

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD.**

SERVICE APPEAL NO. 832/2024.

Muhammad Ali Khan Sub Inspector No. 174/H presently posted in Anti-Corruption Branch at Abbottabad.

.....APPELLANT.


VERSUS

1. District Police Officer, Abbottabad.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

.....RESPONDENTS.

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Dy: Superintendent of Police,
Legal, Abbottabad.

A. Abael,

(1)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD

SERVICE APPEAL NO. 832/2024

Muhammad Ali Khan Sub Inspector No. 174/H presently posted in Anti-Corruption Branch at
Abbottabad.Appellant

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16365

Dated 07-10-2024

1. District Police Officer, Abbottabad.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. Provincial Police Officer, Khyber Pakhtunkhwa, PeshawarRespondents

Para-wise comments on behalf of Respondents.

Respectfully Sheweth

That the respondent submit as under:

PRELIMINARY OBJECTIONS:

1. That the instant Service Appeal is not maintainable in the present form.
2. That the appellant is estopped by his own conduct to file the instant appeal.
3. That the appellant has not come to the Hon'ble Tribunal with clean hands.
4. That the appellant has suppressed material facts from the Hon'ble Tribunal.
5. That the instant Service Appeal is barred by law and limitation.

ON FACTS:

1. Incorrect, the appellant while posted as SHO PS Mirpur, on 05.10.2023 an incident of firing occurred at Banda Qazi, Mirpur, he visited the place of occurrence but failed to take necessary legal action against the duly armed persons/ individuals while the incident was witnessed by the residents of area. The appellant failed to handle the situation and did not take legal action against the culprits. Similarly, the accused namely Farced also made his escape good from ATH Abbottabad, but he could not take action against him, he also did not report the matter. The acts and omissions of the appellant were gross misconduct in terms of Khyber Pakhtunkhwa Police Efficiency and Discipline Rules-1975 (amended 2014). Therefore, the appellant was issued Charge Sheet and Statement of Allegations vide this office Memo: No. 232/PA dated 12.10.2023 to which the appellant could not give satisfactory reply and he was held guilty by the enquiry officer, therefore, the appellant was issued Final Show Cause Notice by the DPO Abbottabad vide office No. 290/PA dated 31.10.2023. (Copies of Charge Sheet, Enquiry Report and Final Show Cause Notice are attached as Annexure "A"). The appellant could not give plausible defense in reply of final show cause notice. Consequently, he was awarded minor punishment of stoppage of 03 years' increment with accumulative effect by the DPO Abbottabad vide OB. No. 260 dated 08.11.2023. (Copy of order is attached as Annexure "B").

2. Incorrect, the appellant could not give satisfactory reply of Final Show Cause Notice, therefore, he was awarded minor punishment of stoppage of 03 years' increments by the District Police officer, Abbottabad.
3. Incorrect, proper departmental enquiry was conducted, SP Cantt, Abbottabad was appointed as enquiry officer, who conducted proper enquiry and held the charges proved. The appellant was given right of personal hearing and self-defense in the departmental proceedings.
4. Incorrect, the allegations were thoroughly probed in the departmental enquiry, in which the appellant was held guilty. Hence, he was awarded minor punishment of stoppage of 03 years' increments with accumulative effect by the District Police Officer, Abbottabad on lawful grounds, evidence and justification.
5. Incorrect, the appellant while posted as SHO PS Mirpur failed to discharge his official duties which resulted into happening of un-pleasant incident of firing at Banda Qazi, Mirpur, he visited the place of occurrence but failed to take necessary legal action against the duly armed persons/ individuals while the incident was witnessed by the residents of area. The appellant failed to handle the situation and did not take legal action against the culprits. Similarly, the accused namely Fareed also made his escape good from ATH Abbottabad, but he could not take action against him, he also did not report the matter. His negligence and malafide let the incident happen, which was gross misconduct under the law/ rules.
6. Incorrect, the appellant failed to discharge his official duties and could not take prompt legal action against the culprits and also made good the escape of accused Fareed from ATH due to his laxity and connivance.
7. Incorrect, the allegations were thoroughly probed in the departmental enquiry, the appellant failed to take legal action against the armed persons / accused at the spot who made firing. He also could not take actions against accused Fareed who escaped from ATH Abbottabad and failed to report / incorporate the matter to the seniors.
8. Incorrect, the appellant is generating false stories to absolve himself from liabilities. The allegations were established through strong evidence in the departmental enquiry. The fact of the matter is that the appellant failed to take prompt legal action against the armed persons who also made firing at the spot. Moreover, accused Fareed also escaped from ATH due to the negligence of appellant.
9. Incorrect, the charges were proved against the appellant and he was held guilty. It was proved that the appellant failed to take legal action against the culprits well in time and he did not inform the seniors about the unpleasant incident.
10. In reply to this para, it is submitted that the appellant was awarded punishment of stoppage of 03 increments with accumulative effect by the District Police Officer,

