

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1092/2022

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MISS FAREEHA PAUL ... MEMBER(E)

Zar Khan Ex-FC No. 53, 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*)

Mr. Taimur Ali Khan,
Advocate ... For appellant

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

Date of Institution..... 29.06.2023
Date of Hearing..... 20.03.2024
Date of Decision..... 20.03.2024

CONSOLIDATED JUDGEMENT

FAREEHA PAUL, MEMBER (E): Through this single judgment, we intend to dispose of the instant service appeal as well as connected service appeal No. 1072/2022, titled "Murad Ali Versus the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others", as in both the appeals, common questions of law and facts are involved.

2. The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 31.12.2020, whereby major penalty of reduction in pay by two stages for a period of 02 years was imposed upon the appellant, order dated 02.08.2021 whereby on the departmental appeal of the appellant the penalty was converted into dismissal from service and against the order dated 02.06.2022 whereby the

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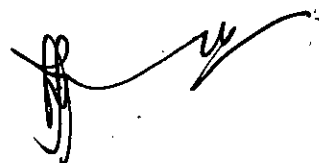
revision petition of the appellant was rejected. It has been prayed that on acceptance of the appeal, the impugned orders dated 31.12.2020, 02.08.2021 and 02.06.2022 might be set aside and the appellant be reinstated into service with all back and consequential benefits, alongwith any other remedy which the Tribunal deemed appropriate.

3. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed in the respondent department in the year 2015. A-1 examination was conducted by ETEA authority on 01.11.2020 in District Charsadda and the appellant went with his friend, namely Constable Sohail, as he was going to take A-1 examination. The appellant, during examination, was waiting outside the examination centre for his friend Sohail when some constables, who were the candidates of A-1 examination, took out their papers to solve the same with the help of their colleagues. When the examiner came out from the Centre, they escaped, however, the appellant alongwith some other persons did not leave the spot and the examiner took him alongwith others to the examination centre. Sohail told the examiner that he (present appellant) came with him only for the purpose of company but he was taken to the Police Station City Charsadda and the concerned DSP,SHO after proper investigation left him alongwith others being innocent. On the basis of incident, the appellant was suspended from service vide order dated 09.11.2020 and charge sheet alongwith statement of allegations was issued to him with the allegations that he appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating himself as Constable Sohail No. 419, Reader ASP Cantt (actual candidate), which amounted to grave misconduct on his part. The appellant submitted reply and denied the



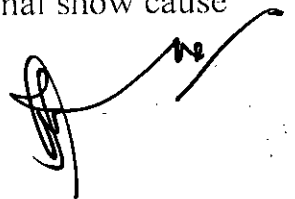
allegations leveled against him and gave the real facts about the issue. Inquiry was conducted which was not according to the prescribed procedure, as statements were not recorded during the inquiry proceedings, and the Inquiry Officer gave his findings that the appellant was present at the examination centre during A-1 examination at District Charsadda, and on the basis of his presence at the location of examination centre, he was recommended for major punishment. Respondent No. 3 directed the inquiry officer to conclude the evidence by recording statements of different officials but despite that, the Inquiry Officer did not record the statements in the presence of the appellant, nor gave him opportunity of cross examination and recommended him for major punishment. Show cause notice was issued to the appellant which was replied by him in which he again denied the allegations. He was reinstated into service and major punishment of reduction in pay by two stages for a period of two years was imposed upon him vide order dated 31.12.2020. Feeling aggrieved, he filed departmental appeal on 03.05.2021, on which respondent No. 2 issued show cause notice to the appellant which was duly replied by him but respondent No. 2 converted the penalty of reduction in pay by two stages for a period of two years into dismissal from service vide order dated 02.08.2021. Feeling aggrieved, the appellant filed revision petition on 12.08.2021, which was rejected on 02.06.2022; hence the instant service appeal.

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



5. Learned counsel for the appellant, after presenting the case in detail, argued that inquiry conducted against the appellant was not according to the prescribed procedure, as neither statements were recorded in his presence nor he was given an opportunity of cross examination, which were pre-requisite under the law, before awarding major penalty. He argued that the appellant was punished due to his presence at the location of examination centre which meant that he was punished on the basis of presumption. He further argued that the punishment of reduction in pay by two stages for a period of 02 years was enhanced to dismissal from service by respondent No. 2 which was too harsh and was passed without observing codal formalities and was liable to be set aside. He requested that the appeal might be accepted as prayed for.

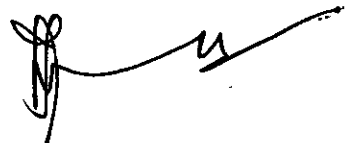
6. Learned Deputy District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that as per daily diary report No. 09 dated 01.11.2020 Police Station Charsadda City, a complaint/report was submitted to SHO City Charsadda by Assistant Director ETEA that both the appellants were caught by impersonating themselves as Muhammad Sohail Belt No. 419 and Abbas Akhtar Belt No. 1199 (real candidates) while conducting A-1 examination paper at Charsadda District. Initially enquiry against the appellant was conducted through the then DSP Hqrs: Nowshera. In the findings it was mentioned that the appellant had admitted his presence at examination hall, hence he was recommended for major punishment. On the said enquiry report, the competent authority directed the Inquiry Officer to collect evidence by recording statements of all the concerned officers/officials, hence enquiry was again conducted by the then DSP Hqrs by recording the statements and the appellant was found guilty of the offence. Final show cause



notice was issued to the appellant which was duly replied by him. Learned DDA further argued that the appellate authority, by considering that the punishment awarded to the appellant did not commensurate with the gravity of his misconduct, issued show cause notice to him and also called him in Orderly Room but he failed to advance any cogent reason in his defence and the punishment had rightly been converted into dismissal from service. He requested that the appeal might be dismissed.


7. Arguments and record presented before us shows that both the appellants were charged on the ground of impersonation and awarded major penalty of dismissal from service. After the incident of impersonation was reported, a procedure under the rules was adopted by the competent authority by issuing charge sheet and statement of allegations. An inquiry was conducted, based on which first, major punishment of reduction to lower scale and then dismissal from service was awarded. Perusal of the inquiry report shows that the inquiry officer did not record any statement of the complainant of the report, Bilal Ahmad, an Assistant Director in ETEA. Perusal of the report further shows statements of two witnesses, namely Massad Shah (No. 439) and Tajbar Khan (No. 887), which appear to be identical in every respect, be it the content or the printing, which raises doubt that the statements were recorded just to fulfill a formality. It further appears that no opportunity of cross-examination was provided to the appellants which is an obligation to fulfill the requirements of a fair trial.

8. In view of the above discussion, both the appellants are 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 appellants. The issue of back benefits is subject to the outcome of denovo inquiry. Cost shall follow the event. Consign.

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


(FARJEHA PAUL)
Member (E)


(RASHIDA BANO)
Member(J)

FazleSubhan P.S

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Peshawar


SA 1092/2022

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, 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.*

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(FAREENA PAUL)
Member (E)


(RASHIDA BANO)
Member(J)

Fazal Subhan PS

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.

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(Muhammad Akbar Khan)
Member (E)

(Salah-ud-Din)
Member (J)

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.

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Naeem Amin

(Muhammad Akbar Khan)
Member (E)

(Salah-ud-Din)
Member (J)

29.09.2023

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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)

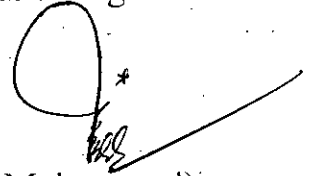
(Rashida Bano)
Member (J)

*KaleemUllah

16.11.2022

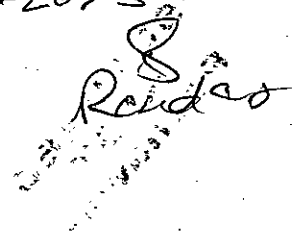
Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Fayyaz H.C for the respondents present and submitted reply/comments which are placed on file. Copy of the same handed over to clerk of learned counsel for the appellant. To come up for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

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(Mian Muhammad)
Member (E)


10-1-23 DUE TO RUSH OF WORK THEREFOR
AS IS ADJURNED TO 17-4-2023



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.

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(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A

13.09.2022

The worthy Chairman is on leave, therefore, the case is adjourned to 01.11.2022 for the same.


Reader

01.11.2022

Appellant present through counsel.

Naseer Ud Din Shah, learned Assistant Advocate General for respondents present.

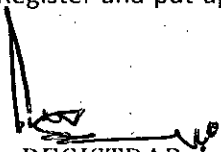


Reply not submitted. Learned AAG requested for time to submit reply/comments. Opportunity is granted. To come up for reply/comments on 16.11.2022 before S.B.


(Rozina Rehman)
Member (J)

FORM OF ORDER SHEET

Court of _____

Case No.- 1092/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/07/2022	<p>The appeal of Mr. Zar Khan resubmitted 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.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	<p>5.7.22 Noted for conced M. I Khan 7.7.22</p>	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>13.7.2022</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
<p>13.07.2022 Notices issued for 13/07/22 Rs-500/- Appellant Deposited Security & Process Fee A. Mujib 18/7/22</p>		<p>Mr. Taimur Ali Khan, Advocate for the appellant present. Preliminary arguments heard.</p> <p>Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 13.09.2022.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>

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The appeal of Mr. Zar Khan Ex-FC No. 53 Police Lines Nowshera received today i.e. on 29.06.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of reply to show cause notice mentioned in the memo of appeal annexure-G is not attached with the appeal which may be placed on it.

