

Handwritten text in Urdu, likely a legal document or affidavit, containing names and details. The text is dense and difficult to read due to the cursive script and some fading.

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25	17/8	17/23	17/30	14=30	15=00

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Annexure-D



OFFICE OF THE
DISTRICT POLICE OFFICER, CHARSADDA
PHONE# 091-9220400 FAX#091-9220401
EMAIL: charsaddadpo@yahoo.com

DISCIPLINARY ACTION UNDER KPK POLICE RULES -1975

I, Muhammad Arif PSP, District Police Officer Charsadda, as competent authority am of the opinion that Constable Amin Shah No.1188, has rendered himself liable to be proceeded against as he has committed the following acts/omissions within the meaning of section -02 (iii) of KPK Police Rules-1975.

STATEMENT OF ALLEGATIONS

That he Constable Amin Shah No.1188, while posted at Judicial Complex Charsadda, involved/charged in case FIR No. 901, dated 17.08.2023 u/s 120/120-B/15-AA/34 PPC PS Charsadda and also remained absent from his lawful duty w.e from 16.08.2023 till date without any leave or prior permission from his senior officers. Absence report recorded vide D.D No. 46 dated 16.08.2023. His act is highly objectionable and also stigmatized the force name.

This amounts to grave misconduct on his part, warranting Departmental action against him.

For the purpose scrutinizing the conduct of the said official, Mr. Sambhar Khan Dsp Sardheri is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section -6 (I) (a) of the afore mentioned rules. The enquiry officer after completing all proceedings shall submit his verdict to this office within (10) days. Constable Amin Shah No.1188, is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer) a statement of charge sheet is attached herewith.

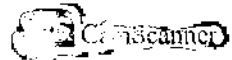
(MUHAMMAD ARIF)PSP
DISTRICT POLICE OFFICER
CHARSADDA

No. 1490/91/HC, dated Charsadda the 25/08/2023

CC:

1. Mr. Sambhar Khan Dsp (Enquiry Officer)
2. Constable Amin Shah No.1188.(P.Lines)

Attested



Dy: Superintendent
of Police, Legal
Charsadda

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OFFICE OF THE
DISTRICT POLICE OFFICER, CHARSADDA
PHONE# 091-9220400 FAX#091-9220401
EMAIL: charsaddadpo@yahoo.com
CHARGE SHEET UNDER KPK POLICE RULES 1975

I, **Muhammad Arif PSP**, District Police Officer Charsadda, as competent authority hereby charge you Constable Amin Shah No.1188, as follows.

That you Constable Amin Shah No.1188, while posted at Judicial Complex Charsadda, involved/charged in case FIR No. 901, dated 17.08.2023 u/s 120/120-B/15-AA/34 PPC PS, Charsadda and also remained absent from your lawful duty w.e from 16.08.2023 till date without any leave or prior permission from your senior officers. Absence report recorded vide D.D No. 46 dated 16.08.2023. Your act is highly objectionable and also stigmatized the force name.

This amounts to grave misconduct on your part, warranting Departmental action against you as defined in section-6(I) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section 02(III) of the KPK Police Rules 1975 and has render your self liable to all or any of the penalties as specified in section 04 (I) a & b of the said rules.
2. You are therefore, directed to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.
3. Your written defense, if any should reach to the enquiry officer within the specified period, in case of failure, it shall be presumed that you have no defense to put-in and in that case an ex-parte action shall follow against you.
4. Intimate, whether you desired to be heard in person.

(MUHAMMAD ARIF) PSP
DISTRICT POLICE OFFICER
CHARSADDA

Attested



Dy: Superintendent
of Police, Legal
Charsadda

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Annexure - E



Government of Khyber Pakhtunkhwa Office of the
Sub-Divisional Police Officer Sardheri

No. 601 /S, dated Sardheri the 02/10/2023.

To: District Police Officer,
Charsadda

Subject: - DEPARTMENTAL ENQUIRY AGAINST CONSTABLE AMIN SHAH
NO. 1188 POSTED AT JUDICIAL COMPLEX CHARSADEA
DISTRICT CHARSADEA.

ALLEGATIONS:

The subject inquiry was referred to this office vide Endst: No. 1490-91/HC, dated 25.08.2023 for proceeding under the law with respect to the charges that Constable Amin Shah No. 1188 posted at Judicial Complex Charsadda, involved/charged in case FIR No. 901, dated 17.08.2023 u/s 120/120-B/15-AA/34 PPC PS Charsadda and also remained absent from his law full duty w.e from 16.08.2023 till date without any leave or prior permission from his senior officers. Absence report recorded vide DD No. 46 dated 16.08.2023. His act is highly objectionable and also stigmatized the force name. This amounts to grave misconduct on his part which warranting departmental action against him.