Abbottabad, against which he preferred departmental appeal to the Regional Police Officer, Hazara Region, Abbottabad.

11. In reply to this para, it is submitted that the appellant preferred departmental appeal to the Regional Police Officer, Hazara Region, Abbottabad, who called the comments from District Police Officer, Abbottabad, perused the record and also heard him in person. The appellate authority vide his office order No. 1172/PA dated 23.02.2024 elaborated the all facts and circumstances and held that the appellant being SHO has been proved to have sided with armed aggressors by registering frivolous FIR for abduction on the complaint of an accused who had been caught alongwith a repeater rifle by the locals of a village and handed over to Police for legal action. Instead of registering FIR against culprits, the appellant released him without any record/ legal authority and registered FIR u/s 365/506(2)/147/148 PPC dated 05.10.2023 PS Mirpur against the aggrieved, and openly supported the aggressors. Therefore, the appellate authority on quite legal grounds and justification enhanced the punishment of stoppage of 03 years' increment with accumulative effect into Dismissal from Service. (Copy of order is attached as Annexure "C").
12. Incorrect, the appellant committed illegalities/ irregularities, he supported the aggressors and also damaged the soft image of Police. His conduct was against the norms of Police Force and being SHO instead of taking legal action against the aggressor/ culprits, supported them, which transpired his dubious role.
13. In reply to this para, it is submitted that the appellant filed Revision Petition to the Provincial Police Officer, Khyber Pakhtunkhwa against the punishment order of Regional Police Officer, Hazara Region, Abbottabad. The competent authority accepted his Revision Petition and modified the major punishment of Dismissal from Service of appellant into major punishment of Reversion in Rank from Inspector into Sub-inspector, he was reinstated in service with immediate effect and the period, he remained out of service was treated as leave without pay. (Copy of order is attached as Annexure "D").
14. Incorrect, the departmental authorities proceeded as per law / rules. He was held guilty by the enquiry officer and was awarded punishments at all departmental forums, which establishes that the appellant was guilty of misconduct and is not innocent.
15. Incorrect, the instant Service Appeal is not maintainable on the following grounds.

GROUND:-

- a. Incorrect, the punishment orders issued by the departmental authorities dated 08.11.2023, 23.02.2024 and 23.05.2024 are quite legal, based on facts, circumstances and evidence, which are lawful and maintainable.

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD.**

SERVICE APPEAL NO. 832/2024.

Muhammad Ali Khan Sub Inspector No. 174/H presently posted in Anti-Corruption Branch at Abbottabad.

.....Appellant.


VERSUS


1. District Police Officer, Abbottabad.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

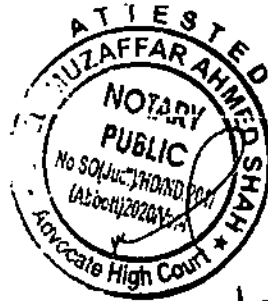
.....Respondents.

AFFIDAVIT.

We, do hereby affirm on oath that the contents of written reply are true to the best of our knowledge & belief and nothing has been concealed from the honorable Service 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/ cost.


(Tahir Ayub Khan, PSP)
Regional Police Officer
Hazara Region, Abbottabad
(Respondent No.2)


(Umar Tufail, PSP)
District Police Officer
Abbottabad.
(Respondent No.1)



03/10/24

6

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD.**

SERVICE APPEAL NO. 832/2024.

Muhammad Ali Khan Sub Inspector No. 174/H presently posted in Anti-Corruption Branch at Abbottabad.

.....Appellant.


