SA 1072/2022

20th Mar. 2024 01. Mr. Taimur Ali Khan, Advocate for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 06 pages, in connected service appeal No. 1092/2022, titled "Zar Khan Versus the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others", appellant is reinstated into service for the purpose of denovo inquiry. The respondents are directed to conduct denovo inquiry strictly under the rules by providing fair opportunity of defence and cross examination to the appellant. The issue of back benefits is subject to the outcome of denovo inquiry. Cost shall follow the event. Consign.

03. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 20th day of March, 2024.

(FAREEHA PAUL)
Member (E)

(RASHIDA BANO)
Member(J)

Fazal Subhan PS

29.09.2023 On account of 12th Rabi Awal (Eid Milad-un-Nabi) as public holiday, the case is adjourned to 17.01.2024 before D.B. Office is directed to notify next on notice board as well website of the Tribunal.

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)

*KaleemUllah

17.01.2024 Learned counsel for the appellant present. Mr. Muhammad Fayaz, Head Constable alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

On 13.06.2023, the above named representative of the respondents was present before the court and directions were issued for submission of complete inquiry record but the same has not been submitted till now, therefore, salary of Muhammad Fayaz, Head Constable No. 708 is attached till further order. Registrar of this Tribunal shall send copy of this order to District Accounts Officer Nowshera for compliance. Representative of the respondents is directed to produce complete inquiry record on the next date and to come up for arguments on 20.03.2024 before the D.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)
Member (E)

(Salah-ud-Din)
Member (J)

Naeem Amin

17th April, 2023 1. Appellant in person present. Mr. Fazal Shah, Mohmand, Addl: AG for the respondents present.

2. Appellant seeks adjournment. Last chance is given to the appellant. To come up for arguments on 13.06.2023 before D.B. P.P given to the parties.

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A

13.06.2023 Learned counsel for the appellant present. Mr. Muhammad Fayaz, Head Constable alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

The availability of complete inquiry record before the Tribunal is necessary for just and right decision of the case, however the same has not been submitted by either party. Representative of the respondents is directed to produce complete inquiry record on the next date and to come up for arguments on 29.09.2023 before the D.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)
Member (E)

(Salah-ud-Din)
Member (J)

Naeem Amin

10.10.2022 Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Reply on behalf of respondents not submitted. Learned Additional Advocate General seeks further time for submission of written reply. To come up for written reply/comments on 16.11.2022 before S.B.

(Fareeha Paul)
Member (E)

16.11.2022 Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Fayyaz H.C for the respondents present and submitted reply/comments which are placed on file. Copy of the same handed over to clerk of learned counsel for the appellant. To come up for rejoinder, if any, and arguments on 10.01.2023 before D.B.

(Mian Muhammad)
Member (E)

10-1-23 Due to Rush of Work.

Therefor case is adjourned

to 17-4-2023 for the Same

Reader

06th July, 2022 Counsel for the appellant present and heard.

The appeal is within time which is admitted to full hearing. The appellant is directed to deposit security and process fee within 10 days. Out district respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days, while the local respondents be summoned through process serving agency of the learned Senior Civil Judge, Peshawar. To come up for written reply/comments on 01.09.2022 before the S.B.

Rs-500/-
Appellant Deposited
Security & Process Fee

7/7/22
Notices issued
01/09/22

Chairman

01.09.2022 Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Fayyaz Ali, H.C for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Adjourned. To come up reply/comments on 10.10.2022 before S.B.

(Mian Muhammad)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1072/**2022**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/06/2022	The appeal of Mr. Murad Ali presented today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-	4-7-22	This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on 6-7-22. Notices be issued to appellant and his counsel for the date fixed. CHAIRMAN

BEFORE KHYBER PKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECKLIST

Case Title: Miraj Ali vs Police Deptt

S.#	Contents	Yes	No
1.	This appeal has been presented by:	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?	✓	
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?		✓
24.	Whether Security and Process Fee deposited? on		✓
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		✓
26.	Whether copies of comments/reply/rejoinder submitted? on		✓
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		✓

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Taimur Ali Khan

Signature:

Dated:

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1072/2022

Murad Ali **V/S** Police Deptt:

INDEX

S. No.	Documents	Annexure	P. No.
01.	Memo of appeal	---	01-05
02.	Affidavit	---	06
03.	Copies of suspension order dated 09.11.2020, charge sheet along with statement of allegations and reply to charge sheet	A,B&C	07-10
04.	Copy of inquiry report	D	11
05.	Copies of show cause notice and reply to show cause notice	E&F	12-13
06.	Copy of order dated 30.12.2020	G	14
07.	Copies of departmental appeal, show cause, reply to show cause, order dated 02.08.2021, revision and order dated 02.06.2022	H,I,J,K,L&M	15-21
08.	Vakalat Nama	---	22

APPELLANT

THROUGH:

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

Cell No. 03339390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1072 /2022

Murad Ali Ex-FC No.1188,
Police Lines Nowshera.

(APPELLANT)

VERSUS

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

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 02.06.2022, WHEREBY THE REVISION OF APPELLANT WAS REJECTED, AGAINST THE ORDER DATED 02.08.2021, WHEREBY THE MAJOR PUNISHMENT OF REDUCTION IN PAY BY TWO STAGES FOR A PERIOD OF 02 YEARS WAS CONVERTED INTO DISMISSAL FROM SERVICE ON THE DEPARTMENTAL APPEAL OF THE APPELLANT AND AGAINST THE ORDER DATED 31.012.2020, WHEREBY THE MAJOR PUNISHMENT OF REDUCTION IN PAY BY TWO STAGES FOR A PERIOD OF 02 YEARS WAS IMPOSED UPON THE APPELLANT AND REINSTATED HIM INTO SERVICE.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 02.06.2022 AND 02.08.2021 MAY KINDLY BE SET ASIDE AND THE ORDER DATED 30.12.2020 MAY ALSO BE SET ASIDE TO THE EXTENT OF PUNISHMENT OF REDUCTION IN PAY BY TWO STAGES FOR A PERIOD OF 02 YEARS AND THE APPELLANT MAY BE REINSTATED

INTO HIS SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant has appointed in the respondent department in the year 2014 and was performing his duty with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed against him regarding his performance.

2. That the A-1 examination was conducted by ETEA authority on 01.11.2020 in District Charsadda and the appellant went with his friend namely Constable Abbas Akhtar as he was going to give A-1 exam. The appellant during examination was waiting outside the examination Centre for his friend Abbas Akhtar and after some time some constables who were the candidates of A-1 exam took out their papers to solve the paper with the help of their colleagues and when the examiner came out form the Centre, the people were escaped from the place, however, the appellant along with other some other people did not leave the spot and the examiners took the appellant along with some other people to the examination Centre. Abbas Akhtar also told the examiner that he came with him only for the purpose of company, but despite that the officials concerned took the appellant along with other people to the PS City Charsadda and the concerned DSP, SHO after proper investigation of the incident left the appellant along with other people as they were innocent.

3. That on the basis of above incident, the appellant was suspended from service vide order dated 09.11.2020 and charge sheet along with the statement of allegations were issued to the appellant in which the allegations of appeared unlawfully in A-1 examination held by ETEA authority on 01.11.2020 by impersonating himself as constable Abbas Akhtar No1199 was leveled against the appellant, which was properly replied by the appellant in which he denied the allegations and gave the real facts about the issue. **(Copies of suspension order dated 09.11.2020, charge sheet along with statement of allegations and reply to charge sheet are attached as Annexure-A,B&C)**

4. That inquiry was conducted against the appellant which was not according to the prescribed procedure as neither statements were

recorded in the presence of the appellant nor gave him opportunity of cross examination. The inquiry officer did not conduct regular inquiry in order to dig out the reality about the issue by observing the reply to the charge sheet of the appellant, but despite that the inquiry officer found the appellant guilty. **(Copy of inquiry is attached as Annexure-D)**

5. That show cause notice was issued to the appellant which was replied by the appellant in which he again denied the allegations and gave the real facts about the matter. **(Copies of show cause notice and reply to show cause notice are attached as Annexure-E&F)**

6. That on the basis of above baseless allegations major punishment of reduction in pay by two stages for the period of two years has imposed upon the appellant and also reinstated him in service vide order dated 30.12.2020. **(Copy of order dated 30.12.2020 is attached as Annexure-G)**

7. That the appellant filed departmental appeal on 03.05.2021 against the punishment of reduction in pay by two stages for a period of 02 years on which respondent No.2 issued show cause notice to the appellant which was replied by the appellant in which he again denied the allegations and requested to set aside the punishment imposed by respondent No.3, but respondent No.2 converted the major punishment of reduction in pay by two stages for a period of 02 years into dismissal from service on the departmental appeal of the appellant vide order dated 02.08.2021 without providing opportunity of personal to the appellant. The appellant then filed revision on 27.08.2021, which was rejected vide order dated 02.06.2022 for no good grounds. **(Copies of departmental appeal, show cause, reply to show cause, order dated 02.08.2021, revision and order dated 02.06.2022 are attached as Annexure-H,I,J,K,L&M)**

8. That the appellant has no other remedy except to file the instant service appeal in this Honourable Tribunal on the following grounds amongst others.

GROUNDS:

A. That the impugned orders dated 02.06.2022, 02.08.2021 and order dated 30.12.2020 to the extent of punishment of reduction in pay by two stages for a period of 02 years are against the law, facts, norms of justice and material on record, therefore, not tenable and the orders dated 02.06.2022 and 02.08.2021 are liable to be set aside and the

order dated 30.12.2020 is also liable to be set aside to the extent of punishment of reduction in pay by two stages for a period of 02 years.

B. That inquiry conducted against the appellant was not according to the prescribed procedure as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, which is violation of law and rules and as such the orders dated 02.06.2022 and 02.08.2021 are liable to be set aside and the order dated 30.12.2020 is also liable to be set aside to the extent of punishment of reduction in pay by two stages for a period of 02 years on this ground alone.

C. That no opportunity of defence was provided to the appellant during inquiry proceeding, which is violation of Article-10A of the Constitution of Pakistan.

D. That the inquiry office did not conduct regular inquiry in order to dig out the realty about the matter by observing the reply to the charge sheet, which is violation of law and rules.

E. That inquiry officer also mentioned in his inquiry report that information from some other sources was gathered with specification of source of that information which means that the appellant has been punished on the presumption basis and without conducting regular inquiry, which is not permissible under the law.

F. That the friend of the appellant namely Constable Abbas Akhtar has A-1 examination in District Charsadda and the appellant went with him just to company him and during examination, the appellant was waiting outside the examination Centre for his friend Abbas Akhtar and after some time some constables who were the candidates of A-1 exam took out their papers to solve the paper with the help of their colleagues and when the examiner came out form the Centre, the people were escaped from the place, however, the appellant along with other some other people did not leave the spot and the examiners took the appellant along with some other people to the examination Centre. Abbas Akhtar also told the examiner that he came with him only for the purpose of company, but despite that the officials concerned took the appellant along with other people to the PS City Charsadda and the concerned DSP, SHO after proper investigation of the incident left the appellant along with other people as they were

innocent, which means that the appellant has been punished for no fault on his part.

