

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 842/2024

Fakhar Alam s/o Shah Alam Khan,
Sub-Inspector No. 584/MR,
SHO Police Station, Jalozai, Pabbi Circle, District Nowshera.


.....Appellant

V E R S U S

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others.

.....Respondents

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Parawise comments	-	1-04
2.	Affidavit	-	05
3.	Authority letter	-	06
4.	Copy of charge sheet & Statement of allegation	A	07-08
5.	Copy of initial enquiry 	B	09-12
6.	Copy of de-novo enquiry	C	13-14
7.	Copy of punishment order	D	15
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9.	Copy of rejection order of departmental appeal	F	17-18
10.	Copy of rejection order of revision petition	G	19


DSP Legal,
Nowshera

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 842/2024

Fakhar Alam s/o Shah Alam Khan,
Sub-Inspector No. 584/MR,
SHO Police Station, Jalozaï, Pabbi Circle, District Nowshera.

Khyber Pakhtunkhwa
Service Tribunal

Case No. 15846

Dated 19-09-24

.....Appellant

V E R S U S

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan.
3. District Police Officer, Nowshera.

.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No. 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 initial appointment as constable and the subsequent promotion to the rank of Sub-Inspector is not plausible because every Police Officer after appointment and qualifying the requisite criteria for promotion gets promoted to the next higher rank. However, presently the appellant is performing his duties as Additional SHO Police Station, Jalozaï.
2. Plea taken by the appellant is totally bereft of any substance because every Police Officer is under obligation to discharge his duty with honesty, zeal, zest, dedication and up to the entire satisfaction of superiors, as in this department, there is no room lies for any lethargy. Besides, non-association with any departmental proceedings does not mean a clean chit for the future wrong deeds.
3. Correct to the extent that the appellant while posted as SHO Police Station, Misri Banda was found involved in tempering the vehicles. Hence, he was suspended and close to Police Lines, Nowshera and proper departmental proceedings were initiated against him by issuing him charge sheet along with

statement of allegations. (Copy of charge sheet & statement of allegation is annexure "A"). Enquiry was entrusted to the then SDPO Akora, who after fulfillment of all legal and codal formalities, coupled with providing right of self-defense to the appellant, recommended him for major punishment as the allegations leveled were proved against him to the hilt. (Copy of initial enquiry is annexure "B"). He was served with Final Show Cause Notice to which his reply was received. The appellant was called in Orderly Room held in the office of the respondent No. 03 on 05-06-2023 and was heard in person. During hearing the appellant requested for de-novo enquiry. Hence, de-novo enquiry was entrusted to the then SDPO Nowshera Cantt:. The enquiry officer after doing the needful, submitted his findings to the respondent No. 03 by recommending the appellant for appropriate punishment. (Copy of De-novo enquiry is annexure "C"). In light of recommendations made by the officer conducted de-novo enquiry proceedings, the appellant was again called in Orderly Room held in this office of respondent No. 03, on 05-07-2023, heard in person but he failed to justify his innocence. Therefore, the appellant was awarded appropriate punishment of reduction in pay by two stages which does commensurate with the gravity of misconduct of appellant. As he has already been treated leniently by the competent authority. (Copy of punishment order is annexure "D").

4. Correct to the extent that after receipt of findings of enquiry officer, the appellant was issued Final Show Cause Notice to which he submitted his reply. Besides, at the time of personal hearing in orderly room, the request of appellant was accepted in terms of conducting de-novo proceedings. (Copy of Final Show Cause Notice is annexure "E").
5. Correct, however, the appellant was not exonerated of the charges leveled against him and was recommended for appropriate punishment under the relevant rules/law.
6. Correct to the extent that departmental appeal as well as Revision Petition were dismissed by the authorities as the same were totally bereft of any substance. (Copy of rejection order of departmental appeal is annexure "F" and copy rejection order of revision petition is annexure "G"). Moreover, the appeal of the appellant is liable to be dismissed on the following grounds amongst the others: -

Reply on Grounds

- A. Incorrect. As the appellant was held guilty and was even not exonerated during de-novo enquiry, hence, dealt under the relevant rules/law.