VERSUS

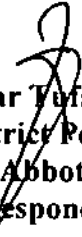
1. District Police Officer, Abbottabad.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.



.....RESPONDENTS.

AUTHORITY LETTER.

We, the above respondents do hereby authorize and allow Mr. Muhammad Zahoor DSP Legal, Abbottabad to file reply/ parawise comments on our behalf in the Honourable Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad in Service Appeal mention above and do whatever is needed in the court.


(Tahir Ayub Khan, PSP)
Regional Police Officer
Hazara Region, Abbottabad
(Respondent No.2)


(Umar Tufail, PSP)
District Police Officer
Abbottabad.
(Respondent No.1)


DIG/ Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 3)
(DR. MUHAMMAD AKHTAR ABBAS)
Incumbent


(7)

Annexure 'A'

CHARGE SHEET

I, Umar Tufail (PSP) District Police Officer Abbottabad as competent hereby charge you SI Muhammad Ali Khan No. 174 as explained in the enclosed statement of allegations.

You appear to be guilty of misconduct under Police Disciplinary Rules 1975 (amended 2014) and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

3) You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet to the Enquiry Officer.

4) Your written defense, if any shall 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 or otherwise.

6) A statement of allegations is enclosed.

(Umar Tufail) PSP
District Police Officer
Abbottabad

Attested

[Signature]
DPO
Superintendent of Police
Logan Abbottabad

DISCIPLINARY ACTION

I, Umar Tufail (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that you SI Muhammad Ali Khan No. 174 rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975 (amended 2014).

STATEMENT OF THE ALLEGATIONS

It has been reported that on 05-10-2023 an incident of firing was occurred at Banda Qazi Mirpur and you SI Muhammad Ali Khan while posted as SHO PS Mirpur has visited the place of occurrence but being responsible has failed to take necessary legal action against duly armed persons/ individuals while the incident was witnessed by the residents of the area. You being supervisory officer has failed to handle the situation nor took legal action against the culprits. Furthermore, the accused namely Fareed who made his escape good from ATH Hospital but no action was taken against him, neither any report was incorporated. All this your inefficiency, ill-will, rash negligence in performance of official duty, which leads to gross misconduct on your part, under E & D rules (amended 2014). Hence Charge sheeted.

- 2). For the purpose of scrutinizing your conduct with reference to the above allegations SP/TW AN is hereby appointed as Enquiry officer.
- 3). The Enquiry Officer shall in accordance with the provision of this ordinance, provide reasonable opportunity of hearing to you, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against you.
- 4). You are hereby directed to attend the proceedings on the due date, time and place fixed by the Enquiry Officer.

(Umar Tufail) PSP
District Police Officer
Abbottabad

No: 231 /PA, Dated Abbottabad the 12/10 /2023.

Copy to:

- 1. Enquiry Officer for initiating proceedings against the defaulter officer under provisions of the Police Disciplinary Rules 1975 (amended 2014) and submit findings within stipulated period.
- 2. SI Muhammad Ali Khan No. 174 (delinquent officer/ official).

Attested
[Signature]
DSP, Legal Section
Page 2 of 2

BRIEF OF ALLEGATIONS:

A departmental enquiry was initiated against SI Khursheed Ahmad No. 163 vide your office Endst. No. 232 dated 12-10-2023 with the allegations that "It has been reported that 05-10-2023 an incident of firing was occurred at Banda Qazi Mirpur and He SI Khursheed Ahmad No. 163 the then ASHO PS Mirpur have visited the place of occurrence but being responsible have failed to take necessary legal action duly armed persons/individuals while the incident was witnessed by the residents of the area. Being supervisory officer, failed to handle the situation nor took legal action against the culprits. Furthermore, the accused namely Fareed who made his escape good from ATH Hospital but no action was taken against him, neither any report was incorporated. All this inefficiency, ill-will rash negligence in performance of official duty, which leads to gross misconduct on their part, under police E & D rules (amended 2014). Hence Charge sheeted

PROCEEDINGS:

On above cited allegations a departmental enquiry was initiated against the delinquent officials & the undersigned was appointed as enquiry officer.

