


FORM OF ORDER SHEET

Court of _____

Appeal No. 2040/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/10/2024	<p>The appeal of Mr. Muhammad Arshad resubmitted today by Syed Saud Shah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 29.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Muhammad Arshad received today i.e on 16.10.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Affidavit is not attested by the Oath Commissioner.
- 3- Address of appellant is incomplete be completed according to rule- 6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 4- Annexures of the appeal are unattested.
- 5- Check list is unsigned.

No. 917 /Inst./2024/KPST,

Dt. 16/10 /2024.

Amatullah
ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Saud Shah Adv.
High Court at Peshawar.

R/s;

*with due respect resubmitted
after removal of objection no. 1, 2, 3, 4, 5*

[Signature]

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

Service Appeal No. 2040 /2024

L.H.C Muhammad Arshad.....Appellant

VERSUS

Provincial Police Officer (P.P.O) and others


.....Respondents

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Appellant

Through


Syed Saud Shah -
Advocate High Court

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR

Service Appeal No. 2040 /2024

L.H.C

Muhammad Arshad S/o Sher Rehman
R/o Mohalla Orya Khel, Ismaila, Swabi.....Appellant

VERSUS

1. Provincial Police Officer (P.P.O)
2. Regional Police Officer (R.P.O), Mardan
3. District Police Officer (D.P.O), Swabi

.....Respondents

**SERVICE APPEAL U/S 4 OF SERVICES
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER DATED 11.07.2023
BY RESPONDENT No.3 VIDE WHICH
THE APPELLANT WAS AWARDED
MAJOR PUNISHMENT OF
COMPULSORY RETIREMENT FROM
SERVICE UNDER KP POLICE RULES
1975 (AMENDMENT 2014) AND ORDER
DATED 15.07.2024 VIDE WHICH
DEPARTMENTAL APPEAL OF THE
APPELLANT WAS DISMISSED BY
RESPONDENT No.2.**

PRAYER

**ON ACCEPTANCE OF THIS SERVICE
APPEAL, THE IMPUGNED ORDER DATED**

**11.07.2023 PASSED BY RESPONDENT No.3
AND ORDER DATED 15.07.2024 BY
RESPONDENT No.2 MAY PLEASE BE SET-
ASIDE AND THE APPELLANT MAY VERY
GRACIOUSLY BE REINSTATED IN
SERVICE WITH ALL BACK/ BENEFITS/
COSEQUETIAL BENEFITS.**

Respectfully Submitted:-

- 1) That the appellant was appointed as constable in BPS-5 in Worthy Department of KP Police vide order dated:25.07.2007.
- 2) That the appellant was performing his duties for the last 18 years with dedication and honesty, due diligence to the entire satisfaction of his immediate seniors without any complaint with full zeal since his induction.
- 3) That the appellant was charged in a case vide FIR No.306 dated 15.04.2022 along with co-villagers, however, the learned sessions court has acquitted him honourably in the said case u/s 265-k Cr.P.C vide order dated 18.09.2022, by the Honourable Sessions judge, Swabi.
(Copy of FIR & order is annexure "A" & "A/1")
- 4) That after the registration of FIR, departmental proceedings were initiated against the appellant.
- 5) That a show cause notice was issued to the appellant and inquiry was conducted.

6) That after completion of first and second inquiry, the findings were transpired are as under.

- i. The incident had taken place on 15.04.2022
- ii. The official denied the charges as leveled against him in the FIR.
- iii. The investigation did not find the official to have been introduced into the said incident. This was confirmed by the I.O of the case in his statement in writing.
- iv. The official had secured B.B.A, and had been sent to jail. However, he was later acquitted u/s 265-K of Cr.P.C.
- v. Having been acquitted by the learned court in the said case, the official stood indicated and free of charges.

That in view of the above findings, it is recommended that L.H.C Muhammad Arshad may only be warned.

(Copy of inquiry report is annex "B").

7) That after the completion of 1st and 2nd inquiry, another inquiry proceedings were entrusted to S.D.P.O (Lahore), where he recommended suitable punishment.

(Copies of 2nd and 3rd inquiries are annex "C" and "D").

8) That after recommendations of the S.D.P.O (Lahor) the appellant was awarded major punishment of compulsory retirement from service vide OB. No.856 dated 11.07.2023 by the then D.P.O, Swabi.

(Copy of the impugned order is annex "E")

- 9) That the appellant filed departmental appeal against the impugned orders dated 11.07.2023, which was dismissed accordingly on 15.07.2024.