- B. Incorrect and baseless, as the jurisdiction exercised against appellant was vested in respondents under the rules/law.
- C. Correct however, the appellant was not exonerated and held guilty in both departmental enquiries.
- D. Incorrect as there is no assumption or resumption of the matter against the appellant rather he was held guilty during de-novo enquiry and to his lack of supervisory role as SHO. Hence, the penalty awarded does commensurate with his guilt/misconduct.
- E. Incorrect and baseless as both the enquiries were conducted on facts/merit against the appellant. Moreover, the enquiry officer had no personal grudges against the appellant and dealt him under the relevant rules/law.
- F. Correct, however, the cited orders of Judicial Magistrate-I, dated 17-03-2023 contained that the complainant did not want to press the complaint anymore and the same be filed without further proceedings. It means there is no order of his being discharged, except complainant did not want to further the court proceedings in the matter. Moreover, during departmental enquiry conduct of the appellant was scrutinized in the matter where he was found guilty of misconduct and punished as deserved under the relevant rules/law.
- G. Incorrect and baseless as proceedings in both the departmental enquiries were conducted properly and scrutinized all the charges leveled against him. Rest of the para needs no comments.
- H. Incorrect as the appellant was held guilty of misconduct and there is no element of malafide or misreporting on the part of enquiry officer. hence, denied.
- I. Para already replied in the preceding para "E" "G" and "H" hence, needs no comments.
- J. Incorrect as the impugned order is legal and in accordance with rules/law, hence, denied.
- K. Incorrect and baseless whereas contents of this para have already been replied in the above paras.
- L. Incorrect as the impugned penalty does commensurate his guilt and the punishment awarded to him was in accordance with rules/law, hence, denied. However, respondents may also be allowed to advance additional grounds at the time of arguments.

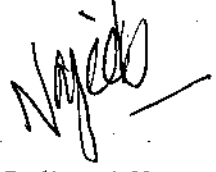
(4)

Prayers

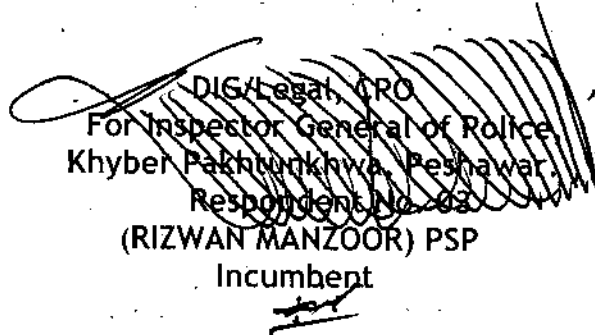
It is, therefore, most humbly prayed that on acceptance of above submissions, the appeal of the appellant may be dismissed with costs, please.



District Police Officer,
Nowshera.
Respondent No.01
(Muhammad Azhar) PSP
Incumbent



Regional Police Officer,
Mardan
Respondent No.02
(Najeed-ur-Rehman Bhagvi) PSP
Incumbent



DIG/ Legal, CPO
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
Respondent No.03
(RIZWAN MANZOOR) PSP
Incumbent

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BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 842/2024

Fakhar Alam s/o Shah Alam Khan,
Sub-Inspector No. 584/MR,
SHO Police Station, Jalozai, Pabbi Circle, District Nowshera.

.....Appellant

V E R S U S

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan.
3. District Police Officer, Nowshera.

.....Respondents

AFFIDAVIT

I, Muhammad Azhar, District Police Officer, Nowshera, respondent No.3 do hereby solemnly affirm and declare on Oath that the contents of reply of the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable tribunal.

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



Muhammad Azhar
District Police Officer,
Nowshera
Respondent No.03
(MUHAMMAD AZHAR) PSP
Incumbent

11 9 SEP 2024

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BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 842/2024

Fakhar Alam s/o Shah Alam Khan,
Sub-Inspector No. 584/MR,
SHO Police Station, Jalozai, Pabbi Circle, District Nowshera.

.....Appellant

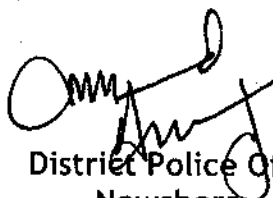
V E R S U S

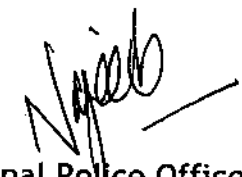
1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan.
3. District Police Officer, Nowshera.

