



Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 4279 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/03/2021	<p>The appeal of Mr. Qais Khan presented today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	25/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/05/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

28.05.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 27.09.2021:

Appellant Deposited
Security & Process Fee



Chairman

27.9.21

DB is on Tour case to come up
For the same on. Dated 16-11-21

Read 28

12.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.


Chairman

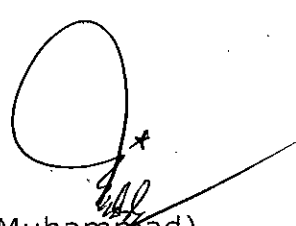
Stipulated period passed reply not submitted.

16.11.2021

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Aziz Shah, Reader for the respondents present.

Para-wise reply on behalf of respondents No. 1 to 3 has already been submitted through office.

Learned Member Judicial Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for rejoinder, if any, as well as arguments on 20.01.2022 before the D.B.


(Mian Muhammad)
Member (E)

ORDER

20.01.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. Arguments heard and record perused.


Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

20.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

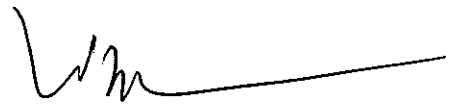
for wrong parking, for which the appellant was malafiedly involved in departmental proceedings and was penalized for his good performance.

06. In view of the foregoing discussion, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
20.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

hence he was awarded with major punishment of dismissal from service; that revision petition of the appellant was considered and accepted and taking a lenient view, the appellant was re-instated into service and major penalty of dismissal from service was converted into reduction from the rank of head constable to that of constable.

04. We have heard both the parties and have perused the record.

05. Record reveals that the appellant while serving as head constable in traffic police and performing his routine duty, had noticed a Suzuki van wrongly parked on main GT road. The appellant asked for documents of the vehicle, but the driver resorted to misbehavior. The appellant reported the matter to incharge traffic GT Road, who also was present in the vicinity and who reached the spot immediately, but at the same time DSP Headquarter also reached the spot and it was found that driver of the van was son of DSP Headquarter and DSP Headquarter misbehaved with the appellant and threatened him of dire consequences. In a way, the appellant was restrained from performing his legal duty and complaint was registered against the appellant and on the same charges. The appellant was proceeded against departmentally on personal scores of DSP Headquarters and was ultimately dismissed from service. Needless to mention that one-sided departmental proceedings were initiated against the appellant and the respondents were bent upon removing the appellant at any cost. The appellant was kept deprived of the opportunity to cross-examine witnesses, thus skipping a mandatory step and the appellant was dismissed from service without adhering to the method prescribed in law. The appellant however was re-instated in service by converting his major punishment into reduction from the post of head constable to that of constable but with no time period mentioned for such reduction, which however is illegal and not supported by the prevailing law and rule. We have observed that the appellant was targeted by DSP Headquarter due to his personal grudge, as his son was charged by the appellant

appellant may be restored to his original post of head constable with all back and consequential benefits.

02. Appellant has contended that the impugned order is liable to be set aside as the authorities has passed such order without properly evaluating the evidence and material on record; that the penalty so awarded is in violation of FR-29 as the time period has not been mentioned in the impugned order of reversion to lower grade; that sufficient ground of innocence of the appellant exist as per verdict of supreme court judgment cited as NLR 2005 TD SC 78, which has held that no one can be punished for fault of others, hence the impugned order is illegal; that the penalty so awarded is harsh which does not commensurate with gravity of the guilt; that inquiry proceedings were conducted at the back of the appellant and the appellant was not associated with proceedings of the inquiry; that the appellant was not afforded appropriate opportunity of defense, nor any chance of personal hearing was afforded to the appellant; that neither statements of the witnesses were recorded in presence of the appellant nor the appellant was afforded opportunity to cross-examine such witnesses; that inquiry report was not handed over to the appellant alongwith showcuase notice inspite of repeated requests of the appellant to this effect, thus the appellant was left unable to advance his defense in rebuttal of the finding report.

03. Learned Additional Advocate General for the respondents has contended that the appellant was proceeded against on the charges of insubordination as he had impounded a vehicle belonging to DSP Headquarter and upon intervention of DSP, he got furious and squabbled with DSP Headquarters; that upon the compliant of DSP Headquarter, the appellant was issued proper charge sheet/statement of allegations, to which he responded; that showcuase notice was issued to the appellant, and inquiry officer was appointed, who conducted proper inquiry and found him guilty of misconduct; that the appellant was afforded appropriate opportunity of defense, but he failed to prove his innocence,

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 4279/2021

Date of Institution ... 30.03.2021

Date of Decision ... 20.01.2022

Mr. Qais Khan Ex-Head Constable No. 270, Traffic Police Office Peshawar.
... (Appellant)

VERSUS

The Addl: Inspector General of Police, Khyber Pakhtunkhwa Peshawar and two
others. ... (Respondents)

Qais Khan,
Appellant ... In Person

Muhammad Adeel Butt,
Additional Advocate General ... For respondents

AHMAD SULTAN TAREEN ... **CHAIRMAN**
ATIQU-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case

are that the appellant while serving as head constable in police department was proceeded against on the charges of misconduct and was ultimately dismissed from service vide order dated 25-08-2020. Feeling aggrieved, the appellant filed departmental appeal, which was also rejected vide order dated 01-10-2020. The appellant filed revision petition, which was accepted vide order dated 04-03-2021 and the appellant was re-instated in service and penalty of dismissal was converted into reduction from the rank of head constable to that of constable, hence the instant service appeal with prayers that the impugned order dated 01-10-2020 may be set aside and order dated 25-08-2020 may be modified to the extent of reversion from the rank of head constable to constable and the

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. _____ /2021

Qais Khan

VS

Police Deptt

INDEX

S.No	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-05
2.	Copy of charge sheet	- A -	06-07
3.	Copy of reply	- B -	08-09
4.	Copy of showcause	- C -	10
5.	Copy of impugned order	- D -	11
6.	Copy of departmental appeal	- E -	12-16
7.	Copy of rejection order	- F -	17
8.	Copy of 11-A review	- G -	18-23
9.	Copy impugned order dated 04.03.2021	- H -	24
10.	Vakalat Nama	-----	25


APPELLANT
Qais Khan

THROUGH:


(SYED NOMAN ALI BUKHRI)
ADVOCATE HIGH COURT

Date: 29.03.2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 4299 /2021

Mr. Qais Khan Ex. Head constable NO. 270,
Traffic Police Office Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4289

Dated 30/3/2021

APPELLANT

VERSUS

1. The Addl: Inspector General Of Police, KP Peshawar.
2. The Chief Traffic Officer Peshawar.
3. The Central City Police Officer, Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICES TRIBUNAL ACT, 1974 AGAINST THE APPELLATE ORDER DATED 04.03.2021 WHEREBY, THE APPEAL OF THE APPELLANT HAS BEEN ACCEPTED AND APPELLANT HAS BEEN RE-INSTATED INTO SERVICE AND PENALTY OF DISMISSAL WAS CONVERTED IN TO PENALTY OF REVERSION FROM HEAD CONSTABLE TO CONSTABLE.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 01.10.2020, 25.08.2020 MAY KINDLY BE SET-ASIDE AND ORDER DATED 04.03.2021 MAY KINDLY BE MODIFIED TO THE EXTENT OF REVERSION FROM THE RANK OF HEAD CONSTABLE TO CONSTABLE AND MAY KINDLY BE RESTORE TO THE ORIGINAL POST WITH ALL BACK AND CONSEQUENTIAL BENEFITS AND. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND

Filed to-day

Registrar
30/03/2021

APPOPRIATE THAT MAY ALSO BE AWARADED IN FAVOUR
OF APPELLANT.