No. 2128 /S.T,

Dt. 30/6 /2022



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv.
High Court Peshawar.

Respected Sir

As per stance of the appellant he has submitted a same reply to show notice as he submitted to reply to charge sheet without charges. which is attached as annexure-G.

Resubmitted after compliance

Ali

04/07/2022.

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECKLIST

Case Title: Zahid Khan 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.

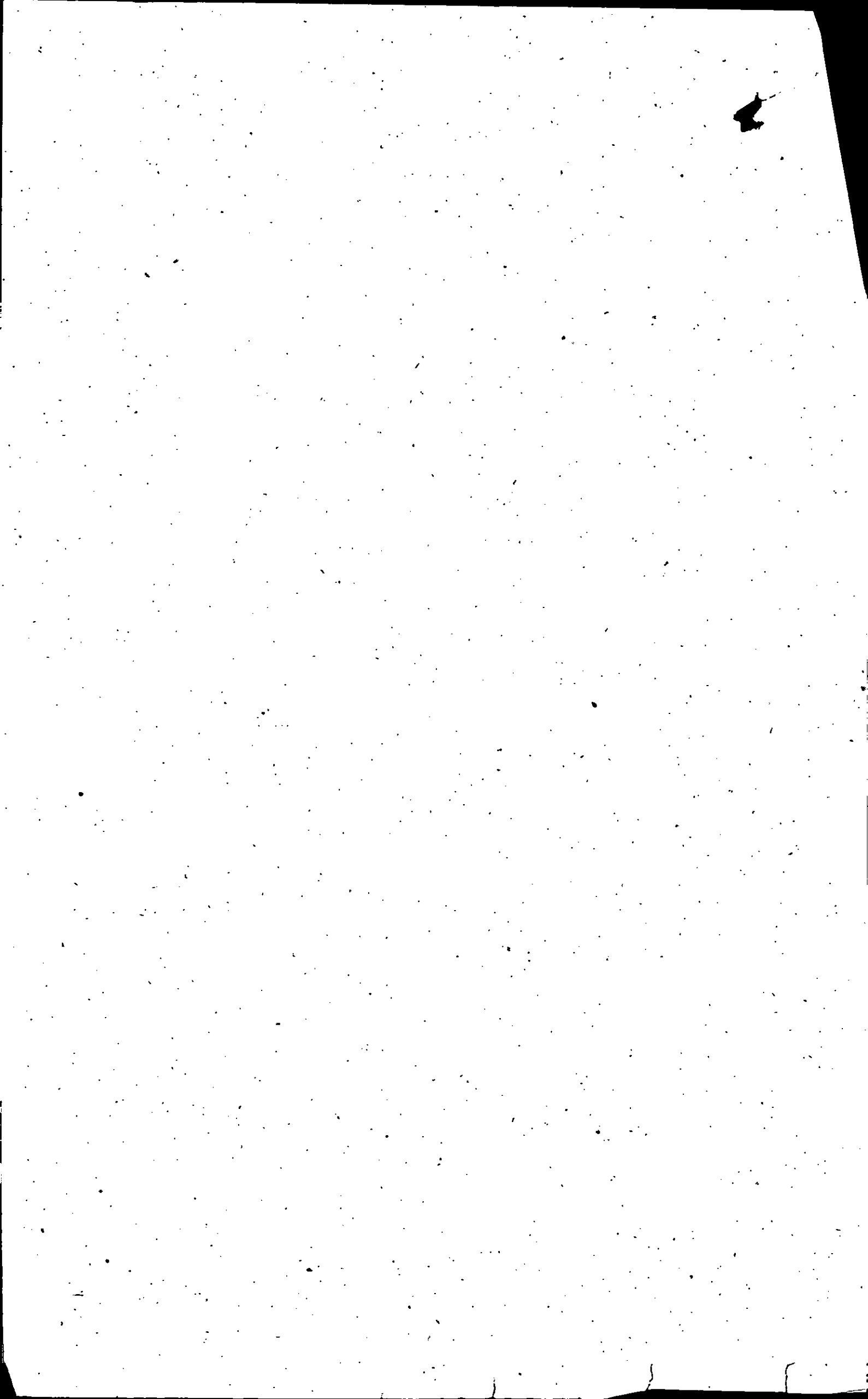
Name:

Zahid Khan

Signature:



Dated:



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1092 /2022

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Zar Khan

V/S

Police Deptt:

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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 statement of allegations and reply to charge	A,B&C	07-09
04.	Copy of inquiries reports	D&E	10-11-A
05.	Copies of show cause notice and reply to show cause notice	F&G	12-13
06.	Copy of order dated 30.12.2020	H	14
07.	Copies of departmental appeal, show cause, reply to show cause, order dated 02.08.2021, revision and order dated 02.06.2022	I,J,K,L,M&N	15-21
08.	Vakalat Nama	-----	22

APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
PESHAWAR

Cell No. 03339390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1092 /2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 568

Dated 29-6-2022

Zar Khan Ex-FC No.53,
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)

③ Rev. pet. rejected

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 31.01.2020, 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.

② Dismissal

① reduction

Filed to-day

Registrar

29/6/2022

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 31.12.2020 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

Re-submitted to-day
and filed.

Registrar

5/7/22

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 SHEWETH:

FACTS:

1. That the appellant has appointed in the respondent department in the year 2015 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 Sohail as he was going to give A-1 exam. *take*
The appellant during examination was waiting outside the examination Centre for his friend Sohail 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 from 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. Sohail 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 Sohail No.419 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 statements were not

recorded during the inquiry proceeding and the inquiry officer gave his finding that the appellant was present at examination centre during A-1 exam at Charsadda District and on the basis of the presence of the appellant at the location of examination centre he recommended for major punishment on which the respondent No.3 directed to inquiry officer to include the statements by recording statements of different officials, but despite that the inquiry officer again did not recorded the statements in the presence of the appellant nor gave him opportunity of cross examination and made recommendation for major punishment for the appellant only the basis of presence of the appellant at the location of examination centre during A-1 examination paper at Charsadda District. (Copy of inquiries reports are attached as Annexure-D&E)

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-F&G)
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 31.12.2020. (Copy of order dated 31.12.2020 is attached as Annexure-H)
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 gave the real facts about the issue, 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 12.08.2021, which was rejected on 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-I,J,K,L,M&N)
9. 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 officer recommended punishment only on the basis of presence of the appellant at the location of examination centre during A-1 exam without recording the statements of witness on which the respondent No.3 directed to inquiry officer to recorded statements of the different officials but despite that statements were again not recorded in the presence of the appellant nor gave him opportunity of cross examination and the inquiry officer gave recommendation only on the presence of the appellant at the location of examination centre during A-1 exam, which means that the appellant was punished on the basis of presumption which is not permissible under the law.
- E. That the inquiry office did not conduct regular inquiry in order to dig out the reality about the matter by observing the reply to the charge sheet, which is violation of law and rules.
- F. That the friend of the appellant namely Constable Sohail 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 Sohail 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. Sohail 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 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

Zar Khan

THROUGH:



(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT

PESHAWAR

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

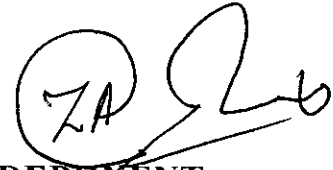
Zar Khan

V/S

Police Deptt:

AFFIDAVIT

I, Zar Khan Ex-FC No.53, 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.

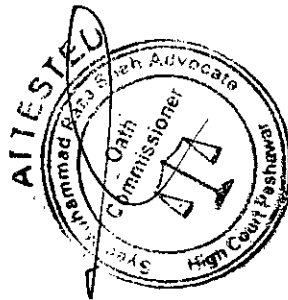


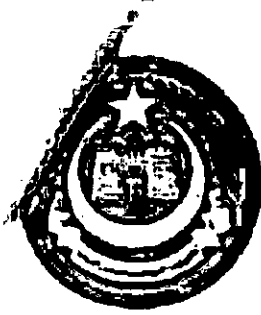
DEPONENT

Zar Khan
(APPELLANT)

CNIC: 17201-2604053-3

Cell# 03161920696





12 A 7

OFFICE OF THE
DISTRICT POLICE OFFICER,
NOWSHERA

Tel No. 0923-9220102 & Fax No. 0923-9220103
Email dpo_nowsherakpk@yahoo.com

2020

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 long leave from Police Lines).
2. Zar Khan No 53 of guard NADRA Office, Nowshera Cantt.
3. Sohail No 419 Reader ASP Cantt.
4. Abbas Akhtar No 1199 of Elite Force.

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

OB No. 1057
Dated 9/11 2020

[Signature]
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.

~~ATTACHED~~

[Handwritten]
1-11-20

[Handwritten]
01/11/2020

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6-11-20

B (8)

CHARGE SHEET

1. I, Capt. (R) Najmul Hasnain Liaquat, PSP District Police Officer, Nowshera, as competent authority, hereby charge FC Zar Khan No. 53 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.