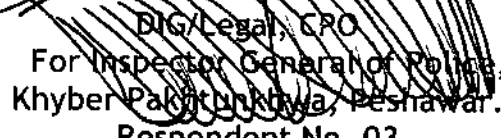
.....Respondents

AUTHORITY LETTER

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


District Police Officer,
Nowshera.
Respondent No.01
(Muhammad Azhar) PSP
Incumbent


Regional Police Officer,
Mardan
Respondent No.02
(Najeeb-ur-Rehman Bhagvi) PSP
Incumbent


DIG/ Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
Respondent No. 03
(RIZWAN MANZOOR) PSP
Incumbent

(7)

Annex (A)

DISCIPLINARY ACTION

I, Nasir Mahmood, PS, District Police Officer, Nowshera as competent authority am of the opinion that SI Fakhar Alam 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, SI Fakhar Alam that he while posted as SHO PS, Misri Banca, now under suspension at Police Lines, Nowshera was reportedly involved in tempering of vehicles, 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, Mr. Alab Khan, SDPO Akora 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.

SI Fakhar Alam is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.

Nasir Mahmood
District Police Officer,
Nowshera

No. 36 /PA,
Dated 18/04 2023

ATTESTED
[Signature]
DSP Legal Nowshera



CHARGE SHEET

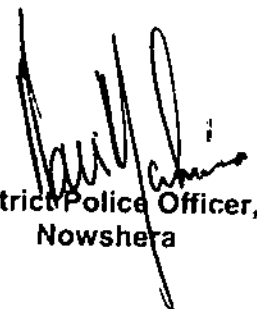
1. I, **Nasir Mahmood, PSP**, District Police Officer, Nowshera, as competent authority, hereby charge **SI Fakhar Alam** as per Statement of Allegations enclosed.


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

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

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

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


District Police Officer,
Nowshera

ATTESTED

DSP Lt. Nowshera



(9) Better copy. Annex B₂

**OFFICE OF THE
JB-DIVISIONAL POLICE OFFICER, Akora CIRCLE.**

Tel: 0923-561587, E-Mail: sdpo_akora@yahoo.com

No. /ST, Dated: 17 /05/2023.

ENQUIRY REPORT OF SI FAKHR ALAM POLICE LINE NOWSHERA:

The undersigned was deputed to conduct the enquiry of SI Fakhr Alam through letter No.36/PA dated 18.04.2023 by the Worthy District Police Officer Nowshera.

BRIEF FACT: -

Whereas, SI Fakhr Alam while posted as SHO PS, Misri Banda, now under suspension at police line, Nowshera was reportedly involved in tempering of vehicle, which amounts to grave misconduct on his part and rendered him, liable for punishment as under Khyber Pakhtunkhwa Police Rules, 1975.

PROCEEDINGS: -

During the course of the inquiry, the defaulter officer SI Fakhri Alam Khan was called to the office of the undersigned and served with a charge sheet/statement of allegations, to which he submitted his written reply stating therein that on dated 08-04-2023 I was on routine patrolling near Wali Inter Change, a Motor Car Swift No. AMY-482 Sind was found without owner. The said Motor Car took into possession u/s 523-550 CrPc. while 07 different Mobile Phones are also laid near Motor Car. Reports were entered regarding the said motorcar vide DD No. 14 dated 08-04-2023 PS Misri Banda. The said report marked to ASHO Shaukat Hayat Khan for necessary action and the said motorcar was brought to police Station Misri banda and parked at Police Station. Directions were issued to MHC to make entries on the concern registers. In this regard, an inquiry has been initiated u/s 523-550 CrPc through SI Shaukat Hayat Khan. He denied the allegations and stated that I am ready to give a statement by oath that I did not temper with the said motorcar and neither tempered with any other vehicle before that was taken U/S 523/550 in another Police Station and, in this regard, the report can be taken and these efforts has been made only for dishonor/defamation, In this regard I am totally innocent and requested to file my charge sheet without any proceeding.

STATEMENT OF SHAUKAT KHAN SI PS MISRI BANDA.

