

BEFORE THE KHYBER PUKHTUN KHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.326 of 2024.

Shah Faisal No.275/M, Inspector District Police Office, Timergara Lower Dir.

.....Appellant


VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Malakand .
3. District Police Officer, Lower Chitral.

.....Respondents

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District Police Officer,
Chitral Lower

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.....Respondents

Parawise Comments on behalf of Respondents.**Preliminary objections:-****Khyber Pakhtunkhwa
Service Tribunal**

Respectfully Sheweth!

Diary No. 14591Dated 30/7/24

- (1) That the appeal is not based on fact.
- (2) That the appeal in hand is badly time-barred.
- (3) That the appellant has not come to this honorable Tribunal with clean hands.
- (4) That the appellant has got no cause of action to prefer the instant appeal.
- (5) That the appeal is not maintainable in its present form.
- (6) That the appellant is estopped by his own conduct to file the appeal.
- (7) That the appeal in bad for joinder and misjoinder of necessary parties.

On facts.


1. That Para No.01 pertains to record.
2. That Para No.02 is denied. Performance of the appellant being unsatisfactory warranted proper departmental action against him, as he arrested the accused of the FIR No.22 dated 27.06.2022 U/S 9 C-CNSA PS Ashirate at 05:00 AM, while lodged the FIR at 10:35 AM, he even did not bother to inform his Superior Officers regarding such delay ... (Copy of FIR attached as annex... "A").
3. Para No.03 is denied. The appellant was properly proceeded against departmentally, as during departmental enquiry showcase notice vide No.4013/EB, dated 29/06/2022 was issued, to which the appellant replied properly (Copy of show cause notice attached as annexure "B").
That being unsatisfied with the reply to the show cause notice the Respondent No.03 issued charge sheet and summary of allegation vide No.4123/EB, dated 05.07.2022 and 4124-26/EB, dated 05.07.2022 respectively, wherein Mr, Khalid Khan, SP Investigation was appointed as Enquiry Officer.... (Copies attached as annexure "C1 & C2").The appellant submitted his written reply on 06.07.2022..... (Copy attached as annexure "D").
During the enquiry the appellant was given ample opportunity of hearing and defence. and production of evidence to establish his plea of innocence, but he badly failed to rebut the evidences produced /statements recorded in support of the allegations leveled against him ... (copies of the statements attached as annexure "E1 & E2").
Final showcase notice was also issued vide No 4937/EB dated 10/08/2022 to which the appellant replied... (Copies of the Final showcase notice and reply attached as annexure... "F1 & F2").
After following all the legal and codal formalities the Enquiry Officer submitted his finding report recommending him for any suitable punishment.... (Copy attached as annexure ... "G1 & G2").
4. Para No.04 is admitted as correct. Respondent No.02 gave him proper chance of personal hearing and defence in Orderly room on 07.09.2022. Taking lenient view accepted his departmental appeal and restored him into Service, by converting his dismissal Order into forfeiture of three years(03) approved Service vide Order No.11763-66/E, dated 22.10.2022...(Copy attached as annexure ... "H").
5. Para No.5 is admitted as correct to the extent, that the revision petition of the appellant was disposed off by Respondent No.01 vide Order No.2884-90/22, dated 15.12.2023.... (Copy attached as annexure ... "I").
6. Incorrect, the appellant has got no cause of action. He has been treated quite in accordance with law/rules. The instant petition is deiced of merit may be dismissed inter alia on the following grounds.


On Grounds.

- A. Incorrect. The office Orders dated 25.08.2022, 22.10.2022 and 15.12.2023 of Respondents being mandate by Law, Rule, Constitution and principle of justice are valid and binding.
- B. Incorrect. The Orders of the Respondents are within the ambit of Constitution of Islamic Republic of Pakistan, hence maintainable in the eyes of Law.
- C. Incorrect. The appellant has been dealt with in accordance with Law, Rule, Constitution and principle of justice.
- D. Incorrect. Proper and regular departmental enquiry was conducted by issuing show cause Notice, charge sheet and summary of allegation vide No.1023/EB, dated 05.07.2022 which have been duly replied by the appellant, in his reply to the charge sheet the appellant has rightly referred the charge sheet, final show cause notice was also issued . . .(Copies of show cause notice, charge sheet, Summary of allegation, reply of the appellant and final show cause notice already attached).
- E. Incorrect. Proper and regular enquiry was initiated against the appellant following all the legal and Codal formalities. (Copies already attached).
- F. Incorrect. The proper and regular departmental enquiry reveal, that the allegations leveled against the appellant proved beyond any shadow of doubt. As he had violated fundamental rights of a citizen by keeping him behind the bar for about five hours before lodging of FIR, the appellant never bother to inform superior officers regarding his act/omission, which mandated the proper departmental enquiry against him. Therefore, no ill will on behalf of the Respondents exists.
- G. That any other ground will be taken at the time of argument with the kind permission of this honorable Court.

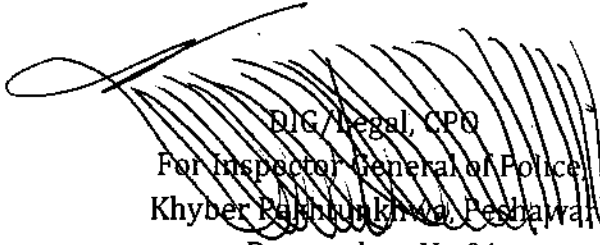
Prayer:

In light of the facts submitted above the appeal in hand may kindly be dismissed please.