"A" The undersigned proceeded accordingly & called the complainant party in the office, namely Raheel Sabir s/o M. Sabir & M. Yasir s/o M. Sadique. They were heard in person and statements were recorded which are briefed as follow:-

- Alleged accused namely Haider Shah s/o Syed Fida Hussain Shah alongwith other accused armed with weapons attacked village of the complainant party on 05-10-2023.
- The subject accused in connivance with the staff of revenue authority got demarcation order of the dispute landed property from AC Revenue office.
- Local Police of PS Mirpur including SHO & ASHO sided with the opponent party and ignored their indiscriminate firing at complainant's house. Instead, local police arrested Naveed, Waseem and Raheel from complainant's party from the spot and turned blind eye to illegal activities of the opponent's party despite many witnesses of the incident.
- Locals of the area then themselves got hold of one of the accused namely Fareed with weapon who was then taken to DPO Abbottabad office and then to SSP Traffic Warden office because of the biased attitude of Mirpur Police in the whole episode. The alleged accused alongwith weapon was then handed over to Mirpur Police for further legal proceeding but he escaped from ATH Hospital mysteriously and no action was taken against him.
- Concerned DSP circle was also tried to contact multiple times but no legal help was provided by him. Mirpur Police instead of proceeding against the accused party Mr. Haider Shah registered fake case vide FIR NO. 1211 u/s 365/506-II/147/148 PPC against the complainant party and registered another FIR No. 1218 u/s 506-II against the accused party on the application of the complainant party as formality.

"B" The undersigned also called the following delinquent Police officials to the office of undersigned, and their statements were also recorded.

01. SI Muhammad Ali Khan No. 174 the then SHO PS Mirpur.
02. SI Khursheed Ahmad No. 163 the then ASHO PS Mirpur.
03. IHC Naveed Ahmad PS Mirpur.
04. FC Anees PS Mirpur.
05. ASI Aurangzeb IO PS Mirpur.
06. MHC Shahid PS Mirpur.
07. Muhammad Tariq (Driver PS Mirpur)

Brief summary of the incident as transpired from the statements of Police officials is that a written order of AC Revenue vide Endst No. 905-908/AAC(R) dated 27-09-2023 was received for necessary assistance during demarcation of land bearing Khasra No. 623/621/622/618/619 measuring 15-K 08-M situated at Moza Banda Qazi which was further marked to SI Khursheed Ahmad ASHO PS Mirpur, He along with police party and applicant Haider Ali Shah and revenue staff visited the spot for demarcation.

Meanwhile M. Naveed s/o M. Akram & Waseem s/o Saleem resident of Banda Qazi reached the spot & started misbehaving with applicant party in the presence of local Police. To maintain law & Order situation they were arrested u/s 107/151 CrPC and sent to PS Mirpur. The local Police along with revenue staff left the spot after demarcation process, however, both parties started armed confrontation with each other and Mirpur Police had to interfere again in the dispute.

Attested

of 10/10/23
 DSP/ Legal & TA
 Y. Superintendent of Police
 Legal Abbottabad

Meanwhile Haider Ali Shah moved an application against complainant party that they have kidnapped his servant namely Fareed and also provided a video clip in support of his application/grievances. The local Police advised the complainant (the persons present in police station) to produce/release the hostage but the same was not released till 17:40 (opportunity of 01 hours and 40 minutes was given to them) but they failed to produce the hostage and case vide FIR No. 1211 dated 05-10-2023 u/s 365/506-II/148/149 was registered against Naveed Ahmad, Waqar, Raheel, Yasir, Asif Ghafoor, Zaheer, Waqas etc.

After registration of the case, the complainant party produced the hostage namely Fareed before SSP Traffic Warden who was further handed over to PS Mirpur through PS Cantt. He was found injured and further sent to Hospital for medical treatment. Meanwhile (at about 20:00 hrs) complainant Yasir moved an application regarding firing on them by opponent party which was further marked to SI Khursheed Ahmed for enquiry and subsequently case vide FIR No. 1218 dated 06-10-2023 U/S 506-II/34 was registered after codal formalities (video clip was also taken in custody for social media) against Haider Shah, Malik Mujahid and Fareed. Both the cases were handed over to investigation staff for further investigation/ proceedings. (statement's, photographs & videos are enclosed).