Najmul
 District Police Officer,
 Nowshera

[Handwritten mark]

of the departmental
No. 53, while posted at guard
ETEA authority on 01.11.2020

9/11

DISCIPLINARY ACTION

I, Capt: (R) Najmul Hasnain Liaquat, PSP, District Police Officer, Nowshera as competent authority am of the opinion that FC Zar Khan No. 53 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 Zar Khan No. 53 while posted at guard NADRA office Nowshera Cantt, now under suspension, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating himself as Constable Sohail No. 479 Reader RSP Cantt (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 DSP HQrs 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 Zar Khan No. 53 is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.

District Police Officer,
Nowshera

No. 179 IPA,
Dated 9/11/2020.

10

جناب عالی!

بحوالہ چارج شیٹ نمبری PA/179 مورخہ 09-11-2020 معروض ہوں کہ بمورخہ 01-11-2020 کو بمقام چار سدہ AI کا امتحان تھا۔ جس کیلئے ضلع ہذا کے علاوہ دیگر اضلاع سے بھی پولیس کنسٹیبلان آئے ہوئے تھے۔ کنسٹیبل سہیل سابقہ ریڈر ASP کینٹ جو کہ میرا قریبی دوست ہے جسکا بھی AI امتحان تھا اسکے ہمراہ چلا گیا۔ جب متعلقہ جگہ پہنچے تو کنسٹیبل سہیل 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 5/6 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 سہیل میرے پاس آیا تو ان استاذوں نے اُس سے پیپر چھین لیا۔ سہیل 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 سہیل اور دیگر 2/3 لڑکے اور تھے جسکو زیر نگرانی پولیس تھانہ سٹی چار سدہ پہنچایا گیا وہاں پر DSP/SHO صاحبان نے بھی موقعہ کی نسبت صورت حال کی جانچ پڑتال کر کے ہمیں بغیر کسی کارروائی کے چھوڑ دیا کیونکہ ہم نے گناہ تھے اب مجھے علم ہوا کہ من سائل کے خلاف انکو آری شروع ہوئی ہے امتحان کے دن جو بھی ہوا وہ ارادہ نہیں ہوا اور میں اس معاملے میں بے گناہ ہوں میرے خلاف لگائے گئے الزامات بے بنیاد ہیں استدعا ہے کہ انکو آری چارج شیٹ کو بغیر کسی کارروائی داخل دفتر کی جائے۔

کنسٹیبل ارزا خان بیلٹ نمبر 53 پولیس لائن

ZAK

ATK

1-11-2020

0-11-2020

2020 6

**OFFICE OF THE
DY: SUPERINTENDENT OF POLICE
HEADQUARTERS NOWSHERA**

Tel No. 0923-9220109 & Fax No. 0923-9220103

ENQUIRY CONDUCTED AGAINST CONSTABLE ZAR KHAN NO.53

ALLEGATIONS:

Constable Zar Khan No.53 while posted at Guard NADRA office Nowshera Cantt now under suspension appeared unlawfully in A-1 examination held by ETEA Authority on 01-11-2020 by impersonating himself as Constable Sohail Amin No.419 Reader of ASP Cantt (actual candidate) which amount to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa police Rule. 1975.

PROCEEDING:


The Charge Sheet was served upon him, to which he submitted his reply, stating therein that on 01.11.2020, at district Charsadda A-1 examination was scheduled he went there and due his friendship he seated in examination on place of his friend Sohail Amin constable posted as reader ASP Cantt Nowshera. Similarly different constable came out of examination hall and out paper. Meantime the teachers came out of examination hall and captured him along other 5/6 persons and taken to the examination hall and photo of all the persons taken. The teachers took them SHO PS City Charsadda wherefrom they were released without any action due innocent. Later he knows about the enquiry initiated against him. The defaulter official further added in his statement that all such was happen due misunderstanding and was no bad intension.

FINDING:

From perusal of statement and circumstances cited above, recorded statement, available record and enquiry conducted so far, the undersigned has reached to the conclusion that the delinquent official has admitted in his statement that he was present at examination hall during A-1 examination paper at Charsadda District.

RECOMMENDATION:

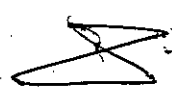
Keeping in view, the above details, the undersigned recommends that **Constable Zar Khan No. 53** may be awarded major punishment, if agreed so.


(SAIF ALI KHAN)
Deputy Supdt. of Police HQRS,
Nowshera.

No. 434 /St.
Dt: 25/11/2020.

No. 1697/PA
dt 26/11/2020

DSP HQRS
Attach evidences
/DP report of PS Charsadda.
Include statement of all
concerned.



5
E 2020 11-A

**OFFICE OF THE
DY: SUPERINTENDENT OF POLICE
HEADQUARTERS NOWSHERA**

Tel No. 0923-9220109 & Fax No. 0923-9220103

ENQUIRY CONDUCTED AGAINST CONSTABLE ZAR KHAN NO. 53

ALLEGATIONS:

Constable Zar Khan No.53 while posted at Guard NADRA office Nowshera Cantt now under suspension appeared unlawfully in A-1 examination held by ETEA Authority on 01-11-2020 by impersonating himself as Constable Sohail Amin No.419 (actual candidate) which amount to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa police Rule. 1975.

PROCEEDING:

The Charge Sheet was served upon him, to which he submitted his reply, stating therein that on 01.11.2020, at district Charsadda, A-1 examination was scheduled. He went there with FC Sohail and present outside the examination Hall, in the meantime, few candidates along with their papers. Mean time the invigilator staff also came out from the Hall and searching them, the outsiders fled away from the spot, while he was pulled from his hand and took inside to the examination Hall. His photographs was taken, FC Sohail also came there try to understand the invigilator staff but they did not convince them. He is not guilty misconduct and falsely charged.

Statement of Bilal Ahmd Assistant Director ETEA:

That on 01.11.2020 stated that FC Zar Khan No.53 was impersonating himself as Constable Sohail No.419 during the A1 examination in District Charsadda.

Statement of Masad Shah A.OHC Nowshera:

That on 01.11.2020 A.OHC stated that examination of A1 held in Charsadda. During the examination DSP/HQrs Charsadda called OHC staff Nowshera, To find out that FC Zar Khan No.53 who was standing separate there and known about that the said Constable belongs to District Nowshera or not. After verification that FC Zar Khan No.53 was present in place of FC Sohail No.419 during the A1 examination in District Charsadda.

Statement of Tajbar Khan A.OHC Nowshera:

That on 01.11.2020 A.OHC stated that examination of A1 held in Charsadda. During the examination DSP/HQrs Charsadda called OHC staff Nowshera, To find out that FC Zar Khan No.53 who was stand separate there and known about that the said Constable belongs to District Nowshera or not. After verification that FC Zar Khan No.53 was present in place of FC Sohail No.419 during the A1 examination in District Charsadda.

FINDING:

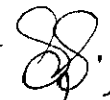
From perusal of statement and circumstances cited above, recorded statement, available record and enquiry conducted so far, the undersigned has reached to the conclusion that the delinquent official has admitted in his statement that he was present at examination hall, during A-1 examination paper at Charsadda District. Furthermore, the statements of Masad Shah A.OHC, Tajbar Khan A.OHC Nowshera and the PS City Charsadda, DD No.10 dated 01.11.2020 proves that in the examination Hall, FC Zar Khan No.53 appeared in place of FC Sohail No.419 for A1 examination. Hence, this act of FC Zar Khan No.53 is against law and discipline.

RECOMMENDATION:

Keeping in view, the above details, the undersigned recommends that ~~Constable~~ Zar Khan No. 53 may be awarded major punishment, if agreed so.

No. 459 /St:
Dt. 08/12/2020.

PA
Sew. F. SCN


(SAIF ALI KHAN)
Deputy Supdt. of Police HQRS,
Nowshera.

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FINAL SHOW CAUSE NOTICE

Whereas, you FC Zar Khan No. 53, while posted at guard NADR office Nowshera Cantt, appeared unlawfully in A-1 Examination held by ETEA authority c 01.11.2020, by impersonating yourself as Constable Sohail No. 459 Recd. 11/11/20 (actual candidate).

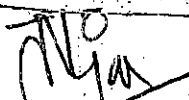
On account of which you were suspended, closed to Police Line Nowshera, and proceeded against departmentally through DSP HQrs: Nowshera who at fulfillment of legal formalities submitted his report to undersigned, wherein the allegation leveled against you have been proved and recommended you for awarding major 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.

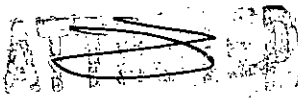
Hence, I, Capt: (R) Najmul-Husnain Liaquat, PSP District Police Officer, Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause finally as to why proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of the receipt of 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. 271 /PA,
Dated 08/12 /2020.



Deputy Supdt: of Police II
Nowshera.

No. 459 /St:
Dated 08/11 /2020.

Sem. F. Sc

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جناب عالی!