2

R. SHEWETH

FACTS

1. That the appellant was serving in police department as head constable and was posted as ticketing officer in traffic unit under your control and command.
2. That on dated: 14-7-2020 appellant while performing routine traffic duty on G.T Road noticed a Suzuki van wrongly parked on main road and in violation of traffic rules. appellant in order to book the driver on charges of violating laws and rules asked production of registration of the vehicle from driver but he instead providing registration book resort to misbehaving and run riot, therefore the appellant brought the matter in to the notice of in-charge traffic G.T road present on duty in the vicinity, who advised for engaging the driver till his arrival.
3. That no sooner did the in-charge reached the spot than the driver managed his contact on mobile phone with DPS HQ and at the end of telephonic talk the in-charge let the driver without talking any penal action. Meanwhile the rider squad also reached the spot.
4. That petitioner and the in-charge an personal of rider squad namely 1. Inam khan ASI , 2. Naseem khan ASI, 3. Subhan ullah khan SWI were still present on the spot when the DSP HQ put his appearance on the spot .He started disgracing the petitioner at public place in view of public by using filthy language and derogatory words to petitioner and against the entire members of the family of the appellant . The whole occurrence is witness by the personal of rider squad.
5. That the petitioner displayed extreme subordination and discipline and placed several requests before DSP HQ to avoid scolding of appellant in public view as it down grade the image of police and discourage the members of the force but he continued insulting the appellant.

6. The DSP HQ in addition to disgracing and abusing the appellant and members of his family made complaint against appellant by leveling false charges of exchange of harsh words with him and aiming rifle on him.
7. The charge sheet was issued to the appellant which was contested by the appellant by submitting with his reply **(copy of charge sheet and reply of appellant is annexed as annexure-A & B)**
8. That the inquiry was conducted against the appellant but appellant has not been associated with the inquiry proceeding even no inquiry report is handed over to the appellant. Thereafter show cause notice was served upon the appellant which is properly replied by the appellant but the copy of the same was not available with the appellant. **copy of Show cause is annexed as annexure-C)**
9. That the departmental proceeding initiated against the appellant culminating in passing the impugned order dated 25.08.2020 whereby the appellant was dismissed from service. Similarly a departmental appeal was also rejected vide impugned order dated: 1-10-2020. **copy of impugned order, appeal and rejection order is annexed as annexure-D, E& F).**
10. That the appellant feeling aggrieved filled 11-A revision petition under police rule 1975 to IGP KP Peshawar which was accepted vide order dated 04.03.2021 and the appellant was re-instated into service and penalty of dismissal was converted into reduction from the Rank of head constable to constable. The appellant being feeling aggrieved from the order dated 04.03.2021 therefore constrained to filed this appeal on the following grounds amongst other. **Copy of 11-A revision and impugned appellate order is attached as annexure-G & H.**

GROUND:

- A. That the lower authority has passed that impugned order without properly evaluating the evidence and material on record. The evidence supporting the case of appellant was wrongly brushed aside and disbelieved without advancing any reasons and grounds. So the impugned order liable to be modified to the extent of reversion.
- B. That the penalty order of the appellant is the violation of FR-29 as in the penalty order it was not mention the period of reversion to the rank of constable to be effective.

- u
- C. That the sufficient grounds of innocence of the appellant exist as per provision of supreme court judgment cited as NLR 2005 TD supreme Court Page 78" as no one punished for the fault of others. So the impugned order is illegal.
- D. That the penalty of reversion to the lower rank is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.
- E. That the principles of natural justice have ruthlessly been violated in colorable exercise of the powers which may amount to misuse of the power.
- F. That the illegal evidence adduced by junior and sub ordinate police officers who had already watched the lose temper of DSP HQ during the incident of abuse of the appellant in public place by no stretch of imagination would ready for supporting the case of appellant and producing the true and real picture of the occurrence . in other words they were not in position to support the stance of appellant compliance with telephonic conversation of DSP HQ as they were afraid of the wrath of DSP HQ. Therefore the impugned order has been passed in total disregards of the principles governing the disciplinary actions and natural justice as well.
- G. That the inquiry proceedings were conducted at the back of the appellant , no fair opportunity of defense was provided to appellant . No chance of cross examination of alleged witnesses was provided to appellant, No legal , solid and material evidence was brought on record in support of the charge . petitioner was not confronted with any evidence , therefore the impugned order based on defective enquiry is not sustainable
- H. That thought according to the last para of the final show cause notice, the finding report was enclosed with the notice yet the findings have not been supplied to appellant. Appellant placed several requested for supply of inquiry record but not provide, therefore, appellant was unable to advance defense in rebuttal of the findings report.
- I. That the appellant was first abused, followed by dismissal from service order and the accused driver of Suzuki van was let scot free in compliance with telephonic directions of DSP HQ thereof the accumulative effective of entire action leads to encouragement of influential violators for traffic laws at the cost of disgrace and punishing the police officers .

- J. That the appellant addressed the DSP HQ with due decorum and within the prescribed disciplined manners despite the fact he went beyond the boundaries of professional ethics and disgraced the petitioner in public view . Admittedly the junior officers are duty bound to display subordination on the eve of anger behavior of seniors but the seniors are also under statutory obligation to follow the patient and prescribed code of conduct on occasion of interacting with junior officers . Appellant was disgraced and abused by DSP HQ and the lower authority instead of consoling the appellant added salt to the burning injuries of appellants by passing the impugned order.

- K. That appellant was disgraced before public and was dismissed from service to charges of commission of no misconduct and negligence in duty.

- L. That the appellant seeks permission to advance other ground proof at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Qais Khan
APPELLANT
 Qais Khan

THROUGH:

Syed Noman Ali Bukhri
(SYED NOMAN ALI BUKHRI)
ADVOCATE HIGH COURT

CHARGE SHEET

A B

1. WHEREAS I am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary and expedient.

2. AND whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule-3 of the aforesaid Rules.

3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules I, **WASEEM AHMAD KHALIL**, Chief Traffic Officer, Peshawar hereby charge you **HC Qais Khan No.861/270** under Rules 5 (4) of the Police Rules 1975 on the basis of following allegations:-

i) On 14.07.2020 that you while deployed on GT road illegally impounded a suzuki van for picking passengers which was actually not used as taxi. DSP/Hqrs also on patrolling duty at GT road, reached to the point and asked about the suzuki van, you became furious and exchanged harsh words. You also attempted to harm the DSP by aiming official rifle of a gunner standing on duty with you.

ii) Besides the above, you also viral a video message on social media defaming and tarnishing the image of DSP/Hqrs by leveling false allegations. This act not only tarnished the image your circle officer but also defamed the entire police force in the eyes of general public.