District Police Officer,
~~Central Lower~~
Respondent No.03
(IFTIKHAR SHAH)
Incumbent


Regional Police Officer,
Malakand Region Swat
Respondent No.02
MUHAMMAD ALI KHAN (PSP)
Incumbent

Regional Police Officer,
Malakand, at Saidu Sharif Swat.


DIG/ Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
Respondent No.01

RIZWAN MANZOOR (PSP)
Incumbent

BEFORE THE KHYBER PUKHTUN KHWA SERVICE TRIBUNAL, PESHAWAR.Service Appeal No.326 of 2024.

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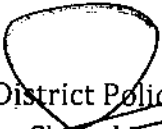
VERSUS

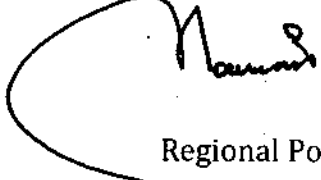
1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Malakand .
3. District Police Officer, Lower Chitral.


.....Respondents

Authority Letter.

Sher Mohsin ul Mulk, Acting DSP Legal of District Police Chitral is hereby authorized and deputed to attend Service Tribunal, Khyber Pakhtunkhwa, Peshawar in Service Appeal No.326 of 2024 titled Shah Faisal Inspector Vs Inspector General of Police and others as departmental representative.


~~District Police Officer,~~
~~Chitral Lower~~
 Respondent No.05
 (IFTIKHAR SHAH)
 Incumbent


 Regional Police Officer,
 Malakand Region Swat
 Respondent No.04
 MUHAMMAD ALI KHAN (PSP)
 Incumbent
Regional Police Officer,
 Malakand, at Saidu Sharif Swat.


 DIG/Legal CPO
 For Inspector General of Police
 Khyber Pakhtunkhwa, Peshawar
 Respondent No.02.

RIZWAN MANZOOR (PSP)
 Incumbent

BEFORE THE KHYBER PUKHTUN KHWA SERVICE TRIBUNAL, PESHAWAR.

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2. Regional Police Officer, Malakand .
3. District Police Officer, Lower Chitral.

.....Respondents

Affidavit.

I, Iftkhar Shah District Police Officer Chitral Lower, do hereby solemnly affirm that the contents of Parawise comments are true to the best of my knowledge and belief and nothing has been concealed from the Honorable Tribunal.


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


(IFTIKHAR SHAH)

District Police Officer,
Chitral Lower.

Mobile No.03327715254

NIC No. 16101-8052482-7


ZAFAR-UL-HAQ
Advocate and Oath Commissioner
Distt Court Chitral (L)
20/07/24

(5)

BEFORE THE KHYBER PUKHTUN KHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.326 of 2024.

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.....Appellant

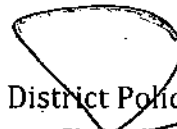
VERSUS

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2. Regional Police Officer, Malakand .
3. District Police Officer, Lower Chitral.

.....Respondents

Counter Affidavit.

Verified that the contents of Parawise comments/ reply are true and correct and noting have been concealed from the tribunal.


District Police Officer,
~~Chitral Lower~~
Respondent No.05
(IFTIKHAR SHAH)
Incumbent



پولیس فام نمبر 24-5-1)

بریل نمبر : --000250

ابتدائی اطلاعی رپورٹ نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر ولفہ 154 مجموعہ ضابطہ نوحداری

تاریخ و وقت وقوع : 27-06-2022 10:00 AM

نمبر : 22/22 قتانہ : عشریت ضلع : لوئر چترال ای ٹیک نمبر : 00022

1	تاریخ و وقت رپورٹ	حوالہ رپٹ نمبر (10) 27-06-2022 10:35 AM	6 قتانہ سے رداگی کی تاریخ و وقت	بزرگوار سید
2	نام و سکونت اطلاع دہندہ مستفیث	SHAH FAISAL SI پتہ : قتانہ ، موجود پتہ : قتانہ عشریت ، پیشہ : پولیس آفیسر فون نمبر : 03469388084 مرتبہ مرسلہ : SHO شاہ فیصل قتانہ عشریت		
3	مختصر کیفیت جرم (معدہ دلد) و مال اگر کچھ کھو گیا ہے	بجرم نہ		
		THE KHYBER PAKHTUNKHWA CONTROL OF NARCOTIC SUBSTANCES ACT, 2019 - 9-c		
4	جائے وقوع و فاصلہ قتانہ سے اور سمت	مین روڈ پولیس CP نزد قتانہ عشریت بغاقلہ قریب آڈھا لرا لنگ جانب شرق از قتانہ		
5	کارروائی متعلقہ تفتیش اگر اطلاع درج کرنے میں کچھ توقف ہوا ہو تو اس کی وجہ بیان کی جائے	تحریری مراسلہ موصول ہونے پر مقدمہ قائم ہوا		

03468067896

ٹیلی فون نمبر :

معدہ : HC

بلیٹ نمبر : 895

دستخط : Akram Hussain

(ابتدائی اطلاع نیچے درج کریں)