G. That respondent No.2 enhanced the punishment of reduction in pay by two stages for a period of 02 years to dismissal from from service on the departmental appeal of the appellant without providing opportunity of personal hearing which is violation of law and rules.

H. That respondent No.3 imposed the penalty of reduction in pay by two stages for a period of 02 years, which was enhanced to dismissal from service by respondent No.2, which is too harsh and was passed without observing codal formalities and such liable to be set aside.

I. That the appellant has been condemned unheard and has not been treated according to law and rules.

J. That the appellant seeks permission of this Honourable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT
Murad Ali

THROUGH:

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

CERTIFICATE:

It is certified that no other similar service appeal between the parties has been filed earlier.

DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO._____/2022

Murad Ali **V/S** Police Deptt:

.....

AFFIDAVIT

I, Murad Ali Ex-FC No.11188, Police Lines Nowshera (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this august Court.

DEPONENT

Murad Ali
(APPELLANT)
CNIC: 17201-1812582-1
Cell# 03169690092

ATTESTED
Syed Muhammad Raza Shah Advocate
Oath Commissioner
High Court Peshawar

A 17

OFFICE OF THE
DISTRICT POLICE OFFICER,
NOWSHERA
Tel No. 0923-9220102 & Fax No. 0923-9220103
Email dpo_nowsherakpk@yahoo.com

ORDER

Following Constables are hereby placed under suspension and closed to Police Lines, Nowshera with immediate effect:

1. Murad Ali No 1188 (on 160 days lorig leave from Police Lines).
2. Zar Khan No 53 of guard NADRA Office, Nowshera Cantt.
3. Sohail No 419 Reader ASP Cantt.
4. Abbas Akhter No 1199 of Elite Force.

Charge sheets & statement of allegations will be issued against them separately.

OB No. 1057
Dated 9/11 /2020

District Police Officer,
Nowshera

No. 2952-58/PA, dated Nowshera, the 9/11 /2020.

Copy for information and necessary action to the:

1. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
2. ASP Cantt Nowshera
3. DSP HQr. Nowshera.
4. Pay Officer
5. Establishment Clerk.
6. OHC
7. FMC.

B (8)

2020

CHARGE SHEET

I, **Capt: (R) Najmul Hasnain Liaquat, PSP** District Police Officer, Nowshera, as mpetent authority, hereby charge **FC Murad Ali No. 1188** as per statement of allegations nclosed.

By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

3. You are, therefore, required to submit your written defense within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.

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

5. Intimate whether you desire to be heard in person.

District Police Officer,
Nowshera

(9)

DISCIPLINARY ACTION

I, **Capt: (R) Najmul Hasnain Liaquat, PSP**, District Police Officer, Nowshera mpetent authority am of the opinion that **FC Murad Ali No. 1188** has rendered himself liable to oceeded against as he committed the following acts / omissions within the meaning of Police s, 1975.

STATEMENT OF ALLEGATIONS

Whereas, **FC Murad Ali No. 1188** (on 160 days earned leave from Lines, shera), now under suspension, appeared unlawfully in A-1 Examination held by ETEA authority 1.11.2020, by impersonating himself as Constable Abbas Akhtar No. 1199 of Platoon No. ,Elite e (actual candidate), which amounts to grave misconduct on his part and rendered him liable for shment under Khyber Pakhtunkhwa Police Rules, 1975.

For the purpose of scrutinizing the conduct of the said accused official with rence to above allegations ASP Cantt is hereby nominated as uiry Officer.

The Enquiry Officer shall in accordance with the provision of Police Rules, 5; provide reasonable opportunity of hearing to the defaulter official, record his findings and ce immediate recommendations as to punish or other appropriate action against the defaulter cial.

FC Murad Ali No. 1188 is directed to appear before the Enquiry Officer on the e, time and place fixed by the Enquiry Officer.

District Police Officer,
Nowshera

/PA,
ted /2020.

جناب عالی!

بحوالہ چارج شیٹ نمبری 182/PA مورخہ 09.11.2020 معروض ہوں کہ بمورخہ 01.11.2020 بمقام چارسدہ A1 امتحان تھا۔ جسکے لیئے ضلع ھذا کے علاوہ دیگر اضلاع سے بھی پولیس کنسٹیبلان آئے ہوئے تھے۔ کنسٹیبل عباس اختر فورس جو کہ میرا قریبی دوست ہے جسکا بھی A1 امتحان تھا تو اسکے ساتھ ھمراہ چلا گیا تھا۔ جب متعلقہ جگہ پہنچے تو کنسٹیبل عباس ہال کے اندر گیا اور ہم باہر تھے۔ میرے علاوہ وہاں دیگر اضلاع سے بھی بہت زیادہ پولیس والے سادہ کپڑوں میں اپنے اپنے ساتھ آئے تھے اور امتحانی ہال کے باہر موجود تھے۔ تھوڑی دیر بعد امتحانی ہال سے مختلف کنسٹیبلان نے پیپر باہر نکالنے شروع کیے اپنے ہمرائیاں کی مدد سے حل کرانے شروع کیئے کہ اسی اثناء میں EATA کے استاذان باہر نکلے جس میں بہت سے لڑکے بھاگ لیکن میں اور میرے علاوہ وہاں پر 5/6 لڑکے اور تھے۔ جونہیں بھاگے۔ تو اس استاذوں نے ہمیں پکڑ کر امتحان ہال کے اندر لے ہمارے تصاویر نکالے جب میرے دوست کنسٹیبل عباس اختر میرے پاس آیا تو اس استاذوں نے ان سے بھی پیپر چھین لیا۔ عباس استاذ کو کافی سمجھایا کہ یہ میرا دوست ہے اور میرے ساتھ ایا ہے۔ تو ان نے پوچھنے ایا کہ امتحانی ہال کے اندر کیا کر رہے ہو لیکن انہو ایک بھی نہ سنی۔ مجھے اور کنسٹیبل عباس اختر اور دیگر 2/3 لڑکے اور تھے جسکو زیر نگرانی پولیس تھانہ سٹی چارسدہ پہنچایا گیا وھاں پر DSP، SHO صاحبان نے بھی موقعہ کی نسبت صورتحال کی کی جانچ پڑتال کر کے ہمیں بغیر کسی کاروائی کے چھوڑ دیئے کیونکہ ہم تھے اب مجھے علم ہوا کہ من سائل کی انکوائری ہے بروز وقوعہ جو کچھ بھی ہوا تھا اسکے بارے تحریری بیان دیا۔ اس معاملہ میں بے قصور ہوا استدعا ھیکہ میرے خلاف جاری شدہ چارج شیٹ کو بغیر کسی کاروائی داخل دفتر کیا جائے۔

کنسٹیبل محمد اسلم 1188 پولیس لائن نوشہرہ

21.11.2020

ATTED

SUB-DIVISIONAL POLICE OFFICER,
CANTT CIRCLE

Tel: 0923-9220108, E-Mail: sdponsrcantt@gmail.com

No. 76 /ST, Dated: 21/12 /2020.

The Worthy District Police Officer,
Nowshera.

bject: DISCIPLINARY ACTION AGAINST CONSTABLE MURAD ALI No.1188 POLICE LINES NOWSHERA.

emo:

Kindly refer to your office Diary No. 182/PA, dated 09.11.2020.

JMMARY OF ALLEGATIONS:

Constable Murad Ali No.1188, (on 160 days earned leave from olice lines Nowshera) now under suspension, appeared unlawfully in A-1 xamination held by ETEA authority on 01.11.2020, by impersonating himself s constable Abbas Akhtar No.1199 of Elite Force (actual candidate).The ompetent authority designated the undersigned as enquiry officer.

ROBING:

In this connection enquiry proceedings were initiated and the lefaulter official was summoned, and served the charge sheet upon him. He ubmitted his reply to the charge sheet, wherein he did not confess his guilt and stated that he was caught outside the examination hall as he was waiting or his friend. Constable Murad Ali No. 1188 further added that he went with his friend FC Abbas Akhtar in order to accompany him.

CONCLUSION:

The alleged police official was heard in person and reply was perused. The defaulter official did not admit the charges leveled against him in the charge sheet. In this connection statement of HC Tajbar & HC Masad Shah Assistants OHC Nowshera were also recorded, which revealed that they were called by the ETEA staff for the identification of the person caught in the examination hall for impersonating himself as FC Abbas Akhtar, but the person was identified as the defaulter official FC Murad No.1188 from which it is evident that the alleged constable impersonated himself. Similarly, information from other sources was gathered as well.

RECOMMENDATION:

Hence, the charges leveled against him in the charge sheet have been proved without any doubt and the alleged constable has been found guilty. Therefore, he is recommended for any suitable punishment under the relevant rules and law, if so agreed please.

Sub-Divisional Police Officer,
Cantt circle Nowshera.

E (12)

FINAL SHOW CAUSE NOTICE

Whereas, you **FC Murad Ali No. 1188**, while posted as steno DSP)rs: Nowshera now on 160 days earned leave, appeared unlawfully in A-1 Examination ld by ETEA authority on 01.11.2020, by impersonating yourself as Constable Abbas Akhtar). 1199 of Elite Force (actual candidate).

On account of which you were suspended and proceeded against epartmentally through ASP Cantt Nowshera who after fulfillment of legal formalities ubmitted his report to undersigned, wherein the allegations leveled against you have been roved and recommended you for awarding punishment.

Therefore, it is proposed to impose Major / Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I, Capt: (R) Najmul Husnain Liaquat, PSP District Police Officer, Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within **07 days** of the receipt of this notice, failing which, it will be presumed that you have no defense to offer.

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

District Police Officer,
Nowshera

No. 279 /PA,
Dated 23/12/2020.

F (13)

جناب عالی!