4. By doing this you have committed gross misconduct on your part.

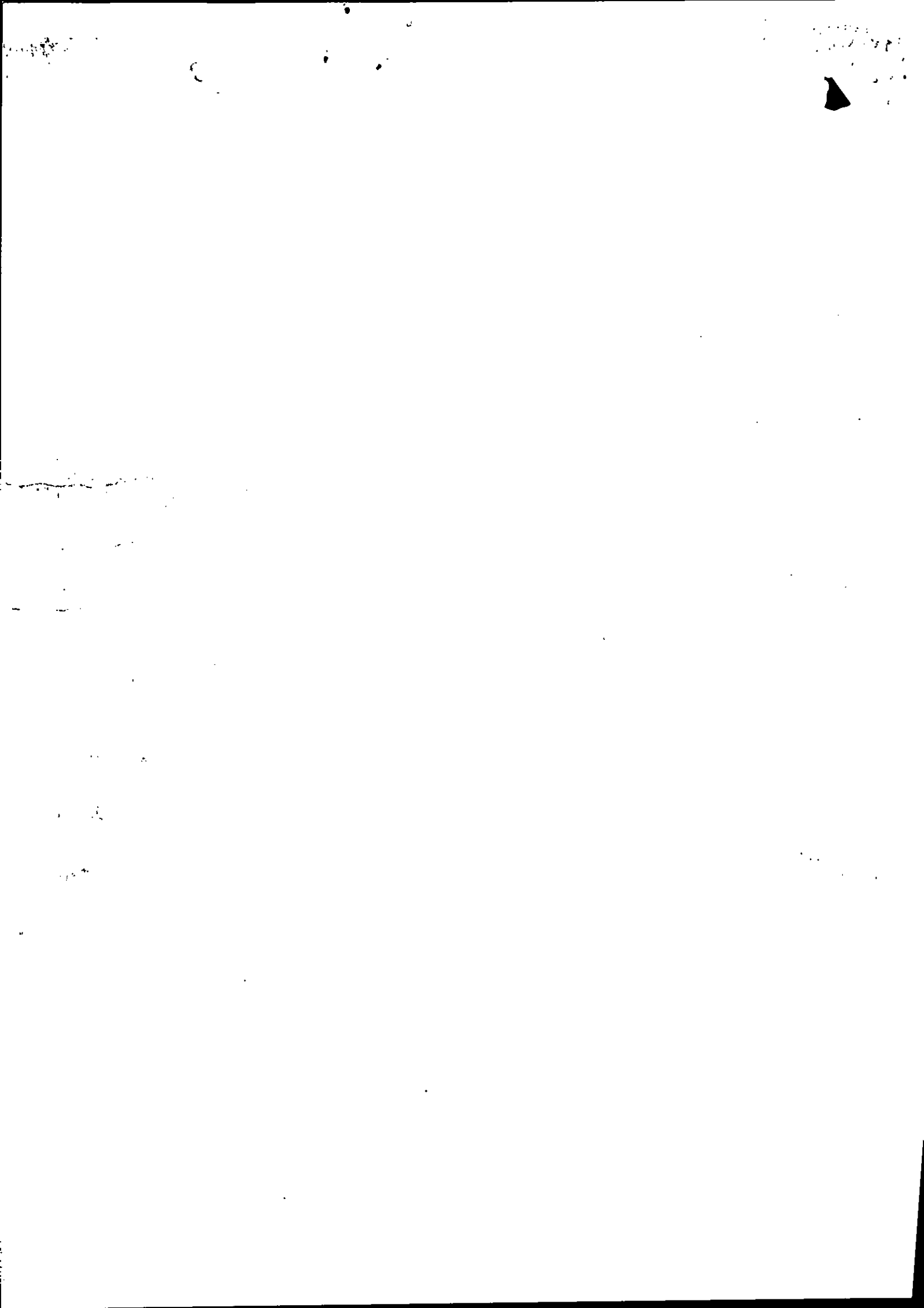
5. AND I hereby direct you further under Rule 9 (1) (b) of the said Rules to put in written defence within 07-days of the receipt of this Charge Sheet as to why the proposed action should not taken against you and also state whether you desire to be heard in person.

6. AND in case your reply is not received within the stipulated period to the enquiry officer, it shall be presumed that you have no defence to offer and in that case, ex-parte action will be taken against you.


(WASEEM AHMAD KHALIL)
CHIEF TRAFFIC OFFICER,
PESHAWAR

(Competent Authority)

ATTACHED



(6) (7)

DISCIPLINARY ACTION

1. I, WASEEM AHMAD KHALIL, Chief Traffic Officer, Peshawar as competent authority, am of the opinion that you HC Qais Khian No.861/270 has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of Police Rules 1975.

SUMMARY OF ALLEGATIONS

2 i) On 14.07.2020 that he while deployed on GT road illegally impounded a suzuki van for picking passengers which was actually not used as taxi. DSP/Hqrs also on patrolling duty at GT road, reached to the point and asked about the suzuki van, he became furious and exchanged harsh words. He also attempted to harm the DSP by aiming official rifle of a gunner standing on duty with him.

ii) Besides the above, he also viral a video message on social media defaming and tarnishing the image of DSP/Hqrs by leveling false allegations. This act not only tarnished the image his circle officer but also defamed the entire police force in the eyes of general public.

3. For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, an Enquiry Committee comprising of the following officer(s) is constituted:-

a. Mr. Iftikhar Ali, SP/Hqrs. Traffic, Peshawar.

b. _____

4. The enquiry committee/officer shall in accordance with the provision of the Police Rules 1975 provide reasonable opportunity of hearing to the accused officer/official and make recommendations as to punishment or any other appropriate action against the accused.

(WASEEM AHMAD KHALIL)
CHIEF TRAFFIC OFFICER,
PESHAWAR.

(Competent Authority)

ATTESTED

جائے گی

بجوالہ چارج شپٹ بجاریہ جناب صیف ٹرنیڈ ایفینڈنٹ اور عرض کنندہ
 کہ سائل کی عرض 7-14 آؤ روز امین بڑی پوائنٹ ٹرنیڈ کنٹرول ڈپوٹی
 پر موجود تھے۔ کہ دوران ڈپوٹی ایک سوزا آل میں روز پر ٹرنیڈ
 روز صدف وزری کرتے پر لکھہ آیا ڈرائیور جو صدف کی کرنا چاہا۔ کالڈاٹ
 طلب کرنا پر میراں تو بدتمیزی اور امداد بہ ہمناد پور تارھا۔ بجارجم آؤ روز
 علیحدہ وقتہ انیما۔ اور ساکو بی جیس رائیڈر آؤ روز انکاٹا۔ نسیم خان
 میں تو یہ پر آئیچی۔ سوزا ڈرائیور میں نے بجارجم آؤ روز کو اپنے دوپٹا
 سے بنا۔ 11-12۔ کہو با۔ ملکہ جنیوں نے بات کرنا میں ڈرائیور صدف لیا۔

اس دوران جناب 11-12 صدف کو جس پر اگر اور حالہ واقعہ کے پیش نظر
 جیسے حالت کے عدوانہ راجی ملزم سمجھ کر جیہ اپنے پوائنٹ میں آؤ روز
 شامع ساکر قاطب کرتے میرا کی نانا داری کی کمالی ٹکو جیہ اور
 مذہب کیا۔ کہ صدف انکاٹا والد میں میں ڈرائیور کو صدف کی نہیں میں سکتا ہے
 کو کیا چیز میں۔

میرا نے حالت میں نے کاطی باقاعدہ سوزا کر صفا میں۔ اور یہ نہایت سلیکھ
 پر انکاٹا میں اتنا عرض کیا۔ کہ جناب والد میں ڈرائیور کو ٹرنیڈ
 صدف وزری پر لکھہ آیا کھا

جہاں تک رائفل ایم سوزا کا سوال ہے۔ میں نے اس وقت صدف کو صرف
 کو عطا ہوا پوسٹ روز سوزا کر صفا میں۔ رائفل کو ایم کرنا اور
 کی بات ہے۔ صدف کو بہت صیٹ کا دوران جواب تک نہیں دیا ہے۔
 جہاں تک وہ پوچھتا ہے اور سوزا کا بات ہے۔ ٹرنیڈ سٹی پوسٹ کا
 اس میں گروپ ہے اور اس وقت سٹی ٹرنیڈ پوسٹ گروپ میں بات
 کرتے نہ کر صدف کو صرف کے صدف کو کی بات کر صفا میں۔

