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BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 941/2022.

Saqib Ali Ex- Constable No. 1024 (Traffic Warden) District Police, Abbottabad R/O Tarhana, Tehsil & District Abbottabad.

(Appellant)

VERSUS

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

(Respondents)

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Dy: Superintendent of Police,
Legal, Abbottabad.

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(Appellant)

VERSUS

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

(Respondents)

PARA-WISE COMMENTS BY RESPONDENTS:

Respectfully Sheweth

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 not maintainable for non-joinder/ miss-joinder of unnecessary parties.
6. That the appeal is badly barred by law & limitation, hence liable to be dismissed without any further proceeding.

ON FACTS:-

1. Pertains to service record.

2. The appellant, while posted as TFC Traffic Warden Abbottabad has involved himself in case vide FIR No. 649 dated 12.12.2021 u/s 419/420/468/471 PPC, PS Mangal. (Copy of FIR is enclosed as Annexure **"A"**).

3. That one Khalid s/o Muhammad Rafiq r/o Balakot submitted an application alleging therein that on 23.11.2021, appellant alongwith other co-accused sold 70/75 tolas of gold ornaments to him for 42,00000/- and fraudulently took cash amount of rupees 32,50,000/- without handing over gold ornament and later on staged drama that the ornaments are stolen property. (Copy of application is enclosed as Annexure **"B"**).

4. The appellant was properly charge sheeted and proper departmental enquiry was initiated against him. The complainant Khalid had nominated the appellant in his statement recorded u/s 164 Cr.P.C alongwith other accused. Similarly during the departmental enquiry, allegations levelled against appellant were proved.

5. The appellant was properly nominated by the complainant in his statement.

6. The appellant under the color of his office as Police official staged the whole drama and deprived the complainant from huge amount of rupees 3250000/- in connivance with other co-accused.

7. The appellant was present at the place of occurrence in proper uniform and was active partner in crime.

8. The appellant was properly arrested and later on released on bail by the competent court.

9. The appellant submitted his reply to the charge sheet which was not satisfactory. (Copies of charge sheet and reply are enclosed as Annexure **"C"**).

10. After proper enquiry, Final Show Cause Notice was issued and served upon appellant who submitted reply of the same which was not satisfactory.

11. The appellant was also heard in person but he failed to convince the respondent No. 03 hence, awarded punishment of dismissal from service vide OB No. 52 dated 23.02.2022. The appellant has preferred departmental appeal before the competent authority which was rejected. (Copy of order is enclosed as Annexure **"D"**).

12. The instant appeal is not maintainable on the following grounds:-

GROUNDS:-

A. Incorrect, the orders of dismissal of respondent No. 03 are correct, legal and according to law. (Copy of order is enclosed as Annexure "D").

B. Incorrect. A proper enquiry was conducted. The appellant was given opportunity to defend himself, and to cross examine the witnesses and fully participated the proceedings. (Copies of statements and finding report are enclosed as Annexure "E").

C. Incorrect. The appellant has filed/preferred departmental appeal which was rejected and order of appellate authority was properly communicated to him.

D. Incorrect. The appellant was actually involved in the criminal case and allegations levelled against him were proved beyond doubts.

E. Incorrect. The instant appeal is badly time barred hence, not maintainable.

72 (4)

PRAYER.

In view of above, it is most humbly prayed that the instant service appeal does not hold any legal force which may graciously be dismissed with cost.

Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.1)

Regional Police Officer,
Hazara Region, Abbottabad
(Respondent No. 2)

District Police Officer,
Abbottabad
(Respondent No. 3)

73 (5)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 941/2022.

Saqib Ali Ex- Constable No. 1024 (Traffic Warden) District Police, Abbottabad R/O Tarhana, Tehsil & District Abbottabad.
(Appellant)

VERSUS

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

(Respondents)

AFFIDAVIT.

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

ATTESTED
SYED MUZAFFAR AHMED SHAH
NOTARY PUBLIC
No SO(Judl)/HD/ND/2011/(Abbott)/2020/Vol-I
Advocate High Court
02/11/2022

Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.1)

Regional Police Officer,
Hazara Region, Abbottabad
(Respondent No. 2)

District Police Officer,
Abbottabad
(Respondent No. 3)

(6)

Annexure "A"

PSD-KPK-1335/26-20.02.2020/Form Store Jobs/Zahid Form No.5.24

ل پولیس ہمو بہ خیبر پختونخواہ فارم نمبر ۲۳

فارم نمبر ۲۴_۵(۱)