PROCEEDINGS:

1. On 07.09.2023 the MASI PS City was contacted on PTCL to provide information about the alleged official FC Amin Shah No. 1188. In response the MASI PS City stated that as per report of on duty Mobile Officer the alleged official is in sub-jail Charsadda.
2. Written Parwana was issued to SHO PS City (Place on file as annexure "A") to provide details regarding FIR No. 901 dated 17.08.2023 u/s 120/120-B/15-AA/34 PPC PS Charsadda, but no reply received to till date.
3. On 06.10.2023 the alleged official FC Amin Shah No. 1188 comes to the office of the undersigned, heard in person, he provided his written statement (Place on file as annexure "B") wherein he stated that he was posted in PS City on general duty, the enmity of his cousins are going on, both party are his cousins and enmity with each others, so they are close relatives and he do not belong to any side due to enmity, he was in his house on the day of incident, a case was register against him in the City Police Station vide FIR No. 901 dated 17.08.2023 u/s 120/120-B/15-AA/34 PPC PS Charsadda, after the incident on next day he got BIBA which was canceled and he was arrested and closed to sub-jail Charsadda, he has ten 10 years service and performed his duty with good manners, in his ten 10 years service he never been absent the claims made against him are out of personal grudge and malice and have been framed, he have no connections with anyone from either side and not aware of all the claims that have been made against him, written statement based on the facts. He requested that his departmental inquiry would be filed without any action.
4. On 18.09.2023 FC Amin Shah No. 1188 made bail from Peshawar High Court Peshawar (Place on file as annexure "C"). Vide DD No. 40 dated 04.10.2023 he arrived at PS City (Place on file as annexure "D") and DD No. 13 dated 04.10.2023 he arrived at Police Lines Charsadda (Place on file as annexure "E").

Attested

Sub-Intendant
of Police, Legal
Charsadda

5. Written Parwana (Place on file as annexure "F") issued to Security In-charge Judicial Complex Charsadda to submit their written statement in connection with case FIR No. 901, dated 17.08.2023 u/s 120/120-B/15-AA/34 PPC PS Charsadda about which he verbally stated that to approached Judicial Complex for the CCTV recording.

6. In response to this officer written Parwana (Place on file as annexure "G") Mubarrar PS City was directed to provide their written statement in connection with above mentioned FIR. He provided his statement (Place on file as annexure "H") wherein he stated that PC Amin Shah No. 1188 was posted on general duty in PS City, as per the report of Javed Khan ASI that alleged official Amin Shah absented himself from lawful duty vide DD No. 16 dated 16.08.2023, he was charged in above quoted FIR and suspended by the High ups vide OB No. 1128 dated, he was arrested and closed to sub jail Charsadda, after bail from Peshawar High Court Peshawar he arrival vide DD No. 40 dated 04.10.2023 and closed to Police Lines Charsadda vide DD No. 41 dated 04.10.2023.

7. Written Parwana (Place on file as annexure "I") issued to CIO PS City to submit their written statement in connection with above mentioned FIR. SI Noor Ali Khan the then OI PS City provided his written statement (Place on file as annexure "J") wherein he stated that accused Waqar s/o Noor-ul-Islam r/o Titara Taro Jaba was arrested inside the Judicial Complex Charsadda being interrogated he said that it had been agreed with him to kill the accused Wahid etc for 25 lack rupees, his target to kill Wahid etc, all these circumstances have been described by the accused Waqar himself which is written in the FIR. He further stated that the accused Shair Ullah brought the pistol to Judicial Complex and Amin Shah s/o Shahi Gul r/o Prao Nisatta took the pistol inside the Judicial Complex Charsadda and referred him there to accused Waqar, both the accused Shair Ullah and Waqar recorded their statement under section 161 CrPC that Amin Shah referred the pistol to accused Waqar inside the Judicial Complex, and accused Amin Shah also recorded his written statement under section 161 CrPC that he has referred the pistol to accused Waqar inside the Judicial Complex.


CONCLUSION AND RECOMMENDATIONS:

After conducting proper enquiry into the matter, the undersigned reached to the conclusion that Constable Amin Shah No. 1188 was charged in case FIR No. 901, dated 17.08.2023 u/s 120/120-B/15-AA/34 PPC PS Charsadda he was suspended and closed to Police Lines, he got made bail from Peshawar High Court Peshawar the case is under trail in the Court. His absence period w.e from 16.08.2023 to 03.10.2023, (total- 49 days) being a member of the discipline force his involvement/charge in a criminal case is objectionable, which earns bad name for the force and also leads to his absence from his lawful duty.