(Copy of departmental appeal dated 15.07.2023, and order dated 15.07.2024 is annex "F")

- 10) That the appellant also preferred second appeal/mercy petition on dated 26.07.2024 before the respondent No.1 against the illegal order of respondent No.2 but in vain.

(Copy of appeal/mercy petition is annex "G")

- 11) That the appellant could not file his appeal before the authority i.e. (respondent No.2) within the stipulated period owing to circumstances being beyond his control. The appellant along with his family members were attacked on by his enemies in which two of his first cousins were killed in the mosque, against which the local inhabitants of the area staged protest against the local police for their in active role in maintaining law and order for which the appellant along with others was booked, however being innocent, he was thereafter acquitted of the charges. As the lives of the appellant as well as of the family members was at peril at the hands of the enemies, hence they had to desert to hiding for safety of their lives and could not manage to inform the authorities. The appellant when contacted the authorities so that to apprise them of his compulsion, he came to know that he was proceeded against departmentally. The

appellant though pleaded his innocence and absence under compulsion but unfortunately could not succeeded to convince the authority and the departmental appeal of the appellant was dismissed being time bar proceedings culminated into awarding punishment of compulsory retirement from service.

(Copy of FIR dated 15.04.2022 is annexure "H").

- 12) That feeling aggrieved from the above said impugned order having no other efficacious and proper remedy against the above noted order, hence approaches before Hon'ble Tribunal.

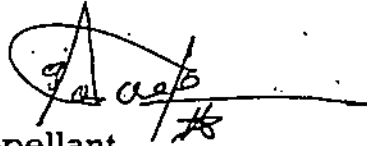
GROUND.

- A. That the impugned order dated: 11.07.2023 of compulsory retirement from service by the competent authority is illegal and against the law facts, record of the case and is not maintainable.
- B. That the impugned order of respondent department is based on personal grudges biased one and is not sustainable in the eyes of law.
- C. That the proposed punishment is not commensurate with the allegations imposed upon the appellant.
- D. That so far the allegations of the commission of offence is concerned, the appellant was already been acquitted from the charges leveled against him. And was a mere allegation which never falls within the ambit of misconduct.

- (6)
- E. That the appellant has served the department for a period of 18 years and if at the moment he is supposed to be kicked out will suffer irreparable loss.
 - F. That during the entire period of service the appellant was punctual and his conduct was good both towards the public and High-ups.
 - G. That the appellant rendered meritorious service with unblemished service record and thus even censure has also not been issued by the High-ups against the petitioner.
 - H. That during the golden period of his age the appellant served the department by spending his blood and sweat, and by now he is over age for any other service.
 - I. That in the matter of appellant the authority was in so hurry that even in the impugned order the date of appeal has not been mentioned but in a slip shod manner and flimsy grounds the appeal has been dismissed which is never warranted under the relevant law.
 - J. That the appellant reserve the right to agitate additional grounds at the time of leaving with prior permission of the esteem tribunal.

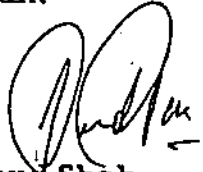
It is humbly prayed that on acceptance of instant appeal the impugned order dated 11.07.2023 passed by respondent no. 3 may please be set-aside

and the appellant may very graciously be reinstated
in service with all back/ consequential benefits.


Appellant

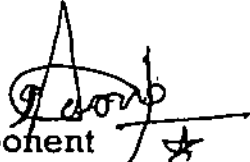
Through

Dated:15.10.2024


Syed Saud Shah
Advocate High Court

AFFIDAVIT

I, Muhammad Arshad S/o Sher Rehman R/o Mohalla
Orya Khel, Ismaila, Swabi (Appellant) do hereby affirm
and declare on oath that the contents of the Appeal are
true and correct to the best of my knowledge and belief
and nothing material has been concealed from this
Hon'ble Tribunal.


Deponent
CNIC:16202-5760708-9
Cell:0311-2525541

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

Service Appeal No. _____/2024

L.H.C Muhammad Arshad.....Appellant

VERSUS

Provincial Police Officer (P.P.O) and others
..... Respondents

**APPLICATION FOR CONDONATION
OF DELAY IN FILING THE INSTANT
APPEAL.**

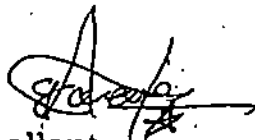
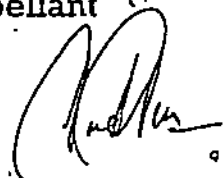
Respectfully Sheweth;