ابتدائی اطلاعی رپورٹ

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

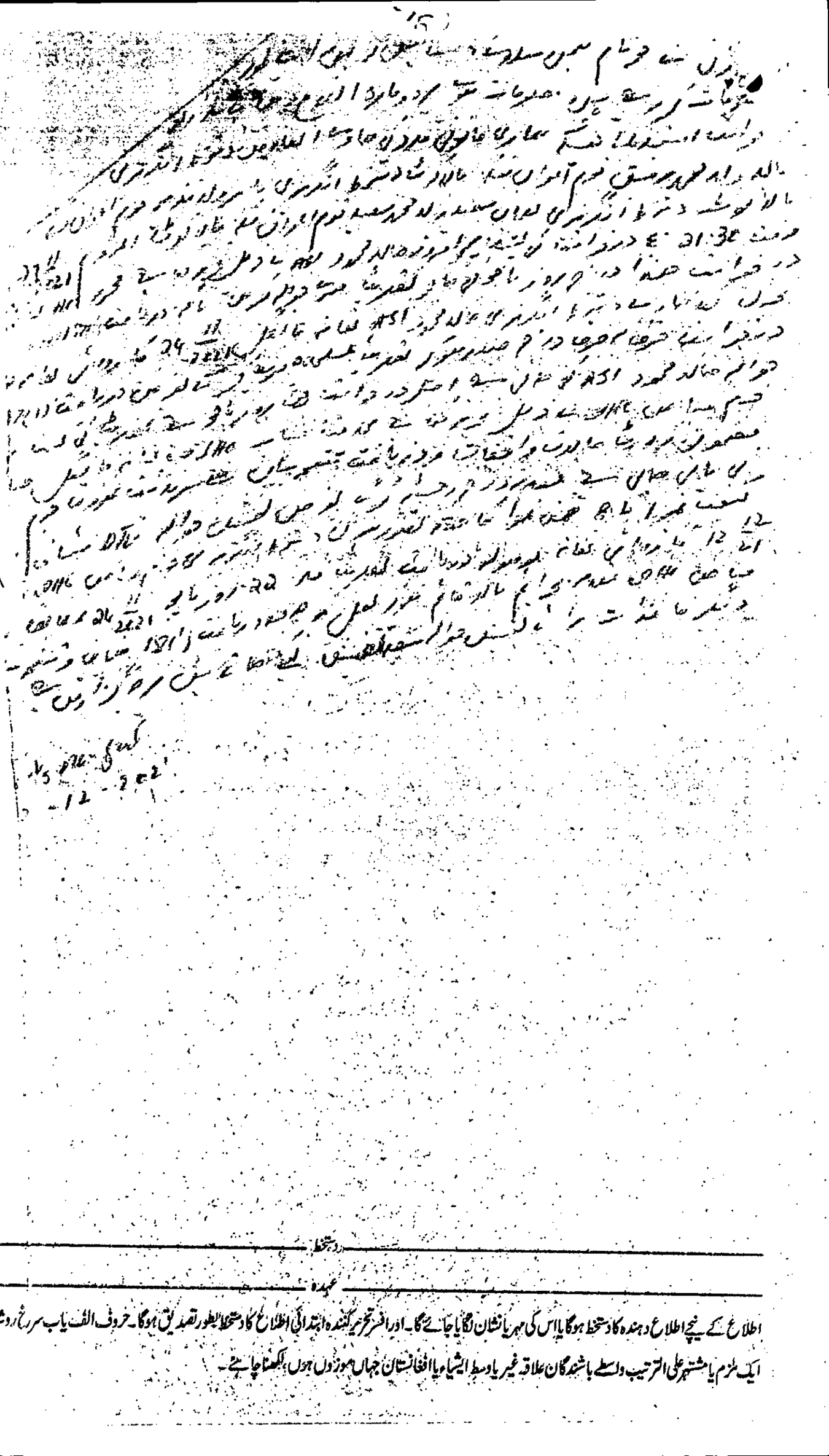
ضلع ایبٹ آباد — تھانہ مانسہرہ

تاریخ وقت مقرر عہ 23/11/2021 وقت 1 بجے دن — علاقہ غیر 649 — 38

تاریخ ووقت رپورٹ	23/11/2021 وقت 21:30 بجے
نام وسکونت اطلاع دہندہ مستغیث	خالد ولد محمد رفیق قوم اعوان سکنہ مالکوٹ 03445965681 - 13501-4307337-1
مختصر کیفیت جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہو۔	419-420-468-471
جائے وقوعہ فاصلہ تھانہ سے اور سمت	ہوٹل مراقبہ بلڈنگ واقع مقابل کلنڈر آباد ہائٹس شمال کلو میٹر 2½
نام وسکونت ملزم	
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	برسبیل ڈاک (1571) مد 22 روزنامچہ 24/11/21
تھانہ سے روانگی کی تاریخ ووقت	برسبیل ڈاک