بحوالہ چارج شیٹ نمبری 179/PA مورخہ 09-11-2020 معروض ہوں کہ بمورخہ 01-11-2020 کو بمقام چارسدہ A1 کا امتحان تھا جس کیلئے ضلع ہڈا کے علاوہ دیگر اضلاع سے بھی پولیس کنسٹیبلان آئے ہوئے تھے۔ کنسٹیبل سہیل سابقہ ریڈر ASP کینٹ جو کہ میرا قریبی دوست ہے جسکا بھی A1 امتحان تھا اسکے ہمراہ چلا گیا جب متعلقہ جگہ پہنچے تو کنسٹیبل سہیل امتحانی حال کے اندر گیا اور ہم باہر 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 اثنا میں ETEA کے استاذان باہر نکلے جس میں بہت سے لڑکے بھاگ نکلے لیکن میں اور میرے علاوہ وہاں پر 5/6 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 سہیل میرے پاس آیا تو ان استاذوں نے اس سے پیپر چھین لیا۔ سہیل 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 سہیل اور دیگر 2/3 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 انکو انری شروع ہوئی ہے امتحان کے دن جو بھی ہوا وہ ارادہ نہیں ہوا اور میں اس معاملے میں بے گناہ ہوں میرے خلاف لگائے گئے الزامات بے بنیاد ہیں استدعا ہے کہ انکو انری چارج شیٹ کو بغیر کسی کاروائی داخل دفتر کی جائے۔

کنسٹیبل زر خان بیٹ نمبر 53 پولیس لائن



Call In or

Awarded may punishment of 02x stages

reduction

in pay by two years and re-install

~~ATTACHED~~



ORDER

This order will dispose of the departmental enquiry initiated under K Pakhtunkhwa Police Rules-1975, against Constable Zar Khan No. 53, while posted at guard N office, Nowshera Cantt, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020 by impersonating himself as Constable Sohail No. 419 (actual candidate).

On account of which, he was suspended, closed to Police Lines and proceeded against departmentally through DSP HQrs: Nowshera, who after fulfillment of legal formalities submitted his report to undersigned vide his office No. 459/St: dated 08.12.2020, wherein allegations leveled against him have been proved and recommended him for awarding 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 reductio 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. 1293

Dated 31/12 2020

No. 3526-31 /PA, dated Nowshera, the 31/12 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 (22 pages).
6. Official concerned.

[Signature]
District Police Officer
Nowshera

For 1 years

[Signature]

درخواست اولیٰ نمبر 53 ڈی پی اے

جناب عالی

گزارش ہدایت سال 2015 کی بجری شدہ
اور ضلع نوشہرہ میں ڈی پی اے سرانجام دہ
سال کو ضلع DPO صاحب ضلع نوشہرہ نے بحال
OB نمبر 1286 فی 30/12/2020 کو سزا

(Reduction in Pay by two stages for
a period of 02 years

دی ہے۔ چونکہ سالانہ تناسبات غریب گوانے سے
تعلق رکھتا ہے اور گورنر صاحب سہارا ہے
بذریعہ درخواست استدعا ہے کہ سال کو سزا کو بحال
سزا خاف کرانے کی حکم صادر فرمائیں تاکہ
تعمیر ہو سکے گا۔

26/04/2021

نائب ڈی پی اے 53 ڈی پی اے

ضلع نوشہرہ

مستند پولیس لائن نوشہرہ ضلع نوشہرہ
مستند پولیس لائن نوشہرہ ضلع نوشہرہ
مستند پولیس لائن نوشہرہ ضلع نوشہرہ

SR,
FORWARDED FLS
RLD, NOISHERA
03-05-2021

SR,
FORWARDED FLS
03-05-2021

mmr-PC-NR
03-05-2021

03-05-2021

ATTACHED



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

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

No. 3150 IES, dated, Mardan Region the

18-05-2021.

SHOW CAUSE NOTICE

Whereas, you Constable Zar Khan No.53, Nowshera appeared unlawfully in A-1 examination held by ETEA on 01-11-2020, by impersonating yourself as Constable Sohail No.419. 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.1293 dated 31.12.2020. 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 Zar Khan No.53
District Nowshera

CC.

The District Police Officer, Nowshera.

ATD

K (17)

بخدمت جناب ریجنل پولیس آفیسر صاحب مردان

جناب عالی!

شوکاز نوٹس نمبری 3150/ES مورخہ 18.06.2021 عرض گزار ہوں کہ بمورخہ 01.11.2020 بمقام ضلع چارسدہ میں A1 امتحان منعقد تھا جس کے لیے ضلع ہذا کے علاوہ دوسرے اضلاع سے بھی پولیس کنسٹیبلان آئے تھے کنسٹیبل سہیل جو کہ میرا قریبی دوست تھا جس کا A1 امتحان تھا اس کے ہمراہ چلا گیا اور کنسٹیبل سہیل امتحانی ہال کے اندر چلا گیا جبکہ میں اور میرے علاوہ دیگر پولیس کنسٹیبلان بھی باہر موجود تھے تھوڑی دیر بعد بہت سے کنسٹیبلان نے پیپر ہال سے باہر نکالنا شروع کیے۔ اور اپنے ہمراہی کی مدد سے حل کرنا شروع کر دیے اسی اثنا میں ETEA کے اساتذہ باہر نکلے جس میں سے بہت سے لڑکے بھاگ نکلے لیکن میں اور میرے علاوہ وہاں پر 5/6 اور لڑکے تھے جو نہیں بھاگے تو اس اساتذہ نے ہمیں پکڑ کر ہال کے اندر لے گئے کنسٹیبل سہیل میرے پاس آیا کہ کیا مسئلہ ہے تو ETEA کے اساتذہ نے اس سے پیپر چھین کر ہمارے دونوں کی تصاویر نکالے کہ آپ ان کی مدد کر رہے ہیں ہم نے ETEA کے اساتذہ کو کافی سمجھایا کہ میں تو باہر تھا لیکن انہوں نے ایک بھی نہ سنی اور مجھے اور کنسٹیبل سہیل کے علاوہ 2/3 لڑکے اور تھے جن کو زیر نگرانی پولیس تھانہ سٹی چارسدہ پہنچایا گیا اور وہاں پر ڈی ایس پی اور ایس ایچ او صاحبان نے بھی موقع کی نسبت جانچ پڑتال کر کے ہمیں بغیر کسی کارروائی کے چھوڑ دیا۔ کیونکہ ہم بے گناہ تھے اس کے بعد ہمارا حکمانہ کارروائی شروع کی گئی جس کا صاف و شفاف انکوائری کر کے ڈی پی او صاحب نو شہرہ نے مجھ سے Reduction in Pay two stage for 02 years کی سزا سنائی۔ جس کے بابت سائل نے حکمانہ طریقے سے اپیل کی ہے جس میں سائل کے معروضات ذیل ہیں:-

☆ یہ کہ سائل انتہائی ایماندار، فرض شناس ملازم ہوں اور گزشتہ عرصہ 06 سال سے محکمہ ہذا میں ملازم ہوں اس دوران سائل کے خلاف نہ کوئی Misconduct اور نہ ہی کسی قسم کی سزا ہوئی ہے سائل کا ریکارڈ بالکل شفاف ہے۔
☆ یہ کہ بمطابق قانون مذکورہ حکم فیصلہ مورخہ 31.12.2020 جناب ڈی پی او صاحب نو شہرہ کے سزا کے خلاف اپیل نگرانی اور منسوخی دائر کی ہے کیونکہ سائل پر لگائے گئے الزامات بے بنیاد اور من گھڑت ہیں۔
☆ یہ کہ سائل کا تعلق ایک غریب گھرانے سے ہے سائل گھر کا واحد خود کفیل ہے جس کی وجہ سے گھر کی ساری ذمہ داری سائل کے سر پر ہے سائل ہمدردی کی استدعا کرتا ہے۔

لہذا سائل کی اپیل ہذا شوکاز نوٹس بغیر کسی کارروائی کے منظور فرما کر مشکور فرمائیں سائل تاحیات دُعا گور ہے گا۔

کنسٹیبل زر خان بیلٹ نمبر 53 ضلع نو شہرہ

حال اور کورس پی ٹی سی ہنگو 27-06-2021

ATK

L 18

ORDER.

This order will dispose-off the departmental appeal preferred by Constable Zar Khan No. 53 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. 1293 dated 31.12.2020. The appellant was proceeded against departmentally on the allegations that he while posted at guard NADRA office, Nowshera Cantt, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating himself as Constable Sohail No. 419 (actual candidate).

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

He was issued Final Show Cause Notice to which his reply was received/perused and found unsatisfactory. The delinquent Officer was heard in Orderly Room by the District Police Officer, Nowshera, wherein he failed to present any cogent reason in his defense. Therefore, he was awarded major punishment of reduction in pay by two stages vide OB: No. 1293 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 perusal of 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 Act, 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 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 deserves 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 himself indulged in illegal and criminal activities. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer.

ATTESTED

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.

[Signature]
Regional Police Officer,
Mardan.

No. 4034 /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. 1223/PA dated 26.05.2021. His Service Record is returned herewith.

(*****)

OB No: 789
Dated: 5/8/2021

PO/EC/OHC/OBE/FME
For necessary action.

[Signature]
5/8/2021

IN O. 1476/PA
dt 05/8/2021

ATTACHED

بخدمت جناب صوبائی پولیس آفیسر خیبر پختونخواہ

20/11

اپیل دربارہ منسوخ کرنے کا حکم جناب ریجنل پولیس آفیسر صاحب مردان

برخاستگی نمبری: ES/4034 مورخہ 02.08.2021

جناب عالی!