جناب عالی ! بوقت مندرجہ صدر بچہ ایک تحریری مراسلہ منجانب SHO شاہ فیصل خان بدست کنسٹیبل امتیاز احمد نمبر 621 موصول ہو کر متن ذیل ہے۔ آنسر انچارج قتانہ عشریت : امروز میں منہ IHC صلاح الدین ، IHC محمد ذویب ، دیگر پولیس نفری دوران ناکہ بندی مقام بالا میں موجودگی کے دوران ایک گاڑی کوسٹر نمبری J/5314 جانب پشاور سے چترال آتے ہوئے CP قتانہ عشریت پہنچنے پر کھڑی کر کے دوران چیکنگ گاڑی کوسٹر نمبری بالا کے چھت سے ایک بیگ برنگ سبز کو نیچے اتار کر بیگ سے متعلق دریافت پر مسی آصف الرحمن ولد معظم خان سکنہ کنسٹیبل چترال نے اپنی ملکیت بتلانے پر بناہ شک کھول کر چیک کرنے پر بیگ کے اندر سفید پلاسٹک میں لپٹی ہوئی شے برآمد ہو کر کھول کر ملاحظہ کرنے پر چرس نکلا۔ برآمد شدہ چرس دوپروئے گولہاں قبضہ پولیس میں کر کے بزرگیو ڈیپٹیٹل ترازو موزج پر وزن کرنے پر مقدار 110 گرام چرس نکلا منجمد 5 گرام چرس بغرض جزیوہ FSL پارسل نمبر 1 بتایا 105 گرام بالمقدمہ پارسل نمبر 2 سر بہ مہر بہ اسم A.H حبت کیا۔ اور بیگ برنگ سبز کو بغور دیکھ کر برآمد شدہ چرس 3 سر بہ مہر بہ اسم A.H حبت کر کے فرد کی تکمیل بر موزج کی گئی۔ لزم بالا کو مرکب جرم بالا کا پاکر حسب ضابطہ گرفتار کر کے مراسلہ جرم بالا ضابطہ تحریر میں لا کر بغرض تاغی مقدمہ بدست کنسٹیبل امتیاز احمد نمبر 621 ارسال قتانہ ہے۔ بعد چاکیڈگی پرچہ انوسٹیشن سٹاف کو حوالہ کیا جائے۔ مراسلہ مرسل ہے۔ SHO SD شاہ فیصل خان قتانہ عشریت مورخہ 27-06-2022 کارروائی قتانہ : پس آمدہ مراسلہ حرف بہ حرف درج بالا ہو کر مقدمہ جرم بالا فوق چاک کیا جا کر مقدمہ بنا کی اطلاع بزرگیو کنٹرول روم آفسران بالا کو دی جا رہی ہے۔ مقدمہ ہذا کی تفتیش الوسی گیشن ونگ کو حوالہ کیا جاتا ہے پرچہ گزارش ہے۔

HC Akram Hussain

27-06-2022

DSP Legal.
 Chitral Lower.

(7)

Annexure B

OFFICE OF THE DISTRICT POLICE OFFICER CHITRAL
SHOW CAUSE NOTICE

(Under Rule 5 (3) KPK Police Rules, 1975)

No. 4013 /EB, Dated Lower Chitral the 29 / 06 / 2022.

1. That you Shah Faisal No. 275/M, while posted as SHO PS Ashirate have rendered yourself liable to be proceeded under the Khyber Pakhtunkhwa Police Rules -1975, amended 2014 for the following misconduct:-
2. That on 27.06.2022 at 05:00 (AM) hours you arrested one Asif Ur Rehman S/O Muzam Khan r/o village Thengshen District Chitral Lower with 110 gram Hashish (Chars) and lodged FIR at 10:30 (AM) hours after lap of five hours and thirty minutes. Moreover, you also failed to inform the undersigned regarding the mentioned case before lodging FIR.

By reason of the above you are guilty of gross misconduct inefficiency within the meaning of Rule -3 of Police Rule -1975, containing one of the Minor/Major penalties as in envisaged in the Rule-4 (a) and (b) of the said Rules.

Now therefore, I, **Sonia Shamroz Khan (PSP)**, District Police Officer, Lower Chitral you, are hereby, called upon to Show Cause within three (03) days of the receipt of this notice as there is sufficient reason to proceed according with Rules - 6 - 3 (i) (a) and (b) of Police Rules 1975 General Police proceeding (without Enquiry Officer) as to why Major penalties including dismissal from Service may not be post against you. If no reply as received within the stipulated period, it shall be presumed that you have no defense to offer and the proposed penalty will be awarded to you on Ex-parte basis. At the same time you state whether you desire to be heard in person.

SI Shah Faisal No. 275 /M

e/o SDFo Dto PL.


(SONIA SHAMROZ KHAN)^{PSP}
District Police Officer,
Lower Chitral
AM

AAEtel



DSP Legal,
Chitral Lower.

CHARGE SHEET

I, **Sonia Shamroz Khan** (PSP) District Police Officer Lower Chitral as competent authority, hereby charge you SI Shah Faisal No. 275 /M SHO PS Ashirate on the following grounds:

- a. That on 27.06.2022 at 05:00 am, you arrested one Asif-ur-Rehman s/o Muzam Khan r/o village Thengshen District Chitral Lower with 110 gram Hashish (Chars) and lodged FIR at 10:35 am after lapse of 05 hours and 35 minute. Moreover, you failed to inform the undersigned regarding the same case well in time.
- b. In addition to above there are multiple public complaints against you in public service delivery during your posting at PS Ashirate.


1. By reason of above, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the disciplinary Rules.1975, amended 2014.

2. You are therefore required to submit your written reply within Seven (07) days of the receipt of this Charge Sheet to the Enquiry Officer.

3. Your written reply, if any, should reach the Enquiry Officer, Mr. Muhammad Khalid SP Investigation Lower Chitral, within the specified period, failing which it shall be presumed that you have no defense to put in and in that case Ex-parte action shall follow against you.

4. Intimate as to whether you desire to be heard in person or not?

5. A statement of Allegation is enclosed.


(SONIA SHAMROZ KHAN)PSP
District Police Officer,
Chitral Lower

No. 4123 /EB,
Dated 05 / 07 /2022

Attested


DSP Legar,
Chitral Lower.