To ascertain facts, the statement of SI Shaukat Hayat Khan ASHO PS Misri Banda, stated in his written statement that I am performing duty as ASHO PS Misri Banda on dated 08-04-2023 ex-SHO Farkhri Alam Khan found a motorcar SWIFT registration No. 422 /AMY without owner near Wali Interchange. He took it into possession U/S 523/550. The report was entered in DD No. 14 dated 08-04-2023 PS Misri Banda and handed over to me for enquiry. After the legal procedure, I sent an application to FSL Peshawar, ETO Sind and CRO for examination of the said motorcar. Proper permission was taken from the court of SCJ Khalid Mansoor for initiating an enquiry into U/S 156 (III) and the motorcar was examined by a civil nazir in the court premises. He prepared an inventory report and gave me the original, kept one copy with him for court purposes and, at that time, constable Haris 1635, also with me.

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CSP Legal Nowshera

STATEMENT OF CONSTABLE ZEESHAN 1578 PS MISRI BANDA.

To ascertain facts, the statement of Constable Zeeshan 1578 while posted at PS Misri Banda, he stated in his written statement in connection to the enquiry of the motorcar taken by SI Fakhri Alam Khan U/S 523/550 CrPc, that I have no information about the car because I was on routine shabashi (leave). On 15-04-2023 Muharrar PS Misri Banda handed the said motorcar, taken U/S 523/550 CrPc to present it in the court of SCJ Khalid Mansoor. I called my friend, namely Imran, to accompany me to present the car in District Court Nowshera. I sat him down in the jurisdiction of court and presented the said car in the court of SCJ Khalid Mansoor. He examined the car and told me who handed the car to him. I replied that Muharrar handed it over to me, then they asked me where the other person who was with you on the way to court and asked me to present him. I said it was my friend Imran. The SCJ Khalid Mansoor asked Imran about his occupation, to which he replied that he is working as a mechanic in Hakeem Abad. The SCJ, Khalid Mansoor, asked if he had tempered the car, which he refused in response. Then asked from me about the car that you have tempered it I replied that I am ready for all kind of consolation, I have done my duty in presenting the car in the said court, it is my statement which is true.

STATEMENT OF CONSTABLE HLEEM NO. 1592.

To ascertain facts, the statement of Constable Aleem No. 1592 while posted at PS Misri Banda, In his written statement he stated that, during patrolling with SHO PS Misri Banda, near Wali interchange, on the side of Islamabad, a motorcar of type SWIFT No. 482/ AMY SINDH was found without owner along with 07 different mobile phones laying outside the motorcar. The motorcar was taken U/S 523/550 CrPc, no tampering was done with chassis No.

STATEMENT OF CONSTABLE AZMAT No.1592.

To ascertain facts, the statement of Constable Azmat No. 1592 while posted at PS Misri Banda, in his written statement he stated that, during patrolling with SHO PS Misri Banda, near Wali interchange, on the side of Islamabad, a motorcar of type SWIFT No. 482/ AMY SINDH was found without owner along with 07 different mobile phones laying outside the motorcar. Motorcar was taken U/S 523/550 CrPc, no tampering was done with Chassis No.

STATEMENT OF RAHAM S/O SAID RAHAM R/O SARDAR AHMAD COLONY PESHWAR.

He stated that I was going to Mansehra on the motorway in my motorcar No. 643/Sindh, chassis no. PK100028100, engine No. M13A13028100, Model 2015, Swift, along with family. At night time, about 11PM, when we reached near Wali interchange, the police party stopped us and SHO Fakhri Alam Khan asked me to come out of the car and take mobile phones from my wife and children and started searching my car and asking me about my car documents I present them car documents but SHO Fakhri Alam Khan stated me that your car is a stolen car and your documents are not correct and abuse me, took our mobile phones and motorcar and left us on main road. After that, we waited for a long time to rent vehicle. On the next day, I went to PS Misri Banda and asked about my car. There I came to know that an FIR had been lodged against the car. When the court summoned the vehicle, in court

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DSP Legal Nowshera

premises, I saw my vehicle chassis number damaged/tempered, which was very much harm to me. The said SHO misuses his power and puts me in trouble without any guilt.

STATEMENT OF QUDRAT S/O SHAMS R/O MANSEHRA.

