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BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1197/2024

Muhammad Tanveer Iqbal Ex-Junior Clerk (BPS-11) District Police Officer Mardan

.....Appellant

VERSUS

The District Police Officer, Mardan and others

.....Respondents

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DSP Legal
Mardan

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

(1)

Service Appeal No. 1197/2024

Muhammad Tanveer Iqbal Ex-Junior Clerk (BPS-11) District Police Officer Mardan

.....Appellant

VERSUS

The District Police Officer, Mardan and others

.....Respondents

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 & 2.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the Hon'ble Tribunal has no jurisdiction to adjudicate upon the matter.
7. That the appeal is bad for miss-joinder and non-joinder of necessary parties.
8. That the appeal is barred by law and limitation.

REPLY ON FACTS

1. Para to the extent of enlistment and starting his duty in Police Department as Junior Clerk pertains to record need no comments, while rest of para is not plausible, because every official is under obligation to perform his duty upto the entire satisfaction of his superiors. Moreover, non receiving of complaints does not mean a clean chit for the future wrong deeds.
2. Incorrect. Stance taken by the appellant is totally against the material available on record because the complainant of case FIR No. 482 dated 01.12.2022 u/s 324/34 PPC PS Toru was neither his co-villager nor had any relation. Therefore, false fabrication/ implication/involving the appellant is not appealable to a prudent mind, hence, he was suspended **(Copies of FIR and suspension order are attached as "A & B").**
3. Plea taken by the appellant is bereft of any substance because the Apex Court of Pakistan has laid down the principle that departmental proceedings and judicial proceedings are two different entities, both can run parallel to

each other without affecting the result of each other, hence, release on bail does not mean acquittal from the charges rather the same is release from the custody. This Controversy was resolved by the Apex Court of Pakistan in case titled **" Khaliq Dad Vs Inspector General of Police and 02 others"** (2004 SCMR 192" wherein it was held that:-

"Disciplinary proceedings and criminal proceedings---Difference---Acquittal from criminal case---Effect---Both such proceedings are not interred dependent and can be initiated simultaneously and brought to logical end separately with different conclusions---Criminal proceedings do not constitute a bar for initiation of disciplinary proceedings relevant to Efficiency and Disciplinary Rules---Acquittal in criminal case would have no bearing on disciplinary action".

It is worth to mention here that the appellant filed application for BBA **after lapse of 1 year, 6 months and 5 days on 06.06.2024** in case FIR No. 482 dated 01.12.2022. **During the intervening period the appellant was absconder. More so, absconsion is a double edged weapon.**

4. Incorrect. Stance taken by the appellant is not plausible because he while posted at D.P.O Office Mardan was placed under suspension, on account of charging in a case vide FIR No. 482 dated 01.12.2022 u/s 324/34 PPC PS Toru, Mardan. On account of aforementioned allegations, the appellant was issued charge sheet with statement of allegations and enquiry was entrusted to the then Superintendent of Police Investigation, Mardan. During the course of enquiry the appellant was contacted time and again but his cell number was continuously found switched off. Besides as per report of SHO Police Station Toru, the appellant absconded and shifted to unknown place, so the said charge sheet was served upon the appellant through his cousin for the purpose, but neither the appellant appeared before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for awarding major punishment as per rules. In light of above, the appellant was issued Final Show Cause Notice which was also served upon the appellant through his brother namely Naveed Iqbal on 21.06.2023 to which he was bound to submit his reply within stipulated time but he failed. Hence, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant **(Copies of Charge sheet with statement of allegations, enquiry papers, Final Show Cause Notice and dismissal order are attached as annexure-"C, D, E & F").**
5. Correct to the extent that the appellant preferred departmental appeal before the appellate authority after lapse of almost 09 months and 12 days. The appellant was summoned and heard in person in orderly room held on

(3) 31.07.024 by providing opportunity of defending himself but he failed to produce any cogent proofs/reasons to justify his innocence. Hence, after perusal of entire material available on record coupled with enquiry report as well as the order of punishment, the departmental appeal was rejected and filed, being devoid of merit as well as badly time barred for **09 months and 12 days (Copy of rejection order is attached as annexure-"G").**

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

REPLY ON GROUNDS:

A. Incorrect. Stance taken by the appellant is baseless because orders passed by the competent authority as well as appellate authority are legal as per law, facts according to norms of natural justice and material available on record, hence liable to be maintained.

B. Incorrect. Stance taken by the appellant is totally devoid of merit because he has been properly proceeded against departmentally on account of involvement in case vide FIR No. 482 dated 01.12.2022 u/s 324/34 PPC PS Toru, Mardan by issuing him Charge Sheet with Statement of Allegations and enquiry was entrusted to the then Superintendent of Police Investigation Mardan. During the course of enquiry the appellant was contacted time and again but his cell number was continuously found switched off. Besides as per report of SHO Police Station Toru, the appellant is absconded and shifted to unknown place, so the said charge sheet was served upon the appellant through his cousin for the purpose, but neither the appellant appear before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for awarding major punishment as per rules. In light of above, the appellant was issued Final Show Cause Notice which was served through his brother namely Naveed Iqbal on 21.06.2023 to which he was bound to submit his reply within stipulated time but he failed. Hence, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant. Later on, the appellant preferred departmental appeal before the appellate authority, **after lapse of 09 months and 12 days**. The appellant was summoned and heard in person in orderly room held on 31.07.024 by providing opportunity of defending himself but he failed to produce any cogent proofs/reasons to justify his innocence. Hence, after perusal of entire material available on record coupled with enquiry report as well as the order of punishment, the departmental appeal was rejected and filed, being devoid of merit as well as badly time barred for **09 months and 12 days.**