ابتدائی اطلاع نیچے درج کرو۔

بوقت صدر تقریباً مد 22 روزنامچہ 24/11/21 ASI
بسلسلہ قسم مراسلہ موصول ہوکر ذیل ہے۔ مد 22 آمد تحریری درخواست
وقتہ 00:10 بجے اسٹیشن تحریری درخواست ازاں خالد ولد محمد رفیق وبامرولد مذہر علم
سعید ولد محمد سعید اقوام اعوان ساکنان مالاکوٹ بسلسلہ حالد فرد ASI موصول ہوکر ذیل ہے
بخدمت جناب SHO صاحب تھانہ مانسہرہ جناب عالی گزارش ہے کہ سائلان مالاکوٹ کے رہائشی ہیں اور
سائلان زمرگر کا دوکان مکان وغیرہ کا کاروبار کرتے ہیں سائلان کا ایک بیٹا مسمی صدام ولد محمد مرحوم جو
جرم 302 کے مقدمہ میں مانسہرہ جیل میں بند ہے جو ظاہر ہا ملزمان مشتعل ہوکر دھمکیاں وغیرہ دیتا آرہا
ہے کہ ان کا رشتہ دار بند جیل مانسہرہ ہے جو ظاہر ہا ملزمان کو رابطہ کرواکر مذکورہ سونے کا ڈبہ
جو ظاہر، فیاض نامی مشتعل سونار تاجیل موں نمبر 03482484582 ، 03468481319 ، 03468481319 ہوائی ایبا
سونا بالطس لگا کر دینے سے انکاری ہوا آج تقریباً 70 تولے سونا ہے جسے سونار
سے لیکر مقدمہ آباد آفس سونار سے آرڈر ہوں موقعہ مرمت دن 1 بجے مقدمہ آباد
موقع آنے پر وہم مشتعل دوست آنے انسپکٹر ظاہر، فیاض، دواشخاص ا
وسکین نامعلوم لوگ آئے اور سیمی کہا کہ سونا دیدو اور آکر سونا دیتے ہیں جسکو
دوتولہ وہم نے سونا بیچنے لگا دیتے جو موقعہ مرمت سونا 5 بجے ایک لڑکی
غیر نامعلوم برنگ سفید آیا جسمیں ایک پولیس آفیسر اور ایک کانسٹیبل موجود تھا
کہ وہم سے پیسے دیتے انسپکٹر ظاہر مذکور پولیس والوں نے وہم سے سونا لیکر ان کو
سونا دیدیا ہے اور کہ ان کے ساتھ ہیں اور دواشخاص جو سونا لیکر ان سے جوڑا
اور وہم سے جو کچھ کچھ تھا ان لوگوں کے ساتھ وہم نے ڈرے مارے تقریباً کہ
جانتے جو معلوم قبل نہ کہ ان کے ساتھ وہم سے مقدمہ آباد کے سیمی معاملہ کے ساتھ
جو سیمی معلوم تھا کہ مذکورہ ان ہمیں جبری کا سونا موقف کر رہے ہیں یہ معلوم



ردستخط

عہدہ

اطلاع کے نیچے اطلاع دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگایا جائے گا۔ اور افسر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الف یا ب سرخ روشنائی سے بالقاط
ایک ملزم یا مشتبہ علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیاء یا افغانستان جہاں ہوزوں ہوں لکھنا چاہئے۔

(70)

Annexure "B" (7)

77 Annexure "C" 8

CHARGE SHEET

1). I, **Zahoor Babar Afridi (PSP) District Police Officer Abbottabad** as competent authority hereby charge you **TFC Saqib No. 1024 Traffic Warden Abbottabad** as explained in the attached statement of allegations.

2). 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 with in 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.

(Zahoor Babar Afridi) PSP
District Police Officer
Abbottabad

(9)

DISCIPLINARY ACTION

I, Zahoor Babar Afridi (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that you **TFC Saqib No. 1024 Traffic Warden Abbottabad** 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

I. **You FC Saqib No. 345 while posted as TFC at Traffic Warden Abbottabad, on 23-11-2021 you alongwith 05 co-accused made a plan of selling of gold ornament weighing 70/ 75 Tola to Mr. Khalid S/O Muhammad Rafique R/O Balakot in lieu of amount Rs. 42,00,000/- out of which Rupees amounting 32,50,000/- was paid by Mr. Khalid but you alongwith other co-accused created a pre-plan drama and pretended that the gold ornaments were stolen property. You by using tactics fraudulently took the cash amount Rs. 32,50,000/- from the applicant without any agreement deed neither took any legal action nor brought the matter into the notice of senior officers. Upon the application of Mr. Khalid S/O Muhammad Rafique a case vide FIR No. 649 dated 12-12-2021 U/S 419/ 420/ 468/ 471 PPC PS Mangal was registered against you and others 05 co-accused. Your this illegal act earned bad name for entire police department as well as in the eyes of general public, which is tantamount to gross misconduct on your part being a member of disciplined force.**

2). For the purpose of scrutinizing your conduct with reference to the above allegations, **Addl: SP Abbottabad** 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.