He stated that I was going to Mansehra from Peshawar on the motorway in our motorcar No. 643/Sindh, chassis no. PK100028100, engine No. M13A13028100, Model 2015, Swift, along with my parents and brother. At 11 pm at nighttime, when we reached near the Wali interchange, the police party stopped us and they took our body search and take in possession my mobile phone. And started searching the car and asking me about the car documents. I presented them vehicle documents but SHO Fakhri Alam Khan told us that their car was a stolen car and asked us to come to PS Misri Banda tomorrow and learn about our car. All these matters occurred with us under the supervision of SHO PS Misri Banda Fakhri Alam.

FINDINGS: -

From, the available record/ statements the following observations were found.

SHO PS Masri Banda is an experienced police officer and he himself admitted that he had possessed many vehicles U/S 523/550 before. The number 2 written on the chassis is incomprehensible even though there is an X mark on the chassis instead of the 2. That it is his incompetence and negligence that he verbally stated that this number was written on the chassis plate although the reference in the FSL is the chassis number and not the chassis plate.

The defaulter police officer did not show 07 mobile phones of different kinds taken in possession U/S 523/550 with the said vehicle in his report.

When the court summoned the vehicle and examined it through his civil Nazir, in the court premises. Civil Nazir examined the said vehicle and made an inventory report in which he did not mention tempering of the vehicle the civil nazir hand over one copy of the inventory report to enquiry officer SI Shaukat Hayat Khan and kept one copy for court purpose. While after that the said motorcar was found tempered.

The defaulter officer, did not bring into my notice about mobile phones taken in possession.

The defaulter officer did not mention the 7/8 mobile phones when entering his report vide DD No. 14 dated 08-04-2023, PS Misri Banda, which was taken into possession with the said motorcar by the defaulter officer.

It's beyond comprehension how someone leaves their 07/08 mobile phones and car without an owner at nighttime.

It is beyond comprehension how someone leaves valuable car of Rs. 19/20 lacs without owner at nighttime.

I recovered 07 different mobile phones from the defaulter officer and handed to the legal owners, Abdul Qadeer and Sardar Ahmad Khan R/O Peshawar, through receipt. .

In view of the above facts and statements, the defaulter officer under inquiry was found guilty and thus creating a situation which brings the police force into disrepute, which instills public hatred towards the police and creates insecurity and distrust.

PS Misri Banda
08/04/2023

Previous inquiry report also here with attached for your kind perusal.

RECOMMENDATIONS: -

Keeping in view the above facts and circumstances, it is recommended that the official under inquiry may be awarded major punishment if agreed, please.

Enclosed ()

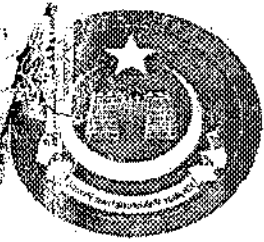


(AJAB KHAN)

Deputy Superintendent of Police
Akora Circle.

Dated 16/05/2023.

ATTESTED
DSP Legal Nowshera



OFFICE OF THE
DEPUTY SUPERINTENDENT OF POLICE,
NOWSHERA CANTT CIRCLE

Tel No. 0923-9220108, Email: sdponsrcanttt@gmail.com

Annex: C₂

NO
CO
PS
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13

To: - The District Police Officer,
Nowshera.
No 22 / St Nowshera dated 3/7/2023.

Subject: DEPARTMENTAL INQUIRY AGAINST SI FAKHRE ALAM MR.584.

Memo: Kindly refer to your office Diary No. 161/PA, dated 18.05.2023.

SUMMARY OF ALLEGATIONS:

Whereas, SI Fakhre Alam while posted as SHO police station Misri Banda, now under suspension at Police Lines Nowshera was reportedly involved in tempering of vehicles, which amounts to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa Police Rules, 1975.

PROBING:

The delinquent police officer was called and heard him in person who submitted his reply of charge sheet that he already given statement before SDPO Akora which is his statement, wherein he mentioned that on 08.04.2023 he was on routine patrolling gusht near Wali Interchange a Motor Car bearing registration No. 482/AMY-Sindh was found parked by unknown person was taken into possession u/s 523/550 Cr.P.C, the M/Car was brought to police station Misri Banda and MHC was issued direction for necessary entry into relevant registers. He denies the allegation leveled against him and solemnly stated that it could be the act of tempering was done by someone just to defame him. On perusal of statements of FC Aleem and FC Azmat on duty with SHO it was found that they were present on duty with SHO on the day of occurrence when a M/Car bearing registration No. 482/AMY-Sindh was found parked on Motorway near Wali Interchange Peshawar to Islamabad road without any body, while 07 mobile phones in shopping bag was also lying near M/Car. The M/Car was taken into possession u/s 523/550 Cr.P.C and no one tempered the chassis of the vehicle.