C. Incorrect. Plea taken by the appellant is not plausible, because the Apex Court of Pakistan has laid down the principle that departmental proceedings and judicial proceedings are two different entities, both can run parallel to each other without affecting the result of each other. This Controversy was resolved by the Apex Court of Pakistan in case titled **" Khaliq Dad Vs Inspector General of Police and 02 others"** (2004 SCMR 192" wherein it was held that:-

"Disciplinary proceedings and criminal proceedings---Difference---Acquittal from criminal case---Effect---Both such proceedings are not interred dependent and can be initiated simultaneously and brought to logical end separately with different conclusions---Criminal proceedings do not constitute a bar for initiation of disciplinary proceedings relevant to Efficiency and Disciplinary Rules---Acquittal in criminal case would have no bearing on disciplinary action".

D. Incorrect. Plea taken by the appellant is not plausible because the orders passed by the competent authority as well as appellate authority are after fulfilling of all legal and codal formalities by providing full-fledged opportunity of defending himself before the competent as well as appellate authority, but he bitterly failed to produce any cogent reasons in his defense.

E. Incorrect. During the course of enquiry the appellant was contacted time and again but his cell number was continuously found switched off. Besides as per report of SHO Police Station Toru, the appellant is absconded and shifted to unknown place, so the said charge sheet was served upon the appellant through his cousin for the purpose, but neither the appellant appeared before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for awarding major punishment as per rules. In light of above, the appellant was issued Final Show Cause Notice which was also served upon the appellant through his brother namely Naveed Iqbal on 21.06.2023 to which he was bound to submit his reply within stipulated time but he failed. Hence, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant. Later on, the appellant preferred departmental appeal before the appellate authority, **after lapse of 09 months and 12 days**. The appellant was summoned and heard in person in orderly room held on 31.07.024 by providing opportunity of defending himself but he failed to produce any cogent proofs/reasons to justify his innocence. Hence, after perusal of entire material available on record coupled with enquiry report as well as the order of punishment, the

departmental appeal was rejected and filed, being devoid of merit as well as badly time barred for **09 months and 12 days.**

F. Incorrect. Plea take by the appellant is baseless, because he was issued Final Show Cause Notice vide No. 6240-41/PA dated 19.06.2023, which was served upon the appellant through his brother namely Naveed Iqbal on 21.06.2023 to which he was bound to submit his reply within stipulated time but he failed **(Copy of served receipt is attached as annexure-H)**

G. Incorrect. Stance taken by the appellant is ill based because he was issued Charge Sheet with statement of allegations vide No. 373/PA dated 12.12.2022 and as per report of SHO Police Station Toru, the appellant was absconded and shifted to unknown place, so the said charge sheet was served upon through his cousin for the purpose, but neither the appellant appeared before the enquiry officer nor submitted his reply **(Copy of served receipt is attached as annexure-I)**

H. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

It is therefore, most humbly prayed that on acceptance of above submissions, appeal of the appellant may very kindly be dismissed **being a badly time-barred** and devoid of merits.

District Police Officer, Mardan.
(Respondent No. 2)
(ZAHOOR BABAR)[PSP]
Incumbent

Regional Police Officer, Mardan.
(Respondent No. 1)
(NAJEEB-UR-REHMAN BUGVI)[PSP]
Incumbent

(6)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

In Re S.A No. 1197/2024

Muhammad Tanveer Ex-Junior Clerk

VERSUS

The District Police Officer, Mardan and others

Reply to the application for condonation of delay:-

Respectfully Sheweth,

1. That the application filed by the applicant before this Honorable Tribunal may kindly be dismissed being bereft of any substance and badly time barred.
2. Incorrect. Stance taken by the applicant is not plausible because he while posted at D.P.O Office Mardan was placed under suspension, on account of charging in a case vide FIR No. 482 dated 01.12.2022 u/s 324/34 PPC PS Toru, Mardan. On account of aforementioned allegations, the applicant was issued charge sheet with statement of allegations and enquiry was entrusted to the then Superintendent of Police Investigation, Mardan. During the course of enquiry the applicant was contacted time and again but his cell number was continuously found switched off. Besides as per report of SHO Police Station Toru, the applicant absconded and shifted to unknown place, so the said charge sheet was served upon the applicant through his cousin for the purpose, but neither the applicant appear before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the applicant for awarding major punishment as per rules. In light of above, the applicant was issued Final Show Cause Notice which was also served upon the applicant through his brother namely Naveed Iqbal on 21.06.2023 to which he was bound to submit his reply within stipulated time but he failed. Hence, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the applicant.
3. Incorrect. Plea taken by the applicant is not plausible because the orders passed by the competent authority as well as appellate authority are after fulfilling of all legal and codal formalities by providing full-fledged opportunity of defending himself before the competent as well as appellate authority, but he bitterly failed to produce any cogent reasons in his defense.
4. Incorrect, plea taken by the applicant is whimsical/concocted rather fanciful hence, liable to be set at naught. As the apex court of Pakistan has held that the question of limitation cannot be considered a "technicality" simpliciter as it has got its own significance and would have substantial bearing on merits of the case. *Reliance is placed on the case of „Muhammad Islam versus*