بحوالہ فائنل شوکاز نوٹس نمبری PA/279 مورخہ 22-12-2020 معروض ہوں کہ بمورخہ 01-11-2020 کو بمقام چارسدہ A1 کا امتحان تھا۔ جس کیلئے ضلع ہٰذا کے علاوہ دیگر اضلاع سے بھی پولیس کنسٹیبلان آئے ہوئے تھے۔ کنسٹیبل عباس اختر جو کہ میرا قریبی دوست ہے جسکا بھی A1 امتحان تھا اسکے ھمراہ چلا گیا۔ جب متعلقہ جگہ پہنچے تو کنسٹیبل عباس اختر امتحانی حال کے اندر گیا اور ہم باہر تھے۔ میرے علاوہ وہاں پر دیگر اضلاع سے بھی بہت زیادہ پولیس والے سادہ کپڑوں میں اپنے اپنے دوستوں کے ساتھ آئے تھے اور امتحانی حال کے باہر موجود تھے۔ تھوڑی دیر بعد امتحانی حال سے مختلف کنسٹیبلان نے پیپر باہر نکالنے شروع کیے کہ اسی اثناء میں ETEA کے استاذان باہر نکلے جس میں بہت سے لڑکے بھاگ نکلے لیکن میں اور میرے علاوہ وہاں پر 6/5 لڑکے اور تھے جو نہیں بھاگے۔ تو اس استاذان نے ہمیں پکڑ کر امتحانی حال کے اندر لے گئے اور ہمارے تصاویر نکالے جب میرا دوست کنسٹیبل عباس اختر میرے پاس آیا تو اُن استاذوں نے اُس سے پیپر چھین لیا۔ عباس اختر نے استاذ کو کافی سمجھایا کہ یہ میرا دوست ہے اور میرے ساتھ آیا ہے میں تو ان سے پوچھنے آیا کہ امتحانی حال کے اندر کیا کر رہے ہو لیکن انہوں نے ایک بھی نہ سنی۔ مجھے، کنسٹیبل عباس اختر اور دیگر 3/2 لڑکے اور تھے جسکو زیر نگرانی پولیس تھانہ سٹی چارسدہ پہنچایا گیا وہاں پر DSP/SHO صاحبان نے بھی موقعہ کی نسبت صورتحال کی جانچ پڑتال کر کے ہمیں بغیر کسی کاروائی کے چھوڑ دیا کیونکہ ہم بے گناہ تھے اب مجھے علم ہوا کہ من سائل کے خلاف انکوائری شروع ہوئی ہے امتحان کے دن جو بھی ہوا وہ ارادۃً نہیں ہوا اور میں اس معاملے میں بے گناہ ہوں میرے خلاف لگائے گئے الزامات بے بنیاد ہیں استدعا ہے کہ انکوائری چارج شیٹ کو بغیر کسی کاروائی داخل دفتر کی جائے۔

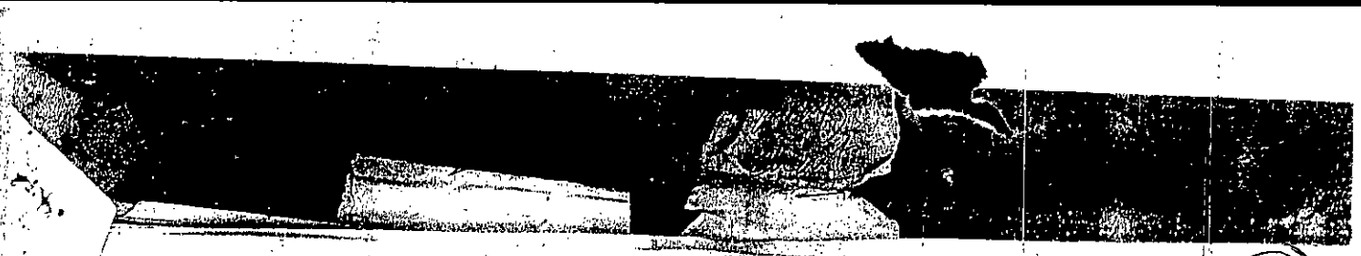
کنسٹیبل مراد علی بیلٹ نمبر 1188 متعینہ پولیس لائن نوشہرہ

24.12.2020

Call in OR

Awarded major punishment of Reduction in pay by 02 xstages for a period of 02 years and re-installed

29/12



G (14)

POLICE DEPARTMENT

DISTRICT NOWSHERA

ORDER

This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against Constable Murad Ali No. 1188, (on 160 days earned leave from Police Lines, Nowshera), appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating himself as Constable Abbas Akhtar No. 1199 of Elite Force (actual candidate).

On account of which, he was suspended, closed to Police Lines and proceeded against departmentally through ASP Cantt Nowshera, who after fulfillment of legal formalities submitted his report to undersigned vide his office No. 76/St: dated 21.12.2020, wherein the allegations leveled against him have been proved and recommended him for awarding suitable punishment.

He was served with Final Show Cause Notice, to which, he submitted his reply which was perused by the undersigned and found unsatisfactory.

He was heard in orderly room by the undersigned wherein he failed to produce any cogent reason in his defense, therefore, he is hereby awarded major punishment of reduction in pay by two stages for a period of 02 years and re-instated in service with immediate effect in exercise of powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 1286

Dated 30/12/2020

District Police Officer,
Nowshera

No. 3519-24/PA, dated Nowshera, the 30/12/2020

Copy for information and necessary action to the:

1. DSP HQrs: Nowshera.
2. Pay Officer.
3. Establishment Clerk.
4. OHC.
5. FMC with enquiry papers (12 pages).
6. Official concerned.

15

درخواست اپیل بمراد سزا معافی کانسٹیبل مراد علی نمبر 1188 ضلع نوشہرہ

جناب عالی!

گزارش ہے کہ سائل سال 2014 کا بھرتی شدہ ہے۔ اور پولیس لائن
میں ڈیوٹی سرانجام دے رہا ہے۔ سائل کو جناب DPO
ضلع نوشہرہ نے بحوالہ OB نمبر 1286 مورخہ 30-12-2020 کو
(Reduction in pay by two stages for a period of (02) years)
دی ہے۔ چونکہ سائل نہایت غریب گھرانے سے تعلق رکھتا ہے۔ اور گھر کا
واحد سہارا ہے۔

بذریعہ درخواست استدعا ہے کہ سائل کو مذکورہ بالا سزا معاف کرانے
کا حکم صادر فرماوے۔ سائل تاعمر دعاگو رہے گا۔

تحریر 26/04/2021

تابعدار مراد علی نمبر 1188/FC مشینہ پولیس لائن نوشہرہ

جناب عالی!
کنسٹیبل مذکورہ پولیس لائن میں
ڈیوٹی سرانجام دے رہا ہے لہذا مناسب
حکم صادر فرمائیں

MM/L. PL. NSR
03-05-2021

NOWSHERA
03-05-2021

4-5-2021

ATTESTED

Phone No 0937-9230113 114
Fax No 0937-9230115
Email: digmardan@gmail.com

I/16

GOVERNMENT OF KHYBER PAKHTUN KHWA
OFFICE OF THE
REGIONAL POLICE OFFICER,
MARDAN

No. 3153 /ES, dated, Mardan Region the 18-06-2021.

SHOW CAUSE NOTICE

Whereas, you **Constable Murad Ali No.1188,** Nowshera while on leave for 160 days appeared unlawfully in A-1 examination held by ETEA on 01-11-2020, by impersonating yourself as Constable Abbas Akhtar No.1199/Elite Force. On account of the aforementioned allegations proper departmental enquiry/proceedings were initiated against you and on conclusion of the same, the District Police Officer, Nowshera awarded you major punishment of reduction in pay by two stage vide O.B No.1286, dated 30.12.2020. Feeling aggrieved, you filed a departmental appeal and during personal hearing it transpired that the order of punishment does not commensurate with the gravity of your misconduct, rather you deserve not to be retained in the force because of the unbecoming of an officer.

Therefore, it is proposed that why your punishment shall not be enhanced as envisaged under Rule 11, Sub Rule 4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014.

Hence, I, **Yaseen Farooq, PSP Regional Police Officer, Mardan** in the exercise of the power vested under Rule 11, Sub Rule 4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014 call upon you to Show Cause as to why not impose upon you the enhance punishment of dismissal/removal of service provided in the above-mentioned rules.

Your reply shall reach this office within 07 days of receipt of the Notice, failing which it will be presumed that you have no explanation to offer.

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

(YASEEN FAROOQ)PSP,
Regional Police Officer,
Mardan.

Constable Murad Ali No.53
District Nowshera

CC.

The District Police Officer, Nowshera.

ATTESTED

J (17)

Respected sir,

With reference to the Show Cause Notice No. 3150/ES, dated 18.06.2021, it is submitted that I had been awarded major punishment of reduction in pay by two stages by DPO Nowshera vide OB No. 1286, dated 30.12.2020.

Respected sir, I had already been awarded a major punishment after proper departmental enquiry. I already been through a lot of embarrassment and I am really ashamed of whatever I have done. I apologize for this act and feel regret from the depth of my heart.

Besides, I am being the sole bread winner of my family, the punishment awarded to me greatly affected me financially. It is humbly requested that I may kindly be given a single chance. I am assured/promised that I will never ever give chance of any misconduct to my superior in future and will perform my duties efficiently and honestly.

Keeping in view the above submission, it is requested that the instant Show Cause Notice may kindly be filed and set aside the punishment awarded to me by DPO Nowshera.

Constable Murad Ali No. 1188 Police Lines, Nowshera
Cell No. 0312-5801433
27.06.2021

ATTESTED

K (18)

ORDER.

This order will dispose-off the departmental appeal preferred by **Constable Murad Ali No. 1188** of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of reduction in pay by two stages vide OB: No. 1286 dated 31.12.2020. The appellant was proceeded against departmentally on the allegations that he was granted 180 days earned leave, during the said leave, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating himself as Constable Abbas Akhtar No. 1199 of Elite Force (actual candidate).

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, Cantt: Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Nowshera, wherein he held responsible the delinquent Officer and recommended him for suitable punishment.

He was issued Final Show Cause Notice to which his reply was received/perused and found unsatisfactory. The delinquent Official was heard in Orderly Room by the District Police Officer, Nowshera, wherein he failed to produced any cogent reason in his defense. Therefore, he was awarded major punishment of reduction in pay by two stages vide OB: No. 1286 dated 31.12.2020.

Feeling aggrieved from the order of 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 16.06.2021 but he failed to advance any plausible reason to justify his innocence. Hence, he was issued Show Cause Notice under Rule-11, Sub Rule-4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014,to which his reply was received and found unsatisfactory. Therefore, he was called in Orderly Room held this on 26.07.2021 but this time too he bitterly failed to advance any cogent reasons in his defense.

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 and the competent authority has treated him leniently by not registering a criminal case although the misconduct of the appellant deserved a harsher punishment. Therefore, 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 illegal and criminal activities. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer.

(19)

Keeping in view the above, I, **Yaseen Farooq, PSP Regional Police Officer, Mardan,** being the appellate authority, hereby convert the major punishment of reduction in pay by two stages into major punishment of dismissal from service with immediate effect.

Order Announced.

Regional Police Officer,
Mardan.

No. 4033 **/ES, Dated Mardan the** 02 - 08 - **/2021.**

Copy forwarded to District Police Officer, Nowshera for information and necessary action w/r to his office Memo: No. 1222/PA dated 26.05.2021. His Service Record is returned herewith.

(*****)

OB No. 790
Dated 5/8/2021

20/EC/OHC/OBC/FMC
For necessary action.
5/8/2021

No 1475/PA
dt 05/8/2021

20

اپیل بخدمت جناب صوبائی پولیس آفیسر خیبر پختونخوا

برائے منسوخی حکم جناب ریجنل پولیس آفیسر صاحب مردان

برخاستگی نمبری:4033/ES مورخہ 02.06.2021

جناب عالی!

بعد احترام وتکریم معروض ہوں کہ سائل مورخہ 01.09.2014 بھرتی شُدہ ہے کہ سائل کو جناب DPO صاحب نوشہرہ نے ذیل الزامات میں چارج شیٹ دے کر بحوالہ OB No. 1286 مورخہ 31.12.2020 کو Reduction in pay by two stages for two years کی سزادی۔جن کی نسبت سائل نے ریجنل پولیس آفیسر صاحب مردان کوسزا کی معافی کی اپیل کی جنہوں نے سزا میں اضافہ کرتے ہوئے DPO صاحب نوشہرہ کی سزا کو Convert کر کے سائل کو بحوالہ حکم نمبری 4033/ES مورخہ 02.08.2021 کوملازمت سے برخاست کیا۔جسکی بابت یہ تفصیل اپنی صفائی پیش کرتا ہوں:

جناب عالی!

