Form-A

FORMOF ORDERSHEET

Court of_____

Case No. **501/2018**

S.No.	Date of order proceedings	Order or other proceedings with **signature** of judge
1	2	3
1	10/04/2018	The appeal of Mr. Mudasir Khan presented today by Mr. Khaled Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-	11/04/18.	This case is entrusted to S. Bench for preliminary hearing to be put up there on 26/04/18. CHAIRMAN
	26.04.2018	Appellant in person present. The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on *22.06.2018* before S.B. Reader

22.06.2018

Counsel for the appellant Mudasir Khan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department. It was further contended that during service the appellant was imposed major penalty and he was reverted from the rank of Sub-Inspector to Assistant Sub-Inspector vide order dated 06.10.2017 on the allegation that he shown slackness in his official duty in case FIR No. 235 dated 13.04.2017 under sections 302/14/149/7ATA Police Station Sheikh Maltoon. It was further contended that the appellant filed departmental appeal on 13.10.2017 which was rejected on 02.04.2018 hence, the present service appeal on 10.04.2018. It was further contended that neither proper charge sheet and statement of allegation was served upon the appellant nor proper inquiry was conducted nor opportunity of hearing and defence was provided to the appellant and the appellant was condemned unheard therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter notice be issued to the respondents for written reply/comments for 17.08.2018 before S.B.

Appellant Deposited
Security & Process Fee

(Muhammad Amin Khan Kundi)
Member

10.01.2019 Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 08.02.2019 before D.B

Member Member

08.02.2019 Appellant alongwith counsel present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General alongwith Mr. Atta-ur-Rehman, S.I (Legal) for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of five pages placed on file, we partially accept the appeal, set-aside the impugned order. However, the respondent-department is at liberty to conduct de-novo inquiry in the mode and manner prescribed by rules within a period of ninety days from the date of copy of receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
08.02.2019

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

(AHMAD HASSAN)
MEMBER

17.08.2018 Mr. Khalid Rehman, Advocate counsel for the appellant present. Mr. Atta Ur Rehman, SI alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply on behalf of the respondents submitted which is placed on file. To come up for rejoinder, if any, and arguments on 16.10.2018 before d.B.

Chairman

16.10.2018 Clerk to counsel for appellant and Mr. Zia Ullah learned Deputy District Attorney present. Clerk to counsel for appellant submitted rejoinder which is placed on file and seeks adjournment as learned counsel for appellant is not in attendance. Granted. To come up for arguments on 21.11.2018 before D.B.

Member Member

21.11.2018 Since 21.11.2018 has been declared as public holiday on account of 12th Rabi-ul-Awal. Therefore, the case is adjourn. To come on 11.01.2018 before D.B.

Reader

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 501/2018

Date of institution ... 10.04.2018
Date of judgment ... 08.02.2019

Mudasir Khan, ASI formerly S.I,
Police Lines, Mardan ... (Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Mardan Region, Mardan.
3. The District Police Officer, District Mardan.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORIGINAL ORDER DATED 06.10.2017 PASSED BY RESPONDENT NO. 3 WHEREBY APPELLANT WAS IMPOSED UPON THE MAJOR PENALTY OF REVERSION TO THE RANK OF ASI WITH IMMEDIATE EFFECT AGAINST WHICH APPELLANT PREFERRED DEPARTMENTAL APPEAL TO RESPONDENT NO. 2 ON 1310.2017 WHICH WAS UNLAWFULLY REJECTED VIDE IMPUGNED APPELLATE ORDER DATED 02.04.2018.

M. Amin 8.2.2019

Mr. Khaled Rahman, Advocate. ... For appellant.
Mr. Riaz Ahmad Paindakheil, Assistant Advocate General ... For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. AHMAD HASSAN .. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Our this judgment shall dispose of aforementioned service appeal as well as service appeal No. 502/2018 titled "Salim Khan Versus The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two other" as common question of law and facts are involved in both the appeals.

2. Appellants alongwith counsel present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General alongwith Mr. Atta-ur-Rehman, S.I (Legal) for the respondents present. Arguments heard and record perused.

3. Brief facts of both the cases are that the appellants were serving in Police Department as Sub-Inspectors. However, they were imposed major penalty of reversion from the rank of Sub-Inspectors to the rank of Assistant Sub-Inspectors vide order dated 06.10.2017 by the competent authority on the allegation that one Mashal Khan son of Muhammad Iqbal Khan, a student of Journalism Department Abdul Wali Khan Mardan was lynched by Mob of students on account of unconfirmed charges of blasphemy and on receipt of information, the appellant (Mudasir Khan) arrived to the university at 13:51 hours and remained there till 15:01 hours while appellant (Salim Khan) arrived to the university at 13:05 hours and remained there till the end of incident. However, during prelimnary inquiry it was found that they have shown slackness in disposal of their official duty and failed to take concrete steps against the agitated students, resultantly the unfortunate incident took place. The appellants filed departmental appeals on 13.10.2017 which were rejected on 02.04.2018 hence, the present service appeals on 10.04.2018.

4. Respondents were summoned who contested the appeals by filing written reply/comments.

5. Learned counsel for the appellants contended that both the appellants were serving in Police Department as Sub-Inspectors. It was further contended that both the appellants were awarded major penalty of reduction from the rank of Sub-Inspectors to the rank of Assistant Sub-Inspectors vide order dated 06.10.2017 on the allegations that they have shown slackness in disposal of their official duties and failed to take concrete steps against the agitated students regarding the unfortunate occurrence disclosed through vide FIR No. 235 dated

13.04.2017 under sections 302, 148, 149, 7ATA, 297, 109, 427 PPC read with 7ATA Police Station Shaikh Maltoon, District Mardan. It was further contended that after registration of the case statement of Ziaullah Hamdard Lecturer of Journalism of the said university was recorded by the Judicial Magistrate, Mardan under section 164Cr.PC on 21.04.2017 (copy of the same is available on record) which shows that at the time of incident the high-ups of the appellants were also present at the spot but the respondent-department has initiated departmental proceeding only against the appellants and they were made scapegoat for the reason best known to the respondent-department. It was further contended that after framing of charge sheet and statement of allegation, the appellants replied the said charge sheet and statement of allegation wherein they have totally denied the allegations and the inquiry officer has submitted inquiry report on 29.09.2017 to the competent authority but neither statement of any witness present at the spot/occurrence was recorded by the inquiry officer in the inquiry proceeding nor he recorded statement of any witness who deposed against the appellant but has only recorded the statements of the appellants in the inquiry report who have denied the allegations leveled against them. Moreover, the inquiry officer has also stated in the inquiry report of Mudasir Khan that statement of Constable Hazrat Ali No. 2004, Mir Afzal No. 1223 (Gunner) and Shakir Hussain Wireless Operator P.S Toru were also recorded and they also corroborated the stance of defaulter S.I Mudasir Khan but in-spite of that, the inquiry officer has recommended the appellants for major penalty. It was further contended that under FR-29 the competent authority was bound to fix specific period for penalty of reduction from rank but he has not fixed any specific period therefore, the provision of FR-29 was also violated. It was further contended that the final show-cause notice alongwith copy of inquiry report was also not issued to the appellant which has also

rendered the inquiry proceedings illegal and prayed for acceptance of both the appeals.

6. On the other hand, Learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellants and contended that first information report was registered by the appellant namely Salim Khan in the aforesaid occurrence. It was further contended that the said FIR was registered by the appellant (Salim Khan) with sufficient delay. It was further contended that all the codal formalities were fulfilled by the inquiry officer and on the basis of inquiry report, the competent authority has rightly imposed major penalty of reduction to the rank of Assistant Sub-Inspectors therefore, it was contended that both the appeals have no force and prayed for dismissal of both the appeals.

7. Perusal of the record reveals that both the appellants were charge sheeted by the competent authority for showing slackness in their official duties. The record further reveals that both the appellants have denied the allegations leveled against them in the charge sheet through reply. The record further reveals that the inquiry officer has submitted the inquiry report against the appellants and recommended the appellant Mudasir Khan for punishment of stoppage of five increments while the appellant Salim Khan was recommended for dismissal from service but the inquiry report reveals that the inquiry officer has not recorded statement of any witness during inquiry proceeding who have deposed against the appellant but have only reproduced the statement of the appellants in the inquiry report wherein both the appellants have denied the allegations leveled against them. It is also pertinent to mention here that the inquiry officer has also stated in the inquiry report of Mudasir Khan that statement of Constable Hazrat Ali No. 2004, Mir Afzal No. 1223 (Gunner) and Shakir Hussain No. 412 Wireless Operator P.S Toru were also recorded and

they all corroborated the stance of defaulter S.I Mudasir Khan but in-spite of that the inquiry officer recommended them for the aforesaid penalty despite the fact that no evidence against the appellants were recorded by the inquiry officer during inquiry proceeding and on the basis of said inquiry report, the competent authority has imposed upon them the aforesaid penalty. Moreover, no show-cause notice was issued to the appellants and it was held in Service Appeal No. 1014/2012 titled "Saqib Gul Versus District Police Officer Mansehra" that this Tribunal has already delivered a judgment in appeal bearing No. 1040/2014 titled "Gulab Khan Versus Provincial Police Officer" decided on 26.09.2017 wherein it has been decided that the issuance of final show-cause notice alongwith copy of inquiry report is must under the Police Rules, 1975. Reliance was placed on PLD 1981 Supreme Court page 176 wherein it was held that rules devoid of provision of final show cause alongwith inquiry report were not valid rules therefore, the non-issuing of show-cause notice alongwith copy of inquiry report has also rendered the inquiry proceeding illegal and liable to be set-aside. Furthermore, under FR-29 the competent authority was bound to fix specific period for penalty of reduction from rank but he has not fixed any specific period therefore, the provision of FR-29 was also violated. As such, we partially accept both the appeals, set-aside the impugned order. However, the respondent-department is at liberty to conduct de-novo inquiry in the mode and manner prescribed by rules within a period of ninety days from the date of copy of receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
08.02.2019

(AHMAD HASSAN)
MEMBER

Muhammad Amin

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 501 /2018

Mudasir Khan ..... Appellant

Versus

The PPO and others ..... Respondents

INDEX

Appellant

Through

Khaled Rahman
Advocate,
Supreme Court of Pakistan
3-D, Haroon Mansion
Khyber Bazar, Peshawar
Off:/Tel: 091-2592458
Cell # 0345-9337312

Dated: 10/04/2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 501 /2018

Mudasir Khan
ASI formerly SI,
Police Lines, Mardan ..... **Appellant**

VERSUS

1. **The Provincial Police Officer**
   Khyber Pakhtunkhwa, Peshawar

2. **The Regional Police Officer**,
   Mardan Region, Mardan.

3. **The District Police Officer**,
   District Mardan ..... **Respondents**

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORGINAL ORDER DATED 6.10.2017 PASSED BY RESPONDENT NO.3 WHEREBY APPELLANT WAS IMPOSED UPON THE MAJOR PENALTY OF REVERSION TO THE RANK OF ASI WITH IMMEDIATE EFFECT AGAINST WHICH APPELLANT PREFERRED DEPARTMENTAL APPEAL TO RESPONDENT NO.2 ON 13.10.2017 WHICH WAS UNLAWFULLY REJECTED VIDE IMPUGNED APPELLATE ORDER DATED 02.04.2018.

PRAYER:

On acceptance of the instant appeal, the impugned original order dated 06.10.2017 passed by Respondent No.3 and the impugned appellate order dated 02.04.2018 passed by Respondent No.2 may graciously be set aside and appellant may be restored to the his substantive rank of SI w.e.f. 06.10.2017 with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That the appellant joined the Police Force on 18.02.1996. Later on, he was promoted to the rank of SI in 2016 and has rendered meritorious service for a period of 22 long years. During the service, appellant has not ever been departmentally proceeded against nor even minor penalty has ever been imposed upon him, thus the service of the appellant remained unblemished, spotless throughout.

2. That a case FIR No.235 dated 13.04.2017 (***Annex*:-A**) was lodged against the culprits of the brutal murder of deceased Mashal Khan at Abdul Wali Khan University, Mardan who was the student of the said University. It is to be clarified that at that time, the appellant was SHO Police Station Toru, Mardan which is at quite some distance from the spot which was situated within the limits of the Police Station Sheikh Maltoon, Mardan. During the entire tragic episode, the appellant tried his level best to retrieve the deceased and succeeded to recover the dead body otherwise a huge mob of 2000 students and employees were going to burn the body of deceased and in course of such efforts, the appellant received blows, strokes and kicks of the mob participants.

3. That since at the time of occurrence the high-ups were also present rather reached before the arrival of the appellant but misfortunately, the shocking incident occurred in such dramatic manner that nobody could reach in time inas much as he had concealed himself in a hostel room of which nobody knew and it was believed that he has gone out of the University Campus. It has been a prevalent practice in this country that always the burden is thrown at the lowest side. To this effect the story was published in different Daily Newspapers (***Annex*:-B**) reporting that the high-ups of the Police force had not probed the case in accordance with law and had also mentioned that the Department was busy to save the senior Police Officers in the instant case, scapegoating junior officers.

4. That to augment the stance of the appellant it is significant to add here that a Professor namely Ziaullah Hamdard who was performing duties in the Abdul Wali Khan University on the day of occurrence

in his statement (***Annex*:-C**) recorded under Section-164 before a Judicial Magistrate had categorically stated to have requested the SSP Operations who was sitting in the University to save the innocent soul but invain.

5. That after the occurrence, the appellant was issued Charge Sheet and Statement of Allegations on 08.08.2017 (***Annex*:-D**). Since the charges were baseless, ill-founded, based on malafide and conspiracy and also discriminative, therefore, the appellant denied the charges wholesale and submitted his reply (***Annex*:-E**) thereby explaining his position. The reply to charge sheet may be considered as a part and parcel of this appeal.

6. That thereafter so called enquiry was conducted without associating appellant with proceedings which was conducted by the Sub-Divisional Police Officer, Takht Bhai, Mardan who submitted his report (***Annex*:-F**) on 29.09.2017 and recommended appellant for the punishment of stoppage of 05 increments.

7. That without issuing Final Show Cause Notice and affording opportunity of personal hearing and in utter disregard of the findings of the Enquiry Officer, vide impugned original order dated 06.10.2017 (***Annex*:-G**) was passed whereby instead of proposed punishment appellant was imposed upon major punishment of reversion to the rank of ASI with immediate effect.

8. That being aggrieved of the order ibid, appellant preferred a Departmental Appeal (***Annex*:-H**) to Respondent No.2 on 13.10.2017. However, the appellate authority instead of deciding the same referred the same to Respondent No.1 with observation that the undersigned conducted enquiries, therefore, could not proceed vide letter dated 10.01.2018 (***Annex*:-I**). In response, Respondent No.1 vide letter dated 19.01.2018 (***Annex*:-J**) asked for the requisite enquiry reports conducted by him but Respondent No.2 vide letter dated 02.02.2018 (***Annex*:-K**) observed that the same was confidential. Thereafter, Respondent No.2 vide letter dated

26.03.2018 (***Annex*:-L**) remanded the matter back to Respondent No.2 for decision being appellate authority.

9. That finally vide impugned appellate order dated 02.04.2018 (***Annex*:-M**) the departmental appeal of appellant was unlawfully rejected. Hence the instant appeal on the following amongst other grounds:-

Grounds:

A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4&10-A of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned orders, which are unjust, unfair and hence not sustainable in the eye of law.

B. That under the Police Rules, when high Police officers are present particularly on occasions of unruly mobs then it is the higher officer who is to proceed act and order. It is an admitted position that at the time of occurrence, the SSP Operations, concerned DSP were all available and the appellant was subject to their direction at that time, however, no such directions were issued, therefore, the appellant cannot be held responsible for the tragedy.

C. That without prejudice to the ground mentioned above, it is submitted that the occurrence took place in such circumstances that before any action could be taken to save the deceased, the action was carried out in utter haste. There was a uncontrollable mob of around 2000 students and employees supported by political workers who had taken the entire University in their control. It was widely rumored that the deceased has ran out of the University premises as his whereabouts were not known for a long time. Somehow, some of the members of the mob located him in a hostel room which was situated at a distance of one kilometer from the Administration Block where all the staff, Police members were available. On gaining the information that the students have broken the room and brought out the deceased, the entire police officers and officials ran towards the hostel, some in vehicles while some including the

appellant on foot. However, the deceased was instantly shot dead on the spot by the students as soon as he was found and then thrown down the stairs. During severe beating, pulling, pushing, the Police managed to take possession of the deceased by bringing it to the vehicle but the mob was not allowing the vehicle to proceed and later on the vehicle was drew back and the deceased was put in the back Trunk (Diggy) of the car and was stealthily drew out of the premises.

D. That no regular inquiry was conducted into the case nor any documentary or oral evidence was recorded in presence of the appellant nor he was provided opportunity of hearing. The entire action was taken at the back of the appellant and thus he was condemned unheard. It is a settled law that where a major penalty is to be imposed then regular inquiry is necessary which has not been done in the case in hand, hence the impugned penalty is ultra vires, void and thus not maintainable.

E. That in the impugned order no time limit for the continuation of reversion has been specified, which is a legal requirements under FR-29 therefore, the impugned orders are nullity in the eye of law and liable to be set aside.

F. That without prejudice to the ground mentioned above, but in addition thereto, it is important to add that the enquiry officer after conducting the enquiry, recommended the appellant for minor penalty of stoppage of 5 increments while the competent authority awarded him major penalty of reversion to the rank of ASI without any justification muchless lawful and without issuing Show Cause Notice for awarding an enhanced punishment.

G. That the occurrence took place within the jurisdiction of Police Station Sheikh Maltoon Town, Mardan while the appellant was SHO Police Station Toru and thus the scene of the occurrence was outside of jurisdiction of his Police Station but the appellant was burdened with major penalty for the purpose saving the high officers.

H. That the appellant has been discriminated because other senior Police Officers who were more responsible for the tragedy were let off the hook for malafide reasons while the appellant was made an scapegoat which amounts to utter discrimination.

I. That the appellant was not issued a final Show Cause Notice which is a mandatory requirement of law and he was also not provided opportunity of personal hearing which too is essential and thus the appellant was condemned unheard rendering the impugned punishment void ab-initio.

J. That the appellant has served the Department for about 22 years and has consumed his precious life in the service and keeping in view his longstanding unblemished service the imposition of the major penalty in peculiar facts and circumstances of the case is harsh, excessive and does not commensurate with the guilt of the appellant.

K. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Appellant

Through

Khaled Rahman,
Advocate,
Supreme Court of Pakistan

Dated: 10/04/2018

فارم نمبر ۲۴ (1 : 1)

ل پولیس KPK فارم نمبر ۲۷

یل 7 -

Annex A

ابتدائی اطلاع رپورٹ

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

شیخ ملتون ضلع مردان

233 50 تاریخ وقوعہ 13/4/17 وقت 12:06 بجے

تاریخ و وقت رپورٹ	13/4/17 وقت 14:30 بجے	جب کارروائی شروع 13/4/17 وقت 11:50 بجے
نام و سکونت اطلاع دہندہ مستغیث شناختی کارڈ نمبر/موبائل نمبر		محمد سلیم خان SHO
مختصر کیفیت جرم (مع دفعہ) حال اگر کچھ لیا گیا ہو۔	302-148-149-7ATA, 297-109-427	
جائے وقوعہ فاصلہ تھانہ سے اور سمت	ہاسٹل نمبر 1، عبدالولی خان یونیورسٹی گارڈن کیمپس جانب جنوب شرق بفاصلہ قریب 1 کلومیٹر	
نام و سکونت ملزم شناختی کارڈ نمبر/موبائل نمبر		
کاروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	بہ ہمراہی مراسلہ مقدمہ درج رجسٹر کیا گیا۔	
تھانہ سے روانگی کی تاریخ و وقت		مسطورہ سپیشل بر لوورٹا

ابتدائی اطلاع نیچے درج کرو۔ بوقت صدر ایک تحریری مراسلہ منجانب محمد سلیم SHO سے بدست کنسٹیبل
نمبر 1066 موصول ہو کر ذیل ہے۔ محرر 1/8 تھانہ SMT [illegible] اطلاع گارڈن کیمپس عبدالولی خان یونیورسٹی آکر معلوم ہوا کہ کثیر تعداد میں طلباء
یونیورسٹی جرنلزم ڈیپارٹمنٹ میں داخل ہو رہے ہیں۔ اور [illegible] کہ طلباء مشال، عبداللہ اور زبیر نے جنہوں نے [illegible]
حضور ﷺ کی شان میں گستاخی کی ہے۔ جس پر ڈیپارٹمنٹ [illegible] اسی دوران جناب DSP صاحب Tahsil مع عملہ [illegible] SHO صاحب
گڑھی کپورہ بمعہ دیگر نفری پولیس [illegible] افسران بالا [illegible] ڈیپارٹمنٹ جرنلزم پولیس کو آمد پر [illegible]
ایڈمنسٹریشن سٹاف کے ساتھ مذاکرات [illegible] کہ ہاسٹل وال میں مشتعل طلباء نے مشال ولد محمد اقبال [illegible]
[illegible] سے قتل کر ڈالا ہے۔ [illegible] افسران بالا دیگر نفری پولیس ہاسٹل وال آکر [illegible] مشال
کو قتل شدہ پڑا پایا۔ [illegible] پولیس [illegible] DHQ ہسپتال مردان روانہ کیا [illegible]
کے کاغذات [illegible] کے نسبت المسلسلہ [illegible]
[illegible]
[illegible] نواب علی، [illegible] HPE ڈیپارٹمنٹ [illegible] آرم کالونی [illegible]
[illegible] آفسر [illegible] سپرنٹنڈنٹ [illegible] سجاد [illegible] D.C [illegible]
اسماعیل [illegible] نصراللہ [illegible]
[illegible] SMT [illegible] R [illegible]
گستاخی کرنے پر مشال مذکورہ کو قتل کر کے [illegible] اسلام [illegible]
[illegible] حالات [illegible] 20 [illegible]
[illegible] تفتیش کی جا رہی ہے۔ [illegible]
اغاز شدہ تفتیش [illegible] انگریزی محمد سلیم خان SHO تھانہ SMT [illegible] 13/4/17 [illegible]
[illegible] FIR [illegible] رپورٹ گزارش ہے۔

MASI PS SMT
13-4-017

ATTESTED

... نے کہا کہ فارسٹ گارڈ کی مستقل اور ... ترقی کے لئے وہ محکمہ کے اعلیٰ افسران کو سفارش کریں گے اور جن افراد نے ان درختوں کو کاٹا ہے، اُن کے خلاف بھی گھیرا تنگ کیا جائے گا۔

بقیہ نمبر	بیانات ریکارڈ	11

دوران مشال خان کے والد اقبال خان لالہ پشاور کے وکلاء شہاب خٹک ایاز خان بیرسٹر عامر ایڈوکیٹ اور سرکاری پراسیکیوٹر میم کے فضل نورانی عارف بلال عبدالحمید ایڈوکیٹ سنٹرل جیل میں موجود تھے جبکہ ملزمان کے وکیل مسعود اظہر جاوید تنولی فضل الحق عباسی ریاض یوسف زئی ایڈوکیٹ سمیت ملزمان کی اوکلاء کی ایک بڑی تعداد مقدمہ کی پیروی کے لئے کورٹ روم میں موجود تھی سماعت کے دوران ڈی ایس پی مردان حیدر اور فوٹو گرافر کامران کے بیان قلمبند کیے گئے ہیں

بقیہ نمبر	جسٹس عظمت	12

اٹارنی جنرل سے موقف پوچھا تو انہوں نے جواب دیا کہ سپریم جوڈیشل کونسل میں پراسیکیوٹر نہیں بلکہ کارروائی کنڈکٹ

... کی کٹائی کی اطلاعات ...

... جنگلات کی کٹائی کا سلسلہ جاری ہے۔ گذشتہ روز بحرین کے علاقہ زوڈ کلے کے جنگل میں نمبر نالہ نے دیار کے 32 قیمتی پرانے درخت کاٹ دیئے۔ اس سلسلے میں ڈی ایس پی جنگلات ... نے رابطہ کیا گیا، تو انہوں نے تصدیق کرتے ہوئے کہا کہ کیپارٹ نمبر 1 اور 2 میں

(بقیہ 9 صفحہ 10)

ہم کوئی مقدس گائے یا بیل نہیں، احتساب ضروری ہے، جسٹس عظمت

جسٹس شوکت عزیز کیخلاف کھلی عدالت میں کارروائی، اٹارنی جنرل سے موقف طلب

اسلام آباد (آن لائن) سپریم کورٹ میں اسلام آباد ہائی کورٹ کے جسٹس شوکت عزیز صدیقی کی اوپن ٹرائل کیلئے درخواست کی سماعت جسٹس گلزار احمد کی سربراہی میں پانچ رکنی لارجر بنچ نے کی، وکیل مخدوم علی خان نے کہا کہ جسٹس شوکت صدیقی نے سپریم جوڈیشل کونسل کی کارروائی کھلی عدالت میں کرنے کی درخواست کی تھی جو مسترد ہوئی اس لئے یہاں رجوع کرنا پڑا، عدالت نے

(بقیہ 12 صفحہ 10)

مشال خان قتل کیس میں مزید دو گواہوں کے بیانات ریکارڈ

... قتل کیس میں اعلیٰ افسران کو بچا کر ایس ایچ او اور اے ایس آئی کی جنرلی کر دی ہے، ذرائع

... کے طالبعلم عدالت کے جج فضل سبحان خان نے کیس کی سماعت ... کے بیانات ... شروع کی سماعت کے

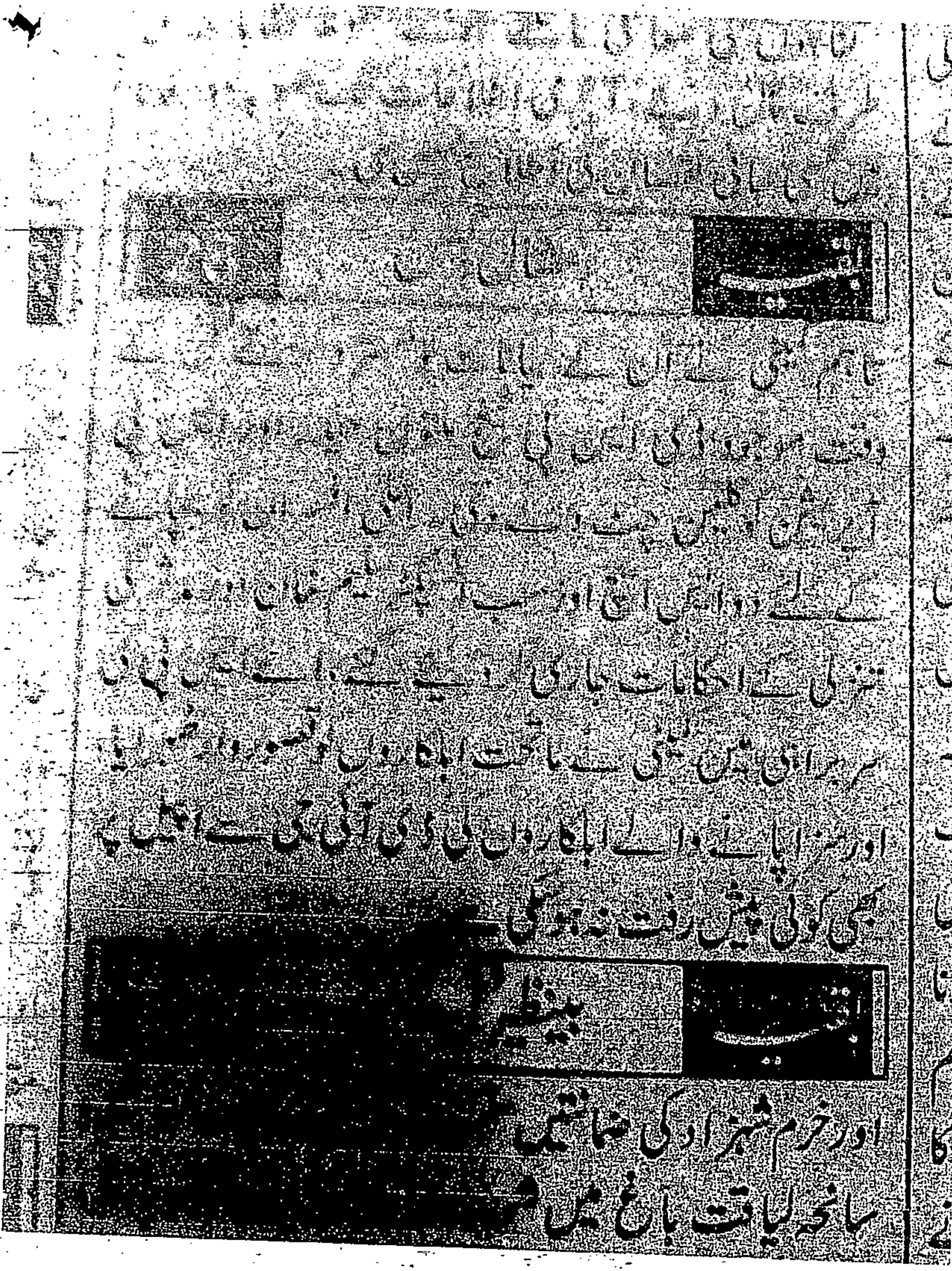
(بقیہ 11 صفحہ 10)

ے تھے دو دکان بند ہو گئی، پیپلز پارٹی

مشال کیس، اعلیٰ افسران کو کلین چٹ

دو ایس ایچ اوز کی تنزلی کے احکامات

[illegible] مشال خان قتل کیس کی انکوا[illegible]
[illegible] کے روز یونیورسٹی میں موجود پولیس
[illegible] کلین چٹ دیتے ہوئے دو ایس ایچ اوز [illegible]
[illegible] میں
[illegible] واہ
[illegible]



[illegible]

[illegible]

بھی کوئی پیش رفت نہ ہو گی

بینظیر

اور خرم شہزاد کی سماعت

سانحہ لیاقت باغ میں

ATTESTED

In the Court of Mohib-ur-Rehman, Judicial Magistrate, Mardan.

State vs Waqar etc

FIR no. 233 Dated 13-4-17

U/s 302/324/148/149/297/109/427 PPC-7ATA

Police Station Sheikh Maltoon, Mardan.

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ANNEX 'C'

Statement of Ziaullah Hamdard s/o Shafi Ullah R/o Sheera, Mohallah Yousaf Khel, District Swabi u/s 164 CrPC (CNIC # 16202-2021730-5) :-

On oath stated that I belong to a lower middle class and hail from Swabi. My family is religious one and I am Hafiz-e-Quran. I am lecturer at Abdul Wali Khan University, Mardan and my subject is Journalism. I studied Tafseer of Holy Quran from Mercy International High School, Peshawar. I got appointed in the varsity as Lecturer in Journalism and Mass Communication in Jan, 2013 and till my resignation date, I was posted over there. In the live TV Programme of "Raj Shahzeb Khanzada Kasaili", I announced to resign from my service. I was residing in Teachers Faculty Hostel inside varsity. Deceased Mashal was known to me for the last two (02) years and he was the topper of class. Abdullah and Zubair were also brilliant students of the class. I used to visit Mashal at his room once a blue moon and he also came alike. Mashal was a humanist, interested in Socialism and was a nationalist w/ political affiliations. He liked Sophism and believed in philosophy of non-violence. I never heard Mashal talking impiously of Supreme-Being. It would be unjust to call Mashal a loony and profligate as he never committed blasphemy. He was a smily face and had leadership qualities. I personally don't hold any administrative est folio in Varsity. On 13.04.2017, I was in Hostel and at some .00 AM, I was called by the office Assistant Anees Amin through phone to come immediately to the Journalism Deptt in lieu of an eve that some students have gathered and are threatening to

Mohib-ur-Rehman
Judicial Magistrate
CJ-IV, Mardan
21/4/17

Complainant

Kia Mashal and Abdullah and that Madam Sana is alone in Dept. I rushed to the Dept to find out the controversy. I reached there and saw some journalism Dept Students alongwith others in class office while Madam Sana and Abdullah were inside the Class office of Arshad Zaman. He opened Chairman's office and told the angry students to come inside. Rashed Zaman, Rueen Amin and Faisal were with me in office. The students complained that Mashal and Abdullah had launched anti-Islamic propaganda on social-media. They further told that Mashal is a Russian Agent and is being funded by Russia. I told the students that it is the duty of Intelligence Agencies to keep surveillance over such activities and to which, we are not bound for. I also demanded proof but no one gave it. One of the students told that he and Mashal had a tour of Baluchistan some two months back where Mashal used indecent words about Prophet Dawood (A.S). The other student told that Mashal had huge amount in possession. Waqar had told that Mashal also had addressed irrevocally Bibi Zainab (RA). Sensing the gravity of situation, I deemed it appropriate dispersing the aggressive students and told them to leave. Meanwhile, Prof. Farooq and Prof. Idrees came inside. They were also told of the story in brief. Prof Idrees stood up and told that we are all Muslims and will Rusticate Mashal. I argued with Prof Idrees and suddenly, an employee came and told that he will kill Mashal even at the cost of his service. Students suddenly flared up and headed slogans of Allah-o-Akbar. Mashal texted me that these people are politically motivated and he has nothing to do with Director Administration. Pir Rafandian was called and when came, I complained of the employees conduct. He, on turn, told Police. He also told me to address a Confidential report Registrar. DSP Haider also came alongwith Cops and he was

Mohib-ur-Rehman
Judicial Magistrate/
CJ-IV, Mardan

(Contd on page 14)

ATTESTED

who informed me told him that we want to rescue Abdullah, who is hiding in Chairman's office washroom but before explaining the whole matter, students started hitting the doors and window-panes and broke door of washroom. They beated Abdullah who sustained injuries but fortunately was rescued by police and taken to hospital. Later on, I went to Faculty Hostel where, I saw some 15 to 20 students who surprised me. They thought I have locked Mashal inside my room in order to save him. They forced me to open room and entered angrily, breaking cup-board and windows but couldnt find Mashal. They alleged that I am a hypocrite, having an atheist but I negated in toto. Then, to the utmost dismay of my fortune, Mashal texted me and told that he was still inside the hostel, though I was told by someone earlier that Mashal had gone from Varsity premises. Angry students noticed message of Mashal and snatched my phone and locked me inside. Dr. Jalil came and opened my room wherefrom, I proceeded to the Administration office. There i.e inside the office of Administration, an SSP Operation, Mardan was sitting with the professors. Some officers of Administration were also present. I earnestly requested the Urdu-Speaking SSP Operations Mardan to save an innocent soul as he could but he replied that his DSP would resolve the matter. I also told him that Mashal is alive and in hostel as he texted me some minutes back, but SSP put responsibility over his DSP. Being dejected, I proceeded to Vice Chancellor's office where, Dr. Saeed ul Islam told that a boy has expired. I inquired of name of deceased and he told, Mashal died. I prayed for the soul of Mashal. DSP Kamran came and through his phone, I talked to RPO Mardan as DSP told the RPO that Hamdard wants to talk to you. Later on, I was taken to RPO and DIG Mardan in police security office, I met them and afterwards, went to Peshawar. As the Varsity Administration was in conscious knowledge of issue, they could prevent the lynching of Mashal at mob's hand. I didnt saw Mashal's dea

Mohib-ur-Rehman
Judicial Magistrate
C.J. & J.D., Mardan
21-4-17

Statement of Mr. Mohib-ur-Rahman, Magistrate
(Page 4 of 5) Contd

He informed me that we went to Jamia Abdullah, who is hiding in Chairman's office washroom but before explaining the whole matter, students started hitting the doors and window-panes and broke doors of washroom. They beated Abdullah who sustained injuries but fortunately was rescued by police and taken to hospital. Later on, I went to Faculty Hostel where, I saw some 15 to 20 students who surrounded me. They thought I have locked Mashal inside my room in order to save him. They forced me to open room and entered angrily, searching cup-board and windows but could not find Mashal. They alleged that I am a hypocrite, saving an atheist but I negated in toto. Then, to the utmost dismay of my fortune, Mashal texted me and told that he was still inside the hostel, though I was told by someone earlier that Mashal had gone from Varsity premises. Angry students noticed message of Mashal and snatched my phone and locked me inside. Dr. Jalil came and opened my room where-from, I proceeded to the Administration office. There i.e inside the office of Administration, an SSP Operation, Mardan was sitting with the professors. Some officers of Administration were also present. I earnestly requested the Urdu-Speaking SSP Operations Mardan to save an innocent soul as he could but he replied that his DSP would resolve the matter. I also told him that Mashal is alive and in hostel as he texted me some minutes back but SSP put responsibility over his DSP. Being dejected, I proceeded to Vice Chancellor's office where, Dr. Saad ul Islam told that a boy has expired. I inquired of name of deceased and he told, Mashal died. I prayed for the soul of Mashal. DSP Kamia came and through his phone, I talked to RPO Mardan as DSP told the RPO that Hamdard wants to talk to you. Later on, I was taken to RPO and DIG Mardan in Police Security where, I met them and afterwards, went to Peshawar. As the Varsity Administration was in conscious knowledge of issue, they could prevent the lynching of Mashal at mobs hand. I did not saw Mashal's dea

Mohib-ur-Rehman
Judicial Magistrate/
C.J. TV, Mardan
21.4.17

ATTESTED

OFFICE OF THE DISTRICT POLICE OFFICER MARDAN

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Annex O

No. 7741-42/PA

Dated 8 / 8 /2017

DISCIPLINARY ACTION

I, **Dr. Mian Saeed Ahmad (PSP)**, District Police Officer Mardan, as competent authority am of the opinion that **SI Mudasir Khan,** himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules, 1975.