Inspector General of Police, Islamabad and others" (2011 SCMR 8). In an another judgment it has been held that the law of limitation must be followed strictly. In this regard reliance is placed on the dictum laid down in Chairman, District Screening committee, Lahore and another v. Sharif Ahmad Hashmi (PLD 1976 SC 258), S. Sharif Ahmad Hashmi v. Chairman, Screening Committee Lahore and another (1978 6 Civil Revision No.3364 of 2011 SCMR 367), Yousaf Ali v. Muhammad Aslam Zia and 2 others (PLD 1958 SC (Pak) 104), Punjab Province v. The Federation of Pakistan (PLD 1956 FC 72), Muhammad Swaleh and another v. Messers United Grain and Fodder Agencies (PLD 1949 PC 45), Hussain Bakhsh and others v. Settlement Commissioner and another (PLD 1969 Lah. 1039), Nawab Syed Raunaq Ali and others v. Chief Settlement commissioner and others (PLD 1973 SC 236), Chief Settlement Commissioner, Lahore v. Raja Muhammad Fazil Khan and other (PLD 1975 SC 331), WAPDA v. Abdul Rashid Bhatti, (1949 SCMR 1271), Inspector General of Police, Balochistan v. Jawad Haider and another (1987 SCMR 1606), WAPDA v. Aurganzeb (1988 SCMR 1354), Muhammad Naseem Sipra v. Secretary, Government of Punjab (1989 SCMR 1149), Muhammad Ismail Memon v. Government of Sindh and another 1981 SCMR 244), Qazi Sardar Bahadar v. Secretary, Ministry of Health, Islamabad and others (1984 SCMR 177), Smith v. East Elloe Rural District Council and others (1956 AC 736), Province of East Pakistan and others v. Muhammad Abdu Miah (PLD 1959 SC (Pak), 276 and Mehr Muhammad Nawaz and others. V. Government of Punjab and others (1977 PLC (C.S.T) 165) and Fazal Elahi Siddiqi v. Pakistan (PLD 1990 SC 692)".

5. Incorrect. Para already explained needs no comments.
6. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

Keeping in view the above submission, it is humbly prayed that application of the applicant regarding condonation of delay may very kindly be dismissed please.

District Police Officer, Mardan.
(Respondent No. 2)
(ZAHOOR BABAR)[PSP]
Incumbent

Regional Police Officer, Mardan.
(Respondent No. 1)
(NAJEEB-UR-REHMAN BUGVI)[PSP]
Incumbent

8

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1197/2024

Muhammad Tanveer Iqbal Ex-Junior Clerk (BPS-11) District Police Officer Mardan

.....Appellant

VERSUS

The District Police Officer, Mardan and others

.....Respondents

COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honorable Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.

District Police Officer, Mardan.
(Respondent No. 2)
(ZAHOOR BABAR)[PSP]
Incumbent

Regional Police Officer, Mardan.
(Respondent No. 1)
(NAJEEB-UR-REHMAN BUGVI)[PSP]
Incumbent

ATTESTED
Syed Muhammad Raza Shah Advocate
Oath Commissioner
High Court Peshawar

11 SEP 2024

پولیس اسٹیشن ریکارڈ

Annex A

پولیس فارم نمبر 24-5 (1)

ابتدائی اطلاعی رپورٹ نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ فوجداری

نمبر: 484/22 تھانہ: طورو ضلع: مردان ای فیک نمبر: 0000000

مارخ ووقت وقوعہ: 03-12-2022 12:20 PM

1	مارخ ووقت رپورٹ	بحوالہ رپ نمبر (16) 03-12-2022 02:20 PM	6 تھانہ سے روانگی کی مارخ ووقت: بہ سبیل ڈاک
2	نام وسکونت اطلاع دہندہ مستغیث	حضرت خان ولد حضرت دین، پتہ: لوگر خان سورپل سوکنی، فون نمبر: 03029601424	
3	مختصر کیفیت جرم (معہ دفعہ) ومال اگر کچھ کھو گیا ہے	بجرم: 324ت پ 34ت پ 452ت پ 342ت پ 354ت پ	
		ایراد: 452: ضمنی نمبر: 01 مارخ: 16-12-2022 ایراد: 342: ضمنی نمبر: 01 مارخ: 16-12-2022 ایراد: 354: ضمنی نمبر: 01 مارخ: 16-12-2022	
4	جائے وقوعہ وفاصلہ تھانہ سے اور سمت	خیمہ ازاں مدعی واقع سورپل سوکنی علاقہ تھانہ طورو	
		بیٹ نمبر: 5 چوکی موٹروے	
5	کاروائی متعلقہ تفتیش اگر اطلاع درج کرنے میں کچھ توقف ہوا ہو تو اس کی وجہ بیان کی جاوے	بہ رسیدگی مراسلہ مقدمہ درج رجسٹر کیا گیا	

دستخط: Muhammad IQBAL بیلٹ نمبر: 46/MR عہدہ: SI ٹیلی فون نمبر: 03430351339

(ابتدائی اطلاع نیچے درج کریں)