جہاں تک الزامات کا تعلق ہے A1 امتحان منعقدہ 01.11.2020 بمقام چارسدہ تھا۔کنسٹیبل عباس اختر ایلیٹ فورس نوشہرہ جو کہ میرا قریبی دوست ہے اُس کا بھی A1 امتحان تھا اُس کے ہمراہ چلا گیا تھا۔جب جگہ پہنچے تو کنسٹیبل عباس اختر ہال کے اندر گیا اور ہم باہر تھے۔ میرے علاوہ وہاں پر دیگر اضلاع سے بھی بہت زیادہ پولیس والے سادہ کپڑوں میں اپنے اپنے دوستوں کے ساتھ آئے تھے اور باہر موجود تھے۔ تھوڑی دیر بعد امتحانی ہال سے مُختلف کنسٹیبلان نے پیپر بار نکالنے شروع کیے اور وہاں پر افراتفری شروع ہوئی کہ اسی اثناء میں ETEA کے اساتذہ باہر نکلے جس میں سے بہت سے لڑکے بھاگ نکلے لیکن میں اور میرے علاوہ وہاں پر چند لڑکے تھے جونہیں بھاگے تو اساتذہ نے ہمیں پکڑ کر امتحانی ہال کے اندر لے گئے تو میرا دوست عباس اختر میرے پاس آیا کہ کیا مسئلہ ہے تو ETEA کے اساتذہ نے اُن سے بھی پیپر چھین لیا اور ہمارے تصاویر نکالے کہ آپ اُن کی مدد کر رہے ہیں۔ہم نے ETEA کے اساتذہ کو بہت سمجھایا کہ میں باہر تھا لیکن اُنہوں نے ہماری ایک نہ سُنی اور مجھے اور کنسٹیبل عباس اختر کے علاوہ دو تین لڑکے اور تھے زیرنگرای تھانہ سٹی پولیس چارسدہ پہنچایا گیا اور وہاں پر DSP اور SHO صاحبان نے موقع کی نسبت جانچ پڑتال کر کے ہمیں بغیر کسی کاروائی کے چھوڑ دیا کیونکہ ہم بے گناہ تھے۔

جناب عالی!

سائل کا تعلق ایک غریب خاندان سے ہے اور سائل اپنے خاندان کا واحد خود کفیل ہے۔سائل نے مُحکمہ پولیس میں بے داغ ملازمت کی ہے۔

استدعاء ہے کہ سائل کے گھریلوں غربت اور بے داغ ملازمت پولیس اور الزام ہذا میں بے گناہی کو مدنظر رکھتے ہوئے سائل کو مُحکمہ پولیس میں بحال کر کے مشکور فرمائیں۔سائل تاحیات احسان مند اور دُعا گو رہے گا۔

العارض

آپ کا تابعدار سابقہ کنسٹیبل مُراد علی بلٹ نمبر 1188 ضلع نوشہرہ

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

M (21)

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by **Ex-FC Murad Ali No. 1188.**

The petitioner was awarded punishment of reduction in pay by two stages for a period of two (02) years by District Police Officer, Nowshera vide OB No. 1286, dated 30.12.2020 on the allegations that he was granted 160-days earned leave, during the said leave, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonation himself as Constable Abbas Akhtar No. 1199 of Elite Force (actual candidate). The Appellate Authority i.e. Regional Police Officer, Mardan converted his penalty of reduction in pay by two stages for a period of two (02) years into dismissal from service vide order Endst: No. 4033/ES, dated 02.08.2021.

Meeting of Appellate Board was held on 19.05.2022 wherein petitioner was heard in person. Petitioner denied the allegations leveled against him.

Perusal of enquiry papers revealed that the allegations against the petitioner was proved during enquiry. His conduct was detrimental to discipline and his further retention in Police is bound to negatively influence discipline of other personnel of the force. Moreover, the petitioner could not produce cogent evidence of his innocence. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-
SABIR AHMED, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/1269-75/22, dated Peshawar, the 2/6/2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 5561/ES, dated 06.10.2021 is returned herewith for your office record.
2. District Police Officer, Nowshera.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

(DR. ZAHID ULLAH) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

VAKALAT NAMA

NO._____/2021

IN THE COURT OF KP Service Tribunal Peshawar.

Murad Ali (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt (Respondent)
(Defendant)

I/We, Murad Ali.

Do hereby appoint and constitute ***Taimur Ali Khan, Advocate High Court Peshawar,*** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2021

(CLIENT)

ACCEPTED

TAIMUR ALI KHAN
Advocate High Court
BC-10-4240
CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:
Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1072/2022

Murad Ali Ex-FC No. 1188,
Police Lines, Nowshera

.....Appellant

V ERSUS

Provincial Plice Officer, Khyber Pakhtunkhwa, Peshawar and others.

.....Respondents

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3.	Copy of reports	A&B	06-07
4.	Copy of enquiry report	C	08
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Inspector Legal,
Nowshera

(1)

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1072/2022

Murad Ali Ex-FC No. 1188,
Police Lines, Nowshera

.....Appellant

V ERSUS

1. Provincial Plice Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan.
3. District Police Officer, Nowshera.

.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS 1,2&3

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. Para to the extent of appointment of appellant in respondent department pertains to record while rest of the para is incorrect as petitioner impersonated himself with malafide intentions as constable Abbas Akhtar No. 1199 (actual candidate) which reflects his dishonesty in performance of official duty.
2. Incorrect. As per daily diary report No. 09 dated 02-22-2020, Police Station, Charsadda City a complaint/report was submitted to SHO City Charsadda by Assistant Director ETEA which is reproduced as under:
   "To SHO City Charsadda. The following candidates in A-1 test at Charsadda center both the candidates were caught in impersonation case. Muhammad Ali (belt No. 1188) (Murad Ali but erroneously mentioned as Muhammad Ali) in place of Abbas Akhtar (belt No. 1199), Zar Khan (belt No. 1153) in place of Muhammad Sohail (belt No. 419). There papers were cancelled and the case report was handed over to Police department for further proceeding".

Similarly, a report vide daily diary No. 14 dated 01-11-2020, Police Lines, Nowshera was entered by AOHC Masad Shah wherein he stated that A-1 examination was held on 01-11-2020 in District Charsadda, 200 Police from District Nowshera Constables appeared in the said exam. He further stated that during exam constable Murad Ali No. 1188 and constable Zar Khan No. 53 appeared in exam by impersonating themselves as constable Abbas Akhtar No. 1199 and constable Sohail 419. (Copy of reports are annexed as annexure "**A**" & "**B**").

3. Para correct to the extent that on the above mentioned allegations appellant was placed under suspension and was also issued charge sheet alongwith statement of allegations.

4. Incorrect. Proper enquiry against the appellant was conducted through the then ASP Nowshera Cantt: who after fulfillment of all codal and legal formalities, submitted his report wherein he stated that he recorded statement of HC Tajbar and HC Masad Shah, Assistants OHC Nowshera, which revealed that they were called by the ETEA staff for the identification of the person caught in the examination hall for impersonating himself as FC Abbas Akhtar, but the person was identified as the defaulter official FC Murad No. 1188 from which it is evident that the alleged constable impersonated himself. Hence, recommended the appellant for punishment.

5. Para correct to the extent that appellant was issued Final Show Cause Notice to which the appellant submitted his reply but the same was found unsatisfactory, hence, was awarded major punishment of reduction in pay by two stages for a period of 02 years and was also reinstated in service.

6. Para explained above.

7. Para correct to the extent that against the punishment order appellant moved departmental appeal before the appellate authority. The appellate authority by considering that the punishment awarded to the appellant did not commensurate with the gravity of his misconduct, issued him Show Cause Notice as envisaged under rule 11, sub rule 4, clause (d) of the Khyber Pakhtunkhwa, Police Rules 1975, amended 2014. (Copy of Show Cause Notice is annexure "**D**" and relevant rule is annexure "E").

Appellant submitted his reply to the Show Cause Notice but the same was found unsatisfactory. He was also called in Orderly Room held on 26-07-2021 but he failed to advance any cogent reason in his defense, hence, his major punishment of reduction in pay by two stages was

converted into dismissal from service vide order dated 4034/ES dated 02-08-2021. (Copy of order is annexure "F").

Feeling aggrieved from the order of the appellate authority, appellant moved Revision Petition before the respondent No. 01. On Revision Petition of appellant on 19-05-2022, a meeting was held by the appellate board wherein appellant was heard in person. However, the board rejected the Revision Petition of the appellant. (Copy of rejection order is annexure "G").

8. That appeal of the appellant is liable to be dismissed inter-alia on the following grounds: -

Reply on Grounds

A. Incorrect. All orders passed against appellant, are in accordance with law hence, are liable to be maintained.

B. Incorrect. During course of enquiry statements of all concerned were recorded.

C. Incorrect. Appellant was awarded full opportunity of defending himself as before awarding punishment he was heard in Orderly Rooms but each time he failed to advance any cogent reason in defense.

D. As explained above that initially enquiry against appellant was conducted through the then DSP Hqrs: Nowshera. In the finding of enquiry report, enquiry officer mentioned that the delinquent official has admitted in his statement that he was present at examination hall during A-1 examination paper at Charsadda District. Hence, recommended the appellant for major punishment. On the said enquiry report the then DPO Nowshera directed the enquiry officer to attach evidence/daily diary report of Police Station, Charsadda and include statement of all concerned, hence, enquiry was again conducted by the then DSP Hqrs: by recording statements of the concerned officers.

E. Incorrect. Regular enquiry was conducted by the enquiry officer wherein statements of all concerned were also recorded.

F. Incorrect. This story has been concocted by the appellant. The actual fact can be understood from the report of Director ETEA which is reproduced as under: -

"The following candidates in A-1 test at Charsadda center both the candidates were caught in impersonation case. Muhammad Ali (belt No. 1188) (Murad Ali but erroneously mentioned as Muhammad Ali) in place of Abbas Akhtar (belt No. 1199), Zar Khan (belt No. 1153) in place of Muhammad Sohail (belt No. 419). There papers were cancelled and the case report was handed over to Police department for further proceeding".

G. Incorrect. Appellant was provided opportunity of personal hearing in Orderly Room held on 26-07-2021 by respondent No. 02 but he failed to advance any cogent reason in his defense.

H. Para already explained above.

I. Para already explained above.

J. The respondents also seek permission of this Honourable Tribunal to advance 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 very kindly be dismissed with costs, please.