(Zahoor Babar Afridi) PSP
District Police Officer
Abbottabad

No. 473 /PA, Dated Abbottabad the 14/12/2021.

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. **TFC Saqib No. 1024 Traffic Warden Abbottabad** (delinquent officer/ official).

79 1024 Annexure "D" (10)

ORDER

This office order will dispose of the departmental enquiry against **FC Saqib No. 1024**. He while posted as TFC at Traffic Warden Abbottabad, on 23-11-2021 he alongwith 05 co-accused made a plan of selling of gold ornament weighing 70/ 75 Tola to Mr. Khalid S/O Muhammad Rafique R/O Balakot in lieu of amount Rs. 42,00,000/- out of which Rupees amounting 32,50,000/- was paid by Mr. Khalid but he alongwith other co-accused created a pre-plan drama and pretended that the gold ornaments were stolen property. He by using tactics fraudulently took the cash amount Rs. 32,50,000/- from the applicant without any agreement deed neither took any legal action nor brought the matter into the notice of senior officers. Upon the application of Mr. Khalid S/O Muhammad Rafique a case vide FIR No. 649 dated 12-12-2021 U/S 419/ 420/ 468/ 471 PPC PS Mangal was registered against him and others 05 co-accused. His this illegal act earned bad name for entire police department as well as in the eyes of general public, which is tantamount to gross misconduct on his part being a member of discipline force.

He was issued with Charge Sheet along with statement of allegations. **Addl: SP, Abbottabad** was appointed as Enquiry Officer. He 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 Final Show Cause Notice. He was summoned to appear in Orderly Room on 22-02-2022. He was given a patient hearing but he had nothing plausible to state in his defence.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, Zahoor Babar Afridi, PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the major punishment of **Dismissal from service** with immediate effect.

Order announced.

OB No. 52
Dated 23-02-22

District Police Officer
Abbottabad

CC.

1. Establishment Clerk, DPO Office Abbottabad.
2. OHC DPO Office Abbottabad alongwith Enquiry containing ____ pages for completion of record

****

ICE DEPARTMENT (80 Annexure "E") (11) ABBOTTABAD DISTRICT

DEPARTMENTAL ENQUIRY AGAINST CONSTABLE SAQIB NO. 1024

BRIEF OF ALLEGATIONS:

A departmental enquiry was received against FC Saqib No. 1024, Investigation wing vide District Police Officer, Abbottabad Endst: No.473/PA dated 14-12-2021 with the allegation that ***"FC Saqib No. 1024 while posted as TFC at Traffic Warden Abbottabad,, on 23-11-2021 he alongwith 05 co-accused made a plan of selling of gold ornament weighting 70/75 Tolas to Mr. Khalid s/o Muhammad Rafique r/o Balakot in lieu of amount Rs.42,00,000/- out of which Rupees amounting 32,50,000/- was paid to Mr Khalid but he alongwith other co-accused created a pre-plan drama and pretended that the gold ornaments were stolen property. He by using tactics, fraudulently took the cash amount Rs. 32,50,000/- from the applicant without any agreement deed, neither took any legal action, nor brought the matter into the notice of senior officers. Upon the application of Mr. Khalid s/o Muhamad Rafique a case vide FIR No.649 dated 12-12-2021 u/s 419/420/468/471 PPC PS Mangal was registered against him and other 05 co-accused. Your this illegal act earned bad name for entire Police department as well as in the eyes of general public, which is tantamount to gross misconduct on his part being a member of disciplined force."***.

PROCEEDINGS:

During course of enquiry, delinquent official was summoned, his statement was recorded and cross examined. Moreover, both parties were given opportunity to cross examine each another. Relevant record has been collected by the instant I.O of the case. All the necessary proceeding papers are enclosed with the enquiry file.