FINDINGS:

Keeping in view the above mentioned facts, the undersigned has inferred following observation:-

- There is a civil nature dispute over subject property between the parties and case is subjudice before the court.
- The local Police received the assistance order for demarcation purpose who then visited the spot along with revenue staff for demarcation of disputed land.
- Locals of the area tried to interrupt the demarcation process on one pretext or another, however, Revenue staff along with Mirpur Police left the spot after completing the process. During this process, accused namely Naveed, Waseem and Raheel from complainant party were arrested by Mirpur Police u/s 107/151 CrPC but none from the opponent party for the reason best known to Police.
- Mirpur Police then registered FIR No. 1211 u/s 365/506-II/148/149 PPC against the complainant party only despite the fact that both the parties had resorted to violence and firing and same fact was in the knowledge of SHO and ASHO PS Mirpur. Moreover, SSP Traffic Warden in his preliminary enquiry report has also incorporated this fact that he was informed by SHO Mirpur that both parties were involved in armed violence and directions were given to SHO Mirpur for legal action against both the parties. However, FIR against exclusively the complainant party despite clear directions from higher offices is beyond comprehension.
- A video was presented before the enquiry officer in which one of the person from opponent party namely Fareed can be seen being beaten by the complainant party who was later-on produced before the SSP Traffic Warden and was then handed over to Mirpur Police alongwith weapon. He however, managed to sneak from ATH Hospital during medical and no proceeding was done against him regarding being armed at the spot which raises serious question about the partiality of Mirpur Police.
- Mirpur Police then registered an FIR No. 1218 u/s 506-II PPC on the application of complainant party against the opponent party next day after enquiry with gap of 25 hours & 50 minutes inspite of the fact that 02 FIR's of the same incident cannot be registered resulting in further complication of the matter. The IO of the case also endorsed the fact that it was the same incident of which 02 different FIR's were registered and both the parties were involved in this armed conflict as numerous empty shells were recovered from the spot.

CONCLUSION:-

In the light of above discussion and available videos/ documentary evidences, the undersigned has come to conclusion that the act of SHO and ASHO Mirpur by taking action against the one party i.e complainant party in a disputed property matter is against all norms of justice and fair play. Mirpur Police should have acted judiciously and impartially as per directions given by higher offices by taking legal action against both the involved parties.

Submitted for further proceeding and suitable punishment, if deem appropriate please.


Superintendent of Police,
Cantt, Abbottabad.

Attested

of the

DSP / Legal
Superintendent of Police
Legal, Abbottabad

(12)

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No: 290 /PA, Dated Abbottabad, the 31/10/2023.

FINAL SHOW CAUSE NOTICE

(Unit Rule (3) KPK Police Rules, 1975 amended 2014)

That you SI Muhammad Ali Khan No. 174 rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) for following misconduct;

It has been reported that on 05-10-2023 an incident of firing was occurred at Banda Qazi Mirpur and you SI Muhammad Ali Khan while posted as SHO PS Mirpur has visited the place of occurrence but being responsible has failed to take necessary legal action against duly armed persons/ individuals while the incident was witnessed by the residents of the area. You being supervisory officer has failed to handle the situation nor took legal action against the culprits. Furthermore, the accused namely Fareed who made his escape good from ATH Hospital but no action was taken against him, neither any report was incorporated. All this your inefficiency, ill-will, rash negligence in performance of official duty, which leads to gross misconduct on your part, under E & D rules (amended 2014).

II. During proper departmental enquiry the allegations have been proved against you.

2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encouragement of inefficient Police officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the Rules.
6. You are, therefore, called upon to Final Show Cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975(amended 2014) for the misconduct referred to above.
7. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

Received by _____

Dated ___/___/2023

District Police Officer
Abbottabad

Attested

[Signature]

DPO (Legal) ATH
Superintendent of Police
Legal, Abbottabad

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No: 290 /PA, Dated Abbottabad, the 31/10/2023.

GROUND OF ACTION

That you SI Muhammad Ali Khan No. 174, committed following misconduct:-

It has been reported that on 05-10-2023 an incident of firing was occurred at Banda Qazi Mirpur and you SI Muhammad Ali Khan while posted as SHO PS Mirpur has visited the place of occurrence but being responsible has failed to take necessary legal action against duly armed persons/ individuals while the incident was witnessed by the residents of the area. You being supervisory officer has failed to handle the situation nor took legal action against the culprits. Furthermore, the accused namely Fareed who made his escape good from ATH Hospital but no action was taken against him, neither any report was incorporated. All this your inefficiency, ill-will, rash negligence in performance of official duty, which leads to gross misconduct on your part, under E & D rules (amended 2014).