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

Regional Police Officer,
Mardan.
Respondent No. 02

District Police Officer,
Nowshera.
Respondent No.03

(5)

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1072/2022

Murad Ali Ex-FC No. 1188,
Police Lines, Nowshera

.....Appellant

V ERSUS

1. Provincial Plice Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan.
3. District Police Officer, Nowshera.

.....Respondents

AFFIDAVIT

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

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

Regional Police Officer,
Mardan.
Respondent No. 02

District Police Officer,
Nowshera.
Respondent No.03

ATTESTED
Zahoor Khan Advocate
Notary Public
District & Session Courts Peshawar

(6) Annexure A

... OF THE

22

سلسلہ نمبر 9 روزنامچہ مورخہ 20/11/01

مد نمبر 9 درنگی درخواست ضیا داللہ خان ASI وقت 12:15 بجے مورخہ 20/11/01 اسی وقت رپورٹ ایک تحریری رپورٹ بزبان انگریزی منجانب بلال احمد اسسٹنٹ ڈائریکٹر ایٹا کو بوساطت لعل باچا ASI موصول ہوئی جو مضمون ذیل ہے

TO SHO CITY CHARSADDA

THE FOLLOWING CANDIDATES IN A1 TEST AT CHARSADDA CENTER BOTH THE CANDIDATS WERE CAUGHT IN IMPERSONATION CASES-

MUHAMMAD ALI (BELT NO # 1188) IN PLACE OF ABBAS AKHTAR (BELT NO # 1199) ZAR KHAN (BELT NO # 53) IN PLACE OF MUHAMMAD SOHAIL (BELT NO # 419)

THERE PAPERS WERE CANCELLED AND THE CASE REPORT WAS HANDED OVER TO POLICE DEPTT FOR FURTHER PROCEEDING

دستخط انگریزی بلال احمد اسسٹنٹ ڈائریکٹر ایٹا مورخہ 20/11/01 کا [illegible] تحریری رپورٹ درج کر کے صدر ہو کر اصل رپورٹ شامل کارروائی ہے۔ مضمون رپورٹ سے پایا گیا کہ کنسٹیبل زر خان نمبر 53 بجائے کنسٹیبل محمد سہیل 419 کنسٹیبل [illegible] 1188 بجائے کنسٹیبل عباس اختر 1199 ڈسٹرکٹ [illegible] امتحان میں شامل [illegible] [illegible] [illegible] ہونا [illegible] [illegible] رپورٹ درج روزنامچہ کیا ہے۔ [illegible] [illegible] [illegible] [illegible] ہے۔ [illegible]

MM PC/HD
01-11-2020

(7) Annex: B

پولیس لائن

ضلع زدہ شد

نقل مد 14 روزنامچہ 1 11/020

Z.W

مد 14 واپسی رپورٹ

مسعود شاہ AOHC وقت 18:05 بجے 1 11/020 میں حسب ذیل
رپٹ بحوالہ مد 14 روزنامچہ بند شدہ بعد فراغت A-I امتحان
ضلع چارسدہ سے واپس آیا۔ A.I امتحان آج مورخہ 11/020
کو ضلع چارسدہ میں منعقد ہوا۔ جس میں ضلع ھذا کے دو سو 200
سے زائد سپاہیان شریک ہوئے۔ اسی دوران ایک ناخوشگوار
واقعہ رونما ہوا۔ جس میں ضلع ھذا کے سپاہی مراد علی 1188 جو کہ
پولیس لائن سے بحوالہ مد 34 روزنامچہ 13 10/020 سے (160) یوم رخصت
پر ہے اور سپاہی زرخان 53 جو کہ گارڈ قادر آفس کیمپ میں
تعینات ہے۔ ہر دو کانسٹیبلان نے سال رواں 2020 میں
میں B.I امتحان میں پاس کیا ہے۔ جن کو ایڈ حکام نے
دوران امتحان شک کی بنا پر تصدیق کرتے ہوئے ثابت ہوا
کہ یہ دونوں کانسٹیبلان مراد علی 1188۔ زرخان 53 کی غیر قانونی
طور پر ایلیٹ فورس کے سپاہی عباس اختر 1199 اور سپاہی سہیل 19
ہو کر ریڈر [illegible] ASP CANTT کے بجائے A.I امتحان دے
رہے تھے۔ ان کو ایڈ حکام نے پکڑ کر امتحانی ہال سے باہر
نکال کر ہر دو کانسٹیبلان کے اس فعل سے ضلع ھذا کی
بدنامی ہوئی۔ لہذا اس بارے میں تفصیلی رپورٹ درج روزنامچہ
کر کے نقل مد علیحدہ مرتب ہو کر آفیسران بالا کی خدمت میں
ارسال کی جائے گی۔

PA
Suspension / Departmental Inquiry

جناب عالی
نقل [illegible]

POLICE LINE
[illegible] NSR
1-11-020

Sir,
FORWARDED PLs
RI P[illegible] NOWSHERA
6/11/2020

DSP [illegible]
6-11-2020

(8) Annex: C

OFFICE OF THE SUB-DIVISIONAL POLICE OFFICER, CANTT CIRCLE

Tel: 0923-9220108, E-Mail: sdponsrcantt@gmail.com

No. 76 /ST, Dated: 21/12 /2020.

To: **The Worthy District Police Officer,**
Nowshera.

Subject: **DISCIPLINARY ACTION AGAINST CONSTABLE MURAD ALI No.1188 POLICE LINES NOWSHERA.**

Memo:

Kindly refer to your office Diary No. 182/PA, dated 09.11.2020.

SUMMARY OF ALLEGATIONS:

Constable Murad Ali No.1188, (on 160 days earned leave from police lines Nowshera) now under suspension, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating himself as constable Abbas Akhtar No.1199 of Elite Force (actual candidate).The competent authority designated the undersigned as enquiry officer.

PROBING:

In this connection enquiry proceedings were initiated and the defaulter official was summoned, and served the charge sheet upon him. He submitted his reply to the charge sheet, wherein he did not confess his guilt and stated that he was caught outside the examination hall as he was waiting for his friend. Constable Murad Ali No. 1188 further added that he went with his friend FC Abbas Akhtar in order to accompany him.

CONCLUSION:

The alleged police official was heard in person and reply was perused. The defaulter official did not admit the charges leveled against him in the charge sheet. In this connection statement of HC Tajbar & HC Masad Shah Assistants OHC Nowshera were also recorded, which revealed that they were called by the ETEA staff for the identification of the person caught in the examination hall for impersonating himself as FC Abbas Akhtar, but the person was identified as the defaulter official FC Murad No.1188 from which it is evident that the alleged constable impersonated himself. Similarly, information from other sources was gathered as well.

RECOMMENDATION:

Hence, the charges leveled against him in the charge sheet have been proved without any doubt and the alleged constable has been found guilty. Therefore, he is recommended for any suitable punishment under the relevant rules and law, if so agreed please.

Sub-Divisional Police Officer,
Cantt circle Nowshera.

(9) Annex: D

FINAL SHOW CAUSE NOTICE

Whereas, you **FC Murad Ali No. 1188**, while posted as steno DSP HQrs: Nowshera now on 160 days earned leave, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating yourself as Constable Abbas Akhtar No. 1199 of Elite Force (actual candidate).

On account of which you were suspended and proceeded against departmentally through ASP Cantt Nowshera who after fulfillment of legal formalities submitted his report to undersigned, wherein the allegations leveled against you have been proved and recommended you for awarding punishment.

Therefore, it is proposed to impose Major / Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I, Capt: (R) Najmul Husnain Liaquat, PSP District Police Officer, Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within **07 days** of the receipt of this notice, failing which, it will be presumed that you have no defense to offer.

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

District Police Officer,
Nowshera

Dated 23/12/2020

MHC
23/12/2020

(10) Annex: E

11. **Appeal.-**

For rule 11, the following shall be substituted, namely:

❖ **"11. Appeal.---**(1) An accused, who has been awarded any penalty under these rules except the penalty of confinement of constable and head constable for fifteen days to quarter guards, may, within thirty days from the date of communication of the order, prefer an appeal to the Appellate Authority as provided in sub-rule (2).

(2) The appeal, against the orders of the officer, specified in Schedule-I, who passes it shall lie to the Appellate Authority as may be specified in the table below:

S.No	Punishing Authorities	Appellate/Reviewing Authorities
1.	Provincial Police Officer	Provincial Police Officer (Review)
2.	Regional Police Officer/ Deputy Inspector General of Police/ Capital City Police Officer/ Additional Inspector General of Police.	Provincial Police Officer.
3.	District Police Officer/ Senior Superintendent of Police/ Superintendent of Police.	Regional Police Officer/Deputy Inspector General of Police/ Capital City Police Officer/ Additional Inspector General of Police.
4.	Assistant Superintendent of Police/ Deputy Superintendent of Police.	District Police Officer/ Senior Superintendent of Police/ Senior Superintendent of Police Operations.

Provided that where the order has been passed by the Provincial Police Officer, the delinquent officer/official, may within a period of thirty days submit review Petition directly to the Provincial Police Officer.

(3) There shall be only one appeal from the original order and the order of the Appellate Authority, in appeal, shall be final.

(4) The Appellate Authority or Review Authority, as the case may be, may call for the record of the case and comments on the points raised in the appeal or review, as the case may be, from the concerned officer, and on consideration of the appeal or the review petition, as the case may be, by an order in writing-

(a) uphold the order of penalty and reject the appeal or review petition; or

(b) set aside the orders and exonerate the accused; or

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

(c) modify the orders and reduce or enhance the penalty; or

(d) set aside the order of penalty and remand the case to the authority, where it is satisfied that the proceedings by the authority or the inquiry officer or inquiry committee, as the case may be, have not been conducted in accordance with the provisions of these rules, or the facts and merits of the case have been ignored, with the directions to either hold a de novo inquiry or to rectify the procedural lapses or irregularities in the proceedings:

Provided that where the Appellate Authority or Review Authority, as the case may be, proposes to enhance the penalty, it shall by an order in writing-

(a) inform the accused of the action proposed to be taken against him and the grounds of such action; and

(b) give him a reasonable opportunity to show cause against the action and afford him an opportunity of personal hearing.

(5) An appeal or review preferred under this rule, shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection to the impugned order in a proper and temperate language".

12. After rule 11, the following new rule shall be inserted, namely:

❖ "**11-A Revision**"..... (1) The Inspector General, Additional Inspector General, a Deputy Inspector General of Police or a Senior Superintendant of Police may call for the records of awards made by their subordinates and confirm, enhance, modify or annul the same, or make further investigation or direct such to be made before passing orders.

(2) If an award of dismissal is annulled, the officer annulling it shall state whether it is to be regarded as suspension followed by re-instatement, or not. The order should also state whether service prior to dismissal should count for pension or not.

(3) In all cases in which officers propose to enhance an award the officer shall, before passing final orders, give the defaulter concerned an opportunity of showing cause, either personally or in writing, why his punishment should not be enhanced.

(4) The revision petition shall lie or taken cognizance by the authorities under sub rule-(1) within thirty days of the order passed on original appeal.

Provided that the Provincial Police Officer, while acting as revisional authority, in certain cases, may constitute a Revision Board for the speedy disposal of revision petitions, before passing any orders." And

(12) Annex: F

ORDER.

This order will dispose-off the departmental appeal preferred by **Constable Murad Ali No. 1188** of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of reduction in pay by two stages vide OB: No. 1286 dated 31.12.2020. The appellant was proceeded against departmentally on the allegations that he was granted 160 days earned leave, during the said leave, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating himself as Constable Abbas Akhtar No. 1199 of Elite Force (actual candidate).

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, Cantt: Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Nowshera, wherein he held responsible the delinquent Officer and recommended him for suitable punishment.

He was issued Final Show Cause Notice to which his reply was received/perused and found unsatisfactory. The delinquent Official was heard in Orderly Room by the District Police Officer, Nowshera, wherein he failed to produce any cogent reason in his defense. Therefore, he was awarded major punishment of reduction in pay by two stages vide OB: No. 1286 dated 31.12.2020.