کہ مورخہ 03.12.22 کو عارف 226 سے موصول ہو کر یہ مضمون ذیل ہے۔ بخدمت SHO صاحب تھانہ طورو حسب اطلاع ہسپتال MMC آکر کیجولٹی ہسپتال میں مجروحہ مسماۃ زرینہ زوجہ حضرت خان پوم 50/51 سال بحالت بے ہوشی موجود پاکر جسکی نسبت خاوند اش حضرت خان ولد حضرت دین پوم 54/55 سال ساکنان نالسان لوگر حال سورپل سوکنی علاقہ تھانہ طورو کیجولٹی ہسپتال میں یوں رپورٹ کرتا ہے۔ امروز میں زوجہ ام مجروحہ مسماۃ زرینہ مرکورہ بالا بھا بھی ام رحمت بی بی زوجہ نعیم، و حترام مسماۃ بسلالہ اپنے خانہ بمقام جائے وقوعہ بالا میں موجود تھے کہ اس دوران مسمیان (1) شوکت ولد رشید (2) افسر خان میرب (3) کہ ولد شیخ ساکنان دیہہ ام مسلح بہ کلاشنکوف ہائے آکر جملہ کسان متذکرہ نے بے ساتھ تکرار شروع کر کے مرکورہ شوکت نے یکدم اپنے کلاشنکوف سے ہم پر بہ ارادہ قتل فائرنگ شروع کر کے جسکے فائرنگ سے زوجہ ام مسماۃ زرینہ لگ کر زخمی ہو چکی ہے۔ جبکہ میں بھا بھی ام رحمت بی بی، و حترام مسماۃ بسلالہ مرکورین بالا کے فائرنگ سے بال بال بچ گئے۔ وجہ عناد تنازعہ مستورات ہے۔ وقوعہ ہذا میرے علاوہ موجودگان متذکرہ بالا کا چشم دید ہے۔ میں زوجہ ام مسماۃ زرینہ کی مجروحیہ اور ہم مرکورین بالا کسان پر بہ ارادہ قتل فائرنگ کرنے کا برخلاف ہر سہ کسان ملزمان بالا دعویدار ہوں۔ (لسان انگشت) مسماۃ رحمت بی بی زوجہ نعیم پوم 35/36 سال ساکن دیہہ حاضرہ نے رپورٹ بالا کی مائید کی (لسان انگشت) کاروائی پولیس حسب گفتہ سائل رپورٹ درج صدر ہو کر پڑھ کر سنایا گیا۔ درستگی کا جبکہ مائیدی نے مائیدی العبدات ثبت کئے۔ مجروح کا نقشہ ضرر لق زخمات رسیدہ مرہب ہو کر بغرض علاج معالجہ ورائے ڈاکٹری زیر حفاظت عارف 226 حوالہ ڈاکٹر صاحبہ ہوئی۔ مضمون رپورٹ سے صورت جرم بالا کا پائی جا کر مراسلہ بغرض قائمی مقدمہ ب عصمت LHC از سال تھانہ ہے۔ تفتیش کی جاوے۔ وسطا گرپری قاسم خان ASI تھانہ طورو مورخہ 03.12.22 کاروائی تھانہ پس آمدہ تحریری مراسلہ حرف بہ حرف درج صدر ہو کر جرم فوق مرہب ہوا نقول FIR معہ آمدہ تحریری مراسلہ بمراد تفتیش حوالہ شعبہ تفتیش کئے جاتے ہیں۔ پرچہ گزارش ہے۔

SI Muhammad IQBAL
03-12-2022

11/04/20

1 of 2

BSP Legal Mardan

"B"

10

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email dpo_mardan@yahoo.com

ORDER.

Being charged in case vide FIR No. 482 dated 01.12.2022 u/s 324/34 PPC PS Toru, Junior Clerk Tanveer is hereby placed under suspension with immediate effect:

GB No. 2557.

Dated. 05 / 12/2022.

District Police Officer
Mardan

No. 6921-25/EC, dated 05 / 12 /2022.

Copy for information to: -

1. Regional Police Officer, Mardan..
2. Superintendent of Police, Operation, Mardan.
3. Superintendent of Police, Investigation Mardan.
4. O.S
5. P.A to DPO Mardan with the direction to issue charge sheet /summary of allegation to the delinquent officer.

G.B

SP/Inv:

DSP Legal
Mardan

OFFICE OF THE
DISTRICT POLICE OFF
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-923
Email: dpomdn@gmail.com

31/05/2023.

No. 373 /PA

DISCIPLINARY ACTION

I, **HAROON RASHID KHAN (PSP)**, District Police Officer Mardan, as competent authority am of the opinion that **Junior Clerk Tanveer Khan,** himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Khyber Pakhtunkhwa Government Civil Servants (Efficiency & Disciplinary) Rules -2011.

STATEMENT OF ALLEGATIONS

Whereas, **Junior Clerk Tanveer Khan,** while posted at DPO Office Mardan, (now under suspension), has been charged in a case vide FIR No.482 dated 01-12-2022 U/S 324/34 PPC Police Station Toru.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, **Mr. Sana Ullah Bettani SP/Inv: Mdn is nominated as Enquiry Officer**.

The Enquiry Officer shall, in accordance with the provision of said rules, provides reasonable opportunity of hearing to the accused official, record & submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

Junior Clerk Tanveer Khan is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.