صدف کو رائفل ایم سوزا کا سوال ہے۔ میں نے اس وقت صدف کو صرف
 کو عطا ہوا پوسٹ روز سوزا کر صفا میں۔ رائفل کو ایم کرنا اور
 کی بات ہے۔ صدف کو بہت صیٹ کا دوران جواب تک نہیں دیا ہے۔
 جہاں تک وہ پوچھتا ہے اور سوزا کا بات ہے۔ ٹرنیڈ سٹی پوسٹ کا
 اس میں گروپ ہے اور اس وقت سٹی ٹرنیڈ پوسٹ گروپ میں بات
 کرتے نہ کر صدف کو صرف کے صدف کو کی بات کر صفا میں۔

M M

اور نہ ہی اس میں کوئی پیر نہیں شامل ہے

ایک عین حالت واقعات اور عین حوض اصفہان بہرے کو اس میں لکھا
 کہیے ٹریفک ہیڈ کوارٹر آیا 1500 بج تک انتظار کرتا رہا۔ نتیجتاً
 سٹاف نے جے علیہ صوبہ میں پیش نہیں کیا۔ اور جے سزا
 طور پر عدالت ملی کہ لپو کیس تہن میں حاضر کر رہی حکم کی تعمیل پورا
 کیس تہن میں حاضر کی۔ اور بعد میں پھر عدالت ملی۔ ٹروالیں ٹریفک
 ہیڈ کوارٹر اجاتا۔ سارا حالت واقعات کے اچھا رج آ رہے
 اور جس رائیڈ آ رہے چشم دہا ہے۔ سال بگناہ سے
 کہ یہ عاصمہ سال کے خلاف چارج شدت کے لیے کی کارروائی کے داخل

دفتر و مابین جا رہی

خانہ قریب
 270-281
 146
 ڈیس

ATTACHED

C (9) 10

FINAL SHOW CAUSE NOTICE

1. I, **WASEEM AHMAD KHALIL**, Chief Traffic Officer, Peshawar as competent authority under Police Disciplinary Rules (amended in 1975), do hereby serve you **HC/TO Qais Khan No.861/270** as follows;

- a) That on 14.07.2020 while deployed at GT road, you illegally impounded a Suzuki van for picking passengers which was actually not used as taxi. DSP/Hqrs. Traffic who was also on patrolling duty at GT road, reached to the point and asked about the Suzuki van, you became furious and exchanged harsh words. You also attempted to harm the DSP by aiming official rifle of a gunner standing on duty with you.
- b) Besides the above, you also viral a video message on social media defaming and tarnishing the image of DSP/Hqrs by leveling false allegations. This act not only tarnished the image of your circle officer but also defamed the entire police force in the eyes of general public.

2. That consequent upon the completion of enquiry conducted against you by SP/Hqrs. Traffic Mr. [Name] for which you were granted the facility of hearing but you failed to satisfy the enquiry officer.




3. On going through the finding and recommendation of the enquiry officer, the material available on record, I am satisfied that you have committed the omission/commission specified Police Disciplinary Rules (amended in 1975).

4. As a result therefore, I, **WASEEM AHMAD KHALIL**, Chief Traffic Officer, Peshawar as competent authority have tentatively decided to impose major penalty upon you including dismissal from service under Police Disciplinary Rules (amended in 1975).

5. You are therefore, directed to show cause as to why the aforesaid penalty should not be imposed upon you.

6. If no reply to this show cause notice is received within seven days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put and in that case an ex-parte action shall be taken against you.

7. A copy of the findings of the Enquiry Officer is enclosed.


(**WASEEM AHMAD KHALIL**)
Chief Traffic Officer,
Peshawar. 
(Competent Authority) 

ATTACHED

ORDER

Annexure - D

19

This is an order on the departmental enquiry initiated against HC/TO Qais Khan No.861/270 for using abusive language and aiming official rifle of a gunner standing on duty at duty point on GT road to harm DSP/Traffic Hqrs. He also viral a ^{audio} video message on social media defaming and tarnishing the image of DSP/Hqrs by leveling false allegations which not only defame his circle officer but also defamed the entire police force in the eyes of general public. He was charge sheeted and SP/Hqrs. Traffic was nominated as Enquiry Officer to conduct formal departmental proceedings under the Khyber Pakhtunkhwa Police Rules 1975 and submit his finding.

On 20.07.2020, he was served with charge sheet. He submitted his reply to the charge sheet stating therein on 14.07.2020 while performing duty at GT road, he stopped a suzuki van on account of traffic violation. He further added that the suzuki driver misbehaved and exchanged harsh words when asked to show vehicle's documents. He also said that the driver called to DSP/Hqrs on his cell phone and after having talked with him, the driver left. He also alleged that in the meanwhile DSP/Hqrs came to the point after having observed the situation, started abusing him by using inappropriate words about his elders. During the enquiry proceedings, statements of other relevant officers/officials were also recorded. After perusal of their statements, it revealed that statement of the accused official as well as other concerned officials contradicted from each other. The Enquiry Officer disclosed that SI Maazullah I/C GT road and FC Usman admitted in their written statements that accused official became furious at that moment and squabbled with DSP/Hqrs. Furthermore, it has also been revealed that accused official tried to snatch the official rifle from FC Usman standing there. The Enquiry Officer further added that HC Qais Khan has admitted that he viral audio message on social ^{media} message regarding DSP/Hqrs.

The Enquiry Officer in his findings therefore, recommended him for major punishment as he is found guilty of gross misconduct on his part. The accused official was issued Final Show Cause Notice to defend himself but his written reply was found not satisfactory. He was therefore, called for personal hearing to defend himself.

Today on 25.08.2020, he was appeared before the undersigned in OR but his verbal explanation was again not satisfactory. Keeping in view his misconduct with his senior officer as well as recommendation of the Enquiry Officer, HC/TO Qais Khan No.861/270 is awarded major punishment of dismissal from service under the Khyber Pakhtunkhwa Police Rules 1975 with immediate effect.

Order announced.

(WASEEM AHMAD KHALIL)
Chief Traffic Officer,
Peshawar.

No. 833-37 /PA, Dated Peshawar the 25/08/2020.

Copies for information and necessary action to the:-

1. SP/CCP. Traffic, Peshawar.
2. SP/Hqrs. Traffic, Peshawar.
3. Accountant
4. OSI
5. SRC (along with complete enquiry file consisting of 22 - pages)

ATTACHED

Annexure - E

(12)

To,

The Chief Capital City
Police Officer, Peshawar.

SUBJECT:- DEPARTMENTAL APPEAL

With utmost respect, applicant submits departmental appeal against the order dated 25-08-2020, passed by Chief Traffic Officer, Peshawar vide which penalty of dismissal from service was imposed on appellant.

FACTS:

- (1) That the appellant was serving in police department as Head Constable and was posted as Ticketing Officer in Traffic Unit under your kind control and command.
- (2) That on 14-07-2020, appellant while performing routine traffic duty on GT road, noticed a Suzuki Van wrongly parked on main road. Appellant in order to book the driver on charges of violating Traffic Laws and rules, asked for production of registration of the vehicle from driver but he instead of providing registration book resort to misbehaving and run riot therefore the applicant brought the matter into the notice of incharge traffic GT road present on duty in the vicinity, who advised engaging the driver till his arrival.

ATTACHED

13

- (3) That no sooner did the incharge reached he spot than the driver managed his contact on mobile phone with DSP HQR and at the end of telephonic talk, the incharge let the driver without talking any penal action. Meanwhile the rider squad also reached the spot.
- (4) That appellant, the incharge and personnel of rider squad were still present on the spot when the DSP HQ put his appearance on the spot. He started disgracing the appellant at public place and in view of public by using filthy and un parliamentary language and derogatory words to appellant and against the entire members of the family of the appellant.
- (5) That appellant displayed extreme subordination and discipline and placed several requests before DSP HQ to avoid scolding of appellant in public view as it down grade the image of police and discourage the members of the force but he continued insulting the appellant.
- (6) The DSP HQ in addition to disgracing and abusing the appellant and members of his family made complaint against appellant by leveling false charges of exchange of harsh words with him and aiming rifle on him.
- (7) That charge sheet based on allegations and viral of video message about the episode on social media was issued to appellant. The departmental proceedings initiated against appellant culminated in passing the impugned order, hence this departmental appeal on the following grounds.