Feeling aggrieved from the order of 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 16.06.2021 but he failed to advance any plausible reason to justify his innocence. Hence, he was issued Show Cause Notice under Rule-11, Sub Rule-4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014,to which his reply was received and found unsatisfactory. Therefore, he was called in Orderly Room held this on 26.07.2021 but this time too he bitterly failed to advance any cogent reasons in his defense.

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 and the competent authority has treated him leniently by not registering a criminal case although the misconduct of the appellant deserved a harsher punishment. Therefore, 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 illegal and criminal activities. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer.

Sheet — Notice (13)

Keeping in view the above, **I, Yaseen Farooq, PSP Regional Police Officer, Mardan,** being the appellate authority, hereby convert the major punishment of reduction in pay by two stages into major punishment of dismissal from service with immediate effect.

Order Announced.

Regional Police Officer,
Mardan.

No. 4033 **/ES, Dated Mardan the** 02 - 08 - **/2021.**

Copy forwarded to District Police Officer, Nowshera for information and necessary action w/r to his office Memo: No. 1222/PA dated 26.05.2021. His Service Record is returned herewith.

(*****)

DPO/EC/Off/OBE/FME
For necessary action

OB No. 792
Date 5/8/2021

DPO NSR
5/8/2021.

No. 1475/PA
dt 05/8/2021

1188

(19)

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

Annex: C4

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by **Ex-FC Murad Ali No. 1188.**

The petitioner was awarded punishment of reduction in pay by two stages for a period of two (02) years by District Police Officer, Nowshera vide OB No. 1286, dated 30.12.2020 on the allegations that he was granted 160-days earned leave, during the said leave, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonation himself as Constable Abbas Akhtar No. 1199 of Elite Force (actual candidate). The Appellate Authority i.e. Regional Police Officer, Mardan converted his penalty of reduction in pay by two stages for a period of two (02) years into dismissal from service vide order Endst: No. 4033/ES, dated 02.08.2021.

Meeting of Appellate Board was held on 19.05.2022 wherein petitioner was heard in person. Petitioner denied the allegations leveled against him.

Perusal of enquiry papers revealed that the allegations against the petitioner was proved during enquiry. His conduct was detrimental to discipline and his further retention in Police is bound to negatively influence discipline of other personnel of the force. Moreover, the petitioner could not produce cogent evidence of his innocence. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-
SABIR AHMED, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/1269-75 /22, dated Peshawar, the 2/6 /2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 5561/ES, dated 06.10.2021 is returned herewith for your office record.
2. District Police Officer, Nowshera.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

No. 1190/PA
dt 08/6/22

(DR. ZAHID ULLAH) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

EC/Fmc
For n. action
08/06/22

BEFORE THE KHYBER PAKHTUNKHWA,SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1072/2022

MURAD ALI, Ex-Fc No. 1188,
Police Line Nowshera.

APPELLANT

VERSUS

1. The Provincial Police Officer, KP Peshawar.
2. The Regional Police Officer, Mardan.
3. The District Police Officer, Nowshera.

RESPONDENTS

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-6) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

1 First part of para-1 of the appeal is admitted correct, hence no comment while rest of the para is incorrect, as the appellant did not impersonated himself as constable Abbas Akhtar, but he went to examination Centre with Abbas Akhtar just to company him

2 Incorrect. The appellant went with friend namely Abbas Akhtar to accompany him. The appellant was waiting for his friend outside of

examination hall. Meanwhile the unpleasant situation were created outside the examination hall when different candidates went out from the hall along with paper to solve it with their friends meanwhile stampede was created when examiners came out from the exam hall most of the people were escaped from the place. However the appellant along with some others people did not left the spot and the examiner took the appellant along with other people to the exam premises. More over on the complaint of Assistant Director ETEA SHO PS city charsadda took appellant to police station but after proper investigation the SHO concerned did not found the guilt of appellant and left him without further proceedings.

3 Admitted correct by the respondents hence no comments

4 Incorrect. The inquiry conducted against the appellant was not according to the prescribed procedure, nor given opportunity of cross examination and the appellant was punished without conducting proper inquiry which is violation of law and rules and as such the impugned orders are liable to be set aside.

5 Incorrect. The appellant has submitted detailed reply to the show cause notice in which he deny the allegation and gave the real facts about the issue but despite this he was punished.

6 Incorrect. And explain above.

7 Incorrect. The appellant did not commit any misconduct and has been punished for no fault on his part.

8 Incorrect. The appellant has good cause of action to file the instant service appeal which is liable to be accepted.

GROUNDS:

A) Incorrect. While para-A of the appeal is correct

B) Incorrect. While para-A of the appeal is correct.

C) Incorrect. No opportunity of defence was allowed to the appellant as neither the statement were recorded in his presence nor the opportunity of cross examination were given to the appellant, but despite he was dismissed from service without proper opportunity.

D) Incorrect. No statement was recorded in the presence of appellant and the appellant has been punished only on the presumption basis due to his presence in the location of examination Centre. And on

the presumption basis no one can be punished as per superior court judgment.

E) Incorrect. No proper and regular inquiry was conducted before passing impugned orders.

F) Incorrect. While para-F of appeal is correct

G) Incorrect. While para-G of appeal is correct.

H) Incorrect. While para-H of appeal is correct.

I) Incorrect. Whilepara-I of appeal is correct.

J) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT

THROUGH:

TAIMUR ALI KHAN
ADVOCATE HIGH COURT
&

SHAKIR ULLAH TORANI
ADVOCATE

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

DEPONENT

ATTESTED
Zahoor Khan Advocate
Peshawar District & Session Courts Peshawar

KHYBER PAKHTUNKWA

SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No. 493 /ST Dated 01 / 03 /2024

To

The District Accounts Officer,
District Nowshera.

Subject **ORDER REGARDING ATTACHMENT OF SALARY OF MUHAMMAD FAYAZ HEAD CONSTABLE NO. 708 IN SERVICE APPEAL NO. 1072/2022 TITLED MURAD ALI -VS- THE PROVINCIAL POLICE OFFICER GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS**

Dear Sir,

I am directed to forward herewith a certified copy of order dated. 17.01.2024, passed by this Tribunal in the above mentioned execution petition wherein the court has ordered for stoppage of salary and submission of report in this regard.

You are, therefore, directed to submit the report of attachment of salary alongwith source of stoppage of salary.

Encl. As above.

(AAMIR FAROOQ KHATTAK)
ASSISTANT REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeals No. 1072/2022 & 1092/2022,

Subject: **REQUEST FOR RELEASE OF SALARY**

Respected Sir,

It is submitted as under: -

1. That the petitioner/representative was present before the court in case title Murad Ali and Zarkhan service appeal No. 1072/22 & 1092/22 on 13-06-2023.
2. That the Honourable Tribunal order/directed for to provide enquiry file in the instant cases.
3. That while on the same date i.e 29-09-2023, due to public holy day (12 Rabi Awal) the date was changed to 17-01-2024.
4. Due to the aforementioned reason, the order of the Honourable Tribunal could not be complied with and for the said reason the Honourable Tribunal ordered for attachment of the salary of the undersigned.
5. As the order of the Honourable Tribunal has been complied with therefore, it is therefore, most humbly prayed that salary of the undersigned may kindly be released.

Muhammad Fayyaz
Representative Police,
Department, Nowshera
Dated 19-01-2024

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL

Instr No: 10678

Mass

1072/2022

M[illegible] Ali

VS

Police

Advocate: No Advocate

12/01/2024 12.36.34

[illegible] Date 20/2/2024

[illegible] Peshawar

This is System generated receipt

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1072/2022

Murad Ali Ex-FC No. 1188,
Police Lines, Nowshera

.....Appellant

V ERSUS

Provincial Plice Officer, Khyber Pakhtunkhwa, Peshawar and others.

.....Respondents

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DSP Legal,
Nowshera.

OFFICE OF THE
SUB-DIVISIONAL POLICE OFFICER,
CANTT CIRCLE

Tel: 0923-9220108, E-Mail: sdponsrcantt@gmail.com

No. 76 **/ST, Dated:** 21/12 **/2020.**

Khyber Pakhtunkhwa Service Tribunal
Diary No. 10678
19-1-2024

To: **The Worthy District Police Officer,**
Nowshera.

Subject: **DISCIPLINARY ACTION AGAINST CONSTABLE MURAD ALI No.1188 POLICE LINES NOWSHERA.**

SCANNED
KPST
Peshawar.
19/1/24

Memo:

Kindly refer to your office Diary No. 182/PA, dated 09.11.2020.

SUMMARY OF ALLEGATIONS:

Constable Murad Ali No.1188, (on 160 days earned leave from police lines Nowshera) now under suspension, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating himself as constable Abbas Akhtar No.1199 of Elite Force (actual candidate).The competent authority designated the undersigned as enquiry officer.

PROBING:

In this connection enquiry proceedings were initiated and the defaulter official was summoned, and served the charge sheet upon him. He submitted his reply to the charge sheet, wherein he did not confess his guilt and stated that he was caught outside the examination hall as he was waiting for his friend. Constable Murad Ali No. 1188 further added that he went with his friend FC Abbas Akhtar in order to accompany him.

CONCLUSION:

The alleged police official was heard in person and reply was perused. The defaulter official did not admit the charges leveled against him in the charge sheet. In this connection statement of HC Tajbar & HC Masad Shah Assistants OHC Nowshera were also recorded, which revealed that they were called by the ETEA staff for the identification of the person caught in the examination hall for impersonating himself as FC Abbas Akhtar, but the person was identified as the defaulter official FC Murad No.1188 from which it is evident that the alleged constable impersonated himself. Similarly, information from other sources was gathered as well.

RECOMMENDATION:

Hence, the charges leveled against him in the charge sheet have been proved without any doubt and the alleged constable has been found guilty. Therefore, he is recommended for any suitable punishment under the relevant rules and law, if so agreed please.

ATTESTED
DSP Legal Nowshera

Sub-Divisional Police Officer,
Cantt circle Nowshera.

(2)

جناب عالی!

معروض خدمت ہوں کہ مورخہ 01.11.2020 کو A-I امتحان بابت پولیس ملازمان شمال شادی ھال چارسدہ میں منعقد کیا گیا تھا۔ جس میں ایشو کرنے سیکیورٹی پاس میں معہ ہمرایان HC تاجر خان نمبر 887، FC طارق نمبر 551 ضلع چارسدہ گئے ہوئے تھے۔ تمام ملازمان نے بذات خود سیکیورٹی پاس حاصل کر کے امتحانی ھال میں چلے گئے تھے۔ جس کے اندر ہمارا داخل ہونا ممنوع تھا۔ اور ہم امتحانی ھال سے باہر گیٹ کے ساتھ موجود تھے۔ دوران امتحان جناب شہنشاہ گوہر خان DSP ہیڈ کوارٹر چارسدہ جو کہ امتحانی ھال کا سیکیورٹی انچارج تھا نے OHC نوشہرہ کے عملہ کو طلب کر کے ہم اندر چلئے گئے۔ جہاں پر کنسٹیبل مراد علی نمبر 1188 اور کنسٹیبل زرخان نمبر 53 کو کہ علیحدہ کھڑے تھے کے متعلق تصدیق کی گئی کہ یہ ملازمان ضلع نوشہرہ سے تعلق رکھتے ہیں یا نہیں۔ جن کے متعلق صاحب موصوف کو بتلایا گیا کہ دونوں ضلع نوشہرہ سے تعلق رکھتے ہیں لیکن A-I امتحان کے امیدوار نہیں۔ ھال کے اندر ہمیں معلوم ہوا کہ یہ دونوں کسی اور کی جگہ امتحان دینے کیلئے آئے تھے۔ اور ایٹا کے امتحانی عملہ کے سامنے اپنے اس فعل کا اقرار کیا کہ وہ بالترتیب کنسٹیبل عباس اختر نمبر 1199 ایلیٹ فورس، اور کنسٹیبل سہیل نمبر 419 ضلع نوشہرہ کے بجائے امتحان کیلئے آئے تھے۔

یہی میرا بیان ہے جو کہ حقیقت پر مبنی ہے۔

HC مسعد شاہ نمبر 439 متعینہ A-OHC ضلع نوشہرہ

ATTESTED
DSP Legal Nowshera

(3)

جناب عالی!