(Haroon Rashid Khan) T.ST/PSP
District Police Officer Mardan

6283
15-12-22

DSP Legal
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dporndn@gmail.com

12

2022

CHARGE SHEET

I, **HAROON RASHID KHAN (PSP)**, District Police Officer Mardan, as competent authority, hereby charge **Junior Clerk Tanveer Khan** while posted at DPO Office Mardan, (now under suspension), as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under E & D Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in the said rules.

2. 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.

3. Your written defense, if any, should reach the Enquiry Officers 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.

4. Intimate whether you desired to be heard in person.

(Haroon Rashid Khan) T.ST/PSP
District Police Officer Mardan

DSP Legal
Mardan

645 /PA / Inv: Dated 31/05/2023.

To: The District Police Officer,
Mardan.

(13)

Subject: **DISCIPLINARY ACTION.**

Memo:

Kindly refer to this office No.373/PA/ dated 12.12.2022 on the subject cited above.

This departmental enquiry initiated against JC Tanveer khan under the allegations that he, "while posted at DPO office Mardan. (Now under suspension), has been charged in a case FIR No. 482 dated 01.1202022 u/s 324/34 PPC Ps Toru.

ENQUIRY PROCEEDINGS:

The alleged official was contacted on his cell No.0311-9227215 through official Tel: No. 0937-920121 to attend this office in connection with enquiry proceedings, but his cell number continuously going switch off. Subsequently, copy of Charge Sheet+ Statement of Allegations was sent to SHO PS Toru (as the alleged official residing in jurisdiction of PS Toru) for the purpose of serving upon him. Besides, three notices sent to SHO PS Toru for the said purpose (notices are attached) but he reported that the alleged official is absconding in the above case and shifted to unknown place, so the same charge sheet was served upon his cousin for the said purpose but even then he nether replied to charge sheet nor has appeared personally.

ENQUIRY OFFICER OBSERVATIONS.

The alleged official has been proceeded for involvement in the above said case. The alleged official has gone to underground and declared as proclaimed offender which shows his involvement in said case. Although he needed to prove his innocence before his rival/concerned authority and appear before the undersigned but he failed. Hence, the alleged official may be proceeded ex-parte action against him.

RECOMMENDATION:

Keeping in view the above facts and circumstances that the alleged official has been suspended on account above allegation and absconded in the above mentioned case due to which he failed to join the enquiry proceedings. It is recommended that the alleged officia namely JC Tanveer Iqbal may please be awarded major punishment on account of ex-part action under Govt: KP Civil Servant rule (E & D) -2011.

Sir, Submitted, pls.

DPE/M

PA

Superintendent of Police
Investigation, Marda

DSP Legal
Mardan

حاضر عدالت

بحوالہ حکم ڈگری 128-PA/Inv PO مجاریہ 22-2-23 SP انویسٹی گیشن

مردان معروض خدمت ہیں۔ کہ بحوالہ مقدمہ علت 482 مورخہ 12/022 جرم 324/34 PP تھانہ طورو میں مدعی شیر شاہ زیب ولد اسلام گل ساکن فقیرآباد نے لکھوائے پرچہ اراکہ قتل نامزدگی کرنے کا برخلاف ملزمان ندیم ولد لختیار ② تنویر اقبال ولد اقبار ساکنان طورو کی تھی۔ جملہ سماعت پر دونوں ملزمان نے عدالت کے روبرو حاضر ہوکر ضمانت کروائی بعد میں تاریخ مقررہ پر دونوں ملزمان عدالت متعلقہ سے عدم حاضری پر بدستور مفرور اشتہاری گردانے گئے ہیں۔ ملزم تنویر اقبال جو محکمہ پولیس میں نوکر تھے جو بعد فرار مردان میں تعینات تھا۔ اور وہاں سے بھی بدستور عدم حاضر ہے۔ مذکورہ ملزم جو اشتہاری کے خلاف تاحال مؤثر قانونی کاروائی کے لیے بوساطت دفتر ہذا SP انویسٹی گیشن ڈاکٹ جاری کر چکے ہیں۔ رپورٹ عرض ہے۔

ATTESTED

SI/IO-PS. Toru
18-04-23

SI/IO-PS. TORU
11.04.023

راپورٹ مبنی بر حقائق مدلل ہے۔
کیس ایف آئی آر، ڈاکٹ، اشتہار ملزم ہمراہ ہذا راپورٹ
ہے۔

SHO-PS-Toru
11-04-23

PSP Legal
Mardan

OFFICE OF THE
SUPERINTENDENT OF POLICE
INVESTIGATION MARDAN
Phone No. 0937-9230121
Fax No. 0937-9230321
Email: invmdn@yahoo.com

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No. 302 /PA / Inv: Dated 08 / 05 /2023.

To: Station House Officer,
PS Toru, Mardan.

Subject: **DISCIPLINARY ACTION.**

Memo:

Kindly refer to this office latter No.128/PA/Inv dated 22.02.2022 on the subject cited above.

It is stated that in connection of departmental enquiry JC Tanveer Khan charged in case FIR No.482 dated 01.12.2022 u/s 324/34 PPC PS Toru be informed to make sure his appearance before the undersigned and D.D of the same must be sent to this office as evidence.