DISCIPLINARY ACTION

I, **Sonia Shamroz Khan** (PSP) District Police Officer Lower Chitral as a competent authority, am of the opinion that SI Shah Faisal No. 275 /M SHO PS Ashirate has rendered himself liable to be proceeded against Departmentally as he has committed the following Acts/Omission as defined in Rule -2(iii) of Police Rule 1975 amended 2014.

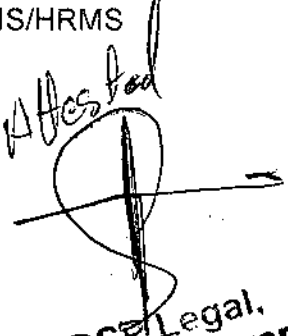
STATEMENT OF ALLEGATION

- a. That on 27.06.2022 at 05:00 am, you arrested one Asif-ur-Rehman s/o Muzam Khan r/o village Thengshen District Chitral Lower with 110 gram Hashish (Chars) and lodged FIR at 10:35 am after lapse of 05 hours and 35 minute. Moreover, you failed to inform the undersigned regarding the same case well in time.
 - b. In addition to above there are multiple public complaints against you in public service delivery during your posting at PS Ashirate.
1. For the purpose of scrutinizing the conduct of the said office with reference to the above allegations, Mr. Muhammad Khalid SP Investigation, Lower Chitral, is appointed as Enquiry Officer.
 2. The Enquiry Officer shall conduct proceeding in accordance with provision of Police Rule-1975 amended 2014 and shall provide reasonable opportunity of defense and hearing to the accused officer, record his findings and make within three (03) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.
 3. The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry Officer.


(SONIA SHAMROZ KHAN)PSP
 District Police Officer,
 Chitral Lower

4124-26
 No. /EB, Dated Chitral Lower the 05/07/2022.
 Copies to:-

1. SP Investigation, Chitral Lower
2. SI Shah Faisal No.275/M SHO PS Ashirate
3. I/C HRMIS/HRMS

Attested

DSP Legal,
Chitral Lower.

بحوالہ چارج شیٹ نمبری 4124-2/EB مورخہ 05.06.2022 بجایہ محترمہ DPO صاحبہ چترال لوئر معروض خدمت اؤں کہ

1۔ میں اپنی ایلوئی گزشتہ 15 اور 16 دنوں سے بطور SHO عسرت نہایت ایمانداری ظلم سے نیت اور جانفشانی کے ساتھ اپنی فرائض منصبی نہایت خوش اسلوبی کے ساتھ ادا کر رہا ہوں۔ دوران تعیناتی میرے خلاف کوئی شکایت یا کھینٹ، افسران بالا کو نہیں ہوئی ہے۔ عرصہ تعیناتی کے دوران کئی اچھی کارکردگیاں دکھائی ہیں جس پر افسران بالا کی طرف سے II-CC اور III-CC سرٹیفکیٹ ہمہ کیش دیا اور دیئے گئے ہیں۔ اسی طرح حسب معمول مورخہ 27.06.2022 میں برآمد دیکر نمبری پولیس بحوالہ نمبر 016 روزنامہ 27.06.2022 پورٹ 10:08 بجے ہسپتال ناکہ بندی CP عسرت روانہ ہوا۔ دوران ناکہ بندی پورٹ 09:30 بجے جانب پشاور سے ایک گاڑی کو سٹریٹ نمبری 1/FTS314 پورٹ کھلیے گاڑی کیا گیا، دوران چیکنگ کو سٹریٹ کے جہت سے ایک ہیگ برنگ سبز بڈریو IIC Zuhith No.791 کے نیچے اتار کر ہیگ کی ملکیت کے متعلق دریافت کرنے پر کسی آصف الرحمن ولد معظم خان سکے۔ عسرت چترال نے اپنی ملکیت بتلانے پر بڈریو IIC Sultah Ud Din No.112 کے باہر زور دے کر وہ آصف کھول کر چیکنگ کرنے پر ہیگ کے اندر سفید پلاسٹک میں لپٹی ہوئی تھیں برآمد ہو کر کھول کر ملاحظہ کرنے پر چوہی نکالا جس کو برآمد کرنے کو اہل قبضہ پولیس میں کر کے سوچ پر بڈریو ڈیپٹی چیف ایڈیشنل ترازو وزن کرنے پر مقدار 110 گرام نکالا۔ جس پر نمبری طور پر پورٹ 10:00 بجے مر اسلہ ضبط تحریر میں لاکر اور ظوم کو بھی اپنی وقت حسب ضابطہ گرفتاری کر کے کارڈ گرفتاری جاری کر کے مر اسلہ بھروسہ قاضی مقدمہ اور گرفتار ظوم کو بند بحالات قیام کرنے کیلئے زیر حراست قیام بھجوا دیا۔ اسی طرح پورٹ 10:35 بجے پر FIR چاک کیا گیا ہے۔ چارج شیٹ میں یہ الزام لگایا ہے کہ میں نے ایف آئی آر درج کرنے میں 05 گھنٹے تاخیر کی ہے۔ کیونکہ رقمہ 10:00 زود فرما دیا ہے جس پر میں نے پورٹ 10:20 بجے مر اسلہ ارسال قیام کیا ہے جس پر محرر اکرام حسین قیام عسرت نے پورٹ 10:35 بجے مقدمہ علت نمبر 22 مورخہ 27.06.2022 جرم 9CCNSA قیام عسرت، رجسٹر کیا ہے۔ جبکہ ظوم آصف الرحمن کو پورٹ 10:35 بجے بحوالہ نمبر 10 روزنامہ 27.06.2022 پر زور نکالات قیام کیا گیا ہے اسلئے یہ الزام بھی غلط ہے کہ FIR کے اندراج میں پانچ گھنٹے کی تاخیر ہوئی ہے بلکہ 10:00 بجے پر ظوم سے چوہی 110 گرام کی برآمدگی ہوئی ہے اور 10:35 بجے پر باقاعدہ FIR درج رجسٹر ہوئی ہے۔