Grounds:

- a. That the lower authority has passed that impugned order without properly evaluating the evidence and materials on record. The

ATTENDED

14

- evidence supporting the case of appellant was wrongly brushed aside and disbelieved without advancing any reasons and grounds.
- b. That the alleged evidence adduced by junior and subordinate police officers who had already watched the lose temper of DSP HQ during the incident of abuse of the appellant in public place, by no stretch of imagination would ready for supporting the case of appellant and producing the true and real picture of the occurrence. In other words they were not in position to support the stance of appellant compliance with telephonic conversation of DSP HQ as they were afraid of the wrath of DSP HQ. Therefore the impugned order has been passed in total disregards of principles governing the disciplinary actions and natural justice as well.
 - c. That the enquiry proceedings were conducted at the back of appellant No fair opportunity of defense was provided to appellant. No chance of cross examination of alleged witnesses was provided to appellant. No legal, solid and material evidence was brought on record in support of the charge. Appellant was not confronted with any evidence therefore the impugned order based on defective enquiry is not sustainable
 - d. That thought according to the last para- of the final show-cause notice the findings report was enclosed with the notice yet the findings have not been supplied to appellant. Appellant placed several requests for supply of inquiry record but not provide.

ATTESTED

15

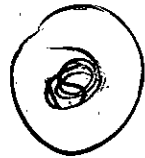
(C)

Therefore appellant was unable to advance defense in rebuttal of the findings report.

- e. That appellant was first abused, followed by dismissal from service order and the accused driver of Suzuki Van was let scot free in compliance with telephonic directions of DSP HQ thereof the accumulative effect of entire action leads to encouragement of influential violators for traffic laws at the cost of disgrace and punishing the police officers.
- f. That appellant addressed the DSP HQ with due decorum and within the prescribed disciplined manners despite the fact he went beyond the boundaries of professional ethics and disgraced the appellant in public view. Admittedly the junior officers are duty bound to display subordination on the eve of anger behavior of seniors but the seniors are also under statutory obligations to follow the patient and prescribed code of conduct on occasion of interacting with the junior officers. Appellant was disgraced and abused by DSP HQ and the lower authority instead of consoling the appellant added salt to the burning injuries of appellant by passing the impugned order.
- g. That the second charge is also not as the appellant had only informal the whatsapp group of traffic police colleague officers and someone has malafidely shared the information.
- h. That the lower authority did not take into account the unblemished record of long service at the credit of appellant before passing the impugned order. Appellant belongs to poor

ATTORNEY

16



family and the penalty of dismissal from service amounts to punishing the entire members of the family of appellant.

- i. That appellant was disgraced before public and was dismissed from service to charges of commission of no mis-conduct and negligence in duty.

It is therefore requested that the impugned order may be set aside with all back and consequential benefits.

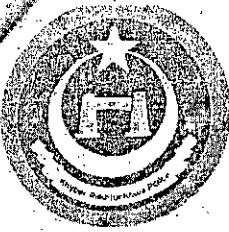
Yours Sincerely,

Ex. HC Qais Khan

No. 270

0344-9054948

ATTESTED



Annexure F

17
OFFICE OF THE
CAPITAL CITY POLICE OFFICER
PESHAWAR

Phone No. 091-9210989
Fax No. 091-9212597

ORDER.

This order will dispose of the departmental appeal preferred by Ex-JC Qais Khan No 861/270 who was awarded the major punishment of "Dismissal from Service" by Chief Traffic Officer, Peshawar vide No.833-37/PA, dated 25-08-2020.

2- The allegations leveled against him were that he while posted in Traffic Police Peshawar was proceeded against departmentally on the charges of misbehaved using abusive language and aiming official rifle of a gunner standing on duty at duty point on GT road to harm DSP/HQrs Traffic by leveling false allegations which not only defame his circle officer but also defamed the entire force in the eyes of general public.

3- He was issued proper Charge Sheet and Summary of Allegations by Chief Traffic Officer Peshawar and SP/HQrs Traffic Peshawar was appointed to scrutinize the conduct of JC Qais Khan No.270. The enquiry officer concluded the enquiry and recommended him for major punishment. The competent authority after receipt of findings of the enquiry officer issued him Final Show Cause Notice to which he replied and found unsatisfactory by the competent authority. Hence was awarded the above major punishment.

4- He was heard in person in O.R. The relevant record along with his explanation perused but the appellant failed to submit any plausible explanation. Therefore his appeal for setting aside the punishment awarded to him by Chief Traffic Officer Peshawar is hereby dismissed/rejected.

Muhammad Ali Khan
(MUHAMMAD ALI KHAN)PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 1209-12 /PA dated Peshawar the 01-10- 2020

Copies for information and n/a to the:-

1. Chief Traffic Officer Peshawar
2. SP/HQrs Traffic Peshawar.
3. Pay officer Traffic Peshawar
4. Official concerned.

ATTESTED

(2) ANNEXURE G (18) 3871 (2)

To,

The Inspector General of Police
Khyber Pukhtunkhwa,
Peshawar

5/10/2020

Subject:

REVISION PETITION AGAINST THE ORDER
DATED: 25-08-2020 PASSED BY THE CHIEF
TRAFFIC OFFICER, PESHAWAR AND APPEAL
DATED: 01-10-2020 CCPO, PESHAWAR.

Respected Sir,

With utmost respect, petitioner submits revision petition against the order dated: 25-08-2020 passed by the Chief Traffic Officer Peshawar vide which major penalty of dismissal from service was imposed on petitioner and appeal dated: 01-10-2020 of CCPO Peshawar.

FACTS:

1. That the petitioner was serving in police department as Head Constable and was posted as Ticketing Officer in Traffic Unit under your control and command.
2. That on dated: 14-07-2020 petitioner while performing routine traffic duty on G.T Road, noticed a Suzuki Van wrongly parked on main road and in violation of traffic rules. Petitioner in order to book the driver on charges of violating laws and rules, asked production of registration of the vehicle from driver but he instead providing registration book resort to misbehaving and run riot, therefore the

ATTACHED

② 19 ③

petitioner brought the matter in to the notice of incharge traffic G.T Road present on duty in the vicinity, who advised for engaging the driver till his arrival.

3. That no sooner did the incharge reached the spot than the driver managed his contact on mobile phone with DSP HQ and at the end of telephonic talk, the incharge let the driver without talking any penal action. Meanwhile, the rider squad also reached the spot.
4. That petitioner and the incharge and personal of Rider Squad namely 1. Inam Khan, ASI 2. Naseem Khan, ASI 3. Subhan Ullah Khan, SI were still present on the spot when the DSP HQ put his appearance on the spot. He started disgracing the petitioner at public place in view of public by using filthy language and derogatory words to petitioner and against the entire members of the family of the petitioner. The whole occurrence is witness by the personal of Rider Squad.
5. That petitioner displayed extreme subordination and discipline and placed several requests before DSP HQ to avoid scolding of petitioner in public view as it down grade the image of police and discourage the members of the force but he continued insulting the petitioner.
6. The DSP HQ in addition to disgracing and abusing the petitioner and members of his family made complaint against petitioner by leveling false

ATTACHED

20

(P)

()

charges of exchange of harsh words with him and aiming rifle on him.