9/2147

بعد احترام و تکریم معروض ہوں کہ سائل مورخہ 31.12.2015 کا بھرتی شدہ ہے اور حوالا لوئر کورس PTC ہنگو میں؛
لوئر کورس کر رہا تھا کہ سائل کو جناب DPO صاحب نے 20 شہرہ نے ذیل الزامات میں چارج شیٹ دے کر بحوالہ
OB.No.1293 مورخہ 31.12.2020 تخفیف ملازمت سے Reduction in pay two stage for two years کی سزا دی۔ جس کی
نسبت سائل نے ریجنل پولیس آفیسر صاحب مردان کو سزا کی معافی کی اپیل کی جنہوں نے سزا میں اضافہ کرتے ہوئے سائل کو
بحوالہ حکم نمبری ES/4034 مورخہ 02.08.2021 کو ملازمت سے برخاست کیا۔ جسکی بابت یہ تفصیل اپنی صفائی پیش کرتا ہوں۔

جناب عالی!

جہاں تک الزام کا تعلق ہے A1 امتحان منعقدہ 01.11.2020 بمقام چار سدہ تھا کانسٹیبل سہیل سابقہ ریڈ رائے ایس پی
کینٹ سرکل ضلع نوشہرہ جو کہ میرا قریبی دوست ہے اُس کا بھی A1 امتحان تھا اُس کے ہمراہ چلا گیا تھا جب متعلقہ جگہ پہنچے تو
کنسٹیبل سہیل امتحانی 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 امتحانی ہال کے باہر موجود تھے تھوڑی دیر بعد امتحانی ہال سے مختلف
کنسٹیبلان نے پیپر باہر 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 جو نہیں بھاگے تو اساتذہ نے ہمیں پکڑ کر امتحانی ہال
کے اندر لے گئے، تو میرا دوست کنسٹیبل سہیل 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 تو باہر تھا لیکن اُنہوں نے
ہماری ایک نہ سنی اور مجھے اور کنسٹیبل سہیل کے علاوہ دو تین لڑکے اور تھے زیر نگرانی تھانہ سٹی پولیس چار سدہ پہنچایا گیا 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 محکمہ پولیس میں چھ سال
بے داغ ملازمت کی ہے۔

استدعا ہے کہ سائل کے گھریلو غربت اور بے داغ ملازمت پولیس اور الزام ہذا میں بے گناہی کو مد نظر رکھتے ہوئے سائل کو
محکمہ پولیس میں واپس بحال کرنے اور لوئر کورس میں شامل ہونے کا حکم صادر فرما کر مشکور فرمائیں۔ سائل تاحیات احسان مند اور

دعا گو رہے گا۔

سید نور حسین زرخان بدین عمر 53 ضلع نوشہرہ

AT&CO

العارض

ہائپر تنجیہ سین آس پی ایل ایم بی ایف جی

نائب مہتمم سین آس پی ایل ایم بی ایف جی کانسٹیبل آف سپریم کورٹ، لاہور

05.08.2021ء تا 31.12.2021ء

ان لاء

2021/12/31

بچوں کی تعلیم کے لیے بھرتی کے لیے درخواستیں طلب ہیں۔ امیدوارانہ کو 2021/12/31 تک اپنی درخواستیں جمع کروانی چاہئیں۔

ان لاء

بچوں کی تعلیم کے لیے بھرتی کے لیے درخواستیں طلب ہیں۔ امیدوارانہ کو 2021/12/31 تک اپنی درخواستیں جمع کروانی چاہئیں۔

ان لاء

بچوں کی تعلیم کے لیے بھرتی کے لیے درخواستیں طلب ہیں۔ امیدوارانہ کو 2021/12/31 تک اپنی درخواستیں جمع کروانی چاہئیں۔



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

N 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 Zar Khan No. 53.

The petitioner was awarded punishment of reduction in pay by two (02) stages for a period of two (02) years by District Police Officer, Nowshera vide OB No. 1293, dated 31.12.2020 on the allegations that he while posted at guard NADRA office, Nowshera Cantt; appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonation himself as Constable Sohail No. 419 (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. 4034/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/1276-82/22, dated Peshawar, the 2/16/2022.

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. 5167/ES, dated 17.09.2021 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. ZAHEED ULLAH) PSP
AIG/Establishment,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

ATTACHED

VAKALAT NAMA

NO. _____/2021

IN THE COURT OF KP Service Tribunal, Peshawar

Zar Khan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt (Respondent)
(Defendant)

I/We, Zar Khan

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

Zar Khan
(CLIENT)

ACCEPTED

Taimur Ali Khan
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. 1092/2022

Zar Khan Ex-FC No. 53,
Police Lines, Nowshera

.....Appellant


V E R S U S

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar etc

.....Respondents

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Reply of Respondents	-	1-4
2.	Affidavit	-	05
3.	Copy of reports	A&B	06-07
4.	Copy of enquiry report	C	08
5.	Copy of show cause notice	D	09
6.	Copy relevant Police rules 1975	E	10-11
7.	Copy of rejection order	F	12-13
8.	Copy of rejection of revision petition	G	14


Inspector Legal,
Nowshera

(1)

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

Service Appeal No. 1092/2022

Zar Khan Ex-FC No: 53,
Police Lines, Nowshera

.....Appellant

V E R S U S

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 Sohail No. 419 (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) 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".

Murad

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. 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. (Copies of enquiry reports are annexure "C").
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").

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

Reply on Grounds

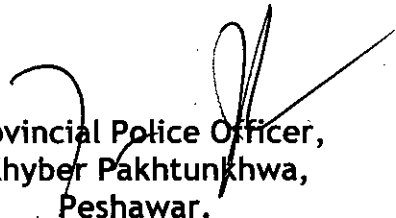
- A. Incorrect. All orders passed against appellant, are in accordance with law hence, are liable to be maintained.
- B. Incorrect. During course of enquiry statements of all concerned were recorded.
- C. Incorrect. Appellant was awarded full opportunity of defending himself as before awarding punishment 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) in place of Abbas Akhtar (belt No. 1199), Zar Khan (belt No. 1153) in place of Muhammad Sohail (belt No. 419). Their 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. 1092/2022

Zar Khan Ex-FC No. 53,
Police Lines, Nowshera

.....Appellant

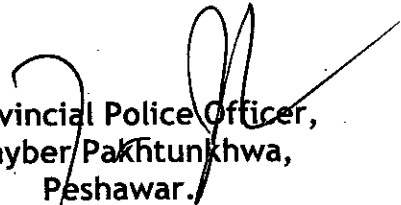
V E R S U S

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


.....Respondents

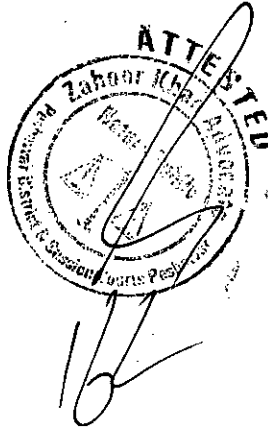
AFFIDAVIT

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



سیدہ اویسہ بیگم 11/20/20

مدریہ درنگی درخواست کیا دائرہ خانہ ASI وقت 15:11:44 مورخہ 11/20/20 اس وقت
ایئر فورس رپورٹ نہ زبان انگریزی صحافت لائل احمد اسٹیٹ
ڈائریکٹریٹا کو اسطرت لعل ماجہ ASI فوٹو مل ہو کر ہے

معاون ذیل ہے . TO SHO CITY CHARSADEA

THE FOLLOWING CANDIDATES IN AI TEST
AT CHARSADEA CENTER BOTH THE CANDIDATS
WERE CAUGHT IN IMPERSONATION CASES-
MUHAMMAD ALI (BELT NO # 1188) IN PLACE
OF ABBAS AKHTAR (BELT NO # 1199) ZAR
KHAAN (BELT NO # 53) IN PLACE OF
MUHAMMAD SOHAIL (BELT NO # 619)
THERE PAPERS WERE CANCELLED AND
THE CASE REPORT WAS HANDED OVER
TO POLICE DEPT FOR FURTHER PROCEEDING