- 1) That the titled appeal is being filed before this Hon'ble Tribunal wherein next date is yet to be fixed.
- 2) That the appellant could not file his appeal before the authority i.e. (respondent No.2) within the stipulated period owing to circumstances being beyond this control. The appellant along with his family members were attacked on by his enemies in which two of his first cousins were killed in the mosque, against which the local inhabitants of the area staged protest against the local police for their in active role in maintaining law and order for which the appellant along with others was booked, however being innocent, he was thereafter acquitted of the charges. As the lives of the appellant as well as of the family members was at peril

at the hands of the enemies, hence they had to desert to hiding for safety of their lives and could not manage to inform the authorities. The appellant when contacted the authorities so that to apprise them of his compulsion, he came to know that he was proceeded against departmentally. The appellant though pleaded his innocence and absence under compulsion but unfortunately could not succeeded to convince the authority and the departmental appeal of the appellant was dismissed being time bar proceedings culminated into awarding punishment of compulsory retirement form service.

- 3) That the delay is neither deliberate nor willful but due to the reason mentioned above.
- 4) That superior courts always favour the adjudication of case on merits rather on technicalities, so the delay caused is condonable.

It is, therefore, humbly prayed that on acceptant of application, the delay, if any, in filing the instant appeal may kindly be condoned in the interest of justice and may be decided on merits.


Appellant
Through 
Syed Saud Shah
Advocate High Court

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

Service Appeal No. _____/2024


L.H.C Muhammad Arshad.....Appellant

VERSUS

Provincial Police Officer (P.P.O) and others
..... Respondents

AFFIDAVIT

I, Muhammad Arshad S/o Sher Rehman R/o Mohalla Orya Khel, Ismaila, Swabi (Appellant) do hereby affirm and declare on oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this Hon'ble Tribunal.



Deponent
CNIC:16202-5760708-9
Cell:0311-2525541

(11)

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

Service Appeal No. _____/2024

L.H.C Muhammad Arshad.....Appellant

VERSUS

Provincial Police Officer (P.P.O) and others
..... Respondents

ADDRESSES OF PARTIES

APPELLANT


L.H.C Muhammad Arshad S/o Sher Rehman
R/o Mohallah Orya Khel, Ismaila, Swabi

RESPONDENTS

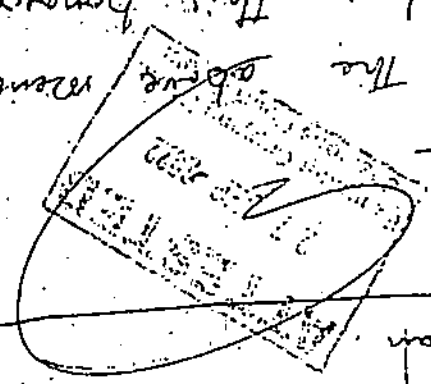
1. Provincial Police Officer (P.P.O)
2. Regional Police Officer (R.P.O), Mardan
3. District Police Officer (D.P.O), Swabi


Appellant

Through


Syed Saud Shah
Advocate High Court

Case is pending before this honorable
 that the above mentioned



Respected Sheikh -

Application u/s 265-K CrPc in
 case P.P. No. 306 Dated 15/4/22. u/s 324
 353, 5XP, 427, 100, 120-B, 148, 149, 109, 15 AA/3KPK
 of P.S. Kaku Khan

The State
 1. Ajab Khan Durani, s/o Kaku Khan P.S. Kaku Khan
 Razay, Swabi.

- (Relatives)
 wife resident of Simla Teh. Razay, Swabi. v/s
1. Sanaullah s/o Iftak s/o
 2. Jehangir s/o Razay Khan
 3. Muhammad Ashraf s/o Sher Rehman
 4. Amir Hamza Khan s/o Rawail Khan
 5. Abbas Ali s/o Amir Ali
 6. Hilar Said s/o Farman Said
 7. Dawad Jan s/o Muhammad Israr
 8. Syed Bakht Ali s/o Said
 9. Zeshan Ali s/o Sanaullah s/o All

Judge, Swabi

Before the Court of Additional Sessions

116

13

AJ

Court and today is fixed for further

Proceeding

That the Petitioner's are innocent

and falsely been implicated in Present

Case Just to show their ability to

The High-ups

that they a no chance of conviction

if whole evidence produced by them

Production

the Prosecution is not interested

Present Case

Therefore it is kindly requested

that on Acceptance of this

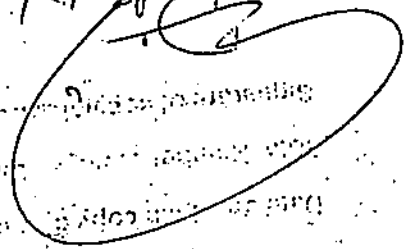
Application the Petitioner's

2374 may be Requisites from

21/11/22
27/11/22
27/11/22

Date 10/09/22

27/11/22



Petitioner's through Counsel
Certified to be the copy

M/s

(14)