CONCLUSION.


From statements and available record and inquiry conducted so far, it came to surface that though SI Fakhre Alam has not himself tempered the vehicle but being responsible officer he was under obligation to keep the vehicle so taken into possession in safe custody and under his supervision, to which he failed to do so and this act resultant in tempering of the vehicle by someone in his subordinates. Furthermore, the owner of the vehicle filed an application before court wherein he requested for the withdrawal of his case which was accepted by the learned court and the vehicle was handed over to the owner on the direction of learned court of Mr. Khalid Mansoor Senior Civil Judge (J-I) JM Nowshera vide order dated 17.04.2023. Besides above, the applicant Muhammad Rahim s/o Said Rahim r/o Sardar Ahmad Jan Colony Bajauri Street No. 3 Peshawar stated in his written statement that he wants no action against SHO Misri Banda as the vehicle is handed over him through court order.

ATTESTED

D. P. L. Nowshera

RECOMMENDATION:

The undersigned is of the view that the tempering of case property Motor Car was not prove against the delinquent police officer, however being as SHO/supervision officer he cannot exonerated because due to his lack of supervision the act was done. Therefore, SI Fakhre Alam being a responsible officer is recommended for any appropriate punishment under relevant Rules and Law.


**Deputy Superintendent of Police,
Nowshera Cantt Circle.**

ATTESTED

Nowshera

POLICE DEPARTMENT

NOWSHERA DISTRICT

ORDER

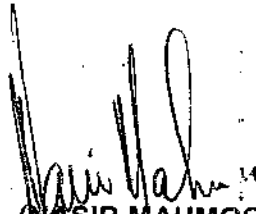
SI Fakhar Alam No.MR/584, while posted as SHO PS, Misri Banda was reportedly involved in tempering of vehicles.

On account of which, he was suspended, closed to Police Lines, Nowshera and proceeded against departmentally through SDPO Akora, who after conducting enquiry, submitted his report to the undersigned vide his office No. 04/St: dated 17.05.2023, wherein he proved the allegations leveled against him and recommended him for awarding major punishment.

He was served with Final Show Cause Notice, to which, he submitted his reply. On 05.06.2023, he was appeared in orderly room, wherein he requested the undersigned for conducting re-enquiry against him. De-novo enquiry was conducted through SDPO Cantt Nowshera who after doing the needful submitted his report to the undersigned vide his office letter No. 22/St dated 03.07.2023, wherein he highlighted that although tempering of case property Motor Car was not proved against him but being SHO he was custodian of said vehicle which was tempered by his subordinate staff, therefore, recommended him for appropriate punishment.


On 05.07.2023, he was heard again in orderly room by the undersigned wherein he failed to produce any cogent reason in his defense, hence, SI Fakhar Alam No. MR/584 is hereby awarded major punishment of reduction in pay by 02 stages and re-instated in service from the date of suspension, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 499
Dated 06-07/2023


(NASIR MAHMOOD)PSP,
District Police Officer,
Nowshera

No. 1777-82PA, dated Nowshera, the 06/07/2023.
Copy for necessary action to:

1. The Regional Police Officer, Mardan:
2. Establishment Clerk.
3. ~~Pay officer.~~
4. FMC with its enclosures (41 sheets).
5. I/C Computer Lab.
6. Official concerned.

ATTESTED

DSP Legal Nowshera

written statement that he wants no action against SHO Misri Banda as the vehicle is handed over him through court order.

Annex E
16

FINAL SHOW CAUSE NOTICE

Whereas, you SI Fakhar Alam No. MR/534, while posted as SHO Police Station, Misri Banda, were reportedly involved in tempering of vehicles.

On account of which, you were suspended, closed to Police Lines and proceeded against departmentally through Mr. Ajab Khan, SDPO Akora, who after fulfillment of legal formalities submitted his report to the undersigned, wherein he found you guilty 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, Nasir Mahmood, 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. 161 /PA,
Dated 24/5/2023


24/5/2023

ATTESTED
DSP Legal Nowshera

STATEMENT OF...
To ascertain facts, the statement of...
statement he stated that, during patrolling with...