دستور انگریزی لائل احمد اسٹیٹ ڈائریکٹریٹا مورخہ 11/20/20 کا رپورٹ تمام آفیسریں
ایئر فورس رپورٹ دہرہ صدر سوراہل رپورٹ شامل ملوای ہے ، معاون رپورٹ
ہے مایا بیگم کیشل فرخان عمر 53 بجائے کیشل جی سہیل 1188
بجائے کیشل عباسی اختر 1199 ڈسٹریکٹ نوشہرہ آئی آر ایمان صو شاہیل
سورہ شاہ شرافتہ دتتے باغیچوں پکڑا کر ان کے پینٹرز منوع ٹی کے فوٹو ملے
کیشلین عباسی سہیل طرفڈ سہیل ہے ارفان مال کا نوشہرہ ایئر فورس رپورٹ
رپورٹ دہرہ روریا 3 کھانزبہ لعلہ لعلہ اسٹوٹ کو روریا ان مال کے
کرسال کھانزبہ ہے ، عالی لعل لعلہ اصل ہے

mm psc 110
01-11-2020

19 روزنامہ 11/11/2020

19 فاسٹ

مسعدہ آف اے او ایف آف ڈیٹ 18:05 بجے 11/11/2020 میں منعقد ہوا

رہنما کے اجلاس 14 روزنامہ بند شدہ بعد خرافیت A-I امتحان

منعقد ہوا جس سے واپس آیا A.I امتحان آج درجہ 11/11/2020

کو منعقد ہوا جس میں منعقد ہوا جس میں منعقد ہوا جس میں منعقد ہوا

واقفہ ہو گیا جس میں منعقد ہوا جس میں منعقد ہوا جس میں منعقد ہوا

1188 مراد علی سے 13/11/2020 سے (160) روزنامہ

درجہ اولیٰ نرسنگ ڈیپارٹمنٹ 53 جو اگلا فادرا آفیس کیمپ میں

تعمیرات کے لیے ڈونر ٹرسٹی کے ساتھ ساتھ سالانہ 2020

میں B.I امتحان میں پاس کیا جس کو ایسا حکام نے

دوران امتحان شدہ کی بنا پر تصدیق کرتے ہوئے ثابت ہوا

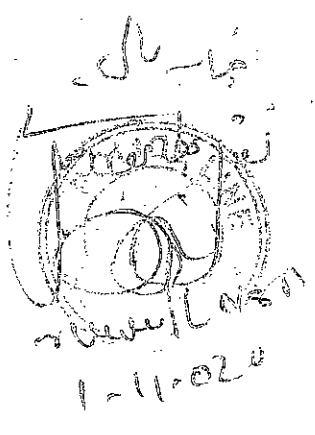
تعمیرات کے لیے ڈونر ٹرسٹی کے ساتھ ساتھ سالانہ 2020

درجہ اولیٰ نرسنگ ڈیپارٹمنٹ 53 جو اگلا فادرا آفیس کیمپ میں

تعمیرات کے لیے ڈونر ٹرسٹی کے ساتھ ساتھ سالانہ 2020

میں B.I امتحان میں پاس کیا جس کو ایسا حکام نے

AA
Supervisory
Departmental
Inquiry



6/11/2020

6-11-2020



**OFFICE OF THE
DY: SUPERINTENDENT OF POLICE
HEADQUARTERS NOWSHERA**

Tel No. 0923-9220109 & Fax No. 0923-9220103

2020
⑧
Anex: C
C, C

ENQUIRY CONDUCTED AGAINST CONSTABLE ZAR KHAN NO. 53

ALLEGATIONS:

Constable Zar Khan No.53 while posted at Guard NADRA office Nowshera Cantt now under suspension appeared unlawfully in A-1 examination held by ETEA Authority on 01-11-2020 by impersonating himself as Constable Sohail Amin No.419 (actual candidate) which amount to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa police Rule. 1975.

PROCEEDING:

The Charge Sheet was served upon him, to which he submitted his reply, stating therein that on 01.11.2020, at district Charsadda, A-1 examination was scheduled. He went there with FC Sohail and present outside the examination Hall, in the meantime, few candidates along with their papers. Mean time the invigilator staff also came out from the Hall and searching them, the outsiders fled away from the spot, while he was pulled from his hand and took inside to the examination Hall. His photographs was taken, FC Sohail also came there try to understand the invigilator staff but they did not convince them. He is not guilty misconduct and falsely charged.

Statement of Bilal Ahmd Assistant Director ETEA:

That on 01.11.2020 stated that FC Zar Khan No.53 was impersonating himself as Constable Sohail No.419 during the A1 examination in District Charsadda.

Statement of Masad Shah A.OHC Nowshera:

That on 01.11.2020 A.OHC stated that examination of A1 held in Charsadda. During the examination DSP/HQrs Charsadda called OHC staff Nowshera, To find out that FC Zar Khan No.53 who was standing separate there and known about that the said Constable belongs to District Nowshera or not. After verification that FC Zar Khan No.53 was present in place of FC Sohail No.419 during the A1 examination in District Charsadda.

Statement of Tajbar Khan A.OHC Nowshera:

That on 01.11.2020 A.OHC stated that examination of A1 held in Charsadda. During the examination DSP/HQrs Charsadda called OHC staff Nowshera, To find out that FC Zar Khan No.53 who was stand separate there and known about that the said Constable belongs to District Nowshera or not. After verification that FC Zar Khan No.53 was present in place of FC Sohail No.419 during the A1 examination in District Charsadda.

FINDING:

From perusal of statement and circumstances cited above, recorded statement, available record and enquiry conducted so far, the undersigned has reached to the conclusion that the delinquent official has admitted in his statement that he was present at examination hall, during A-I examination paper at Charsadda District. Furthermore, the statements of Masad Shah A.OHC, Tajbar Khan A.OHC Nowshera and the PS City Charsadda, DD No.10 dated 01.11.2020 proves that in the examination Hall, FC Zar Khan No.53 appeared in place of FC Sohail No.419 for A1 examination. Hence, this act of FC Zar Khan No.53 is against law and discipline.

RECOMMENDATION:

Keeping in view, the above details, the undersigned recommends that *Constable Zar Khan No. 53* may be awarded major punishment, if agreed so.

(SAIF ALI KHAN)
Deputy Supdt: of Police HQRS,
Nowshera.

No. 459 /St:
Dt: 08/12/2020.

PA
F. SEN

THE

Annex: (9)

(D)

4

FINAL SHOW CAUSE NOTICE

Whereas, you FC Zar Khan No. 53, while posted at guard NADRA office Nowshera Cantt, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating yourself as Constable Solai No. 479 (actual candidate).

On account of which you were suspended, closed to Police Lines Nowshera, and proceeded against departmentally through DSP HQrs: 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 major 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.

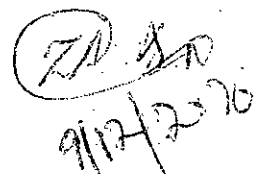
Hence, I, Capt: (R) Najmul Husnain Liaquat, PSP District Police Officer, Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause finally as to why the proposed punishment should not be awarded to you.

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. 271 /PA,
Dated 08/12 /2020.


9/12/2020

Annex : E
10

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

Annex: (F)
(12)

ORDER.

This order will dispose-off the departmental appeal preferred by Constable Zar Khan No. 53 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. 1293 dated 31.12.2020. The appellant was proceeded against departmentally on the allegations that he while posted at guard NADRA office, Nowshera Cantt, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating himself as Constable Sohail No. 419 (actual candidate).

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police, Headquarters, 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 major 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. 1293 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.

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.

Yaseen Farooq

Regional Police Officer,
Mardan.

No. 4034 /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. 1223/PA dated 26.05.2021. His Service Record is returned herewith.

(*****)

OB No: 789
Dated: 5/8/2021

*PO/EC/OHC/OBE/FAE
For necessary action.*

*Yaseen Farooq
5/8/2021*

*No. 1476/PA
dt 05/8/2021*



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

14

Amr: Cts

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 Zar Khan No. 53**.

The petitioner was awarded punishment of reduction in pay by two (02) stages for a period of two (02) years by District Police Officer, Nowshera vide OB No. 1293, dated 31.12.2020 on the allegations that he while posted at guard NADRA office, Nowshera Cantt; appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonation himself as Constable Sohail No. 419 (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. 4034/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/1276-82/22, dated Peshawar, the 2/16/2022.

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. 5167/ES, dated 17.09.2021 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.

No. 1191/PA
dt 08/08/2022

EC/Amr
For on action

DPOMR
08/08/2022

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

Service Appeal No. 1092/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4887

Dated 14/4/2023

Zar Khan, Ex-Fc No. 53,
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 Sohail, but he went to examination Centre with Sohail just to company him
- 2 Incorrect. The appellant went with friend namely Muhammad Sohail 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.

GROUND:

- 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

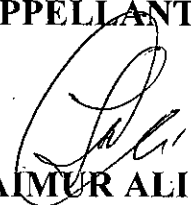
the presumption basis no one can be punished as per superior court judgment.

- 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. While para-I of appeal is correct.
- J) Legal.

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

APPELLANT

THROUGH:



**TAIMUR ALI KHAN
ADVOCATE HIGH COURT**

&



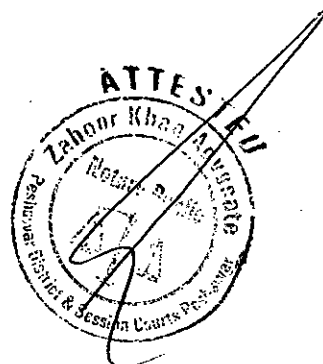
**SHAKIR ULLAH TORANI
ADVOCATE**

AFFIDAVIT

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



DEPONENT





KHYBER PAKHTUNKHWA
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. _____/ST Dated ____/____/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. 1092/2022 TITLED ZAR KHAN -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 service appeal 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.

(PIR MUHAMMAD AFRIDI)
SUPERINTENDENT
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR

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

Service Appeal No. 1092/2022

Zar Khan Ex-FC No. 53,
Police Lines, Nowshera

SCANNED
MP3T
Peshawar

.....Appellant

V E R S U S

Provincial Plice Officer, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

I N D E X

S.No.	Description of documents	Pages
1.	Enquiry report	01
2.	Statement of Masad Shah A-OHC	02
3.	Statement of Tajbar Khan A-OHC	03
4.	Report/statement of Bilal Ahmad Asstt: Director ETEA	04
5.	Daily diary No. 14 dated 01-11-2020	05
6.	Copy of Charge Sheet and reply	06-08
7.	Copy of Final Show Cause Notice with reply	09-10
8.	Copy of punishment order	11


DSP Legal,
Nowshera.