I. During proper departmental enquiry the allegations have been proved against you.

By reasons of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014), hence these grounds of action.

Attested

[Signature]

DSP/leg-60
31/10/2023

[Signature]
District Police Officer
Abbottabad

[Signature]
Fuzgan No. 1556
31/10/23

Filed

Annexure 'B'

(13)

ORDER

This office order will dispose-off the departmental enquiry against **SI Muhammad Ali Khan No. H/ 174**. It has been reported that on 05-10-2023 an incident of firing was occurred at Banda Qazi Mirpur and he while posted as SHO PS Mirpur has visited the place of occurrence but being responsible has failed to take necessary legal action against duly armed persons/ individuals while the incident was witnessed by the residents of the area. He being supervisory officer has failed to handle the situation nor took legal action against the culprits. Furthermore, the accused namely **Fareed** who made his escape good from ATH Hospital but no action was taken against him, neither any report was incorporated. All this showed his inefficiency, ill-will, rash negligence in performance of official duty, which leads to gross misconduct on his part, under E & D rules (amended 2014).

He was issued with Charge Sheet along with statement of allegations vide No. 231/PA dated 12-10-2023 and **SP Cantt Abbottabad** was appointed as Enquiry Officer to scrutinize the conduct of delinquent official. Enquiry Officer conducted proper departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein allegations have been proved against delinquent official. He was issued with Final Show Cause Notice vide No. 290/PA dated 31-10-2023. He was given ample opportunity of hearing but he had nothing plausible to state in his defense.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, **Umar Tufail, PSP, District Police Officer, Abbottabad**, as a competent authority, am constrained to award him the punishment of Stoppage of 03 years increments with accumulative effect with immediate effect.

Order announced.

OB No. 260

Dated 8-11-23

**District Police Officer
Abbottabad**

CC.

1. Pay Officer DPO Office.
2. Establishment Clerk DPO Office Abbottabad, alongwith Enquiry containing (67) pages for completion of record.

Attested

Ullah
DSP/ Legal-ADP
K. Superintendent of Police
Legal, Abbottabad



143

Annexure C

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

NO: 1179 / PA DATED: 23 02/2024

ORDER

This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkawa Police Rules, 1975 submitted by SI Muhammad Ali Khan No. 174/H (now officiating Inspector) against the order of punishment i.e. stoppage of three years increments with cumulative effect awarded by DPO Abbottabad vide OB No.260 dated 08.11.2023.

“Brief facts leading of the instant request are that on 05-10-2023 an incident of firing occurred at Banda Qazi, Mirpur. He while posted as SHO PS Mirpur visited the place of occurrence but failed to take necessary legal action against duly armed persons/individuals while the incident was witnessed by the residents of the area. He failed to handle the situation and did not take legal action against the culprits. Furthermore, the accused namely Fareed made his escape good from ATH but no action was taken against him neither any report was incorporated at Police Station.”

SRC/PA
For reaction
Canti, Abbottabad

The appellant was issued charge sheet along with summary of allegations and SP, responsible of misconduct in his findings and recommended him for appropriate punishment. He was issued final show cause notice and given reasonable opportunity of defense, however he failed to advance any cogent reason. Consequently, DPO Abbottabad awarded him minor punishment of stoppage of three years increments with cumulative effect. Hence, the appellant submitted this present appeal.

DPO ATD
23-02-24

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The undersigned called the appellant in OR, heard him in person and provided reasonable opportunity to defend the allegations, however the appellant failed to advance any cogent justification in his defense. He, being SHO has been proved to have sided with armed aggressors by registering frivolous FIR for abduction on the complaint of an accused who had been caught along with a repeater rifle by the locals of a village and handed over to Police for legal action. Instead of registering FIR against culprits, the appellant registered him without any record/legal authority and registered FIR u/s 365/506 (2)/147/148

OFFICE OF DISTRICT POLICE
Abbottabad
Date: 26.2.24


Attested

DSP (Legal ATD)
Superintendent of Police
Legal, Abbottabad

PPC dated 05/10/2023 PS Mirpur against the aggrieved, and openly supported the aggressors. This act on the part of an SHO is one of the most heinous and abhorable act.