STATEMENT OF ALLEGATIONS

Whereas, **SI Mudasir Khan,** while posted as SHO Police Station Toru (now Police Lines Mardan), on 13.04.2017 one Mashal Khan son of Muhammad Iqbal Khan, a student of Journalism Department Abdul Wali Khan University Mardan who was lynched by a mob of students on account of unconfirmed charges of blasphemy while, on receipt of the information he arrived to the University at 1351 hours and remained till 1501 hours however, during the course of priliminary enquiry conducted by the Worthy Regional Police Officer Mardan, it was found that he has shown slackness in disposal of his official duty, resultantly the unfortunate mob justice incident, took place.

For the purpose of scrutinizing the conduct of the said accused Officer with reference to the above allegations, ASP CTD is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Officer.

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

ATTESTED

(Dr. Mian Saeed Ahmad) PSP
District Police Officer,
Mardan.

OFFICE OF THE
DISTRICT POLICE OFFICER
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CHARGE SHEET

I, **Dr. Mian Saeed Ahmad (PSP)**, District Police Officer, Mardan, as competent authority, hereby charge **SI Mudasir Khan** while posted as SHO PS Toru (now Police Lines Mardan), as per attached above Statement of Allegations.

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

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

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

4. Intimate whether you desired to be heard in person.

(Dr. Mian Saeed Ahmad) PSP
District Police Officer,
Mardan.

ATTESTED

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جناب عالی!

بحوالہ چارج شیٹ نمبری PA/ 7741.42 مورخہ 08/08/2017 مجاریہ جناب DPO صاحب معروض خدمت ہوں۔

مورخہ 13/07/2017 کو حسب معمول میں سروس روڈ موٹروے ڈیوٹی پر موجود تھا۔ ایمرجنسی کال سن کر از خود ذمہ داری کا مظاہرہ کرتے ہوئے اور اسی سرکل میں SHO ہونے کے ناطے افسران اور کنٹرول روم کے بلائے ہوئے بغیر موقع پر پہنچا۔ حضرت علی 2004، کانسٹیبل میر افضل 1223 بحیثیت ڈرائیور میرے ساتھ موجود تھے اور شاکر وائرلیس آپریٹر تھانہ طورو ڈیوٹی پر موجود کے بیانات لئے جا کر جو کہ اس بات کی تائید کیلئے لف ھذا ہے کہ۔۔۔

(۱) یونیورسٹی میں داخل ہوتے ہی سینئر افسران میں سے جناب SP صاحب اپریشن اور جناب DSP صاحب SMT پہلے سے موقع پر موجود تھے۔

(۲) یہ کہ موقع پر جونیئر افسر کے ناطے اپنے سینئر افسر کی حکم کی بجاآوری کرنا من SHO کے اولین فرائض میں شامل ہے جو کہ موقع پر کی گئی ۔تمام کاروائی اپنے افسران بالا کے حکم پر کی ہے۔

(۳) یہ کہ از خود لاٹھی چارج، ہوائی فائرنگ یا دیگر کسی کلیے کا استعمال من SHO کے دائرہ اختیار میں نہیں تھا۔

(۴) یہ کہ ایسا کوئی بھی عمل میرے ذاتی رائے کے مطابق مزید نقصان کا پیش خیمہ ثابت ہونے کا اندیشہ تھا۔

(۵) یہ کہ مشال مقتول کی نعش مشتعل ہجوم کے ہاتھوں جل جانے کا قوی امکان موجود تھا جو کہ من SHO نے ہمراہ سینئر افسران اس کی نعش پک اپ سرکاری میں ڈالی اور جلانے سے بچایا تصاویر ہمراہ لف ہیں۔

(۶) یہ کہ یونیورسٹی میں داخل ہو کر تمام کاروائی میں اپنی ذمہ داری نبھاتے ہوئے بھرپور حصہ لیا اور آخر تک جناب DPO صاحب کی آمد پر باقاعدہ مشتعل ہجوم کے گرفتاریوں میں حصہ لیا اور حالات قابو ہونے تک اس سارے عمل کا حصہ رہا۔

(۷) یہ کہ مقدمہ ھذا میں نامزد ملزمان میں سے سامان ولد اعظم سکنہ جلالہ، عباس ولد فیاض سکنہ طوطی خان ٹاؤن، اشفاق ولد ملنگ سکنہ چکدرہ، بشارت ولد رحیم داد سکنہ توت کلے کو گرفتار کر چکا ہوں۔ گرفتاری نقلمدات ہمراہ لف ہیں جبکہ تفتیشی عملہ تھانہ طورو میں ملزمان کی انٹاروگیشن اور افسران کی امداد میں حصہ لیا ہیں۔ جناب عالی!

مندرجہ بالا حقائق کو مدنظر رکھ کر چارج شیٹ ھذا فائل کرنے کے احکامات صادر فرمائی جاوے۔ بالا بیان بروئے حلف کرنے کو تیار ہوں جبکہ اس ذمرے میں من Si کو پیشی میں سننے کا موقع دیا جائے۔

العاض!

مدثر شاہ Si سابقہ SHO تھانہ طورو حال پولیس لائن مردان

ضلع دیر

تھانہ طورو

نقل ایف آئی آر درج 26/6/17

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مس ایچ - واپسی / بندش ملزم / روانگی - ملزم شاہ SHO وقت 16:10 بج مورخہ 26/6/17
میں دفتر جواب مدعا بالا بعد از گشت علاقہ سے واپس آیا۔ دوران گشت بمقام احمد آباد چوک
قاسم طورو ملزمان بشارت ولد رحمداد سکنہ توت کلے مردان اشفاق الرحمٰن ولد
فلنگ جان سکنہ چکدرہ مطلوبہ جواج مقدمہ علت 233 مورخہ 13/6/17 جرم 302-148-149-7ATA
109-297-427
تھانہ شیخ ملتون مردان حسب اطلاع مخبر ملزمان بشارت ولد رحمداد سکنہ توت کلے مردان
اشفاق الرحمٰن ولد فلنگ جان سکنہ چکدرہ کو حسب ضابطہ گرفتار کر کے کارڈ گرفتاری علیحدہ
جاری ہے۔ ملزمان کو بندبہ حوالات بعد لینے جامہ تلاشی بندبہ حوالات تھانہ کیا گیا۔ محرر
کو ہدایت ہے کہ کارڈ گرفتاری وغیرہ الوسیع گشن سٹاف کو تھانہ شیخ ملتون مردان
کو مطلع کریں۔ میں واپس بغرض مزید گشت علاقہ روانہ ہوں۔

جناب عالی!
نقل بمطابق اصل ہے

mm/PS-TOTU

ATTESTED

2 عدد تصاویر بحق بیان

① حضرت علی ② ناکر ③ امیر افضل

2 عدد تعلمدان نقلمد 12 اور 31

نائب جنرل فیاض طارق یا صاحبزادہ محمد رمضان

ضلع دال

بیان طرد

نقل مد 12 روزنامچہ 27/6/17

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مد 12 - واپسی / بندوبست ملزم / روانگی - جناب شاہ SHO وقت 19:30 بجے مورخہ 27/6/17 میں دوران گشت علاقہ سے واپس آیا۔ دوران گشت مخبر خاص نے اطلاع دی کہ ملزمان سلمان خان ولد اعظم خان سکنہ جلالہ عباس عرف شنو ولد فیاض سکنہ طورا خان ٹاؤن مطلوبہ بحوالہ مقدمہ علت 233/13-4-17 جرم 302-148-149-7ATA 427-297-109 تھانہ شیخ ملتون بحوالہ کلے روڈ پر مختلف طور و جا رہے ہیں۔ اطلاع مصدقہ جان کر دوران کلے روڈ پر ناکہ بندی کیا گیا اس دوران ملزمان بالا اکر مخبر کی نشاندہی پر ملزمان بالا کو مسمی خالد گرفتار کر کے ہمراہ لا کر بعد لینے مکرر 0 جام تلاشی بند بحوالات تھانہ کر کے محرر کو ہدایت پہنچا کر اخراج شعبہ تفتیش کو اطلاع دے اب میں دوران بعد فرض گشت علاقہ روانہ ہوں۔