(11)

15

IN THE COURT OF ABID ZAMAN

Addl. Sessions Judge-IV, Swabi

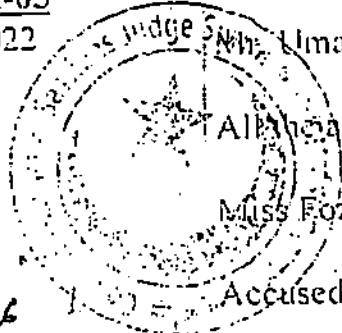
Case No. 64/SC of 2021

The State. Vs. Sana Ullah and others

ORDER-05

17/09/2022

Present:



Umar Mehmood, Dy. PP for the State present.

All the accused on bail except Muhammad Umair.

Miss Fozia advocate for the accused.

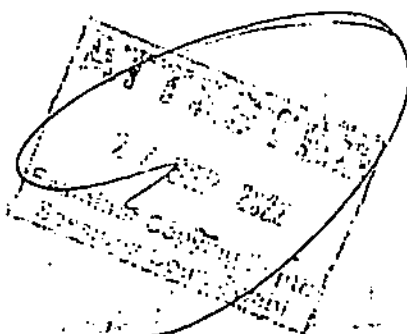
Accused Muhammad Umair in custody.

Muhammad Shah Faisal advocate for accused Muhammad Umair.

Arguments on the two separate applications of accused/petitioners for their acquittal under section 265-K Cr.PC. heard and record is perused.

Accused Sana Ullah, Zeeshan, Haraza, Abbas, Syed Jehad Ali, Dawood, Khaleeq, Hilal Sajid, Arshid and Jehangir along with accused Muhamamd Umair son of Shamshad Ali resident of Ismaila, District Swabi have been charged in case FIR No. 306, dated 15.4.2022, under section 324/353/100/148/149/353 PPC/5 EXP/15 AA PPC of Police Station Kalu Khan.

Performance Policy 2020-2025 of august Peshawar High Court, Peshawar is also in my judicial mind, which re-emphasized over expeditious disposal of cases fit for acquittal u/s 265k Cr.PC.



64/SC

23-6
022

17/9/2022

16

ORDER-05

17/09/2022

Continued...

It is well settled by Superior Courts that for exercising powers u/s 265-K Cr.PC *ibid.* the recording of evidence is not necessary, such powers can be exercised at any stage of the trial.

Gist of FIR is that complainant Ajab Khan Durrani SHO reported the matter to local police against the accused/petitioners for an attempt to commit Qatl-e-Amd of the complainant/police party by making firing and throwing hand grenade upon the police party. Hence, the present case FIR.

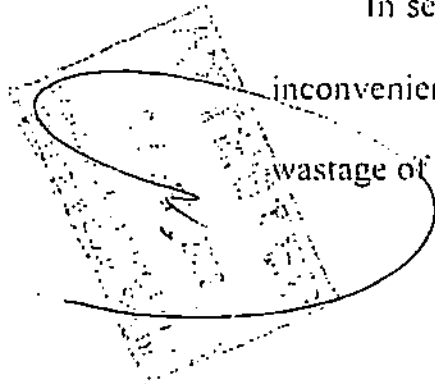
After completion of investigation, complete challan for trial of the accused (s) was submitted. The accused (s) were summoned. On 10.9.2022, learned counsel for the accused/petitioners submitted the instant application u/s 265-K Cr.PC for acquittal of the accused/petitioners. Notice whereof was issued to the State and both the parties were heard.

Handwritten signature and date
17.09.22

I carefully scanned record of case in hand and find the following facts floating on surface of the file which are material and hit the case of prosecution at its roots.

Firstly, facts which require recording of evidence. Secondly, facts which are floating on surface of the file and do not require recording of evidence.

In second category of facts, the rigors of trial would cause inconvenience and prejudice to the accused facing trial, besides wastage of precious time of this Court.



5

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Continued...

I carefully scanned record of case in hand and find the following facts floating on surface of the file which are material and hits the case of prosecution at its roots.

At the very outset, the mandatory requirements of raid on private place (house of one Mushtaq) were not fulfilled, this factor cuts the very roots of the case).

Astonishingly, the hand grenade was missed and no explosive expert report is available on case file.