Therefore, it is recommended that the alleged official Constable Amin Shah No. 1188 may be award "Major Punishment" under the KP Police Rules 1975.

Enclosed: (16 Pages)

H-C
Issue him F.S.C.N


DPO Charsadda
03.11.2023


Sub-Divisional Police Officer,
Sardheri

Attested

Dy. Superintendent
of Police, Legal
Charsadda

بیان ازالہ کیسٹن امین شاہ نمبر 1188 06 2023

کیسٹن امین شاہ نمبر 1188 نے بددیانت پولیس بیان کی کہ میں نے اپنے
بطور کیسٹن جنرل ڈیوٹی تعینات تھا۔ میں نے ہجزار بیانی کی کیسٹن جنرل کی ایک
جلی آر پی ہے۔ ہجزار بیانی آپس میں ہجزار بیانی اہلکس ایک اور ڈسٹنشن ہے
میں وہ ہم قریبی رشتہ دار اور آپس میں ڈسٹنشن کسی بھی طریق سے تعلق
مغربہ نہیں رکھتے۔ روز وقوع میں گھر خود میں موجود تھا۔ گھر پر روز وقوع

تھانہ میں وقوع 9/17/2023 08:17 AM 120/120B-34-119 PC 22/2/2023

ہوتی۔ بعد وقوع میں ایک دن بعد عدالت سے BBA کروا کر بعد میں BBA کی
ڈی. ڈسٹنٹ کا 15 سال نوٹری ہے۔ دوران سروس میں اپنا فرضی
ڈیوٹی خوش اخلاقی جان دشمنی سے شکاری ہے۔ اور 15 سال نوٹری
میں کبھی بھی غیر طاہری نہیں کی ہے۔ گھر پر جو دعویداری ہوتی ہے
ذاتی مفاد اور بددیانتی کے لیے بیٹھانے کی وجہ سے ہوتی ہے۔

دو دن فریق سے پیارا کسی رشتہ نہیں دینا ماروا لیا نہیں ہے۔ ڈیوٹی پر
دعویداری ہوتی۔ دن عام جو ایسی ہوا ہے اس سے میں بے خبر ہوں
ان کے راج میں نے خریدی بیان جو کبھی بلکا ہے۔ وہ حقیقت پر ایسی ہے
انٹوائری بغیر کسی تم کاروائی داخل دفتر فرماؤں جاؤں۔

یہی میرا بیان جو حقیقت پر ایسی ہے۔

17/01/2011/427-7.

0311.4807822

Amir Shah

کیسٹن امین شاہ نمبر 1188

Attested
Dy. Superintendent
of Police, Legal
Charsadda

Amogun

Dy. Superintendent
of Police, Legal
Charsadda

Attested
[Signature]

[Signature]
M.A.S. P.S. 447

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14

Annexure - F



FINAL SHOW CAUSE NOTICE

Whereas, the charge of negligence & Absence was referred to enquiry officer for General Police Proceedings, contained u/s 5(3) Police Rules 1975.

AND

Whereas, the enquiry officer has submitted his findings, recommending you for Major Punishment.

AND

1. Whereas, I am satisfied with the recommendation of the enquiry officer that you Constable Amin Shah No. 1188, while posted at Judicial Complex Charsadda, Involved/charged in case FIR No. 901, dated 17.08.2023 u/s 120/120-B/15-AA/34 PPC PS Charsadda and also remained absent from your lawful duty w.e from 16.08.2023 to 03.10.2023 (49-days) without any leave or prior permission from your senior officers. Absence report recorded vide D.D No. 46 dated 16.08.2023. Your act is highly objectionable and also earns bad name for the force and also shows your inefficiency and lack of interest in the performance of your official duties.

2. Thus the act amounts to gross misconduct and renders you liable for punishment, under Police Rules 1975.

3. Therefore, I, Nazir Khan, District Police Officer, Charsadda in exercise of the powers vested in me under rules 5(3) (a) (b) of Police Rules 1975, call upon you to explain as to why the proposed punishment may not be awarded to you.

4. Your reply should reach the undersigned within 07-days of receipt of this notice, failing which disciplinary action pertaining to your dismissal from service will be taken ex-parte.