معروض خدمت ہوں کہ مورخہ 01.11.2020 کو A-I امتحان بابت پولیس ملازمان شمال شادی ہال چارسدہ میں منعقد کیا گیا تھا۔ جس میں ایشو کرنے سیکیورٹی پاس میں معہ ہمرایان HC مسعد شاہ نمبر 439، FC طارق نمبر 551 ضلع چارسدہ گئے ہوئے تھے۔ تمام ملازمان نے بذات خود سیکیورٹی پاس حاصل کر کے امتحانی ہال میں چلے گئے تھے۔ جس کے اندر ہمارا داخل ہونا ممنوع تھا۔ اور ہم امتحانی ہال سے باہر گیٹ کے ساتھ موجود تھے۔ دوران امتحان جناب شہنشاہ گوہر خان DSP ہیڈکوارٹر چارسدہ جو کہ امتحانی ہال کا سیکیورٹی انچارج تھا نے OHC نوشہرہ کے عملہ کو طلب کر کے ہم اندر چلے گئے۔ جہاں پر کنسٹیبل مراد علی نمبر 1188 اور کنسٹیبل زرخان نمبر 53 کو کہ علیحدہ کھڑے تھے کے متعلق تصدیق کی گئی کہ یہ ملازمان ضلع نوشہرہ سے تعلق رکھتے ہیں یا نہیں۔ جن کے متعلق صاحب موصوف کو بتلایا گیا کہ دونوں ضلع نوشہرہ سے تعلق رکھتے ہیں لیکن A-I امتحان کے امیدوار نہیں۔ ہال کے اندر ہمیں معلوم ہوا کہ یہ دونوں کسی اور کی جگہ امتحان دینے کیلئے آئے تھے۔ اور ایٹا کے امتحانی عملہ کے سامنے اپنے اس فعل کا اقرار کیا کہ وہ بالترتیب کنسٹیبل عباس اختر نمبر 1199 ایلیٹ فورس، اور کنسٹیبل سہیل نمبر 419 ضلع نوشہرہ کے بجائے امتحان کیلئے آئے تھے۔

یہی میرا بیان ہے جو کہ حقیقت پر مبنی ہے۔

HC تاجر خان نمبر 887 متعینہ A-OHC ضلع نوشہرہ

ATTESTED
DSP Legal Nowshera

(4)

سلسلہ عمل 9 روزنامچہ مورخہ 07/11/20

نمبر 9 درجگی درخواست ضیاء اللہ خان ASI وقت 15:11 بجے مورخہ 01/11/20 اس وقت رپورٹ انگریزی تحریری رپورٹ بہ زبان انگریزی جانب بلال احمد اسسٹنٹ ڈائریکٹر ایٹا کو بوساطت لعل باچا ASI موصول ہو کر جس کا مضمون ذیل ہے۔

TO SHO CITY CHARSADDA

THE FOLLOWING CANDIDATES IN A1 TEST AT CHARSADDA CENTER BOTH THE CANDIDATS WERE CAUGHT IN IMPERSONATION CASES. MUHAMMAD ALI (BELT NO # 1188) IN PLACE OF ABBAS AKHTAR (BELT NO # 1199) ZAR KHAN (BELT NO # 53) IN PLACE OF MUHAMMAD SOHAIL (BELT NO # 419) THERE PAPERS WERE CANCELLED AND THE CASE REPORT WAS HANDED OVER TO POLICE DEPTT FOR FURTHER PROCEEDING.

دستخط انگریزی بلال احمد اسسٹنٹ ڈائریکٹر ایٹا مورخہ 01/11/20 کا دعویٰ تھانہ آمدہ تحریری رپورٹ درج نمبر حد سے صدر ہو کر اصل رپورٹ شامل کارروائی ہے۔ مضمون رپورٹ سے پایا گیا کہ کنسٹیبل زرخان نمبر 53 بجائے کنسٹیبل محمد سہیل 419 کنسٹیبل محمد علی 1188 بجائے کنسٹیبل عباس اختر 1199 ڈسٹرکٹ نوشہرہ AI امتحان میں شامل ہو کر دیگر نامعلوم پکڑے گئے اور ان کے پیپرز منسوخ کئے گئے۔ کنسٹیبلان کا یہ فعل خلاف ڈسپلن ہے۔ افسران بالا کو نوٹس میں لانا ضروری ہے۔ رپورٹ درج روزنامچہ کیا گیا ہے۔ نقل رپورٹ ہمراہ افسران بالا کو ارسال کی گئی ہے۔ نقل مطابق اصل

MM PS LHD
01-11-2020

ATTESTED
DSP Legal Nowshera

بہترین کاپی

نقلمد نمبر 09 روزنامچہ 07-11-2020

مد 09 درجگی درخواست ضیاءاللہ خان ASI وقت 11:15 مورخہ 01-11-2020 اسوقت رپورٹ ایک تحریری رپورٹ بہ زبان انگریزی منجانب بلال احمد اسسٹنٹ ڈائریکٹر ایٹا بواسطت لعل باچہ ASI موصول ہوکر بمضمون ذیل ہے۔

TO SHO CITY CHARSADDA.

THE FOLLOWING CANDIDATES IN A1 TEST AT CHARSADDA CENTER BOTH THE CANDIDATS WERE CAUGHT IN IMPERSONATION CASES. MUHAMMAD ALI (BELT NO. 1188) IN PLACE OF ABBAS AKHTAR (BELT NO. 1199) ZAR KHAN (BELT NO. 53) IN PLACE OF MUHAMMAD SOHAIL (BELT NO. 419). THERE PAPERS WERE CANCELLED AND THE CASE REPORT WAS HANDED OVER TO POLICE DEPTT: FOR FURTHER PROCEEDING.

دستخط انگریزی بلال احمد اسسٹنٹ ڈائریکٹر ایٹا مورخہ 01-11-2020 کاروائی تھانہ آمدہ تحریری رپورٹ حرف بہ حرف درج صدر ہوکر اصل رپورٹ شامل کاروائی ہے۔ مضمون رپورٹ سے پایا گیا کہ کنسٹیبل ذرخان نمبر 53 بجائے کنسٹیبل محمد سہیل 419، کنسٹیبل مراد علی نمبر 1188 بجائے کنسٹیبل عباس اختر 1199 ڈسٹرکٹ نوشہرہ A1 امتحان میں شامل ہوکر ایٹا سٹاف نے رنگے ہاتھوں پکڑ کر اُن کے پیپرز منسوخ کئے گئے۔ مذکورہ بالا کنسٹیبلان کا یہ فعل خلاف ڈسپلن ہے۔ افسران بالا کے نوٹس میں لایا جاکر سرِ دست رپورٹ درج روزنامچہ کی جاتی ہے۔ نقلمد علیحدہ مرتب ہوکر افسران بالا کو ارسال کی جاتی ہے۔

جناب عالی:۔ نقل بمطابق اصل ہے۔

MM PS CITY

01-11-2020

ATTESTED

DSP Legal Nowshera

ضلع نوشہرہ (5) پولیس لائن

نقل مد 14 روزنامچہ 1/11/020

مد 14 واپسی رپورٹ

مسعود شاہ OHC A وقت 18:05 بجے 1/11/020 سن ہمراہ ایا
رفتہ بحوالہ مد 14 روزنامچہ بند شدہ بعد فراغت A-I امتحان
ضلع چارسدہ سے واپس آیا۔ A.I امتحان آج مورخہ 1/11/020
کو ضلع چارسدہ میں منعقد ہوا۔ جس میں ضلع ھذا کے دوسو 200
سے زائد کنسٹیبلان شریک ہوئے۔ اسی دوران ایک ناخوشگوار
واقعہ رونما ہوا۔ جس میں ضلع ھذا کے کنسٹیبل مراد علی 1188 جو کہ
پولیس لائن سے بحوالہ مد 34 روزنامچہ 13/10/020 سے (160) یوم رخصت علاج
پر ہے اور کنسٹیبل زر خان 53 جو کہ گادر فادر آفس کینٹ میں
تعینات ہے۔ ہر دو کنسٹیبلان نے سال رواں سنہ 2020
میں B.I امتحان میں پاس کیا ہے۔ جن کو اپنا حکام نے
دوران امتحان شک کی بنا پر تصدیق کرتے ہوئے ثابت ہوا
کہ یہ دونوں کنسٹیبلان مراد علی 1188 - زر خان 53 غیر قانونی
طور پر ایلیٹ فورس کے کنسٹیبل عباس اختر 1199 اور کنسٹیبل سمیع اللہ 419
موجودہ ریڈر جناب ASP/CANTT کے بجائے A.I امتحان دے
رہے تھے۔ ان کو اپنا حکام نے پکڑ کر امتحانی ہال سے باہر
نکال کر ہر دو کنسٹیبلان کے اس فعل سے ضلع ھذا کی
بدنامی ہوئی۔ لہذا اس بارے میں تفصیلی رپورٹ درج روزنامچہ
کر کے نقل مد علیحدہ مرتب کر کے افسران بالا کی خدمت میں
ارسال کی جائے گی۔

PA
Suspension/
Departmental
Inquiry

جناب عالی،
نقل ...