Superintendent of Police,
Investigation, Mardan.

DSP Legal
Mardan

OFFICE OF THE
SUPERINTENDENT OF POLICE
INVESTIGATION MARDAN
Phone No. 0937-9230121
Fax No. 0937-9230321
Email: invmdn@yahoo.com

16

No. 128 /PA / Inv:

Dated 22 / 02 /2023.

To: Station House Officer,
PS Toru, Mardan.

Subject: **DISCIPLINARY ACTION.**

Memo:

It is stated that JC Tanveer Khan being charged in case FIR No.482 dated 01.12.2022 u/s 324/34 PPC PS Turo to inform him to make sure his appearance before the undersigned in connection of departmental enquiry of above defaulter officer and the same D.D may be sent to this office as evidence.

Superintendent of Police,
Investigation, Mardan.

DSP Legal
Mardan

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0336-10666-8
16101-7947363-5

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ORDER SHEET.

S.#	Dated	Remarks
1	16/12/2022	Enquiry papers against the alleged Jc. Tanveer Khan received to this office by today. Sp Inv Mardan.
2	16/12/2022	Cell # 0311-9227215 of the alleged official sought from DPO Superintendent office found switch off. Sp Inv Mardan

DSP Legal
Mardan

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تھانہ طورو

فہرست مال

تعلقہ — روزنامچہ 10 $\frac{05}{23}$

روانگی / واپسی

بلوقت 14:00 بجے 10 $\frac{5}{23}$ میں بمعہ ملزمان خان Pass روانہ ہوا اور اس وقت میں بمعہ ہمراہیان بعد از علاقہ گشت سے واپس آئے۔ بحوالہ مراسلہ نمبری اسٹنگ نمبری 08 $\frac{5}{23}$ مورخہ 4302-PA/M حاضر ہے SP الورئی کیمپ مردان صاحب میں بغرض تبدیلی ہوا کر مراسلہ مرسلہ علی ولد میرامان سکنہ چھری خیل طورو ہے دیکھا ثبت کرکے بیان کیا کہ میرا قبال جو کہ یہاں پر پولیس پارٹی کے ہمراہ سے رہائشی ترکئی کے کیمپ جدا گیا۔ اکیلا دیکھ کر واپس آیا ہوں اب میں حاضر ہمراہیان روانہ جذبہ علاقہ گشت ہوا۔

ضابطہ

لفظ بلفظ اصل

mm-pa-108
10-5-23

DSP Legal
Mardan

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تھانہ [illegible]

پیراگرس رپورٹ

ملزمان

مقدمہ نمبر 482 مورخہ 12/22 جرم 324/34 PPC 337F(ii) تھانہ [illegible]

ملزمان (1) [illegible] ولد [illegible] سکنہ [illegible]
(2) [illegible] ولد [illegible]

جناب عالی!
حالات مقدمہ یوں ہے کہ مدعی مسمی [illegible] ولد [illegible] سکنہ [illegible] نے بحالت مجروحی MMC [illegible] میں [illegible] رپورٹ درج کرائی کہ [illegible] موقعہ پر موجود تھے کہ اس دوران ملزمان [illegible] باسلحہ آتشیں [illegible] مسلح آتشیں سے [illegible] فائرنگ کرتے ہوئے [illegible] ملزمان [illegible] فائرنگ کر کے [illegible] موقع واردات سے [illegible] مقدمہ ہذا درج رجسٹر ہوا [illegible] نقشہ موقعہ [illegible] موقع واردات سے [illegible] 7.62 [illegible] خون آلودہ [illegible] قبضہ پولیس میں [illegible] گواہان [illegible] 12/22 [illegible] AS VIII [illegible] BBA سے [illegible] گرفتار [illegible] مقدمہ ہذا میں BBA کو 17/12/22 سے [illegible] حاضر ہو کر مقدمہ ہذا میں مجرم اشتہاری گردانے گئے ہیں جس پر [illegible] 21/12/22 کو [illegible] زیر دفعہ 512 ض ف [illegible] گیا ہے اور ملزمان [illegible] روپوش ہے پیراگرس رپورٹ مرتب ہو کر گزارش ہے

AS / IPS Itaru
18-01-2013

DSP Legal
Mardan

پولیس KPK فارم نمبر ۲۷

فارم نمبر ۲۴_۵(۱)

فائیل

ابتدائی اطلاع رپورٹ

ابتدائی اطلاع نسبت قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

تھانہ طورو ضلع صوابی

نمبر 09 تاریخ 12/01/2022 وقت 10:20

۱۔	تاریخ و وقت رپورٹ	12/01/2022 وقت 07:05
۲۔	نام و سکونت اطلاع دہندہ مستغیث شناختی کارڈ نمبر/موبائل نمبر	[illegible] 12/01/2022 وقت 11:40 0349-9400467
۳۔	مختصر کیفیت جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہو۔	[illegible]
۴۔	جائے وقوعہ فاصلہ تھانہ سے اور سمت	[illegible]
۵۔	نام و سکونت ملزم شناختی کارڈ نمبر/موبائل نمبر	[illegible]
۶۔	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	[illegible]
۷۔	تھانہ سے روانگی کی تاریخ و وقت	[illegible]

ابتدائی اطلاع نیچے درج کرو۔

[illegible] 35-36 سال سکنہ [illegible] 1995 وصول ہو کر قابل سماعت ہے مدعی صاحب [illegible] 35-36 سال سکنہ [illegible] 1995 وصول ہو کر قابل سماعت ہے مدعی صاحب [illegible] 50-51 سال سکنہ [illegible] 1995 وصول ہو کر قابل سماعت ہے مدعی صاحب

12/01/2022

انبال خان ASI
PS Topu

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

No 6250-51 /PA Dated 18/6/2023

FINAL SHOW CAUSE NOTICE

Whereas, You Junior Clerk Tanveer Khan, while posted at DPO Office Mardan, (now under suspension), were charged in a case vide FIR No.482 dated 01-12-2022 U/S 324/34 PPC Police Station Toru.