5. You are at liberty to appear in person before the undersigned for personal hearing.

(NAZIR KHAN) PSP
DISTRICT POLICE OFFICER
CHARSADDA

0

No. 2093 /HC

Dated 08/11 /2023

Attested

Superintendent
of Police, Legal
Charsadda

Scanner

0

•

Attest

1188

0311-480-7822 Kmm SM
17101-2011427-7

012

Handwritten text in Urdu script, appearing to be a legal document or affidavit. The text is written in a cursive style and covers most of the page. It includes various lines of text, some of which are underlined or separated by horizontal lines. The content appears to be a formal statement or declaration.

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حکومت پنجاب ریجنل پولیس آفس سرحدان
وگمانہ ایمل ہیرا کالی بلڈزین

ضاربالی

گزارش ہے کہ پھر سائل قلمبر پولیس میں مورخہ 03-09-05
میں تھی پھر اپنی ذہنی بنیاد خوش اسلوبی اور امانت داری سے
ضاربالی تھا۔ دوران بلڈزین انوکری سائل کہیں بھی افسران
یا ۷۲ شکایت 6 موقع پھینک دیا ہے۔

7607
15/11/05

پھر مورخہ 03-08-05 کو سائل نے خلاف ایک میں گھومتے
حقہ نمبر 901-70-120B / 120C نمبر سٹیٹس پارہ ۵
میں درج رضیہ ہوا۔ حالانکہ سائل ان دنوں گمانہ بلڈزین
میں جنرل ڈیوٹی سرالواح دیا گیا تھا۔ مورخہ 08-11-05

کو سائل نے گراپ گھر قودت شب ماسی پر حملہ کیا تھا۔ میں اپنے
ناکردہ گناہ میں خاص پولیس نے گرفتار اور سائل نے عدالت
میں ضمانت کھلی۔ درنواشت دائر کیا جو کہ منظور ہو گیا ہے
اور سائل پر ضمانت ہے۔ چونکہ سائل ناگروہ گناہ کی پاداش
میں ڈسٹرکٹ جیل حارسہ میں پابند سلاسل تھا۔ اس

NO. 8271/ES
dt. 15/11/05

دور رہنے کا یہ لکھنا تھا کہ حارسہ میں پابند سلاسل تھا۔ اس
صاف ریویو کے غیر حاضری اور دوران ہیرا کالی اور سائل نے
پھر سائل کو حکم پولیس سے ہر حالت / ڈسٹنس کیا گیا ہے
رہتے تاکہ سائل کو دوبارہ نوکری پر وال کرنے کا

Ecl 230
for consent

مورخہ 12-12-05

حکم صادر فرمان داوسا آدو ہیرا کالی ہے
1188 قلمبر پولیس حارسہ
Amm Shah

CamScanner

Attested

[Signature]

Dy: Superintendent
of Police, Legal
Charsadda

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Ameen Shah No. 1188 of Charsadda District Police against the order of the then District Police Officer, Charsadda, whereby he was awarded major punishment of dismissal from service vide OB: No. 1542 dated 06.12.2023. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Charsadda, Involved/charged in case vide FIR No. 901, dated 17.08.2023 u/s 120/120-B/15-AA/34 PPC Police Station, Charsadda and also absented himself from his lawful duty with effect from 16.08.2023 to 03.10.2023 (49-days) without any leave or prior permission from his senior officers. Absence report was recorded vide daily diary No. 46 dated 16.08.2023.

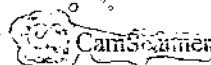
Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Sub Divisional Police Officer (SDPO) Sardheri, Charsadda was nominated as Enquiry Officer. But after his posting as Acting Superintendent Police, Investigation, Charsadda the instant enquiry was entrusted to Deputy Superintendent of Police, Headquarters, Charsadda (with the additional charge of Sardheri Circle). The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he recommended the delinquent Officer for major punishment upon his 49 days absence from duty and confession of his guilt as evident from the statement of Investigation Officer of the case Sub Inspector Noor Ali Khan which was placed on enquiry file.

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

On 05.12.2023, the delinquent Officer was summoned for orderly room and was heard personally in detail, but he failed to satisfy the then District Police Officer, Charsadda. After perusal of the enquiry papers & recommendation of the enquiry officer and hearing him in person, he was awarded major punishment of dismissal from service with immediate effect and his absence period i.e 49-days is also treated as without pay.

Feeling aggrieved from the order of the then District Police Officer, Charsadda, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 24.01.2024.