چونکہ قیام عسرت ایک دیران اور بچہ علاقے میں قائم ہے جہاں پر گزشتہ تین ماہ سے قیام بڈنگ کی سہولت سے محروم ہے۔ ماہوار مزین سہولتوں کے سہتے بھی ماہوں میں قیام ہونے کی وجہ اکثر ڈان ادا ہوجاتے ہیں جس کی وجہ سے نیت واک کام نہیں کرتا، بد قسمتی سے رقمہ بڈنگ کے وقت نیت واک ہم نہیں کر رہا تھا چونکہ ایک قابل دست اندازی رقمہ سرزد ہو چکا تھا جس کی وجہ سے رقمہ بڈنگ FIR اندراج سے قبل اطلاع ممکن نہیں تھی۔

2۔ دوران تعیناتی میں نے اپنی ایلوئی نہایت ایمانداری، ظلم سے نیت، جان نشانی اور بہادری سے سرانجام دیا ہے میرے خلاف قیام عسرت کے حدود دوران تعیناتی کسی بھی چیکنگ پر سن نے کوئی بھی شکایت / کھینٹ کسی بھی افسر کو نہیں کیا ہے۔ میرے رویے، اخلاق اور عوام الناس کو خدمات کی فراہمی کے طریقہ کار سے علاقہ کے عین نہایت خوش اور مطمئن ہیں، دوران تعیناتی میں نے لٹانے میں بیٹھے بھی سائلین بھی ماضر آئے ہیں ان کو بروقت انصاف فراہم کیا ہے۔

جواب عالی

یہ نیت خلاف مانا کر دیا، الزامات چارج شیٹ اپنی برقیات نہیں ہیں میں نے کہا، اؤں۔ لہذا میرے خلاف انکو عری مزید کسی کارروائی کے قائل کیا جائے۔

SI شاہد لعل خان،

SHO قیام عسرت

مورخہ 06.07.2022

DSP Legal,
Chitral Lower.

بیان ازان مسی فاروق خان مالک گاڑی کو سٹر نمبری J/5314 موبائل نمبری
03461075314 بدریافت بیانی ہے کہ مورخہ 27/06/2022 کو ہم پشاور سے چترال آرہے تھے،
صبح 03:30 بجے کے قریب جب ہم عشریت چوکی پہنچنے پر دیکھا کہ SHO عشریت بمعہ پولیس پارٹی وہاں
موجود تھے۔ پولیس اہلکاروں نے ہمیں روکا۔ اور گاڑی کی تلاشی کے دوران گاڑی کے چھت سے ہزرنگ
کے بیگ میں چرس برآمد ہونے پر چرس کے متعلق دریافت کرنے پر گاڑی میں موجود سواری مسی آصف
الرحمن ولد معظم خان نے بتلایا کہ یہ میرا بیگ ہے۔ بیگ کو قبضہ پولیس کر کے ملزم کو گرفتار کر کے ہمیں
وہاں سے فارغ کر دیا گیا۔ یہ تمام کارروائی آدھ گھنٹے کے اندر مکمل کر لی گئی۔

یہ میرا بیان ہے جو کہ درست ہے۔

چونکہ بیان کنندہ پشاور میں ہے اسوجہ سے بیان موبائل نمبری 03461075314 کے ذریعے لیا جا کر پھر
بیان کنندہ کو سنا کر تصدیق کی گئی۔

Attested
DSP Legal,
Chitral Lower.

Attested
Superintendent of Police
Investigation Chitral

بیان ازاں آصف الرحمن ولد حاجی معظم خان سکندری کنستبل سپرنٹنڈنٹ سپرنٹنڈنٹ
 بدریاڈن بیانی ہے کہ مورخہ 27⁰⁶ / 2022 کو اوقات 04:30 بجے بدریاڈن کو سڑک
 اور سے سپرنٹنڈنٹ آئے پڑے مقام عشریت بیک لوڈ پر مقام عشریت
 کے پولیس اہلکاروں نے ہماری گاڑی کو روکا اور گاڑی کے اندر موجود مسافروں
 کا سرسری ولد نظم کرنے کے بعد گاڑی کے اوپر چھت پر موجود سامان
 کی تفتیش شروع کی۔ دو سہ مسافروں کے سامان کیسے تھے ہمراہ بیگ بھی
 گاڑی کی چھت پر بندھا ہوا تھا۔ دوران تفتیش ہمراہ بیگ کھول کر
 سارے سامان بکھیر دیے اور اوپر سے ہی آواز دی کہ ہمز 8 بیگ
 کس کا ہے جو ہم بیگ میرا تھا اسی لئے میں گاڑی سے اترا لو پولیس
 اہلکار نے مجھے حیرس کا ایک ٹھوسا سا ٹکڑا دکھایا اور کہا یہ حیرس
 آپ کے بیگ سے برآورد ہے۔ اسی دوران پولیس اہلکاروں نے
 مجھے حیرس میں ڈال دیا اور مقدار 110 گرام ظاہر کر کے میرے خلاف
 FIR کیا ہے۔ حالانکہ میں نے زندگی میں کبھی بھی حیرس کا استعمال نہیں
 کیا ہے اور نہ ہی برآوردہ حیرس میرا ہے۔
 لہذا یہ میرا بیان ہے جو درست ہے۔

ASIF

0346-8295361

15201-4520788-3

Alesca
 Superintendent of Police
 Lower Chitral

Altoetal
 DSP Legal.
 Chitral Lower.