(17)

Annex: F

فخر عالم الظان

ORDER.

This order will dispose-off the departmental appeal preferred by Sub-Inspector Fakhar Alam No. 258/MR 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. 499 dated 06.07.2023. The appellant was proceeded against departmentally on the allegations that he while posted as SHO Police Station, Misri Banda was reportedly involved in tempering of vehicles.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, (SDPO) Akora 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. On 05.06.2023, he was appeared in Orderly Room, wherein he requested to District Police Officer, Nowshera for conducting of re-enquiry against him. Therefore, de-novo enquiry was conducted through the then Sub Divisional Police Officer, (SDPO) Cantt: Nowshera. The enquiry Officer after doing the needful submitted his report to District Police Officer, Nowshera, wherein he highlighted that although tempering of case property Motor Car was not proved against the delinquent Officer but being SHO he was custodian of said vehicle which was tempered by his subordinate staff, therefore, recommended him for appropriate punishment.

The District Police Officer, Nowshera thoroughly perused the findings of the Enquiry Officer and he was also heard in orderly room on 05.07.2023, but he could not advance any cogent reason in his self defense, therefore, he was awarded major punishment of reduction in pay by two stages vide OB: No. 499 dated 06.07.2023.

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 28.09.2023.

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

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DSP Legal Nowshera

any shadow of doubt as he could not produce any cogent justification in rebuttal rather the allegations of malpractices stand proved. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in such like activities brought a bad name for entire Police force in the eyes of general public. During the course of personal hearing, he could not present any cogent justification to warrant interference in the order passed by the competent authority. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer. Therefore, the order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, **Muhammad Suleman, PSP Regional Police Officer, Mardan**, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.

(MUHAMMAD SULEMAN) PSP
Regional Police Officer,
Mardan.

No. 6731 /ES, Dated Mardan the 16 / 10 /2023.

Copy forwarded to District Police, Nowshera for information and necessary action w/r to his office Memo: No. 2072/PA dated 21.07.2023. His Service Record is returned herewith.

(*****)

EC/FMC
For u. action

W
DPO/NSR
17/11/23

No. 2533/PA
dt 12/10/2023

ATTESTED
DSP Legal Nowshera

handed over him through court order.

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SI Jibgy

19

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

Annex:
(G)

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 SI Fakhar Alam No. 258/MR, 584/MR (hereinafter referred to as petitioner).

The petitioner was awarded major punishment of reduction in pay by two stages vide OB No. 490, dated 06.07.2023 on the allegations that he while posted as SHO PS Misri Banda was reported involved in tampering of vehicles. The E.O after conducting proper departmental enquiry highlighted that the tampering of case property was not proved against the delinquent officer but being SHO he was custodian of the said vehicle, which was tampered by his subordinate staff, therefore, recommended him for appropriate punishment.

RPO Mardan rejected his instant appeal vide Order Endst: No. 6731/ES, dated 16.10.2023.

A meeting of Appellate Board was held on 10.05.2024 in CPO under the chairmanship of DIG, Headquarters. SI Fakhar Alam No. 258/MR, 584/MR was present.

The petitioner was heard in person. He was given reasonable opportunity to defend himself against the charges; however he failed to advance any justification. The Board rejected his revision petition.

Sd/-

AWAL KHAN, PSP

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

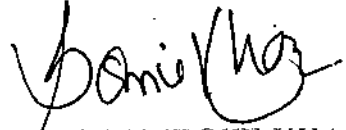
No. SI/ 1190-95 /24, dated Peshawar, the 17-05- /2024.

Copy of the above is forwarded to the:


1. Regional Police Officer, Mardan. Two Service Books, One Service Roll alongwith Fauji Missal received vide letter No. 269/ES, dated 25.01.2024 is returned for your office record.
2. District Police Officer, Nowshera.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-III, CPO Peshawar.

No. 866/PA
dt 21/5/2024

EC/Amc
for u admin


(SONIA SHAMROZE KHAN)
PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

192
21/05/2024


DPO/MSR
21/5/2024

ATTESTED
DSP Legal Nowshera