Attested



[Signature]
 Dy: Superintendent
 of Police, Legal
 Charsadda

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 this heinous criminal case is clearly a stigma on his conduct. 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, Muhammad Suleman, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.

(MUHAMMAD SULEMAN) PSP
Regional Police Officer,
Mardan.

No. 384 /ES, Dated Mardan the 19/02 /2024.

Copy forwarded to District Police Officer, Charsadda for information and necessary w/r to his office Memo: No. 4281/EC dated 29.12.2023. His service record is returned herewith.

(****)

EC/FAC

For information

DPO/cad.

20-2-24

Attested

Dy: Superintendent
of Police, Legal
Charsadda



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Amnawase - H

(19)

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The Financial Rate Officer
Khyber Pakhtunkhwa

Subject: Mercy Petition - Re-instatement with service.

It is submitted that I was dismissed from

service vide O/S No - 1542 dated 06-12-2023 by

The DPO Charsadda.

Later on, I submit the appeal to DIG/ Mardan

for re-instatement into service which was also rejected

vide order dated 19-02-2024 (attached).

Now, keeping in view of above, it is therefore

requested that I may kindly be re-instated

into service with all back benefits.

Thanks

Dt: 18-04-2024

Yours obediently,
Amin Shah

Ex-Constable Amin Shah

Qstt no. 1188. Distt.

Charsadda.

0311-4807822

[Handwritten signature]
Dy: Superintendent
of Police, Legal
Charsadda

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2214
10-05-24

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. S/ 908 /24, dated Peshawar the 07 / 05 / 2024

To: The Regional Police Officer,
Mardan.

Subject: REVISION PETITION.
Memo:

1194/ES
08-5-24

The Competent Authority has examined and filed the revision-petition-submitted by Ex-Constable Ameen Shah No. 1188 of district Charsadda, against the punishment of dismissed from service awarded by DPO Charsadda vide OB No. 1542, dated 06.12.2023 being time barred.

The applicant may please be informed accordingly.

[Signature]
17/5/24
(AFSAR JAN)
Registrar

For Inspector General of Police,
Khyber Pakhtunkhwa Peshawar

E.C/DPO Charsadda.
for action

[Signature]
RPO/Charsadda
8/5/24

E.C.
for action
[Signature]
DPO Charsadda
10-05-2024

Attested

[Signature]
Dy. Superintendent
of Police, Legal
Charsadda



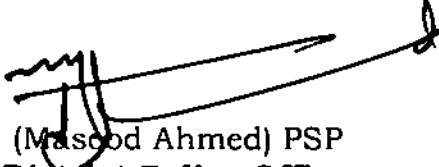
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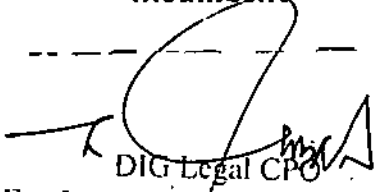
GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT POLICE OFFICER CHARSAZZA
PHONE# 091/9220400 FAX# 091-9220401
EMAIL: charsaddadpo@yahoo.com

**AUTHORITY IN SERVICE APPEAL No.1201/2024 TITLED AMIN SHAH
(EX-CONSTABLE) VS PPO & OTHERS.**

Mr. Ijaz Hussain, Deputy Superintendent of Police, Legal Charsadda, is hereby authorized to appear before the Honorable Service Tribunal, Peshawar in the above captioned Service Appeal on behalf of answering respondents. He is also authorized to submit all required documents and replies etc as representative of the answering respondents through the Additional Advocate General, Khyber Pakhtunkhwa Peshawar.


(Masood Ahmed) PSP
District Police Officer,
Charsadda
(Respondent No.3)
Incumbent


(Najeeb-ur-Rehman Bugvi) PSP
Regional Police Officer,
Mardan.
(Respondent No.2)
Incumbent


DIG Legal CPO
For Inspector General of Police
Khyber Pakhtunkhwa Peshawar
(Respondent No. 1)
(Dr. Muhammad Akhtar Abbas) PSP
Incumbent

22

BEFORE THE HONOURABLE KPK SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 1201/2024

Amin Shah (Ex-Constable No.1188 District Police Charsadda)

.....Appellant

V E R S U S

PPO/KPK & others

.....Respondents

AFFIDAVIT

I, Masood Ahmed, District Police Officer, Charsadda, do hereby solemnly affirm and declare on Oath that contents of the parawise comments are true and nothing has been concealed from this Hon'ble Tribunal.

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



DEPONENT:
(Masood Ahmed) PSP
District Police Officer,
Charsadda
(Respondent No.3)