(13)

Annexure

FINAL SHOW CAUSE NOTICE.

1. **WHERE AS**, you SI, Shah Faisal No.275/M while posted as SHO PS Ashirate have committed the following gross misconduct as defined in Rules / Police Disciplinary Rules, 1975, amended 2014.
 - a. That on 27.06.2022 at 05:00 AM, you arrested one Asif-Ur Rehman s/o Muzam Khan r/o village Tengshen District Lower Chitral with 110 gram Hashish (Chars) and lodged FIR at 10:35 AM after lapse of 05 hours and 35 minutes. Moreover, you failed to inform the undersigned regarding the same case well in time.
 - b. In addition to above there were multiple public complaints against you in public service delivery during your posting at PS Ashirate. Resultantly, a Charge Sheet/Statement of Allegation was issued and Mr. Muhammad Khalid SP Investigation, Lower Chitral was appointed as enquiry Officer to conduct proper departmental enquiry.
2. **WHERE AS**, the enquiry officer finalized the enquiry proceeding given you full opportunities of defence. The enquiry officer held you guilty of the charge leveled against you as per charge sheet. A copy of the finding is enclosed.
3. **AND WHERE AS**, ongoing through the finding and recommendation of enquiry officer, the material placed on record and other connected papers including your defence before the said enquiry officer, I am satisfied you have committed the misconduct and are guilty of the charge leveled against you as per statement of allegation conveyed to you vide this office Endst: No, 4124-26/EB, dated 05.07.2022, which stand proved and render you liable to be awarded punishment under Police Rules 1975 amended 2014.
4. **NOW THEREFORE I, SONIA SHAMROZ KHAN (PSP) District Police Officer, Lower Chitral** as competent authority has tentatively decided to impose upon you, any one or more penalties, including the penalty of Dismissal from service under the said Rules.

You are therefore, required to show cause within seven days of the receipt of this notice, as to why the aforesaid penalty should not be imposed upon you, failing it shall be presumed that you have no defence to offer and ex- parte action shall be taken against you. Meanwhile also intimate whether you desired to be heard in person or otherwise.



District Police Officer,
Lower Chitral

No. 4937 /EB,
Dated 10/08/2022



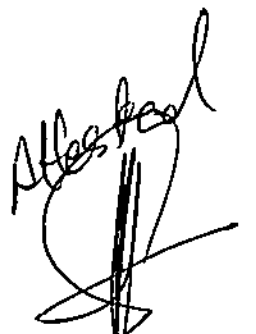
DSP Legal,
Chitral Lower.


جناب عالیہ !

بحوالہ شوکار نوٹس نمبری 4013 مورخہ 29-06-2022 مجاریہ جناب DPO صاحبہ لوئیر چترال معروض خدمت ہوں۔ کہ مورخہ 27-06-2022 کو میں معہ پولیس نفری دوران ناکہ بندی، چیکنگ پولیس چیک پوائنٹ تھانہ عشریت میں موجودگی کے دوران ایک گاڑی کو سٹر نمبری J/5314 پشاور سے چترال آتے ہوئے سامنے آنے پر کھڑی کر کے گاڑی حذر کرہ بالا کے چھت سے ایک بیگ برنگ سبز سے متعلق دریافت پر مسی آصف الرحمن ولد معظم خان سکندہ ٹھیکشن چترال لوئیر نے اپنا ملکیتی بتلانے پر ٹھک کی بناء پر کھول کر چیک کرنے پر بیگ کے اندر سے سفید پلاسٹک میں لپٹی ہوئی ٹھے برآمد ہونے پر ملاحظہ کرنے سے چرس نکلنے پر موقع پر بزریہ ڈیپٹی مل ترازو وزن کرنے پر مقدار 110 گرام چرس نکلے۔ جن کو موقع پر بروئے فرد قبضہ پولیس میں کر کے بروقت یعنی بوقت 10:20 بجے مراسلہ مرتب کر کے تھانہ بھیجوانے پر بوقت 10:35 بجے مقدمہ علت نمبر 22 مورخہ 27-06-2022 جرم CNSA (C)9 تھانہ عشریت درج رجسٹر ہوا ہے۔ بروقت وقوعہ ہذا آپ صاحبہ کے نوٹس میں لانے کی بہت کوشش کی۔ مگر نیٹ ورک کی خرابی کی وجہ سے رابطہ ممکن نہ ہو سکا۔ وقوعہ اور رپورٹ بروقت مرتب کی گئی ہے۔ اس میں میری کوئی بدعتی شامل نہیں ہے۔ میں اپنی ڈیوٹی نہایت ایمانداری سے انجام دیتا آ رہا ہوں۔ جس وقت برآمدگی ہوئی ہے۔ ٹھیک اسی وقت مراسلہ مرتب کر کے مال مقدمات قبضہ پولیس میں کیا ہوں۔ چونکہ تھانہ ہذا میں PTCL کی سہولت موجود نہیں ہے۔ اور موبائل نیٹ ورک بھی وقتاً فوقتاً خراب ہوتے ہیں۔ جسکی وجہ سے بروقت کیونیکشن میں خلل پیدا ہوتی ہے۔ بروقت رابطہ نہ ہونے کی نسبت معافی چاہتا ہوں۔ اس میں میری کوئی بدعتی شامل نہیں ہے۔ میں اپنی ڈیوٹی نہایت ایمانداری سے سرانجام دینے کی کوشش کرتا ہوں اور آئندہ بھی کارسکار کی انجام دہی احسن طریقے سے انجام دینے کی کوشش کرونگا۔

بدین وجہ استدعا ہے کہ میرے خلاف جاری شدہ شوکار نوٹس بغیر کاروائی کے فائل کرنے کا حکم صادر فرما کر مشکور فرمائیں۔ تاحیات دعا گو

رہوں گا۔


DSP Legal,
Chitral Lower.


SHO.PS.ASHIRATE

DATE:30-06-2022

ENQUIRY FINDING

Kindly refer to Charge Sheet vide No. 4124-26/EB Dated 05.07.2022 from the Office of District Police Officer Chitral Lower, I was appointed as Enquiry Officer against SI Shah Faisal No.275/M SHO PS Ashirate, proper departmental enquiry was initiated against the delinquent officer.

DETAIL ALLEGATIONS

According to Charge Sheet following allegations were levelled against the delinquent officer:-

1. That on 27.06.2022 at 05:00 (AM) hrs he arrested one Asif ur Rehman S/O Muazzam Khan R/O village Thengshen District Chitral lower with 110-gram Hashish (Chars) and lodged FIR at 10:35 (AM) hours after laps of 05 hours and 35 minutes. Moreover, he failed to inform the undersigned regarding the same case well in time.
2. In addition to above, there are multiple public complaints against him in public service delivery during his posting at PS Ashirate.


ENQUIRY PROCEEDINGS,

1. During the enquiry statement and written reply of the delinquent officer was recorded which is annexed as annexure.... "A/1-2".
2. Statement of the accused Asif ur Rehman S/O Muazzam Khan R/O Thengshain Chitral Lower was recorded and annexed as annexure... "B"
3. Statement of HC Muhammad Akram No.791 MHC PS Ashirate was recorded which is annexed as annexure.... "C".
4. Statement of HC Muhammad Zuhailb No.791 PS Ashirate (witness of recovery memo) was recorded which is annexed as annexure.... "D".
5. Statement of HC Salah ud Din No.112 PS Ashirate (witness of recovery memo) was recorded and annexed as annexure.... "E".
6. Statement of elders of Ashirate namely 1. Niaz Ahmad S/O Gul Zaman 2. Noor Shahideen S/O Yar Muhammad 3. Khalid Mehmood S/O Musharaf Khan Rs/O Ashirate were also recorded and attached herewith as annexure..... "F/1 to 03".
7. Statement of Operator CCTV Cameras FC Shahzad Ahmad No.148 DPO Office Balach, which is annexed as annexure.... "G".
8. Statement of driver of the vehicle Coaster No.5314/J was recorded and annexed as annexure.... "H".

FINDING

During the course of enquiry, statements of the above related personals/witnesses, complainant and the delinquent officer recorded which reveals.

1. According to FIR No.22 the case against Asif ur Rehman S/O Mauzam Khan R/O Thengshain Chitral lower was registered u/s 9CCNSA KPK Control of Narcotics Act 2019 at 10:35 AM in Police Station Ashirate.
2. According to the statement of Asif ur Rehman the Coaster was stopped in front of PS Ashirate, at about 04:30 AM morning time but he was not sure about the exact time.
3. The driver of the vehicle (Coaster) Mr Farooq Khan recorded his telephonic statement on his phone number 03461075314 from this office who reveals that his coaster arrived at 03:30 AM in front of Police Station Ashirate where after

Attest

 DSP Legal,
 Chitral Lower.


checking Chars was recovered from the bag of Asif ur Rehman placed on the roof top of the Coaster and he was arrested and the remaining passengers along with the Coaster were allowed to proceed toward Chitral.

4. Normally it is accepted truth that passenger vehicles i.e Coaster, Flying Coach etc leaving Peshawar Adda to Chitral at night time and reaching Chitral normally at 07:00 or 08:00 AM until and unless any vehicle face any unavoidable situation or face any fault occurred in the vehicle. As the said vehicle was in normal drive during the whole journey which endorse the fact and statement of the Coaster driver and Asif ur Rehman that Coaster reached Ashirate at between 03:30 to 04:30 AM, Asif ur Rehman was arrested on the spot and FIR was registered after the Laps of round about 05 hours which is a gross negligence from the part of the delinquent Police Officer.
5. As per FIR case was registered at 10:35 am in such day light time there is a rush of common pedestrian people in the same route and above all there are about 20/25 passengers in the vehicle but no private witness was showed in the recovery memo nor the reason of not mentioning private witness was shown in murasila or in Daily Dairy.
6. Although the competent officer is authorized to register case of cognizable offence however it is a normal practice to bring into the notice of higher authority about registration of any case which the delinquent officer failed and his plea about the network problem in Ashirate area is a lame excuse, because normally 4G signal is working in Ashirate round the clock.
7. The only technological evidence in such situation to dig out the fact is CCTV Camera Installed in PS Ashirate which, according to the operator of the CCTV was not functional which speak negligence from the part of SHO concern.
8. As per summary of allegation, no any other solid complaint received, some of the elders namely 1. Niaz Ahmad S/O Gul Zaman 2. Noor Shahideen S/O Yaar Muhammad 3. Khalid Mehmood S/O Musharaf Khan Rs/O Ashirate recorded their statements and showed satisfaction on the role and performance of the delinquent officer during his tenure.

One of the source complaint was received by a private citizen for getting illegal gratification by the delinquent officer from him but during enquiry the said private person went to back track and did not recorded his complaint against the delinquent officer. However, the delinquent officer belonging to Lower Dir was transferred to District Chitral lower on 08.02.2021 which is usually not a normal transfer.

9. Police previous record against Asif ur Rehman shows, he is clean from any type of Criminal Cases and he is stating on oath not to use any type of Contraband.

Keeping in view all the above facts, it is submitted that allegation No.01 in the statement of allegation is by and large proved against him, hence recommended for any suitable punishment.

Albert

**DSP Legal,
 Chitral Lower.**

*Issues
 find show
 cause*
Signature
(MUHAMMAD KHALID)
 Superintendent of Police,
 Investigation



(17)

Annexure AB

OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
AT SAIDU SHARIF SWAT.

Ph: 0946-9240388 & Fax No. 0946-9240390

Email: ebmalakandregion@gmail.com

ORDER

This order will dispose of appeal of Ex-Sub Inspector Shah Faisal No.275/M of Lower Chitral District in connection with major punishment awarded to him by the District Police Officer, Lower Chitral vide Order No.5265-72/EB, dated 25/08/2022 i.e. dismissed from service.


Brief facts of the case are that a proper enquiry was initiated against Sub-Inspector Shah Faisal No.275/M during his posting as SHO PS Ashirate on the following grounds:-

1. That on 27/06/2022 at 05:00 (AM) hours he arrested one Asif-ur-Rahman S/O Muazzam Khan R/O village Thengshen District Chitral Lower with 110 gram Hashish (Charas) and lodged FIR at 10:35 (AM) hours after lap of 05 hours and 35 minutes. Moreover, he failed to inform the District Police Officer, Lower Chitral regarding the same case well in time.

2. In addition to above, there are multiple public complaints against him in Public Service delivery during his posting at PS Ashirate.

He was issued charge sheet vide No. 4123/EB, dated 05/07/2022 and was given free and fair chance of hearing and defense. The Enquiry Officer (SP Inv: Lower Chitral) submitted his finding wherein the Enquiry Officer recommended him for any suitable punishment. He was issued Final Show Cause Notice vide No.4939/EB, dated 10/08/2022. After receiving the reply of Final Show Cause Notice and in the light of the facts stated above, the District Police Officer, Lower Chitral awarded him major punishment of dismissal from service vide Order No.5265-72/EB, dated 25/08/2022.

He was called in Orderly Room on 07-09-2022 and heard him in person. The appellant explained his innocence into the matter, therefore, taking a lenient view, his appeal is accepted and re-instated into service. Punishment awarded by the District Police Officer, Lower Chitral i.e. Dismissal from service is converted into "Forfeiture of three (03) years approved service", while the intervening period is treated as leave without pay.

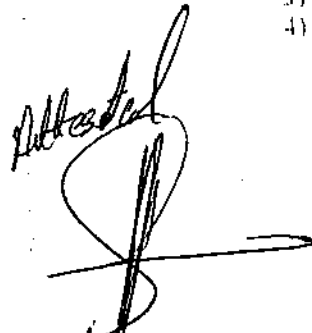

Regional Police Officer,
Malakand Region Swat

No. 11713-66 /E.

Dated 22-10 /2022.

Copy for information and necessary action to the:-

- 1) Inspector General Police, Khyber Pakhtunkhwa, Peshawar.
- 2) Regional Police Officer, Bannu Region
- 3) District Police Officer, Bannu.
- 4) District Police Officer, Lower Chitral with reference to her office Memo: No.5528/EB, dated 02-09-2022. His Service Roll, Service Book and enquiry file (22 pages) received with the memo: under reference are returned herewith for record in your office.


DSP Legal,
Chitral Lower.



P-7

(18)

A measure 42

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

4052/E
22/12/23

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by SI Shah Faizal No. 275/M.

He was dismissed from service by DPO/Lower Chitral vide order No. 5265-72/EB, dated 25.08.2022 on the following grounds:

i. During his posting as SHO PS Ashirate on 27.06.2022 at 05:00 AM, he arrested one Asif-ur-Rahman s/o Muzazzam Khan r/o Village Thengshen Distt: Chitral Lower with 110 gram Hashish (charas) and lodged FIR at 10:35am after lapse of 05-hours and 35-minutes. Moreover, he failed to inform the DPO, Lower Chitral regarding the same case well in time.

ii. In addition to above, there are multiple public complaints against him in public service delivery during his posting at PS Ashirate.

The Appellate Authority i.e. RPO/Malakand converted his dismissal into forfeiture of three (03) years approved service and the intervening period was treated as leave without pay vide order Fndst. No. 11763-66/R, dated 22.10.2022.

Meeting of the Appellate Board was held on 16.03.2023, wherein the petitioner was present and heard in detail.

RPO Malakand has already converted his dismissal into forfeiture of Three Years approved service. Therefore, no further waiver in punishment awarded can be granted hence, his appeal is hereby

Rejected.

Stamp: 22-12-2023

Sd/-
AWAL KHAN, PSP
Additional Inspector General of Police,
HQrs: Khy. or Pakhtunkhwa, Peshawar

No. SI 2484-70/22, dated Peshawar, the 15-12-2023.

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand. His Service Roll, Service Book, Puuji Missal and Enquiry File have already been returned to DPO Dir Lower vide office memo No. SI/2278723 dated 01.09.2023
2. District Police Officer, Dir Lower.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQrs Khyber Pakhtunkhwa, Peshawar.
5. PA to DIR/HQrs: Khyber Pakhtunkhwa, Peshawar
6. Office Supdt: E-III, CPD Peshawar.

EC
For all matters
Signature
22/12/23

(M. HAMMAD AZHAR) PSP
AIG/Establishment,
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. 17817-18/ Eef/2023
Date 22-12-23
Fresh (1)
910 P 88804

Signature
21/12/23
Regional Police Officer,
Malakand, Peshawar.

Attested
Signature
DSP/Legal,
Chitral Lower.