In this connection, a proper departmental enquiry was conducted against you through Mr. Muhammad Sulaiman SP/Investigation Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.373/PA dated 12-12-2022, who (EO) after fulfillment necessary process, submitted his findings to this office vide his office letter No.645/PA/Inv: dated 31-05-2023, holding responsible you of gross misconduct & recommended for an ex-part action.

Therefore, it is proposed to impose Major/Minor penalty as envisaged under Khyber Pakhtunkhwa Government Civil Servants (Efficiency & Disciplinary) Rules-2011.

Hence, I Najeeb-ur-Rehman Bugvi (PSP) District Police Officer Mardan, in exercise of the power vested in me under Khyber Pakhtunkhwa Government Civil Servants (Efficiency & Disciplinary) Rules-2011 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 receipt of this Notice, failing which; it will be presumed that you have no explanation to offer.

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

Received by_____

Dated:___/___/2023

(Najeeb-ur-Rehman Bugvi) PSP
District Police Officer, Mardan.

Copy to SHO PS Toru **(Attention Moharrar)** to deliver this notice upon Junior Clerk Tanveer Khan Son of Ansar resident of Zaid Khel or any of his closed family member & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.

DSP Legal
Mardan

تنویر خان ولد اللہ رکھا ساکن طورو میرا حقیقی بھائی ہے ۔
مذکورہ [illegible] ہے ۔ چونکہ مذکورہ [illegible] بجرم 324
جرم [illegible] ۔ مذکورہ کی شمولیت تفتیش [illegible] مجھے [illegible]
[illegible] تسلیم کرونگا ۔

العبد
نوید اقبال ولد اللہ رکھا ساکن طورو
0317-0400756
16101-1292368-7

[illegible]

[illegible]
9-6-23

[illegible]
SHO [illegible]
27/ /2023

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

(4) (F) 2023 (23)

No 7411-14 /PA Dated 07/08/2023

ORDER ON ENQUIRY OF JUNIOR CLERK TANVEER KHAN

This order will dispose-off a departmental enquiry under Khyber Pakhtunkhwa Government Civil Servants (Efficiency & Disciplinary) Rules-2011, initiated against Junior Clerk Tanveer Khan, under the allegations that while posted at D.P.O Office Mardan was placed under suspension vide this office OB No.2551 dated 05-12-2022, issued vide order/endorsement No. 6921-25/EC dated 05-12-2022, on account of charging in a case vide FIR No.482 dated 01-12-2022 U/S 324/34 PPC PS Toru.

To ascertain facts, he was proceeded against departmentally through Mr. Muhammad Sulaiman SP/Investigation Mardan, **(due to the transfer of Mr. Sana Ullah Bettani, the then SP/Inv Mardan)** vide this office Statement of Disciplinary Action/Charge Sheet No.373/PA dated 12-12-2022, who (E.O) after fulfillment necessary process, submitted his Finding Report to this office vide his office letter No.645/PA/Inv: dated 31-05-2023, holding responsible the delinquent official of misconduct & recommended for major punishment.

On 21-06-2023, Junior Clerk Tanveer Khan was served with a Final Show Cause Notice under E & D Rules -2011, issued vide this office No.6240-41/PA dated 19-06-2023 through his brother Naveed Iqbal, who in his report, highlighted that his brother Junior Clerk Tanveer Khan is Proclaimed Offender in the case. In compliance, he (Tanveer Khan) was bound to submit his reply to this office within stipulated time of (07) days i.e up-to 29-06-2023, but he failed to do so **till-date**, meaning that he has nothing to offer in his defense & is deserved for an ex-parte action.

Final Order

In the light of above discussion, I am of the considered opinion that Junior Clerk Tanveer Khan is not a willing worker in his job and the allegations leveled against him are true, therefore, an ex-parte action is taken against him by awarding **major punishment of dismissal from service with effect from 01-12-2022** with immediate effect, in exercise of the power vested in me under E&D Rules.

OB No. 1473
Dated 31/07/2023

(Najeeb-ur-Rehman Bugvi) PSP
District Police Officer, Mardan.

Copy forwarded for information & n/action to:-

1) The Asstt: Inspector General of Police (Estab) Khyber Pakhtunkhwa at CPO Peshawar.
2) The Regional Police Officer Mardan.
3) The E.C (DPO Office) Mardan with (99) sheets.
4) The In-charge Lab (HRMIS) DPO Office Mardan.