STATEMENT OF FC SAQIB NO: 1024

His statement was recorded, short summery of which is endorsed below:-

That one Khalid s/o Muhammad Rafique r/o Balakot lodged a report on 12-12-2021 about occurrence which has allegedly taken place on 23-11-2021 at 01:00 pm and report thereof has been lodged at 19:30 pm i.e almost after 07 hours, whereas the distance between alleged place of occurrence and Police Station is about 02 KM which is enough to believe that the matter was reported after due consultation. He stated that according to FIR No. 649 dated 12-12-2021 u/s 419/420/468/471 PPC read with Section 118-1(c)/119(b) of Police Act, 2017 against unknown persons. Further that later on the complainant charged him in said offence in supplementary statement and statement recorded under section 164 CrPC, however in both the statements the complainant has not stated that he paid the amount to him directly rather he stated the alleged amount was paid to Tahir and Fiaz. He further stated that even otherwise on 23-11-2021 at the time of alleged occurrence i.e 01:00 pm he was present at duty at SP Traffic Office Abbottabad. Moreover he stated that he is completely innocent. Further he stated that another important aspect of the case is that the complainant stated in his statement u/s 164 CrPC that he could not identify the Police officials, if this part of the statement of complainant is considered it would be crystal clear.

STATEMENT OF HC GUL AFZAL NO.340: 81 (12)

His statement was recorded, short summery of which is endorsed below:-

That one Khalid s/o Muhammad Rafique r/o Balakot lodged a report on 12-12-2021 about occurrence which has allegedly taken place on 23-11-2021 at 01:00 pm and report thereof has been incorporated at 19:30 pm i.e almost after 07 hours later, whereas the distance between alleged place of occurrence and Police Station is about 02 KM which is enough to believe that the matter was reported with consultation. That, FIR No. 649 dated 12-12-2021 u/s 419/420/468/471 PPC read with Section 118-1(c)/119(b) of Police Act, 2017 launched against unknown persons. However in both the statements of complainants they did not charged directly rather he stated the alleged amount was paid to Tahir and Fiaz. He further stated that on 23-11-2021 at the time of alleged occurrence i.e 01-00 pm he was present in the Honorable Court of Additional & Session Judge-VI. Further stated that another important aspect of the case is that the complainant stated in his statement u/s 164 CrPC that he could not identify the Police officials, if this part of the statement of complainant is considered, it would be transparent.

STATEMENT OF BABAR ALI S/O MUHAMMAD NAZIR R/O BALAKOT MANSEHRA

His statement was recorded, short summery of which is endorsed below:-

That, he is owner of Sajjad Jewelry shop at Balakot. He was informed that gold and one party want to sell it, While he reached at Mangal hotel to see the gold. Two lack, fifty thousand advance payment was given to respondents and after three days they took thirty lack rupees at Mangal Hotel. Three men arrived there, two men committed deal and one man took money and went away. After some time, a vehicle having two police official and same person received amount by them. Meanwhile 02 Police Officials beaten two persons with the contention that, where is your brother who is charged u/s 302 PPC. Then rushed in vehicle by taking these persons. He further stated that while he told police officials about amount (in question), they convinced them to visit Police station.

STATEMENT OF NOUMAN SAEED S/O MUHAMMAD SAEED R/O BALAKOT MANSEHRA

His statement was recorded, short summery of which is endorsed below:-

He stated that he had a gold bargain of rupees 42 Lac with Asim Shah, in which advance payment of 2.5 Lac was made. When they visited to Qalandarabd to purchase gold ornaments along with 30 Lac Rupees. Asim Shah after receiving advance payment of 30 Lac with two guaranties, gone away with contention that he will bring gold with them. After some time a vehicle parked there, two police official and same person who took money was in it. Meanwhile 02 Police Officials beaten two persons with the contention that, where is your brother who is charged u/s 302 PPC. Then rushed in vehicle by taking these persons. He further stated that while he told to police officials about amount (in question), they told them to visit Police station for further justification.

STATEMENT OF SI ABDUL KHALIQ OII PS MANGAL

His statement was recorded, short summery of which is endorsed below:-

He stated that DD No. 22 dated 24-11-2021 was incorporated at PS Mangal on context complaint was marked to HC Khurram Fiaz for initial enquiry u/s 157 CrPC. Khurram Fayyaz collected

CDR reports of mentioned mobile numbers. It was found in CDR that the police official namely HC Gul Afzal and Constable Saqib had direct contact with the perpetrators. This situation was brought in the notice of senior officers. During initial enquiry applicants through their statements made a claim u/s 161 CrPC on accused: Asim Shah s/o Syed Chan Shah r/o Ganda Mansehra, Muhammad Aqeel s/o Muhammad Maskeen r/o Baila Gandian Mansehra, IHC Gul Afzal, Constable Saqib No. 1024 and one co-unknown accused. High-ups constituted a JIT for investigation, and he was appointed IO of the case. DSP Mirpur Sabir Khan was appointed as Chairman of JIT & other members i.e SHO PS Mangal, Niaz Akhtar SI/OII PS Cantt, Abdul Waheed ASI/DTV PS Mirpur, Niaz ASI/PTV PS Cantt, Khurram Fayyaz IHC/PTV PS Mangal. During Investigation as per directions of High-ups the compliance of u/s 118-1/119-B of Police Act 2017 was made. 02 days Police custody was taken. Accused has pointed out the place of incident and recovery of Rs. 02 Lac was made from IHC Gul Afzal and Rs. 01 Lac by Constable Saqib. The recovery amount was taken by the police, More recovery was expected from the accused. Accused were produced before court to get extension of police custody. Later-on application of extension of custody was rejected by the court. The accused were sent to District Jail Mansehra on Judicial remand. Accused has confessed their crime in their statements, For arrest of other co-accused the police has tried their best, but failed to arrest them. Further proceeding are underway by submitting challan u/s 512 CrPC.