It is surprising to notice that the competent authority has taken a lenient view by awarding a nominal punishment on such an act, where the Police officer has acted criminally. Such officer not only creates an ugly image of the Police, but also promotes crime and lawlessness. Besides, the appellant carries the ill-reputation for high handedness, blatant corruption and misuse of authority.

In view of the above, and in exercise of the powers conferred upon the undersigned under Rule 11-4 (c) of Khyber Pakhtunkawa Police Rules, 1975 I am, therefore constrained to enhance the punishment of stoppage of three years increments with cumulative effect to major punishment of dismissal from service with immediate effect.


 MUHAMMAD IJAZ KHAN (PSP)
 Regional Police Officer
 Hazara Region, Abbottabad


No. 1173-75/PA

dated Abbottabad the 23 102/2024

Cc.

1. Addl. Inspector General of Police, Headquarters Khyber Pakhtunkawa for favor of information and necessary action.
2. Director Anti-Corruption Khyber Pakhtunkawa Peshawar for information and necessary action.
3. DPO Abbottabad for information and necessary action with reference to his office Memo No 10/PA dated 01-01-2024. Fuji Missal containing enquiry file of the appellant is returned herewith for record, however his service record (service book and service roll) was handed over to the appellant in connection with his attachment of pay in ACE.

Attested



DSP/ Legal AFD
 Superintendent of Police
 Legal, Abbottabad

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR



Annexure D

16

This order is hereby passed in disposal of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rules-1975 (amended 2014) submitted by Ex-Inspector Muhammad Ali Khan No. 17471 (hereinafter referred to as Petitioner).

W/O Abbottabad awarded minor punishment of stoppage of three years increments with cumulative effect to the petitioner vide OI No. 260, dated 08.11.2023 on the allegations that on 05.10.2023 an incident of lifting occurred at Banda Qazi, Mirpur, the while posted as S/IO PS Mirpur visited the place of occurrence but failed to take necessary legal action against the culprits. Furthermore, the accused namely Farooq made his escape good from AT11 but no action was taken against him neither any report was incorporated at Police Station. The Appellate Authority i.e. RPO/Izara heard the petitioner in CR. After perusal of the record, it was found that he being S/O aided with armed aggressors by registering frivolous FIR for abduction on the complaint of an accused who had been caught along with a repeater rifle by the locals of a village and handed over to the police for legal action. Instead of registering FIR against culprits, the appellant released him without any legal authority and registered FIR u/s 365/506 (2)/147/148 PPC, dated 05.10.2023 PS Mirpur against the aggrieved, and openly supported the aggressors. The petitioner was awarded major punishment of dismissal from service by RPO/Izara.

A meeting of Appellate Board was held on 17.05.2024 in CPQ under the chairmanship of Additional IO Headquarters. Ex-Inspector Muhammad Ali Khan No. 17471 was present and heard in detail. He was heard in person. The Board accepted his revision petition by modifying the major punishment of dismissal from service into major punishment of rank reversion i.e. from Inspector to Sub-Inspector. He is reinstated into service with immediate effect. The out of service period is treated as leave without pay.

Additional Inspector General of Police,
(AWAL KHAN) PSP
SD,
Additional Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
No. W/1330-3524
dated Peshawar, the 23-05-2024.

Copy of the above is forwarded to the Regional Police Officer, Izara, Service Book, Service Book, Fault Misal Containing Enquiry File of the above named petitioner received vide your office memo No. 1752/PA, dated 01.04.2024 is returned herewith for your office record.

2. Director ACII, Khyber Pakhtunkhwa Peshawar.
3. District Police Officer, Abbottabad.
4. PA to Addl. I/O/IO: Khyber Pakhtunkhwa, Peshawar.
5. PA to D/O/IO: Khyber Pakhtunkhwa, Peshawar.
6. Office Supply B-II, CPQ Peshawar.

(SONIA SHAIROZE KHAN)
PSP
A/O Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

DSP Legal
Superintendent of Police
Abbottabad

Accepted