The recovery of Kalashankoves from the accused/petitioners Said Bahar and Dawood were effected on 15.4.2022 and were received by FSL on 21.04.2022. There is no evidence of safe custody in the intervening period. Besides, no arms expert report regarding recovered Kalashankoves is available on file.

The entire case is based on hearsay and none of the accused/petitioners were arrested on the spot.

If the entire evidence is recorded, the ultimate and logical conclusion of the case in hand would be acquittal of accused facing trial and wastage of precious time of the Court.

In these circumstances, there remains no probability of conviction of accused (s) facing trial.

Hence, applications submitted by accused (s) facing trial is allowed and accused 1) Sana Ullah, 2) Zeeshan, 3) Hamza, 4) Abbas, 5) Said Jehad Ali, 6) Dawood, 7) Khaleeq, 8) Hilal Said, 9) Arshid,, 10) Jehangir and 11) Muhammad Umair are acquitted under section 265-K Cr.PC read with section 366 (2)

ORDER-05

17/09/2022

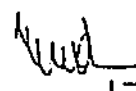
Continued...

12

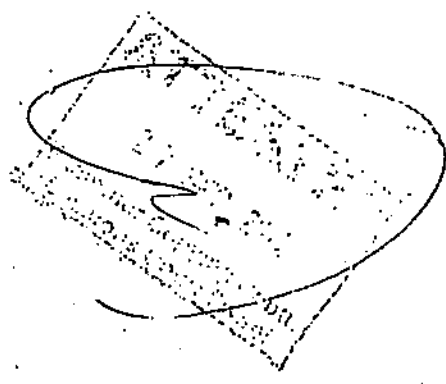
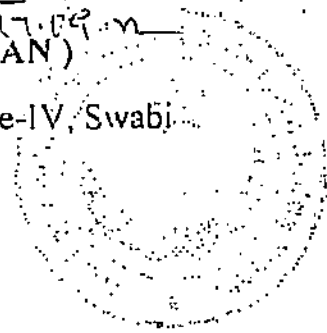
Cr.PC. They are on bail, their sureties are discharged from the liability of bail bonds. Accused Muhammad Umair is in custody. He be released forthwith if not required in any other case/crime.

Case property i.e. Hand grenade and Kalashankoves are confiscated to the State. Rest of the case property be dealt with in accordance with the law subject to appeal/revision.

File be consigned to the record room after its proper completion. Order announced.


(ABID ZAMAN)

Addr: Sessions Judge-IV, Swabi...



19

Amro B

Certified to be True Copy.

No. 17 /R.
DATED: 26/01/2023.

**SUBJECT: DEPARTMENTAL INQUIRY AGAINST LESS HEAD
CONSTABLE (LHC) ARSHAD NO. 961.**

It is submitted that the departmental inquiry against the above-mentioned official was entrusted to the undersigned vide Endst: No:38/CC/PA, dated 25.04.2022.

SUMMARY OF ALLEGATIONS:

It had been alleged that LHC Arshad, while posted at Anbar interchange Nakabandi, had been charged vide case FIR No. 306 dated 15.04.2022 u/s 324, 353, 427, 120-B, 100, 148, 149 and 109 of PPC and 5 Exp registered in PS Kalu Khan.

PROCEEDINGS:

In order to establish facts and get to a facts-based conclusion, the undersigned recorded the version of the delinquent official which is as under:

STATEMENT OF LHC ARSHAD:

LHC Arshad was summoned in connection with the subject inquiry and was asked to appear before the undersigned so that his version could be taken. He appeared before the undersigned and narrated the entire story related to the incident as well as recorded his statement in written. According to the official, he had not involved himself in any activity that was running counter to the rules that he has to abide by as a police officer. He further stated that he was not party with anyone in the mayhem and that, as an off-duty police officer, he was rather playing the role to resolve the matter. He further added that he had tried his level best to ease tension between police and locals on the spot but his efforts bore no fruit. The official added that, to his surprise, the local police blamed him for the stampede and so he was charged in the said case. However, the learned court has acquitted him in the said case under section 265-K CrPC. (Statement attached)

STATEMENT OF IO OF THE CASE INSPECTOR NAMIR KHAN:

The investigating officer of the case, in his statement in writing, has stated that the investigation had not found the official Arshad having played any negative role into the said case. Besides, the august court has also acquitted the official in the mentioned case and so the official stands vindicated of the charges leveled against him. (Statement attached)

ATTESTED

PIO 
District Police Officer, Swahi.

20

Certified to be True Copy.