(1)

SCANNED
POSTMASTER

19/11/24

TELEPHONE NO. 0723-7220107 & FAX NO. 0723-7220103

Khyber Pakhtunkhwa
Service Tribunal

ENQUIRY CONDUCTED AGAINST CONSTABLE ZAR KHAN NO. 53

Diary No. 10677

Dated 19-1-2024

ALLEGATIONS:

Constable Zar Khan No.53 while posted at Guard NADRA office Nowshera Cantt now under suspension appeared unlawfully in A-1 examination held by ETEA Authority one 01-11-2020 by impersonating himself as Constable Sohail Amin No.419 (actual candidate) which amount to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa police Rule. 1975.

PROCEEDING:

The Charge Sheet was served upon him, to which he submitted his reply, stating therein that on 01.11.2020, at district Charsadda, A-1 examination was scheduled. He went there with FC Sohail and present outside the examination Hall, in the meantime, few candidates along with their papers. Mean time the invigilator staff also came out from the Hall and searching them, the outsiders fled away from the spot, while he was pulled from his hand and took inside to the examination Hall. His photographs were taken, FC Sohail also came there try to understand the invigilator staff but they did not convince them. He is not guilty misconduct and falsely charged.

Statement of Bilal Ahmd Assistant Director ETEA:

That on 01.11.2020 stated that FC Zar Khan No.53 was impersonating himself as Constable Sohail No.419 during the A1 examination in District Charsadda.

Statement of Masad Shah A.OHC Nowshera:

That on 01.11.2020 A.OHC stated that examination of A1 held in Charsadda. During the examination DSP/HQrs Charsadda called OHC staff Nowshera, To find out that FC Zar Khan No.53 who was standing separate there and known about that the said Constable belongs to District Nowshera or not. After verification that FC Zar Khan No.53 was present in place of FC Sohail No.419 during the A1 examination in District Charsadda.

Statement of Tajbar Khan A.OHC Nowshera:

That on 01.11.2020 A.OHC stated that examination of A1 held in Charsadda. During the examination DSP/HQrs Charsadda called OHC staff Nowshera, To find out that FC Zar Khan No.53 who was stand separate there and known about that the said Constable belongs to District Nowshera or not. After verification that FC Zar Khan No.53 was present in place of FC Sohail No.419 during the A1 examination in District Charsadda.

FINDING:

From perusal of statement and circumstances cited above, recorded statement, available record and enquiry conducted so far, the undersigned has reached to the conclusion that the delinquent official has admitted in his statement that he was present at examination hall, during A-I examination paper at Charsadda District. Furthermore, the statements of Masad Shah A.OHC, Tajbar Khan A.OHC Nowshera and the PS City Charsadda, DD No.10 dated 01.11.2020 proves that in the examination Hall, FC Zar Khan No.53 appeared in place of FC Sohail No.419 for A1 examination. Hence, this act of FC Zar Khan No.53 is against law and discipline.

RECOMMENDATION:

Keeping in view, the above details, the undersigned recommends that *Constable Zar Khan No. 53* may be awarded major punishment, if agreed so.

(SAIF ALI KHAN)
Deputy Supdt: of Police HQRS,
Nowshera.

PA
Sen. F. SCN

No. 459 /St:
Dt: 08/12/2020.

ATTESTED

DSP Legat Nowshera

باب

معروض خدمت ہوں کہ مورخہ 01.11.2020 کو A-امتحان بابت پولیس ملازمان شمال شادی حال چارسدہ میں منعقد کیا گیا تھا۔ جس میں ایشو کرنے سیکورٹی پاس میں معہ ہمراہان HC تاجرخان نمبر 887، FC طارق نمبر 551 ضلع چارسدہ گئے ہوئے تھے۔ تمام ملازمان نے بذات خود سیکورٹی پاس حاصل کر کے امتحانی حال میں چلے گئے تھے۔ جس کے اندر ہمارا داخل ہونا ممنوع تھا۔ اور ہم امتحانی حال سے باہر گیٹ کے ساتھ موجود تھے۔ دوران امتحان جناب شہنشاہ گوہر خان DSP ہیڈ کوارٹر چارسدہ جو کہ امتحانی حال کا سیکورٹی انچارج تھانے 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-امتحان کے امیدوار نہیں۔ حال 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 ایلٹ 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

معروض خدمت ہوں کہ مورخہ 01.11.2020 کو A-امتحان بابت پولیس ملازمان شمال شادی حال چارسدہ میں منعقد کیا گیا تھا۔ جس میں ایشو کرنے سیکورٹی پاس میں معہ ہمراہان HC مسعد شاہ نمبر 439، FC طارق نمبر 551 ضلع چارسدہ گئے ہوئے تھے۔ تمام ملازمان نے بذات خود سیکورٹی پاس حاصل کر کے امتحانی حال میں چلے گئے تھے۔ جس کے اندر ہمارا داخل ہونا ممنوع تھا۔ اور ہم امتحانی حال سے باہر گیٹ کے ساتھ موجود تھے۔ دوران امتحان جناب شہنشاہ گوہر خان DSP ہیڈ کوارٹر چارسدہ جو کہ امتحانی حال کا سیکورٹی انچارج تھانے OHC نوشہرہ کے عملہ کو طلب کر کے ہم اندر چلے گئے۔ جہاں پر کنسٹیبل مراد علی نمبر 1188 اور کنسٹیبل زر خان 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۔ حال 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 ایلٹ 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 تاجرخان نمبر 887 متعینہ A-OHC ضلع نوشہرہ

ATTESTED
DSP Legal Nowsher

سید علی رضا نورانی 20/11/20

مدرسہ دارنگی در خواست کیا داقت خان آسی وقت 15:11 بجے حور صبا 20/11/20 سے اس وقت
ایورٹ ایئر فورس رپورٹ میں زمانہ اکثر میں معائنہ بلال احمد اسٹیڈ
ڈائریکٹر ایئر لائنز کو اس وقت لعل باجہ آسی کو موصول ہو کر ہے
معاون دہی ہے - TO SHO CITY CHARSADE

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

دستجو ایئر فورس بلال احمد اسٹیڈ ڈائریکٹر ایئر لائنز حور صبا 20/11/20 کا روٹی تمام آفیسر ایئر فورس
ایورٹ ایئر فورس میں صدر ایورٹ ایئر فورس شامل کاروائی ہے۔ معاون ایورٹ
سے مایا نیام کنٹریل ڈیپارٹمنٹ 53 کے کنٹریل ڈیپارٹمنٹ سے 1188 کے کنٹریل ڈیپارٹمنٹ
کا کنٹریل ڈیپارٹمنٹ 1199 ڈسٹریکٹ ٹوشیو AI امتحان میں شامل
ہو کر ایئر لائنز کے دہے ہاتھوں میں آ کر ان کے پیپر مٹوئے گئے تھے۔ صدر ایورٹ
کنٹریل ڈیپارٹمنٹ میں عمل خلاف ڈسٹریکٹ کے ایئر لائنز کے نوٹس میں ایئر لائنز
ایورٹ ایئر فورس میں کیا ہے۔ ایئر لائنز کے نوٹس میں ایئر لائنز کے
ایورٹ ایئر فورس میں کیا ہے۔ ایئر لائنز کے نوٹس میں ایئر لائنز کے

mm p.c. 11D
21-11-2020

ATTESTED
DSP Legal Nowshera

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نقل نمبر 09 روزنامہ 07-11-2020

مد 09 درجگی درخواست ضیاء اللہ خان ASI وقت 11:15 مورخہ 01-11-2020 اس وقت رپورٹ ایک تحریری رپورٹ بہ زبان انگریزی منجانب بلال احمد اسٹنٹ ڈائریکٹر ایٹا بوا سراط لعل باچہ ASI موصول ہو کر بمضمون ذیل ہے۔

TO SHO CITY CHARSADEA.