7. The charge sheet based on allegations and viral of video of message about the episode on social media was issued to the petitioner, which was contested by the petitioner by submitting with his reply. (Copy of charge sheet and reply of petitioner is annexed).
8. That the departmental proceedings initiated against the petitioner culminated in passing the impugned order, similarly, a departmental appeal was also filed by the petitioner against eh impugned order dated: 25-08-2020 but in vain vide impugned order dated: 01-10-2020. (Copy of impugned order dated: 25-08-2020 and impugned order dated: 01-10-2020 are annexed).

GROUNDS:

1. That the lower authority has passed that impugned order without properly evaluating the evidence and materials on record. The evidence supporting the case of petitioner was wrongly brushed aside and disbelieved without advancing any reasons and grounds.
2. That the alleged evidence adduced by Junior and Sub Ordinate Police Officers who had already watched the lose temper of DSP HQ during the incident of abuse of the petitioner in public place by no stretch of imagination would ready for supporting the case of petitioner and producing the true and

ATTESTED

21

(9)

real picture of the occurrence. In other words they were not in position to support the stance of petitioner compliance with telephonic conversation of DSP HQ as they were afraid of the wrath of DSP HQ. therefore, the impugned order has been passed in total disregards of the principles governing the disciplinary actions and natural justice as well.

3. That the enquiry proceedings were conducted at the back of the petitioner, no fair opportunity of defence was provided to petitioner. No chance of cross examination of alleged witnesses was provided to petitioner. No legal, solid and material evidence was brought on record in support of the charge. Petitioner was not confronted with any evidence, therefore, the impugned order based on defective enquiry is not sustainable.
4. That thought according to the last para of the final show cause notice, the finding report was enclosed with the notice yet the findings have not been supplied to petitioner. Petitioner placed several requests for supply of inquiry record but not provide, therefore, petitioner was unable to advance defence in rebuttal of the findings report.
5. That the petitioner was first abused, followed by dismissal from service order and the accused driver of Suzuki Van was let scot free in compliance with telephonic directions of DSP HQ thereof the accumulative effective of entire action leads to encouragement of influential violators for traffic laws at the cost of disgrace and punishing the police officers.

ATTESTED

22

22

5

6. That the petitioner addressed the DSP HQ with due decorum and within the prescribed disciplined manners despite the fact he went beyond the boundaries of professional ethics and disgraced the petitioner in public view. Admittedly the junior officers are duty bound to display subordination on the eve of anger behavior of seniors but the seniors are also under statutory obligations to follow the proper and prescribed code of conduct on occasion of interacting with the junior officers. Petitioner was disgraced and abused by DSP HQ and the lower authority instead of consoling the petitioner added salt to the burning injuries of petitioner by passing the impugned order.

7. That the second charge is also not as the petitioner had only informed the Whatsapp group of traffic police colleagues officers and someone has malafidely shared the information.

8. That the lower authority did not take into account the unblemished record of long service ^{for 20 years} at the credit of petitioner before passing the impugned order. Petitioner belongs to poor family and the penalty of dismissal from service amounts to punishing the entire members of the family of petitioner.

9. That petitioner was disgraced before public and was dismissed from service to charges of commission of no misconduct and negligence in duty.

10. That the petitioner had served the department for 20 years without any blemish sort of activity.

ATTACHED

93

93

It is, therefore, requested that the impugned orders dated: 25-08-2020 and 01/10/2020 may be set aside with all back and consequential benefits.

6

Dated: 05/10/2020

YOUR SINCERELY,

Ex. HC, Qais Khan, No. 270

Cell No. 0344-9054948.

Qais Khan

ATTACHED



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 981- /21, dated Peshawar the 04/03/2021.

H*

24

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 Ex-Head Constable Qais Khan No. 861/270. The petitioner was dismissed from service by Chief Traffic Officer, Peshawar vide order Endst: No. 833-37/PA, dated 25.08.2020 on the allegations that he while posted in Traffic Police Peshawar misbehaved using abusive language and aiming official rifle of a gunner standing on duty at duty point on GT road to harm DSP/HQrs: Traffic. He also viral an audio message on social media defaming and tarnishing the image of DSP/HQrs by leveling false allegations which not only defame his circle officer but also defamed the entire force in the eyes of general public. His appeal was rejected by Capital City Police Officer, Peshawar vide order Endst: No. 1209-12/PA, dated 01.10.2020.

Meeting of Appellate Board was held on 14.01.2021 wherein petitioner was heard in person. Petitioner denied the allegations leveled against him.

The petitioner has long service of 20 years, 01 month & 29 days at his credit. The Board is of the opinion that the penalty imposed on petitioner is harsh and decided that the petitioner is hereby re-instated in service and his penalty of dismissal from service is converted into reduction from the rank of Head Constable to Constable. However, the intervening period to be treated as leave of kind due, if any on his credit.

Sd/-

KASHIF ALAM, PSP

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 982-90 /21,

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar. Two service books, one Service Roll, one Fauji Missal and one enquiry file of the above named HC received vide your office Memo: No. 20532/CRC, dated 03.12.2020 is returned herewith for your office record.
2. Chief Traffic Officer, Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

~~(IRFAN ULLAH KHAN) PSP~~
AIG (Establishment),
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

VAKALATNAMA

25

NO. _____ /20

IN THE COURT OF KP Service Tribunal, Peshawar

Rais Khan

Appellant
Petitioner
Plaintiff

VERSUS

Police Deptt

Respondent (s)
Defendants (s)

I/WE Rais Khan (Appellant)

do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE _____ /20

Rais Khan
(CLIENT)

ACCEPTED

Syed Noman Ali Bukhari
SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT

27/09

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBERPAKHTUNKHWA
PESHAWAR.**

Service Appeal No.4279/2021.

Mr. Qais Khan Head Constable No. 270, Traffic Police Office,
Peshawar.....Appellant.

VERSUS

1. The Addl: Inspector General of Police, Khyber Pakhtunkhwa,
Peshawar.
2. The Chief Traffic Officer, Peshawar.
3. The Capital City Police Officer, Peshawar.....Respondents.

INDEX

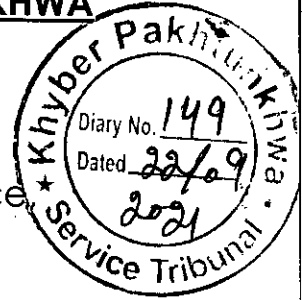
S.#	Description of Documents	Annexure	Page
1.	Para-wise Comments		01-03
2.	Affidavit		05
3.	Annexure		05-11


(INSPECTOR LEGAL)
City Traffic Police,
Peshawar

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBERPAKHTUNKHWA
PESHAWAR.

Service Appeal No.4279/2021.

Mr. Qais Khan Head Constable No. 270, Traffic Police Office,
Peshawar.....Appellant.



VERSUS

1. The Addl: Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Traffic Officer, Peshawar.
3. The Capital City Police Officer, Peshawar.....Respondents.

Parawise Reply by Respondents No. 1,2 & 3.

RESPECTFULLY SHEWETH!

PRELIMINARY OBJECTIONS.

1. That the appeal is badly barred by law & limitations.
2. That the appeal is bad for miss-joinder and non-joinder of necessary parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file the appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from this Honorable Tribunal.

FACTS:-

1. Pertains to record.
2. Incorrect, on 14.07.2020 DSP/HQrs has not authorized the appellant to illegally impound the vehicle.
3. Incorrect, hence denied.
4. Incorrect. As the enquiry officer find out that the appellant became furious at that moment and squabbled with DSP HQrs and also tried to clutch DSP HQrs. Furthermore, it was found that appellant also tried to snatch rifle from FC Usman.
5. Incorrect, the appellant became furious at that moment and squabbled with DSP/HQrs Mr. Zaka Ullah Khan and also tried to clutch DSP/HQrs. Furthermore, it was found that appellant also tried to snatch rifle from FC Usman.
6. Incorrect, as no such behavior has been found out by the Enquiry Officer SP/HQrs Mr. Iftikhar Ali in departmental proceedings. Rather the appellant was found culprit of disgrace and abusing with DSP/HQrs.