FINDINGS:

What findings, during the course of inquiry, were transpired are as under:

- The incident had taken place on 15.04.2022.
- The official denied the charges as leveled against him in the FIR.
- The investigation did not find the official to have been involved into the said incident. This was confirmed by the investigating officer of the case in his statement in writing.
- The official had secured BBA and had been sent to jail. However, he was later acquitted under section 265-K of Cr.PC.
- Having been acquitted by the learned court in the said case, the official stood vindicated and free of the charges.

RECOMMENDATION:

In view of the above findings, it is recommended that LHC Arshad may only be warned, if agreed, please.

Enclosed (105 pages)

[Signature]
 Sub-Divisional Police Officer,
 Razzar, Swabi.

ATTESTED
 PIO *[Signature]*
 District Police Officer, Swabi.

Date of Report/Statement of Investigation: 20/9/2024
 Copy: NOL
 Total: Fazal Subhan
 Name of Officer: (06) Pages
 Date of Completion of Copy: 20/9/2024
 Date of Delivery of Copy: 20/9/2024

267
Dated 19/06/2023.

Annex C

DEPARTMENTAL ENQUIRY OF LHC ARSHID NO.961 POLICE LINES SWABI.

Reference attached:-

21
Certified to be True Copy.

Allegations:-

It is alleged that LHC Arshad No.961 has been charged in case vide FIR No.306 dated 15.04.2022 u/s 324/353/5EXP/427/120B/100/148/149/109/15-AA Police Station Kalu Khan.

To unearth the enquiry was marked to SDPO Topi who recommended the delinquent official for last warning to be careful in future then SDPO Razer conducted the denove enquiry and recommended him only for warning.

Later on the instant enquiry was marked to undersigned by the W/DPO Swabi with the direction to conduct denove enquiry.

In order to probe into the conduct of defaulter official the undersigned perused the entire record along with the statements of all concerned which are as under:-

STATEMENT OF LHC ARSHID No.961.

He stated that his version is clear in previous statements. His statement is attached herewith for perusal.

STATEMENT OF SI AJAB KHAN THE THEN SHO POLICE STATION KALU KHAN.

He stated that on the day of occurrence he along with ASI Asad Zaman I/C PP Etam. Rushed to the spot immediately Where he saw movement of armed person on the roof of house of accused. Hence the house of the accused were cordon and four (4) armed person were arrested. Upon which the defaulter official started resistance with police and demanded

handing over the accused to him for burning. Keeping in view the situation, he called DSP Shafi Ur Rehman and informed him about the whole story. Who along with SHOs of other police stations rushed to the spot. While the defaulter constable Arshad was constantly provoking the people of the village. When the accused were put in APC vehicle, On the directions of defaulter official Arshad, his relatives fired and also threw a hand grenade on the APC vehicle which was fell into a nearby drain and fortunately did not explode. While all the four tires of APC vehicle was burst by the firing and the APC vehicle was also damaged. Upon which a case while FIR No.306 dated 15-04-2022 u/s 324/353/5EXP/427/120B/100/148/14p 9/109/15AA police station kalu khan was lodged.

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STATEMENT OF INSPECTOR NAMIR KHAN IO OF THE SAID CASE.

During the investigation no concrete evidence were found against the accused constable Arshad nor the accused admit the crime during the investigation. His statement is attached here with for perusal.

FIINDINGS:-

1. As the close relatives of delinquent official were died on the spot vide case FIR No.305 dated 15.04.2022 u/s 302/324/34 PPC Police Station Kalu Khan and because of intense grief, he behaved like this with local Police.
2. As per statement of SHO concerned the delinquent official completely involved in the occurrence.
3. AS per statement of SI Ajab Khan on the direction of defaulter official Arshid, his relatives fired on the police APC vehicle and also threw a hand grenade on the APC vehicle.
4. On 15.04.2022 SHO Ajab Khan sent a written Murasila to Police Station Kalu Khan for registration FIR against the delinquent official.
5. On 22.04.2022 the accused official obtained BBA from concerned Court and considered as arrest.
6. Inspector Namir Khan IO of the case disclosed that no concrete evidence was found against the accused constable nor he admit the crime during the investigation.
7. The delinquent official acquitted by the Court under section 265-K CRPC.

ATTESTED

[Signature]

RECOMMENDATION:-

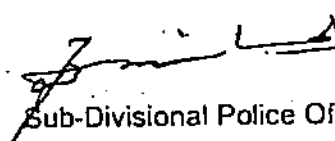
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Based on the available record and statements, it appears that the accused police official has been acquitted on a technical basis under section 265K of CRPC.