جناب عالی! نقل مطابق اصل ہے

mm-PS-TOVU

ATTESTED

رپورٹ مشتاق حسین نمبر 412 وائرلیس آپریٹر تھانہ طورو بیان ہوں۔
13/4/17
کہ شیخ ملتون ٹاؤن مردان کے وائرلیس آپریٹر نے اطلاع
دی کہ طورو موبائل عبدالولی خان یونیورسٹی مردان بھجوائے۔
اطلاع بروقت میر محمد ASI موبائل افسر کو دیا گیا۔
حدشرحان SHO تھانہ طورو کے بارے نہ تو کسی افسر نے اور نہ ہی
کسی محافظ اور نہ کسٹبل رسم مردان نے اطلاع دی کہ SHO صاحب
تھانہ طورو یونیورسٹی مردان پہنچ جائے۔ اور نہ ہی جس نے SHO حدشرحان
کو اطلاع دی ہے کہ یونیورسٹی پہنچ جائے۔

المشتاق

مشتاق حسین 412 تھانہ طورو وائرلیس آپریٹر

ATTESTED

کیپٹن امیر افضل 1223 تھانہ طورو بیان ہوں کہ میں مسالغ SHO
مدثر خان کے ساتھ بحیثیت ڈرائیور ڈیوٹی سرانجام دے رہا تھا۔
مورخہ 13/4/17 کو مدثر خان SHO کے ساتھ علاقہ تھانہ طورو نوسرو سے
روڈ پر گشت کر رہے تھے کہ وائرلیس پر اطلاعات ہوئی کہ
عبدالولی خان یونیورسٹی مردان میں کچھ فساد ہے۔ مدثر خان SHO
کو نہ تو تھانہ طورو اور نہ ہی کسی افسر اور نہ ہی کسٹرول روم والوں نے اطلاع
دی ہے کہ عبدالولی خان یونیورسٹی پہنچ جائے۔ بغیر کسی طلب کے
بغیر مدثر خان SHO صاحب یونیورسٹی گیا۔ میں ان کے ہمراہ تھا۔

کیپٹن ڈرائیور امیر افضل 1223 تھانہ طورو

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کیپٹل حضرت علی نمبر 2004 سیفٹی گارڈ HO کے غلط طور پر بیان ہوئے ہیں جو مورخہ 13/4/17 کو جناب HO صاحب مدثر خان کے ساتھ علاقہ میں موٹر وے سروس روڈ پر حسب معمول گشت کر رہے تھے کہ وائرلیس پر اطلاعات ہوئی تھی کہ عبدالولی حالی یونیورسٹی مردان میں کچھ فائرنگ ہے۔ غلط طور پر وائرلیس اور نہ ہی کسی افسر نے اور نہ ہی کنٹرول روم مردان نے HO صاحب کو کوئی اطلاع نہیں دی ہے۔ بلکہ HO صاحب نے بذات خود زمرداری کا مظاہرہ کرتے ہوئے بغیر کسی طلب کرنے یونیورسٹی گیا۔ میں HO کے ساتھ موجود تھا۔

الف

کیپٹل حضرت علی 2004 سیفٹی گارڈ طور پر

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OFFICE OF THE
SUB-DIVISIONAL POLICE OFFICER,
TAKHT BHAI CIRCLE
Tel. & Fax: 0937552211, E-Mail: dsp.tbi@gmail.com

No. 2275 /ST, Dated: 29 /09/2017.

To,

The Worthy District Police Officer,
Mardan

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Annex F

Subject: DISCIPLINARY ACTION AGAINST SI MUDASIR KHAN SHO PS TORU

Memo:

Kindly refer to your office Diary No. 7741-42/PA, dated 08.08.2017.

In pursuance of your kind order, the undersigned completed enquiry in the above subject case. Its step-wise detail is given below.

STATEMENTS OF ALLEGATIONS:

Whereas, SI Mudasir Khan, while posted as SHO Police Station Toru (now police lines Mardan), on 13.04.2017 one Mashal Khan son of Muhammad Iqbal Khan, a student of journalism Department Abdul Wali Khan University Mardan who was lynched by a mob of students on account of unconfirmed charges of blasphemy while, on receipt of the information he arrived to the university at 13:51 hours and remained till 15:01 hours however, during the course of preliminary enquiry conducted by the Worthy Regional Police Officer Mardan, it was found that he has shown slackness in disposal of his official duty, resultantly the unfortunate mob justice incident, took place.

PROCEEDINGS:

The defaulter SI was summoned; heard in detail, the charge and summary of allegation were served upon him, he submitted his written reply and statement of all concerned officials were also recorded.

STATEMENT OF SI MUDASIR KHAN:

He stated in his statement that on 13.04.2017 he was on routine gust on M/way service road, on hearing emergency call, taking responsibility myself without been call by control room. He reached to university where W/SPOP & DSP SMT was present already on the occasion. further stated that it was his foremost to carry out the order of senior order. Everything was done according to their senior orders. It was not in his authority to initiate beaten charge & firing on his own well. The dead body of Mashal khan was rescued from been burnt by the

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angry mob by helping the senior officers in taking it to the official vehicle. He took active part in bringing the situation into control inside the university and in the end arresting the culprits from the mob after the order of W/DPO Mardan.

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STATEMENT OF CONSTABLE HAZRAT ALI NO.2004 MIR AFZAL NO.1223 (GUNNER) & SHAKIR HUSSAIN NO.412 WIRELESS OPERATOR PS TORU:

They all corroborated the stance of defaulter SI Mudasir Khan and declared his statement of reaching to university without call of control room as true & correct.

FINDING/RECOMMENDATION:

From the perusal of available record the undersigned came to know that the defaulter SI Mudasir the then SHO PS Toru came to university at 13:51 hrs and can be seen inside hostel where Mashal was lynched. He helped SP Ops and DSP SMT in taking the dead body from mob.

Therefore, he may please be awarded a punishment of stoppage of his five increments instead of dismissal from service.

Encl :(10)

Captain (R) Muhammad Tariq PSP
Sub-divisional Police Officer,
Takht Bhai

ATTESTED

(6)

AWNEY 'G'

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OFFICE OF THE DISTRICT POLICE OFFICER MARDAN

Tel: 0937-9230109
Fax: 0937-9230111
Email: dpo_mardan@yahoo.com
Facebook: District Police Mardan
Twitter: @dpomardan

No. 9843-46 /PA

Dated 8 / 10 /2017

ORDER ON ENQUIRY OF SI MUDASIR KHAN

This order will dispose-off a departmental enquiry under Police Rules 1975, initiated against the subject Police Official, under the allegations that while posted as SHO PS Toru, (now Police Lines), One Mashal Khan Son of Muhammad Iqbal Khan, a student of Journalism Department Abdul Wali Khan University Mardan was lynched by a Mob of Students on account of unconfirmed charges of blasphemy. On receipt of information, SI Mudasir Khan arrived to the University at 1351 hours and remained there till 1501 hours. However, during a preliminary enquiry conducted by Worthy Regional Police Officer Mardan in this matter, it was found that he has shown slackness in disposal of his official duty, resultantly the unfortunate mob justice incident took place.

To ascertain real facts, SI Mudasir Khan was faced departmentally through Captain ® Ali Bin Tariq SDPO Takht Bhai vide this office Disciplinary Action No.7741-42/PA dated 08.08.2017, who after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.2275/ST dated 29.09.2017, recommending stoppage of his five increments.