POLICE LINE

1-11-020

Sir,
FORWARDED PLs
RI. PL NOWSHERA
6/11/2020

Sir,
Forwarded pl
DSP/HQr NSR
6-11-2020

ATTESTED
DSP Legal Nowshera

بہترین کاپی

ضلع نوشہرہ 01-11-2020 ضمیمہ نمبر 14 روزنامچہ

مد 14 واپسی رپورٹ۔ مسعد شاہ AOHC وقت 18:05 مورخہ 01-11-2020 میں معہ ھمرایان رفتہ بحوالہ مد 14 روزنامچہ بعد فراغت A-1 امتحان ضلع چارسدہ سے واپس آیا۔ A-1 امتحان آج مورخہ 01-11-2020 کو ضلع چارسدہ میں منعقد ہوا۔ جس میں ضلع ہذا کے 200 سے زائد کنسٹیبلان شریک ہوئے۔ اسی دوران ایک ناخوشگوار واقعہ رونما ہوا۔ جس میں ضلع ہذا کے کنسٹیبل مراد علی نمبر 1188 جو کہ پولیس لائن سے بحوالہ مد 34 روزنامچہ 13-10-2020 سے 160 یوم رخصت کلاں پر ہے۔ اور کنسٹیبل زرخان 53 جو کہ گارد نادرا آفس کینٹ میں تعینات ہے۔ ہر دونوں کنسٹیبلان نے سال رواں 2020ء میں B-1 امتحان بھی پاس کیا ہے۔ جن کو ایٹا حکام نے دوران امتحان شک کی بنا پر تصدیق کرتے ہوئے ثابت ہوا کہ یہ دونوں کنسٹیبلان مراد علی نمبر 1188، زرخان نمبر 53 غیر قانونی طور پر ایلیٹ فورس کے کنسٹیبل عباس اختر نمبر 1199 اور کنسٹیبل سہیل 419 موجودہ ریڈر جناب ASP/CANTT: کے بجائے A.1 امتحان دے رہے تھے۔ ان کو ایٹا حکام نے پکڑ کر امتحانی ہال سے باہر نکال کر ہر دونوں کنسٹیبلان کے اس فعل سے ضلع ہذا کی بدنامی ہوئی۔ لہذا اس بارے میں تفصیلی رپورٹ درج روزنامچہ کر کے نقل مد علیحدہ مرتب ہو کر افسران بالا کی خدمت میں ارسال کی جائے گی۔

جناب عالی نقل مد بمطابق اصل ہے۔

ATTESTED

DSP Legal Nowshera

(6)

12

DISCIPLINARY ACTION

I, **Capt: (R) Najmul Hasnain Liaquat, PSP**, District Police Officer, Nowshera as competent authority am of the opinion that **FC Murad Ali No. 1188** has rendered himself liable to be proceeded against as he committed the following acts / omissions within the meaning of Police Rules, 1975.

STATEMENT OF ALLEGATIONS

Whereas, **FC Murad Ali No. 1188** (on 160 days earned leave from Lines, Nowshera), now under suspension, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating himself as Constable Abbas Akhtar No. 1199 of Platoon No. ,Elite Force (actual candidate), which amounts to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa Police Rules, 1975.

For the purpose of scrutinizing the conduct of the said accused official with reference to above allegations ASP Cantt is hereby nominated as Enquiry Officer.

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

FC Murad Ali No. 1188 is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.

District Police Officer,
Nowshera

No. 1821 /PA,
Dated 3/11 /2020.

ATTESTED

DSP Legal Nowshera

(7)

13

CHARGE SHEET

1. I, **Capt: (R) Najmul Hasnain Liaquat, PSP** District Police Officer, Nowshera, as competent authority, hereby charge **FC Murad Ali No. 1188** as per statement of allegations enclosed.

2. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

3. You are, therefore, required to submit your written defense within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.

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

5. Intimate whether you desire to be heard in person.

District Police Officer,
Nowshera

ATTESTED

DSP Legal Nowshera

(8)

8

جناب عالی!

بحوالہ چارج شیٹ نمبری 182/PA مورخہ 09.11.2020 معروض ہوں کہ بمورخہ 01.11.2020 بمقام ضلع چارسدہ A1 امتحان تھا۔ جسکے لیئے ضلع ھذا کے علاوہ دیگر اضلاع سے بھی پولیس کنسٹیبلان آئے ہوئے تھے۔ کنسٹبل عباس اختر البرق ایلیٹ فورس جو کہ میرا قریبی دوست ہے جسکا بھی A1 امتحان تھا تو اسکے ساتھ ھمراہ چلا گیا تھا۔ جب متعلقہ جگہ پہنچے تو کنسٹیبل عباس اختر امتحانی ہال کے اندر گیا اور ہم باہر تھے۔ میرے علاوہ وہاں دیگر اضلاع سے بھی بہت زیادہ پولیس والے سادہ کپڑوں میں اپنے اپنے دوستوں کے ساتھ ائے تھے اور امتحانی ہال کے باہر موجود تھے۔ تھوڑی دیر بعد امتحانی ہال سے مختلف کنسٹیبلان نے پیپر باہر نکالنے شروع کیئے اور اپنے اپنے ہمرائیاں کی مدد سے حل کرانے شروع کیئے کہ اسی اثناء میں EATA کے استاذان باہر نکلے جس میں بہت سے لڑکے بھاگ نکلے لیکن میں اور میرے علاوہ وہاں پر 5/6 لڑکے اور تھے۔ جونہیں بھاگے۔ تو اس استاذوں نے ہمیں پکڑ کر امتحان ہال کے اندر لے گئے اور ہمارے تصاویر نکالے جب میرے دوست کنسٹیبل عباس اختر میرے پاس آیا تو اس استاذوں نے ان سے بھی پیپر چھین لیا۔ عباس اختر نے استاذ کو کافی سمجھایا کہ یہ میرا دوست ہے اور میرے ساتھ ایا ہے۔ تو ان سے پوچھنے ایا کہ امتحانی ہال کے اندر کیا کر رہے ہو لیکن انہوں نے ایک بھی نہ سنی۔ مجھے اور کنسٹیبل عباس اختر اور دیگر 2/3 لڑکے اور تھے جسکو زیر نگرانی پولیس تھانہ سٹی چارسدہ پہنچایا گیا وھاں پر DSP، SHO صاحبان نے بھی موقعہ کی نسبت صورتحال کی کی جانچ پڑتال کر کے ہمیں بغیر کسی کاروائی کے چھوڑ دیے کیونکہ ہم بے گناہ تھے اب مجھے علم ہوا کہ من سائل کی انکوائری ہے بروز وقوعہ جو کچھ بھی ہوا تھا اسکے بارے تحریری بیان دیا۔ اس معاملہ میں بے قصور ہوں۔

استدعا ھیکہ میرے خلاف جاری شدہ چارج شیٹ کو بغیر کسی کاروائی داخل دفتر کیا جائے۔

کنسٹیبل مراد علی 1188 پولیس لائن نوشہرہ

20.11.2020

ATTESTED

DSP Legal Nowshera

(9)

C3

FINAL SHOW CAUSE NOTICE

Whereas, you **FC Murad Ali No. 1188,** while posted as steno DSP HQrs: Nowshera now on 160 days earned leave, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating yourself as Constable Abbas Akhtar No. 1199 of Elite Force (actual candidate).

On account of which you were suspended and proceeded against departmentally through ASP Cantt Nowshera who after fulfillment of legal formalities submitted his report to undersigned, wherein the allegations leveled against you have been proved and recommended you for awarding punishment.

Therefore, it is proposed to impose Major / Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I, Capt: (R) Najmul Husnain Liaquat, PSP District Police Officer, Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within **07 days** of the receipt of this notice, failing which, it will be presumed that you have no defense to offer.

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

District Police Officer,
Nowshera

No. 279 /PA,
Dated 22/12/2020.

ATTESTED

DSP Legal Nowshera

(10)

جناب عالی!

بحوالہ فائنل شوکاز نوٹس نمبری PA/279 مورخہ 22-12-2020 معروض ہوں کہ بمورخہ 01-11-2020 کو بمقام چارسدہ A1 کا امتحان تھا۔ جس کیلئے ضلع ہذا کے علاوہ دیگر اضلاع سے بھی پولیس کنسٹیبلان آئے ہوئے تھے۔ کنسٹیبل عباس اختر جو کہ میرا قریبی دوست ہے جسکا بھی A1 امتحان تھا اسکے ھمراہ چلا گیا۔ جب متعلقہ جگہ پہنچے تو کنسٹیبل عباس اختر امتحانی حال کے اندر گیا اور ہم باہر تھے۔ میرے علاوہ وہاں پر دیگر اضلاع سے بھی بہت زیادہ پولیس والے سادہ کپڑوں میں اپنے اپنے دوستوں کے ساتھ آئے تھے اور امتحانی حال کے باہر موجود تھے۔ تھوڑی دیر بعد امتحانی حال سے مختلف کنسٹیبلان نے پیپر باہر نکالنے شروع کیے کہ اسی اثناء میں ETEA کے استاذان باہر نکلے جس میں بہت سے لڑکے بھاگ نکلے لیکن میں اور میرے علاوہ وہاں پر 6/5 لڑکے اور تھے جو نہیں بھاگے۔ تو اس استاذان نے ہمیں پکڑ کر امتحانی حال کے اندر لے گئے اور ہمارے تصاویر نکالے جب میرا دوست کنسٹیبل عباس اختر میرے پاس آیا تو اُن استاذوں نے اُس سے پیپر چھین لیا۔ عباس اختر نے استاذ کو کافی سمجھایا کہ یہ میرا دوست ہے اور میرے ساتھ آیا ہے میں تو ان سے پوچھنے آیا کہ امتحانی حال کے اندر کیا کر رہے ہو لیکن انہوں نے ایک بھی نہ سنی۔ مجھے، کنسٹیبل عباس اختر اور دیگر 3/2 لڑکے اور تھے جسکو زیر نگرانی پولیس تھانہ سٹی چارسدہ پہنچایا گیا وہاں پر DSP/SHO صاحبان نے بھی موقعہ کی نسبت صورتحال کی جانچ پڑتال کر کے ہمیں بغیر کسی کاروائی کے چھوڑ دیا کیونکہ ہم بے گناہ تھے اب مجھے علم ہوا کہ من سائل کے خلاف انکوائری شروع ہوئی ہے امتحان کے دن جو بھی ہوا وہ ارادۃً نہیں ہوا اور میں اس معاملے میں بے گناہ ہوں میرے خلاف لگائے گئے الزامات بے بنیاد ہیں استدعا ہے کہ انکوائری چارج شیٹ کو بغیر کسی کاروائی داخل دفتر کی جائے۔

کنسٹیبل مراد علی بیلٹ نمبر 1188 متعینہ پولیس لائن نوشہرہ

24.12.2020

Call in OR

Awarded major punishment of reduction in pay by 02 xstages for a period of 02 years and re-instated

29/12

ATTESTED

DSP Legal Nowshera

(11)

1188

(1)

POLICE DEPARTMENT

DISTRICT NOWSHERA

ORDER

This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against Constable Murad Ali No. 1188, (on 160 days earned leave from Police Lines, Nowshera), appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating himself as Constable Abbas Akhtar No. 1199 of Elite Force (actual candidate).

On account of which, he was suspended, closed to Police Lines and proceeded against departmentally through ASP Cantt Nowshera, who after fulfillment of legal formalities submitted his report to undersigned vide his office No. 76/St: dated 21.12.2020, wherein the allegations leveled against him have been proved and recommended him for awarding suitable punishment.

He was served with Final Show Cause Notice, to which, he submitted his reply which was perused by the undersigned and found unsatisfactory.

He was heard in orderly room by the undersigned wherein he failed to produce any cogent reason in his defense, therefore, he is hereby awarded major punishment of reduction in pay by two stages for a period of 02 years and re-instated in service with immediate effect, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 1286

Dated 30/12/2020

District Police Officer,
Nowshera

No. 3519-24/PA, dated Nowshera, the 30/12/2020.

Copy for information and necessary action to the:

1. DSP HQrs: Nowshera.
2. Pay Officer.
3. Establishment Clerk.
4. OHC.
5. FMC with enquiry papers (12 pages).
6. Official concerned.

ATTESTED

DSP Legal Nowshera