However, it is a well settled principal of administrative law that criminal proceedings and departmental proceedings are independent of each other and both have no bearing on each other.

Considering that the accused being a member of the police force, it is his duty to maintain discipline and follow the code of conduct, however in the present case the accused actively participated in an agitation against the police in his native village which indicates a failure to fulfill his duty. Hence he is recommended for suitable penalty please.


Sub-Divisional Police Officer,
Lahor

ATTESTED

Sub-Divisional Police Officer

Date of Presentation of Application: 30/8/24
Copying Fee: Nil
Total Paid: 10
Name of Copyist: Poal Gibran
Date of Completion of Copy: 31/9/24
Date of Delivery of Copy: 31/9/24

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Certified to be True Copy.

DY: No. 570/TP
DATED: 26/0/2022.

OBJECT: DEPARTMENTAL ENQUIRY AGAINST LHC ARSHED NO. 961 CONDUCTED BY MR. IFTIKHAR ALI SDPO TOPI.

Memo:

It is submitted that the subject departmental enquiry against LHC Arshed No. 961 was entrusted to the undersigned vide Dy: No.38/CC/PA dated 24.04.2021 on the following allegation.

ALLEGATIONS.

It is alleged that LHC Arshed No. 961 has been charged vide case FIR No. 73 dated 15.04.2022 u/s 324/353/5EXP/427/120B/100/148/149/109/15AA PS: Kalu Khan. His act is highly against the discipline and amounts to gross mis-conduct.

PROCEEDING:

During the course of enquiry the undersigned summoned the following Police officers/officials for recording statement and provision of relevant record:-

01. Inspector Namir Khan Incharge Investigation PS: Kalu Khan.
02. LHC Arshed No.961 (the delinquent officer).

CONCLUSION.

From perusal of the statements, relevant record and personal hearing of the above officers/officials it is evident that :-

1. On 15.04.2022 SHO PS: Kalu Khan SI: Ajab Durani sent a written murasila to Police Station for registration of FIR against LHC Arshed No: 961.
2. On 22.04.2022 the delinquent officer LHC Arshed got BBA from the court of ASJ-IV Swabi produce before the investigation officer and considered as "Arrest"
3. On 16.05.2022 BBA was not confirmed and next day on 17.05.2022 produced before the court for grant of one day custody. The learned court rejected custody application and as such admitted in Swabi Jail.
4. Inspector Namir Khan Investigation officer of the case added in his statement (F/A) that during investigation no evidence or solid proof against the alleged LHC Arshed was found which prove his involvement in the case.
5. On 17.09.2022 the delinquent LHC Arshed has been acquitted u/s 265-K CrPC by the court of Addl: Session Judge-IV, Swabi (F/B).

RECOMMENDATIONS:-

In view of the above the delinquent officer LHC Arshed No. 961 is not totally exempted from the charges leveled against him and recommended for last Warning to be careful in future, if approved please.

Encl. (01) pages

Set back
inquiry

OSP

Sub Divisional Police Officer
TOPI (Swabi)

ATTESTED

PJO
Inspector Police Officer, Swabi

(961)
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OFFICE OF THE
DISTRICT POLICE OFFICER, SWABI
PHONE# 0938-920050 FAX# 0938-920054
EMAIL: dpo_swabi@yahoo.com

No. 3053-581PA,

Dated. 11/07/2023

ORDER

This order is aimed to dispose-off the departmental proceedings conducted against LHC Arshid No.961 of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014) vide this office No.38/CC/PA dated 25.04.2022 on the following allegations.

He has been charged vide case FIR No. 304 dated 15.04.2022 u/s 324/353/5 EXP/427/120B/100/148/149/109/15AA PS Kalu Khan.

He was issued charge sheet on the said allegations and enquiry proceedings were entrusted to SDPO Lahor under Khyber Pakhtunkhwa Police Rules-1975 ammended-2014. The Enquiry Officer conducted departmental enquiry, collected evidence, recorded statements of all concerned and submitted his findings wherein he found LHC Arshid No.961 guilty for the mis-conduct and recommended him for Major punishment. The undersigned thoroughly perused the findings of the Enquiry Officer and served him with Final Show Cause Notice. His reply to the Final Show Cause Notice was received and perused but was not found satisfactory. He was called in orderly room as well but he could not advance any cogent reason in his defence.

Keeping in view findings report of the Enquiry Officer and conduct of the defaulter official, the undersigned came to the conclusion that the charges leveled against him have been proved beyond the shadow of doubt.