Final Order

SI Mudasir Khan was heard in O.R held at Police Lines on 03.10.2017 & awarded major punishment of reversion to the rank of ASI with immediate effect, in exercise of the power vested in me under P.R 1975.

O.B No. 2291

Dated 5 / 10 2017.

District Police Officer,
Mardan.

Copy forwarded for information & n/action to:-

1. The Deputy Inspector General of Police Mardan Region-I, Mardan, please.
2. The SP Operations Mardan.
3. The DSP/HQrs: Mardan.
4. The Pay Officer & E.C (Police Office) Mardan.
5. The OSI (Police Office) Mardan with ( ) Sheet.

ATTESTED

BEFORE THE WORTHY DIG MARDAN REGION-I MRDAN.

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ANNEX H

Subject: **APPEAL AGAINST THE OB NO: 2291 DATED 6/10/2017 ISSUED BY DPO MARDAN WHEN THE APPELLANT WAS AWARDED PUNISHMENT OF REVERSION TO THE RANK OF ASI.**

Respect Sir,

1) The matter pertains to case Fir No.233 dated 13-4-2017 u/s 302/14/149/7ATA PS SMT. The occurrence of the case took place in the jurisdiction of PS SMT. During the day, the appellant remained posted as SHO PS Toru. In fact, the appellant has no concern with the present case. After the laps of 04 months of the occurrence of the case, the appellant was issued charge sheet of statement of allegation No.7741-42/PA dated 8-8-2017 to the appellant with the following allegations.

   "That while posted as SHO PS Toru (Now Police lines) one Mashal Khan s/o Muhammad Iqbal Khan a student of journalism department AWK university Mardan was lynched by a MOB of students on account of unconfirmed charges of blasphemy on receipt of information, SI Mudasir Khan arrived to university at 13:51 Hrs and remained there till 15:01 Hrs. However during a preliminary enquiry conducted by Worthy Regional Police Officer Mardan in this matter it was found that he has shown slackness in disposal of his official duties as a result, the unfortunate incident took place"

2) In the light of the above charge sheet, a departmental enquiry was initiated against appellant. ASP / TBI was appointed as EO. The appellant produced a detailed and comprehensive reply before the EO, but his reversion was not considered. The EO recommended punishment for the appellant "stoppage of his five increments". Unfortunately, the DPO Mardan was not agreed with the recommendation of the EO and awarded the punishment (Major) of reversion to the rank of ASI vide OB No.2291 dated 6/10/2017. Hence the present appeal (Copy of OB No2291 dated 6/10/2107 enclosed)

3) As per charge sheet + statement of allegations the appellant has been blamed for the following:

   A: Has shown slackness in the disposal of his official duty.

4) The facts behind the said incident are:

   On 13/4/2017, the appellant was on routine patrolling at motorway service road on receiving emergency calls from control room Mardan and PS/ SMT, regarding some incident at AWKU the appellant himself rushed to the AWKU. Being SHO of the eject police station, the appellant voluntarily went there. On the reaching the AWKU, the following officials were found present there.

   vi) SP / Operation along with Squad
   vii) DSP/ SMT along with Mobile
   viii) SHO / SMT along with Mobile
   ix) SHO/ Ghari Kapura along with police.
   x) ATS / QRF Squads along with their commanders.

5) All the above officials were present in the administration block and was busy in negotiation with Administration of university, meanwhile it was learnt that in Hostel No.1 one student Mashal was murder by student MOB. SP /operation, DSP / SMT went

there in their official vehicles, while the rest of police officials ran away towards Hostel No. 1. On reaching there, the MOB of student was disgracing the dead body of deceased Mashal and wanting to burn the dead body. The officials present on the spot get the dead body of the deceased and sent to MMC. The appellant remained present there till the end of incident.

6) The appellant though, not the concerned but arrested 05 accused in the case, which is evident from the case file.

Ground :

1) The appellant was not posted at PS SMT at the time of the above incident. However, on receipt of information, the appellant went to the spot himself to external all legal help to the neighboring Police Stations, which shows the efficiency and entrust in official duty of the appellant.
2) The appellant was present on the spot under the command of senior officers and fulfilled his duties according to their directives. The appellant has not shown any slackness in the duty.
3) It is wonderful to mention that the appellant was no more concerned with the matter but even then, he was charge sheeted and punished. The other participants like appellant were not asked for anything.
4) The EO recommended the appellant for "stoppage of 5 increments" but the DPO Mardan awarded major punishment to the appellant, which is against the justice.
5) The appellant was enlisted as constable in police department on 18/02/1996. The appellant was never dealt departmentally prior to this. Similarly, the appellant was not punished throughout his service. All the "ACRs" given to him are above Grad "A". All such facts are evident from the shining service record of the appellant.
6) The appellant is married with 02 kids and old parents. The appellant wants to get further promotion in future. The punishment awarded to him will badly effect the service carrier of the appellant.

Keeping in view the above facts and circumstances, it is humbly requested that the appeal of the appellant may be accepted and the order of DPO / Mardan vide OB No.2291 dated 6/10/2017 may be set-a-side by restoring the appellant in the rank of Sub-Inspector please.

Dated : 13/10/2017

Yours obediently

ASI Mudasir Shah
NO.416
Police Lines Mardan

Sir,
Forwarded, Please.

DSP. HQs
13-10-17

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ANNEX I (1) OR 05/01/18

GOVERNMENT OF KHYBER PUKHTUNKHWA,
OFFICE OF THE REGIONAL POLICE OFFICER,
MARDAN.

Phone No. 0937-9230113, Fax No.0937-9230115.
Email. digmardan@gmail.com & adig.mardan@gmail.com

From : The Regional Police Officer,
Mardan

To : The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. 180 /ES, dated Mardan Region, the 10 /January/2018

Subject: **DEPARTMENTAL APPEAL**

Memo:

It is submitted that appeals, submitted by ASI Saleem Khan, then posted as SHO PS Sheikh Maltoon District Mardan and ASI Mudassir Khan, then posted as SHO Toru District Mardan who were reverted to the rank of ASI from the rank of SI after their slackness was proved during enquiries in Mashal Murder Case, couldn't be proceed by the undersigned as the undersigned conducted these enquiries.

Therefore, appeal, comments alongwith service record received from District Police Officer, Mardan are submitted herewith for your kind perusal and necessary action, please.

(Muhammad Alam Shinwari) PSP
Regional Police Officer,
Mardan

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ANNEX "J"

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22-1-18

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

No. S/ 339 /18, dated Peshawar the 19/01/2018.

To: Regional Police Officer,
Mardan.

Subject: - **DEPARTMENTAL APPEAL.**

Memo:

Please refer to your office Memo: No. 180/ES, dated 10.01.2018.

Copy of preliminary enquiry report conducted by Regional Police Officer, Mardan has not been found attached with your above referred letter which may please be sent to this office to process the appeals in the Appellate Board.

Moreover, it may please be clarified that whether the appellants namely ASI Saleem Khan and ASI Mudasir Khan have instituted service appeals in Service Tribunal or otherwise.

PPs Attached
A/EC

17/1

(SYED ZIA ALI SHAH)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

EC
For [illegible]
21/2018

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012
05/1/18

Government of Khyber Pakhtunkhwa
Office of the Regional Police Officer,
Mardan
Phone No. 0937-9230113, Fax No. 0937-9230115 ANNEX "K" - 31 -

To: The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. 827 /ES. 02 , February, 2018.

Subject: DEPARTMENTAL APPEAL.

Memo:

Kindly refer to your office Memo: No. S/339/18 dated 19.01.2018 on the subject noted above.

It is submitted that the preliminary enquiry classified by the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

It is worth mentioning here that the appellants have not filed service appeals before the Honourable Service Tribunal Khyber Pakhtunkhwa, Peshawar.

Regional Police Officer,
Mardan.

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