DSP Legal
Mardan

"G"

24

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Junior Clerk Tanveer Khan** of DPO Office, Mardan against the order of the then District Police Officer, Mardan, whereby he was awarded Major punishment of dismissal from service vide OB: No. 1473 dated 31.07.2023. The appellant was proceeded against departmentally on the allegations that he while posted at D.P.O Office Mardan was placed under suspension on account of his involvement in a case vide FIR No.482 dated 01-12-2022 U/S 324/34 PPC Police Station, Toru, District Mardan.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Superintendent of Police, Investigation, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to the then District Police Officer, Mardan, wherein he reported that the delinquent Official was contacted time and again to appear before the enquiry Officer, but he failed and remained absent, which showed that he was no more interested in Police Service. He recommended the delinquent Official for ex-parte action.

The then District Police Officer, Mardan perused the findings and by agreeing with the recommendations of enquiry Officer, issued him Final Show Cause Notice. The Final Show Cause Notice was served through his brother Naveed Iqbal, who in his report, highlighted that his brother Junior Clerk Tanveer Khan is Proclaimed Offender in the case. In compliance, he (Tanveer Khan) was bound to submit his reply within stipulated time of (07) days i.e up-to 29-06-2023, but he failed to do so till-date of his dismissal, meaning thereby that he was nothing to offer in his defense and was deserved for an ex-parte action.

Keeping in view the recommendation of enquiry officer and other material available on record, the delinquent Official was not a willing worker as he was no more interested in his job and the allegations leveled against him are true, therefore, an ex-parte action was taken against him and awarded major punishment of dismissal from service with effect from 01-12-2022 vide OB: No. 1473 dated 31.07.2023 by the then District Police Officer, Mardan.

DSP Legal
Mardan

Feeling aggrieved from the order of the then District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in orderly room held in this office on 31.07.2024.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Moreover, the involvement of appellant in this heinous criminal case is clearly a stigma on his conduct. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. As the appellant instead of joining investigation resorted to absconsion because he after the commission of offence went into hiding. Hence, order passed by the competent authority does not warrant any interference. Besides the above, the appellant approached this forum at a belated stage by filing the instant appeal which is badly time barred for 09 months and 12 days without advancing any cogent reason regarding such delay.

Keeping in view the above, **I, Najeeb-Ur-Rehman Bugvi, PSP Regional Police Officer, Mardan,** being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit as well as badly time barred for 09 months and 12 days.

Order Announced.

Najeeb

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

No. 2587 **/ES, Dated Mardan the** 05 /08 **/2024.**

Copy forwarded to District Police, Mardan for information and necessary action w/r to his office Memo: No. 183/LB dated 26.06.2024. His Service Record is returned herewith.

(*****)

DSP Legal
Mardan

"H"

26

تنویر پر ان دیوانہ محمد مدثر مقتول ہذا کا حقیقی بھائی ہے۔
مذکورہ مرحوم غلط فورشن ہے۔ چونکہ مذکورہ مرحوم کا قتل 324
قلم انداز کیا ہے۔ مذکورہ کا شناختی نمبر نمبر مجھے دعوی پیش
ہے بذا درج کر کے مقدمہ ہذا میں ملحقہ کر رہا ہوں۔

المرقوم

فوجدار شاہ ولد انسار محمد مدثر کرد۔
0317-0400756
16101-1292368-7

: :

SHO
21.6.23

DSP Legal
Mardan

(515/S-Toru)(I)

OFFICE OF THE
SUPERINTENDENT OF POLICE
INVESTIGATION MARDAN
Phone No. 0937-9230121
Fax No. 0937-9230321

No. 961 /PA/Inv: Dated 21 / 12 / 2022.

(27)

To: The Station House Officer,
Toru, Mardan.

Subject: **DISCIPLINARY ACTION.**

Memo:

The enclosed Charge Sheet of JC Tanveer Khan, charged in case FIR No. 482 dated 01.12.2022 u/s 324/34 PPC PS Toru is hereby sent for serving upon him and signed photocopy of the same may be returned to the office as token of receipt.

Superintendent of Police,
Investigation, Mardan.

DSP Legal
Mardan

میں مسمی فرسٹ علی بیان دیتا ہوں کہ میں نے چارج شیٹ و سمری آف
اعتبال تے حوالہ کر دیا ہے۔

فرسٹ علی ولد میر آمان سکنہ مہدی خیل طورو

0336 - 1066668

16101 - 7947363 - 5

جناب عالی

چارج شیٹ بذریعہ تعویذ ہمراہ ملزم حوالہ خدمت ہے کہ چارج شیٹ
کو حوالہ کرنے کے بعد ملزم کو چارج شیٹ حوالہ کر دیا گیا ہے
لہذا رپورٹ عرض ہے

Tasleem
ASI PS Tokar
26 - 12 - 22

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

28

Service Appeal No. 1197/2024

Muhammad Tanveer Iqbal Ex-Junior Clerk (BPS-11) District Police Officer Mardan

.....Appellant

VERSUS

The District Police Officer, Mardan and others

.....Respondents

AUTHORITY LETTER.

Mr. Atta-ur-Rehman Deputy Superintendent of Police Legal Mardan is hereby authorized to appear before the Honorable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

District Police Officer, Mardan.
(Respondent No. 2)
(ZAHOOR BABAR)[PSP]
Incumbent

Regional Police Officer, Mardan.
(Respondent No. 1)
(NAJEEB-UR-REHMAN BUGVI)[PSP]
Incumbent