In view of situation painted above and considering his long service and poor family background, a lenient view is taken. In exercise of powers vested upon undersigned, I, Najmul Hasnain Liaquat, RSP District Police Officer Swabi hereby award LHC Arshid No.961 Major Punishment of "Compulsory Retirement from service" with immediate effect.

Order Announced

OB No. 856

Dated: 11/07/2023


NAJMUL HASNAIN LIAQUAT (PSP)
DISTRICT POLICE OFFICER
SWABI

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

Copies to the: -

1. Pay Officer.
2. Establishment Clerk.
3. I/C PAL
4. Fauji Missal Clerk.
5. Official Concerned.

ATTESTED


P/O
District Police Officer, Swabi

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CNIC NO. 16202-5760708-9

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ORDER.

This order will dispose-off the departmental appeal preferred by Ex-LHC Arahid No. 961 of Swabi District Police against the order of the then District Police Officer, Swabi, whereby he was awarded major punishment of compulsory retirement from service vide OB: No. 856 dated 11.07.2023. The appellant was charged in a case vide FIR No. 73 dated 15.04.2022 u/s 324/303/50NP/427/120B/100/148/140/109/15AA Police Station, Kalu Khan.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Sub Divisional Police Officer, (SDPO) Lahir, Swabi was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to the District Police Officer, Swabi, wherein he recommended the delinquent Officer for major punishment.

The then District Police Officer, Swabi thoroughly perused the findings of the Enquiry Officer and served him with Final Show Cause Notice. His reply to the Final Show Cause Notice was received and perused, but was found un-satisfactory. He was called in orderly room as well but could not advance any cogent reason in his defense.

In the light of above, the delinquent Officer was awarded major punishment of compulsory retirement from service vide OB: No. 856 dated 11.07.2023 by the then District Police Officer, Swabi.

Feeling aggrieved from the order of the then District Police Officer, Swabi, the appellant preferred this instant appeal. He was summoned and heard in person in Orderly Room held in this office on 10.07.2024.

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. It is pertinent to mention here that the appellant has already been treated leniently as the misconduct committed by the appellant attracts a harsher punishment than the awarded one. Hence, order passed by the competent authority does not warrant any intervention. Besides the above, the appellant approached this forum at a belated stage by filing

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the instant appeal which is badly time barred for 09 months and 27 days and not advancing any cogent reason regarding such delay.

Keeping in view the above, I, Najeeb-Ur-Rehman Bugti, 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 09 months and 27 days.

Order Announced.

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

No. 1942 /ES. Dated Mardan the 15/07 2024.

Copy forwarded to District Police, Swabi for information and necessary action w/r to his office Memo: No. 96/Legal dated 10.06.2024. His Service Record is returned herewith.

(*****)



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File No. 2311-2525541

CNIC No. 1612-5760708-7

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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. 2221 /24, dated Peshawar the 26 / 02 /2024

To: The Regional Police Officer,
Mardan.

Subject: REVISION PETITION.

Memo:

The Competent Authority has examined and filed the revision petition submitted by Ex-LHC Arshid No. 691 of District Swabi, against the punishment of Compulsory Retirement from service awarded by DPO Swabi vide OB No. 856, dated 11.07.2023 being badly time barred.

The applicant may please be informed accordingly.

(AFSAR JAN)

Registrar

For Inspector General of Police,
Khyber Pakhtunkhwa Peshawar




C.T.C

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قیمت 50 روپے	25193	پشاور بار ایسوسی ایشن، نمبر پختونخواہ
ایڈریس: سر سید روڈ 0		PESHAWAR BAR ASSOCIATION
پارکونسل ایسوسی ایشن نمبر: BC-10-7981		
رابطہ نمبر: 03005945940		
		

بعدالت جناب: سر سید ایسوسی ایشن پ. پ. او

مخاطب: سید	دعویٰ:
محمد ایوب	علت نمبر:
بنام	موضوع:
P.P.O etc	جرم:
	تھانہ:

بابت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
 آن مقام کے لیے سر سید حشاشی سرادگی ایسوسی ایشن
 کر کے اترار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقریر نمائش و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا کٹرف یا ایبل کی برآمدگی اور منسوخی، نیز
 دائر کرنے ایبل گزرائی و نظر ثانی د پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے ایڈووکیٹ یا مختار قانونی کو اپنے ہمراہ یا اسے بجائے تقریر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ میں واجب منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سب سے ہوگا کوئی تاریخ کسی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب یا ہمدانہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سدر رہے

محمد ایوب
 سر سید ایسوسی ایشن پشاور

A. A. Sidiqi
 Advocate
 Peshawar

المرقوم: 16/11/2024
 العناوين
 مقام