7. Pertains to record, charge sheet was issued to appellant but his reply was found unsatisfactory.
8. Incorrect, the appellant has been given proper charge sheet with Summary of Allegation and Final Show Cause Notice, before issuing the order dated 25.08.2020 of dismissal. Further, the appellant was also heard in person but he failed to satisfy his innocence (**annexure as "A, B & C"**).
9. Pertains to record, departmental appeal of appellant was rejected by the respondent No. 03 on cogent grounds.
10. Pertains to record, in revision the petitioner dismissal was converted in reduction from HC to Constable.

GROUND:

- A. Incorrect, all the material proof/evidence collected by Enquiry Officer were properly appreciated and the charges were established against the appellant by imposing appropriate punishment.
- B. Incorrect, the order of the respondents are based on facts, justice and in accordance with law/rules.
- C. Incorrect, the refer judgment of the Apex Court is not applied to the case of appellant. Moreover, the charges against the appellant have been established during the enquiry proceedings/findings (copy of Enquiry Officer findings report as annexure).
- D. Incorrect, the punishment of reversion is commensurate with the proved charges respondent No. 01 has modified the punishment by taking lenient view keeping in view the long service of the appellant.
- E. Incorrect, all the decisions are made in accordance rule & laws and there is no miss-use of power.
- F. Incorrect, as the statements of junior and sub-ordinate police officers in departmental proceedings headed by SP/HQrs clearly shows the guilty party in the incident. Junior and sub-ordinate police officers are agents of free will and were in no way pressured to give statements of anyone likes. Departmental proceedings were conducted in accordance to law/rules.
- G. Incorrect, as the appellant was given proper opportunity of defense and order was issued on basis of findings of Enquiry Officer wherein the charges of gross misconduct was established.
- H. Incorrect, all the public documents have been provided to the appellant for self defense.
- I. Incorrect, appellant was never abused; rather on the contrary the appellant was proved to be the culprit of gross misconduct against DSP/HQrs. Secondly, the dismissal from service was

based on department findings & recommendation. DSP/HQrs ordered the appellant to challan anyone irrespective of any bias who violates the traffic laws.

- J. Incorrect, according to fact, findings of departmental proceedings conducted by Enquiry Officer, appellant was the culprit of gross misconduct and disobeyed the code of conduct on occasion. The order dated 25.08.2020 is based on material facts and in accordance with law/rules.
- K. Incorrect, both of these grounds were based on the recommendation of Enquiry Officer and material facts collected during enquiry.
- L. That respondent may also be allowed to advance any additional grounds at the time of hearing.

PRAYER:-

It is therefore, most humbly prayed that in the light above facts and submission the appeal of appellant being devoid of merits may kindly be dismissed with cost.


Addl: Inspector General of Police,
HQrs; Khyber Pakhtunkhwa,
Peshawar.


Capital City Police Officer,
Peshawar.


~~Chief Traffic Officer,~~
Peshawar. 

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBERPAKHTUNKHWA
PESHAWAR.

Service Appeal No.4279/2021.

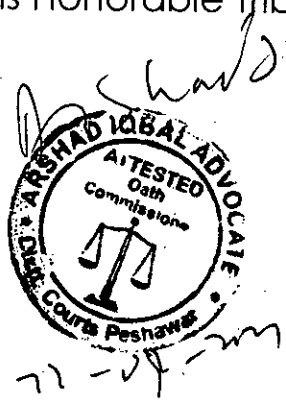
Mr. Qais Khan Head Constable No. 270, Traffic Police Office,
Peshawar.....Appellant.

VERSUS

1. The Addl: Inspector General of Police, Khyber Pakhtunkhwa,
Peshawar.
2. The Chief Traffic Officer, Peshawar.
3. The Capital City Police Officer, Peshawar.....Respondents.

AFFIDAVIT

We respondents 1, 2 & 3 do hereby solemnly affirm and declare
that the contents of the written reply are true and correct to the best
of our knowledge and belief and nothing has concealed/kept
secret from this Honorable Tribunal.



Arshad Iqbal
Addl: Inspector General of Police,
HQrs; Khyber Pakhtunkhwa,
Peshawar.

[Signature]
Capital City Police Officer,
Peshawar.

[Signature]
Chief Traffic Officer,
Peshawar. *[Signature]*

(A)

CHARGE SHEET

1. WHEREAS I am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary and expedient.
2. AND whereas, I am of the view that the allegations if established would call for a major/minor penalty, as defined in Rule-3 of the aforesaid Rules.
3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, **WASEEM AHMAD KHALIL**, Chief Traffic Officer, Peshawar hereby charge **HC Qais Khan No.861/270** under Rules 5 (4) of the Police Rules 1975 on the following allegations:-
 - i) On 14.07.2020 that you while deployed on GT road illegally impounded a Suzuki van for picking passengers which was actually not used as such. When DSP/Hqrs also on patrolling duty at GT road, reached to the point and asked about the Suzuki van, you became furious and exchanged harsh words. You attempted to harm the DSP by aiming official rifle of a gunner standing on the road with you.
 - ii) Besides the above, you also viral a video message on social media defaming and tarnishing the image of DSP/Hqrs by leveling false allegations. This act not only tarnished the image of your circle officer but also defamed the entire police force in the eyes of general public.
4. By doing this you have committed gross misconduct on your part.
5. AND I hereby direct you further under Rule 6 (1) (b) of the said Rules to furnish a written defence within 07-days of the receipt of this Charge Sheet as to why the proposed action should not be taken against you and also state whether you desire to be heard in person.
6. AND in case your reply is not received within the stipulated period to the effect of this officer, it shall be presumed that you have no defence to offer and in that case disciplinary action will be taken against you.

Received on 20/07/2020
at: 13:20

Das to
Uqar

(Signature)
(WASEEM AHMAD KHALIL
CHIEF TRAFFIC OFFICER,
PESHAWAR)
(Competent Authority)

(B)

DISCIPLINARY ACTION

1. I, **WASEEM AHMAD KHALIL**, Chief Traffic Officer, Peshawar as competent authority, am of the opinion that you **HC Qais Khian No.861/270** has rendered himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of section 03 of Police Rules 1975.

SUMMARY OF ALLEGATIONS

2 i) On 14.07.2020 that he while deployed on GT road illegally impounded a suzuki van for picking passengers which was actually not used as tax DSP/Hqrs also on patrolling duty at GT road, reached to the point and asked about the suzuki van, he became furious and exchanged harsh words. He also attempted to harm the DSP by aiming official rifle of a gunner standing on duty with him.

ii) Besides the above, he also viral a video message on social media defaming and tarnishing the image of DSP/Hqrs by leveling false allegations. This act not only tarnished the image of his circle officer but also defamed the entire police force in the eyes of general public.

3. For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, an Enquiry Committee comprising of the following officer(s) is constituted:-

a. Mr. Iftikhar Ali, SP/Hqrs. Traffic, Peshawar.

b. _____

4. The enquiry committee/officer shall in accordance with the provision of the Police Rules 1975 provide reasonable opportunity of hearing to the accused officer/official and make recommendations as to punishment or any other appropriate action against the accused.


(**WASEEM AHMAD KHALIL**)
CHIEF TRAFFIC OFFICER,
PESHAWAR.