FINDINGS:

During course of enquiry, undersigned being EO observed the following:-

01. After scrutiny the record of accused officials, it has been learnt that 02 bad entries are lodged in his service record.

02. That, the case FIR No 649 dated 12-12-2021 u/s 419/420/468/471 PPC PS Mangal was registered against accused official FC Saqib No. 1024 along with 05 co-accused on the context complaint of one Khalid s/o M. Rafique r/o Balakot. It is mentioning here that accused official and complainant (namely Noman Saeed s/o Muhammad Saeed r/o Balakot and Babar Ali s/o Muhammad Nazir r/o Balakot) were given free opportunity to cross examine in light of complainant for receiving of Rupees 3250000/- with fraudulently tactics.

03. According to the CDR, presence of delinquent officials is found at Qalendrabad, definetly proved occurrence report. Moreover, during cross examination, it has been observed that accused officials, have no independent evidence to prove his innocence and completely involvement which was close in contact with co-accused

04. I.O of the case was also summoned, and his statement was recorded which is annexed totally speaks against accused officials. Presently BBA of accused officials has been confirmed by the Learnt Court of law.

Keeping in view of above as well role of accused officials allegation framed in the summary, are stand proved. Therefore he may kindly be awarded suitable punishment, as deem fit please.

(ENQUIRY OFFICER)
ADDL: SUPERINTENDENT OF POLICE,
ABBOTTABAD.

بیان از بابر علی ولد محمد نذیر ساکن گلزار کالونی

بیان یوں کہ اسلسلہ انکوائری ایڈیشنل ڈپٹی کمشنر وزیر آباد

دفتر حاضر آیا ہوں میری ایک دوکان باہلوٹ میں مسماۃ منور

کے نام سے موجود ہے کہ مجھے تین بندوں نے بذریعہ موبائل رابطہ کیا

ہمارے پاس محرمات کا سونا موجود ہے جو کہ ہم بیچنا چاہتے ہیں

پھر ہم سونا دیکھنے مالگل ہوٹل پر پہنچ گئے جہاں ہم نے سونا دیکھا

اور ریٹ طے کئے اور ڈھائی لاکھ بیانہ دے دیا اور تین دن

بعد ہم تیس لاکھ روپے لیکر آئے مالگل ہوٹل پر پہنچے

اس دوران تین بندے ہمارے پاس آئے ایک ہم سے پیسے

لیکر چلا گیا۔ دو ہمارے پاس بیٹھے رہے۔ کچھ دیر بعد ایک

سفید ڈبہ آیا جس میں ایک شخص بیٹھا ہوا تھا جو ہم نے

دیکھا کہ ہتھکڑیاں لگی ہوئی تھیں اور یہ وہی شخص تھا جس

نے کچھ دیر پہلے ہم سے تیس لاکھ روپے وصول کئے تھے۔

اس سفید ڈبے میں سے دو پولیس والے اترے اور ہمارے پاس

بیٹھے ہوئے دونوں بندوں کو مارنے لگے اور کہا کہ کدھر ہے تمہارا

بھائی 302 والا ہے اور مار مار کر گاڑی میں بٹھا کر لے گئے۔

جب ہم نے پولیس والوں سے کہا کہ ہمارا تیس لاکھ کا

معاملہ ہے تو پولیس والوں نے کہا کہ آپ تھانہ آجائیں۔ ساری

بات وہاں پر ہوگی اور وہ تھانہ چلے گئے ہماری دن رات

کی محنت مزدوری کی جمع پونجی ہمارے ساتھ لوٹی ڈرامہ کر کے

تیس لاکھ کی رقم لے اڑے۔

بابر علی ولد محمد نذیر باہلوٹ مالگل

71501-9508171-7

XX وقت وقوعہ آپ کی تعیناتی کہاں تھی؟
شہر حرد گرد تھانے کے ساتھ میری تعیناتی تھی۔

XX وقت وقوعہ آپ کہاں تھے؟
گھر خورد میں موجود تھا۔

XX مقدمہ میں آپکو چارج کیا گیا اس بارے میں اپنے بے گناہی کیلئے کوئی ثبوت؟
میں بروقت موقع اپنے گھر میں موجود تھا۔ مطابق DD اور گاؤں کے معتبرین گواہ متری وامنور میری گھر موجودگی کا ثبوت دے سکتے ہیں

XX مدعی مقدمہ کو آپ جانتے ہیں یا قبل ازیں آپ کی ملاقات ہوئی؟
جب میں کو اگر گارڈ میں تھا تب اور پھر شہر میں ڈیوٹی کے دوران میں ملاقات ہوئی اس سے قبل میں مدعی کو نہیں جانتا تھا اور نہ ہی کبھی ملاقات ہوئی ہے
جب کو اگر گارڈ میں تھا تو حرم HC نے بھیجے لیا کہ یہ آپکے مدعی ہیں

XX DR کے مطابق آپ کی لوکیشن وقوعہ کی جگہ سے ملتی ہے اس بارے میں وضاحت؟
DR کے مطابق میری لوکیشن جائے وقوع سے نہیں ملتی بلکہ میں اپنے گھر میں موجود تھا۔ میرے پاس میرے گھر سے اسی اوری لوکیشن آئی

85 (16)

** آپ کی پیل کب گذرم ہوئی ؟

29/12/2021 کو

** بوقت وقوعہ موقع پر کوئی ایسا گواہ جو آپکے حق میں ہو ؟

وقوعے پر کوئی گواہ نہیں البتہ وقوعے پر موجود نہ ہونے کے مطابق
متعدد گواہ اپنی موجودگی اپنے گھر میں ہونے کے مطابق پیش کر سکتا ہوں

** کیا آپ قدرہ دفعہ میں عدالت میں پیش ہوئے۔ مقدمہ میں مدعی کی
جانب سے کوئی نامزدگی کے بارے میں وضاحت ؟

جی ہاں مجھے مقدمہ میں پولیس والوں نے پیش عدالت کیا
مدعی نے نہ تو مجھے اپنے بیانات میں چارج کیا نہ ہی درخواست
2019 میں چارج کیا ہے

1024
JC

نائب صوبیدار

87 (17)

CE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No: 26 /PA, Dated Abbottabad, the 07/02/2022.

FINAL SHOW CAUSE NOTICE

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

That you **FC Saqib No. 1024** rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) for following misconduct;

I. **You FC Saqib No. 1024 while posted as TFC at Traffic Warden Abbottabad, on 23-11-2021 you alongwith 05 co-accused made a plan of selling of gold ornament weighing 70/ 75 Tola to Mr. Khalid S/O Muhammad Rafique R/O Balakot in lieu of amount Rs. 42,00,000/- out of which Rupees amounting 32,50,000/- was paid by Mr. Khalid but you alongwith other co-accused created a pre-plan drama and pretended that the gold ornaments were stolen property. You by using tactics fraudulently took the cash amount Rs. 32,50,000/- from the applicant without any agreement deed neither took any legal action nor brought the matter into the notice of senior officers. Upon the application of Mr. Khalid S/O Muhammad Rafique a case vide FIR No. 649 dated 12-12-2021 U/S 419/ 420/ 468/ 471 PPC PS Mangal was registered against you and others 05 co-accused. Your this illegal act earned bad name for entire police department as well as in the eyes of general public, which is tantamount to gross misconduct on your part being a member of discipline force:-**

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.

District Police Officer
Abbottabad

Received by_____

Dated____/___/2021

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E OF THE DISTRICT POLICE OFFICER, ABBOTTAB

No: 26 /PA, Dated Abbottabad, the 07/02/2022.

GROUNDS OF ACTION

That you **FC Saqib No. 1024**, committed following misconduct:-

I. **You FC Saqib No. 1024 while posted as TFC at Traffic Warden Abbottabad, on 23-11-2021 you alongwith 05 co-accused made a plan of selling of gold ornament weighing 70/ 75 Tola to Mr. Khalid S/O Muhammad Rafique R/O Balakot in lieu of amount Rs. 42,00,000/- out of which Rupees amounting 32,50,000/- was paid by Mr. Khalid but you alongwith other co-accused created a pre-plan drama and pretended that the gold ornaments were stolen property. You by using tactics fraudulently took the cash amount Rs. 32,50,000/- from the applicant without any agreement deed neither took any legal action nor brought the matter into the notice of senior officers. Upon the application of Mr. Khalid S/O Muhammad Rafique a case vide FIR No. 649 dated 12-12-2021 U/S 419/ 420/ 468/ 471 PPC PS Mangal was registered against you and others 05 co-accused. Your this illegal act earned bad name for entire police department as well as in the eyes of general public, which is tantamount to gross misconduct on your part being a member of discipline force:-**

II. **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.

District Police Officer
Abbottabad

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BEFORE THE DISTRICT POLICE OFFICER ABBOTTABAD

In the matter of;

TFC Saqib No.1024 Traffic Warden Abbottabad, presently Police Lines Abbottabad.

REPLY OF FINAL SHOW CAUSE NOTICE

It is respectfully submitted as under;-

I take honor to refer to letter No.26/PA dated 07/02/2022 vide which final show cause notice has been served upon me. The detailed reply of final show cause notice is as under;-

1. That I was inducted in District Police Abbottabad in the year 2012 and since then I have been performing my duties with devotion, dedication and honesty. My performance, at different stations, have been appreciated by my superiors in the shape of certificates and rewards. During the whole tenure of my service even a single complaint has not been filed by any quarter against me.

2. That presently I am performing my duties as Gunner with SP Traffic.

OR

DPO Abd

3. That one Mr. Khalid lodged a report on 12/12/2021 of an occurrence which has allegedly taken place on 23/11/2021 at 01:00 pm and report thereof has been lodged at 19:30 pm i.e almost after 07 hours; whereas the distance between alleged place of occurrence and police station is about 02 KM which is sufficient to believe that the matter was reported after due deliberation and consultation.

4. That accordingly, the FIR No.649 was registered on 12/12/2021 under Section 419/420/468/471 PPC read with Section 118-1(c)/ 119(b) of Police Act, 2017 against unknown persons.

5. That later on the complainant charged the undersigned for the offence in his supplementary statement and statement recorded under section 164 Cr.PC, however in both the statements the complainant has not stated that he paid the amount to me rather he stated that the alleged amount was paid to Tahir and Fiaz.

6. That even otherwise on 23/11/2021 at the time of alleged occurrence i.e 01:00 pm I was present in connection with at my duty in SP Traffic Office Abbottabad.

7. That I am completely innocent and the whole episode has been staged with malafide intention just to drag me in the present fabricated and concocted case with ulterior motives and some personal grudges.

8. That during my custody with police, nothing was recovered from my person and the alleged recovery attributed to me is fabricated and concocted, I have never produced any amount to the police because I am totally innocent and being low paid government employee I could not save Rs.100000/- during the whole service. Similarly, my mobile phone was in custody of police therefore, the assertion of I.O that I contacted my relative for the amount is nothing but a pack of lie.

9. That another important aspect of the case is that the complainant stated in his statement under section 164 Cr.PC that he could not identify the police official, if this

(2R) 91

part of the statement of complainant is considered it would be crystal clear that the whole story has been fabricated by the complainant in connivance with local police because if the complainant charged me / police official by name, why he could not identify the police officials.

10. That during the inquiry, the complainant did not appear to substantiate his claim. Similarly Mr. Noman while appearing before inquiry officer categorically submitted that he does not know the undersigned. Besides above, Mr. Babar disclosed that the pictures of police official were shown to him on the next day. The above would suffice that I am innocent and on the basis of statements no case is made out against me.

11. That in the wake of above I would also humbly submit that a chance of personal hearing be also given to me in the highest interest of justice.

It is therefore, humbly prayed that in the light of foregoing submissions / reply, the final show cause notice may graciously be ordered to withdrawn and I may kindly be exonerated from the charges leveled against me.

Your Obediently.

TFC SAQIB
No.1024
District Traffic Police,
Abbottabad

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PUNISHMENT RECORD OF CONSTABLE SAQIB ALI NO.1024

DATE OF ENROLMENT: 04-09-2012.

S. No	Charge	Punishment Awarded
1.	01 day absented	Warning
2.	01 day absented	03 days extra drill
3.	PW in case FIR No.920, dated 28-10-2013 U/S PC CNSA PS Mirpur failed to attend the court on 19-06-2017	Fine Rs.500/-
4.	He while posted in TFC at Traffic Warden Abbottabad on 23-11-2021 he alongwith 05 co-accused made a plan of selling of gold ornaments weighting 70/75 tola to Mr. Khalid s/o Muhammad Rafique r/o Bakot in lieu of Rs 4200000/- out of which rupees Rs.3250000/- was paid by Mr. Khalid but he alongwith other co-accused created a pre-plan drama and pretended that the gold ornament were stolen property. He by using tactics fraudulently took the cash amount 3250000/- from the applicant without any agreement deed neither took any legal action nor brought the matter into the notice of senior officer. A case FIR No.649, dated 12-12-2021 U/S 419/420/468/471 PPC PS Mangal was registered against him and others 05 co-accused.	Dismissal from service
5.	**Total Absented Days =02 days**	

03/01/22

I/C Establishment Branch