THE FOLLOWING CANDIDATES IN A1 TEST AT CHARSADEA 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 اسٹنٹ ڈائریکٹر ایٹا مورخہ 01-11-2020 کاروائی تھانہ آمدہ تحریری رپورٹ حرف بہ حرف درج صدر ہو کر 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 ہو کر ایٹا شاف نے رنگے ہاتھوں پکڑ کر ان کے پیپرز منسوخ کئے گئے۔ مذکورہ بالا کنسٹیبلان کا یہ فعل خلاف ڈسپلن ہے۔ افسران بالا کے نوٹس میں لایا جا کر سریدست رپورٹ درج روزنامہ کی جاتی ہے۔ نقل علیحدہ مرتب ہو کر افسران بالا کو ارسال کی جاتی ہے۔

جناب عالی:- نقل بمطابق اصل ہے۔

MM PS CITY

01-11-2020

ATTESTED
DSP Laya Nowshera

لوئیس پور

(5)

نمبر ۱۹ رزناحی ۱۱/۲۰۲۰

ضلع نوشہرا

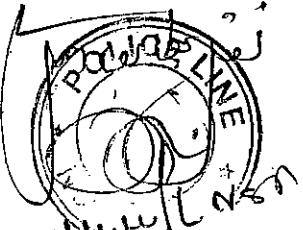
۱۴ دسمبر ۲۰۲۰ء

مسعدہ A.O.H.C. دت 18:05 بجے ۱۱/۲۰۲۰ میں جمع کرانے کے لئے
 رزناحی ۱۹ رزناحی بند شدہ بعد فراغت A-I امتحان
 ضلع نوشہرا سے والیں آیا۔ A.I. امتحان آج درج ۱۱/۲۰۲۰
 کو ضلع نوشہرا میں منعقد ہوا جس میں ضلع ہڈا کے دو سو
 سے زائد کنسٹبلز شریک ہوئے۔ اسی دوران ایک ناخوشگوار
 واقعہ رونما ہوا جس میں ضلع ہڈا کے سینٹیل مراد علی ۱۱۸۸ جو کہ
 پولیس اسٹیشن سے بحوالہ ۳۶ رزناحی ۱۸/۲۰۲۰ سے (۱۶۵) روزانہ
 پورے امر سینٹیل زرخان ۵۳ جو گارڈ فادر آفس کیت میں
 تعینات ہے۔ یہ دونوں کنسٹبلز نے سال رواں ۲۰۲۰ء
 میں B.I. امتحان میں پاس کیا ہے۔ جن کو ایسا حکام نے
 دوران امتحان شدک کی بنیاد پر تصدیق کرتے ہوئے ثابت ہوا
 کہ یہ دونوں کنسٹبلز مراد علی ۱۱۸۸ - زرخان ۵۳ غیر قانونی
 طور پر ایلیٹ فورس کے سینٹیل عباس اختر ۱۱۹۹ اور سینٹیل سہیل ۴۱۹
 جو جوہر ریڈر خان ASP/CANTO کے بجائے A.I. امتحان
 میں تھے۔ ان کو ایسا حکام نے پلٹ کر امتحانی حال سے باہر
 نکال کر یہ دونوں کنسٹبلز کے اس فعل سے ضلع ہڈا کی
 بدنامی ہوئی۔ لہذا اس بارے میں تفصیلی رپورٹ درج رزناحی
 کے نمبر ۱۹ رزناحی ۱۱/۲۰۲۰ میں تیار کر کے
 ارسال کی جائے گی۔


PA

Suspension/
Departmental
Inquiry

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جواب ہال

 ۱-۱۱-۲۰۲۰

Sir,
 FORWARDED PLs
 PL P/ NOWSHERA
 6/11/2020
 DSP/HQ/ISR
 6-11-2020

ATTESTED

 DSP Legal Nowshera

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نقلمند نمبر 14 روزنامہ 01-11-2020 ضلع نوشہرہ

مد 14 واپسی رپورٹ۔ مسعد شاہ AGHC وقت 18:05 مورخہ 01-11-2020 میں معہ ہمراہیان رفتہ بحوالہ
مد 14 روزنامہ چھپند شدہ 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
رو نما ہوا۔ جس میں ضلع ہذا کے کنسٹیبل مراد علی نمبر 1188 جو کہ پولیس لاکن سے بحوالہ مد 34 روزنامہ 13-10-2020
سے 160 یوم رخصت کلاں پر ہے۔ اور کنسٹیبل زر خان 53 جو کہ گارڈنا درآ 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، زر خان 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 روزنامہ 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

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DISCIPLINARY ACTION

I, Capt: (R) Najmul Hasnain Liaquat, PSP, District Police Officer, Nowshera as competent authority am of the opinion that FC Zar Khan No. 53 has rendered himself liable to be proceeded against as he committed the following acts / omissions within the meaning of Police Rules, 1975.

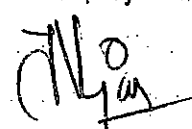
STATEMENT OF ALLEGATIONS

Whereas, FC Zar Khan No. 53 while posted at guard NADRA office Nowshera Cantt, now under suspension, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating himself as Constable Sohail No. 479 Reader ASP Cach (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 DSP HQrs 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 Zar Khan No. 53 is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.


District Police Officer,
Nowshera

No. 179 /PA,
Dated 9/11/2020.

ATTESTED

DSP Legal Nowshera

7

12

CHARGE SHEET

1. I, Capt: (R) Najmul Hasnain Liaquat, PSP District Police Officer, Nowshera, as competent authority, hereby charge FC Zar Khan No. 53 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.

M. J. Khan
District Police Officer,
Nowshera

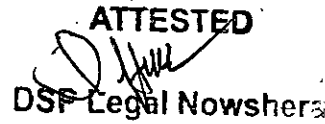
ATTESTED
[Signature]
DSP Legal Nowshera

جناب عالی!

بحوالہ چارج شیٹ نمبری PA/179 مورخہ 09-11-2020 معروض ہوں کہ بمورخہ 01-11-2020 کو بمقام چار سدہ A1 کا امتحان تھا۔ جس کیلئے ضلع ہذا کے علاوہ دیگر اضلاع سے بھی پولیس کنسٹیبلان آئے ہوئے تھے۔ کنسٹیبل سہیل سابقہ ریڈر ASP کینٹ جو کہ میرا قریبی دوست ہے جس کا بھی A1 امتحان تھا اسکے ہمراہ چلا گیا۔ جب متعلقہ جگہ پہنچے تو کنسٹیبل سہیل 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 5/6 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 سہیل میرے پاس آیا تو ان استاذوں نے اس سے پیپر چھین لیا۔ سہیل 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 سہیل اور دیگر 2/3 لڑکے اور تھے جسکو زیر نگرانی پولیس تھانہ سٹی چار سدہ پہنچایا گیا وہاں پر DSP/SHO صاحبان نے بھی موقعہ کی نسبت صورتحال کی جانچ پڑتال کر کے ہمیں بغیر کسی کارروائی کے چھوڑ دیا کیونکہ ہم بے گناہ تھے اب مجھے علم ہوا کہ من سائل کے خلاف انکو آڑی شروع ہوئی ہے امتحان کے دن جو بھی ہوا وہ ارادہ نہیں ہوا اور میں اس معاملے میں بے گناہ ہوں میرے خلاف لگائے گئے الزامات بے بنیاد ہیں استدعا ہے کہ انکو آڑی چارج شیٹ کو بغیر کسی کارروائی داخل دفتر کی جائے۔

کنسٹیبل زر خان بیلٹ نمبر 53 پولیس لائن



ATTESTED

DSP Legal Nowshera

(9)

4

FINAL SHOW CAUSE NOTICE

Whereas, you FC Zar Khan No. 53, while posted at guard NADRA office Nowshera Cantt, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating yourself as Constable ~~Schaid~~ No. ~~479~~ ⁴⁷⁹ ~~Real~~ ^{Real} (actual candidate).

On account of which you were suspended, closed to Police Lines Nowshera, and proceeded against departmentally through DSP HQrs: 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 major 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.

[Signature]
District Police Officer,
Nowshera

No. 271 /PA,
Dated 08/12 /2020.

ATTESTED
[Signature]
DSP Legal Nowshera

[Signature]
9/12/2020

جناب عالی!

بحوالہ چارج شیٹ نمبری 179/PA مورخہ 09-11-2020 معروض ہوں کہ بمورخہ-01-11-2020 کو بمقام چارسدہ A1 کا امتحان تھا جس کیلئے ضلع ہڈا کے علاوہ دیگر اضلاع سے بھی پولیس کنسٹیبلان آئے ہوئے تھے۔ کنسٹیبل سپہیل سابقہ ریڈر ASP کینٹ جو کہ میرا قریبی دوست ہے جسکا بھی A1 امتحان تھا اسکے ہمراہ چلا گیا۔ جب متعلقہ جگہ پہنچے تو کنسٹیبل سپہیل 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 5/6 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 سپہیل میرے پاس آیا تو ان استاذوں نے اُس سے پیپر چھین لیا۔ سپہیل 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 سپہیل اور دیگر 2/3 لڑکے اور تھے جسکو زیرنگرانی 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 ارادہ 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 زرخان بیٹ نمبر 53 پولیس لائن

(ZAN)

Call in OR

Awarded may punishment of

reduction in pay by 02x stages for a period of two years and re-installed

ATTESTED

DSP Legal Nowshera

Muhammad

(11)

53

POLICE DEPARTMENT

DISTRICT NOWSHERA

ORDER

This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against Constable Zar Khan No. 53, while posted at guard NADRA office, Nowshera Cantt, appeared unlawfully in A-1 Examination held by ETEA authority on 01.11.2020, by impersonating himself as Constable Sohail No. 419 (actual candidate).

On account of which, he was suspended, closed to Police Lines and proceeded against departmentally through DSP HQrs: Nowshera, who after fulfillment of legal formalities submitted his report to undersigned vide his office No. 459/St: dated 08.12.2020, wherein the allegations leveled against him have been proved and recommended him for awarding major 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. 1293

Dated 31/12 /2020


District Police Officer,
Nowshera

No. 3526-31 /PA, dated Nowshera, the 31/12 /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 (22 pages).
6. Official concerned.

ATTESTED

DSP Legal Nowshera