(Competent Authority)

(D) ①

REFERENCE ATTACHED

The contents of charge sheet issued to HC Qais Khan No Worthy CTO Peshawar envisages that the accused official had illegally Suzuki van and despite, the driver of which disclosed himself as a relative of DSP Hqrs, the official showed no cooperation and no concession towards the driver. Furthermore, exchange of harsh words was taken place between DSP Hqrs and the accused official. In addition to that, later, the said official viral an audio message on social media in various groups to defame and tarnish the image of DSP Hqrs which could result not only in defaming of DSP Hqrs but entire police force.

In order to probe into the matter and dig out the real facts the following officials of CTP Peshawar werè summoned, heard in person and their written statements were also obtained which are as under:-

1. **HC QAIS KHAN** Stated in his written statement that on 14.07.2020, while he was present at his duty point, stopped a Suzuki van on account of traffic violation on the road. The Suzuki driver misbehaved and exchanged harsh words with him on asking for the documents. Having been informed, Incharge and chips riders G.T road namely Inam Khan and Naseem Khan reached to the spot. The Suzuki driver then called to DSP Hqrs from his cell and after having talked with him, the driver left. In the meanwhile, DSP Hqrs came and after having observed the entire situation therein, he started abusing him by using inappropriate words about his grandfather. Besides this, DSP Hqrs disrespected his parents by saying that even his (HC Qais Khan's) parents could not have challaned and impounded the Suzuki van. He as a part of a disciplined force saluted properly to DSP Hqrs and stated very humbly that he had impounded the Suzuki van only on account of traffic violation. As far as the matter of rifle aiming is concerned then how it could be said or admitted whereas he even didn't show any reaction to the words spoken by DSP Hqrs. He denied that no such audeo regarding DSP Hqrs had been viral by him on social media however, traffic police has a combined social media group which cannot be used for such activities. He was directed to report to traffic Hqrs which he complied but after having waited up to 15:00 hrs, he was not presented in front of W/CTO and again was directed to report to Police Lines. Later, he was directed again to report to Traffic Hqrs. Incharge G.T road and chips riders are the eye witnesses to this incident. He is innocent and he requests to file the enquiry without taking any further action. His written statement is exhibited vide F/A.

✍

2. **SI MAAZ ULLAH I/C G.T ROAD-I:** Stated in his written statement that he having been informed, reached to the point, found a Suzuki van standing there. He also told chips riders G.T Road-I Naseem Khan and Inam Khan and T.O Road ways Fazle Subhan to reach the spot. The driver disclosed himself as son of O-II Tahir Khan of City Traffic Police. DSP Hqrs came to the spot and said to T.O Qais Khan that numerous vehicles are violating traffic rules but why only police sons and relatives are challaned. DSP Hqrs asked T.O Qais Khan further that show him his progress of that day made by him and ordered to let the van go. T.O Qais Khan became furious and tried to clutch at DSP Hqrs at the intention to do something and tried to snatch the rifle from a constable standing there. However, he (Maaz Ullah) grasped him from doing that. After that T.O Qais Khan ran away towards Traffic Hqrs Gulbahar. However, he does not know what happened later. His written statement is exhibited vide F/B.

3. **MR. ZAKA ULLAH KHAN DSP HQRS:** Stated in his written statement that he while on routine patrolling received an unknown call and the caller revealed his name as Aamir son of OII Tahir Khan. The caller further added that his car had been stopped by traffic official near Amin Hotel at G.T road, Even he didn't use any passenger service or commercial service. He immediately called to T.O Qais Khan through wireless and ordered that if he had not challaned the Suzuki van then let that go because he is a police son. T.O Qais Khan replied directly that he would not let that Van go because he issues explanation on low progress. He ordered Incharge G.T road to reach the spot and sort out the matter. After sometime he also reached the spot and observed that incharge was in conversation with the two men setting in the Suzuki van. He also went near and after having understood the matter, said to T.O that suzuki driver is the son of a police officer and is not driving in PSV, then why T.O is not letting him go. Numerous vehicles are violating traffic rules there why you did not challan them. On that, the accused T.O became furious and threatened him and tried to snatch the rifle from the constable standing there. The official standing at that spot held him strongly. But the accused T.O continuously tried to attack and use abusive language with him. His written statement is exhibited vide F/C.

4. **SUBHAN ULLAH T.O ROADWAYS:** Stated in his statement that he having been told by I/C Maaz Ullah through wireless, reached the spot by rickshaw and found T.O Qais Khan squabbling with an unknown driver over the challan. In the meanwhile, I/C G.T road came to the spot. DSP Hqrs first asked through wireless

(3)

that what the matter was and after a while, reached to the spot. DSP Hqrs resolved the matter between T.O Qais Khan and the Suzuki driver and both were gone. No word war fare was taken place between DSP Hqrs and T.O Qais Khan in his presence at that moment. He doesn't know the rest of the story. His written statement is exhibited vide F/D.

5. **USMAN FC AMIN HOTEL:** Stated in his statement that he along with T.O Qais Khan was present at their duty point and a Suzuki van was standing in No parking Zone. Despite, being prohibited by T.O, the said Suzuki van did not move from there. At last, we went near and T.O asked for driving license from the driver. The driver disclosed himself as the nephew of DSP Hqrs and called him but T.O Qais Khan refused to talk with DSP Hqrs. The driver then threatened them of not impounding the Suzuki nearby which causes disturbance in traffic flow whereas T.O Qais Khan had already challaned those vehicles. In the meanwhile I/C G.T road and chips riders came to the spot and asked about the matter. DSP Hqrs also reached there and asked T.O Qais Khan that show him all the progress of that day made by Qais Khan. Qais Khan showed all his progress to DSP Hqrs. After that, DSP Hqrs said to T.O Qais Khan that even his (HC Qais Khan's) grandfather could not have challaned and impounded the Suzuki van. On this Qais Khan became furious and tried to clutch at DSP Hqrs and snatch rifle from him but was grasped by the officials. However, no scuffle was taken place there. His written statement is exhibited vide F/E.

6. **ASI INAM ULLAH AND HC NASEEM GUL KHAN CHIPS RIDER G. ROAD-I:** Stated that they were on duty at No. 1 School and were informed about the matter and then reached the spot. There, they observed that T.O Qais Khan was somehow trying to get himself into the center of the road while I/C G.T road Maaz Ullah had grasped him. DSP Hqrs sat in his car and left away. They are the witnesses of only the scene mentioned above. They are unaware of rest of the story. His written statement is exhibited vide F/F.

FINDINGS

After thoroughly inquired into the matter, it was revealed that statements of the accused and other concerned/related personnel contradict each other. As per the accused official, the vehicle was stopped on account of making disturbance in flow of traffic while FC Usman admitted that the vehicle was parked in No Parking Zone. SI Maaz Ullah I/C G.T Road and FC Usman admitted

their written statements that the accused HC Qais Khan became furious at the moment and squabbled with DSP Hqrs and also tried to clutch at DSP Hq. Furthermore, it has also been revealed that HC Qais Khan tried to snatch the r from FC Usman. In addition to that, as per the accused, he himself has admitted the viral audio messages on social media.

CONCLUSIONS

After going through facts it has been come to surface that the accused official HC Qais Khan is found guilty and a gross misconduct on his part has been proven hence, recommended for major punishment.

Submitted please.


**SUPERINTENDENT OF POLICE
HQRS: CITY TRAFFIC POLICE
PESHAWAR.**

No: 452 /R, dated Peshawar the 07/08/2020.



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 325 /ST

Dated: 10/02 /2022

All communications should be
addressed to the Registrar KPK Service
Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To

The Chief Traffic Officer,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 4279/2021, MR. QAIS KHAN.

I am directed to forward herewith a certified copy of Judgement dated
20.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR