

8818/20

05.01.2021

Appellant with counsel and Addl. AG alongwith Wisal H.C for the respondents present.

Parawise comments on behalf of the respondents have been submitted. Placed on record. The appeal is assigned to D.B for hearing on 26.04.2021. The appellant may furnish rejoinder, within one month, if so advised.

  
Chairman

26.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 17.08.2021 for the same as before.

  
Reader

17.08.2021

Since 17.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 11.11.2021 for the same as before.

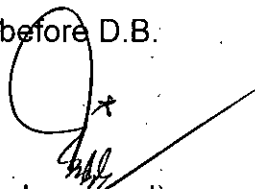
  
Reader

11.11.2021

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former made a request for adjournment in order to prepare the brief; granted. To come up for arguments on 18.01.2022 before D.B.

  
(Mian Muhammad)  
Member (E)

  
(Rozina Rehman)  
Member (J)

17.09.2020

Counsel for the appellant present.

Learned counsel referred to the statement of allegations issued to the appellant in the second round of departmental proceedings on 26.11.2019 and contended that the primary allegation of taking an amount of Rs. 600000/- from one Attaur Rahman and giving <sup>to</sup> him a cheque for the said amount, which was ultimately dishonoured, were not in existence at the relevant time. The appellant was acquitted from that criminal charge on 26.04.2017 and this fact was duly noted in his reply to the charge sheet. Despite, in the impugned order dated 19.12.2019 the factum of acquittal of appellant was not even noted and he was awarded major penalty of dismissal from service.

Subject to all just exceptions, instant 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. To come up for written reply/comments on 16.11.2020 before S.B.

Appellant Deposited  
Security & Process Fee

17/9/20



Chairman

16.11.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and procure reply/comments. Adjourned to 05.01.2021 on which date the requisite reply/comments shall positively be furnished.



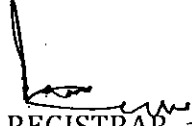

Chairman

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 8818 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/07/2020	<p>The appeal of Mr. Wali Khan presented today by Mr. Saadullah Khan Marwat 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> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/09/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>

ORDER

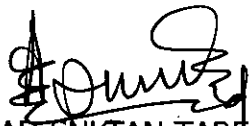
18.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. Arguments heard and record perused.

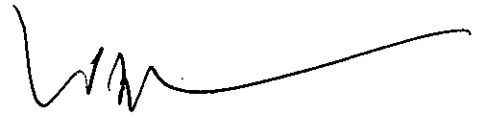
Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted. The impugned orders dated 19-12-2019 and 21-07-2020 are set aside and the appellant is re-instated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

18.01.2022



(AHMAD SULTAN TAREEN)  
CHAIRMAN



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

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 8818/2020

Date of Institution ... 29.07.2020

Date of Decision ... 18.01.2022

Wali Khan S/o Nawaz Khan, R/o House No. 27, Aman Kot, Ghari Qamar Din,  
Kohat Road Peshawar. Ex-Assistant Grad Clerk Central Police Office, Khyber  
Pakhtunkhwa Peshawar. ... (Appellant)

**VERSUS**

Additional Inspector General of Police, Hqrs: Khyber Pakhtunkhwa Peshawar and  
one another. ... (Respondents)

Arbab Saiful Kamal,  
Advocate

... For Appellant

Muhammad Adeel Butt,  
Additional Advocate General

... For respondents

**AHMAD SULTAN TAREEN**  
**ATIQU-UR-REHMAN WAZIR**

...  
...

**CHAIRMAN**  
**MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQU-UR-REHMAN WAZIR MEMBER (E):-**

Brief facts of the

case are that the appellant while serving as Junior Clerk in Police Department, was awarded with major punishment of compulsory retirement from service vide order dated 24-02-2016. A criminal case was also registered against the appellant vide FIR U/Ss 161/162/420 PPC r/w section 5(2) of PC Act in Anti-Corruption Establishment (ACE). The appellant however was acquitted of the criminal charges vide judgment dated 26-04-2017. Simultaneously, the appellant filed departmental appeal followed by Service Appeal No 501/2016, which was decided vide judgment dated 04-10-2019 and the appellant was re-instated in service with direction to the respondents to conduct de-novo inquiry. The respondents re-instated the appellant vide order dated 18-11-2019 and as a result of de-novo

proceedings, the appellant was again awarded with major punishment of compulsory retirement from service vide order dated 19-12-2019 and the period from re-instatement till issuance of the impugned order dated 19-12-2019 was treated as leave without pay. On 19-12-2019, the appellant submitted petition before respondent No. 2 for re-instatement, which was rejected vide order dated 21-07-2020, hence the instant service appeal with prayers that the impugned orders dated 19-12-2019 and 21-07-2020 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that this tribunal had directed the authority to conduct inquiry as per mandate of law but the inquiry committee bitterly failed to conduct the same as per law as neither any statement of witnesses were recorded in presence of the appellant nor the appellant was afforded opportunity to cross-examine such witnesses, hence the impugned orders have no legal effect upon the case of the appellant; that the appellant was acquitted of the same charges by the criminal court, hence there remains no ground to maintain such penalty; that respondent No 1 being co-villager of the appellant had personal grudge with the appellant regarding election of his brother, hence he was penalized for personal scores; that the matter was not dealt with as per mandate of law by the respondents, hence the impugned orders are based on malafide.

03. Learned Additional Advocate General for the respondents has contended that upon direction of this Tribunal, the appellant was re-instated for the purpose of de-novo inquiry and the appellant was served with fresh charge sheet/statement of allegation, but reply so furnished was found un-satisfactory; that proper inquiry was conducted against the appellant and final showcause notice was served upon the appellant, but he failed to prove his innocence, hence he was again awarded with major punishment of compulsory retirement from

service keeping in view his long service; that the appellant has been treated in accordance with law with no malafide of the respondents.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that one Mr. Atta Ur Rehman submitted a complaint dated 07-01-2015 against the appellant to IGP that the appellant had deceived him by taking an amount of Rs. 600000/- on the promise of providing him job, but neither job was given nor the amount was returned. Upon such complaint, the appellant was proceeded departmentally as well as FIR was lodged against him in ACE. The complainant Atta Ur Rehman withdrew his complaint on 22-04-2015, but departmental proceedings were under process and the appellant was finally awarded with major punishment of compulsory retirement from service vide order dated 24-02-2016. On the other hand, the appellant was acquitted of the charges by the court of law vide judgment dated 26-04-2017.

06. As per provisions contained in Police Rules, 1934, an employee, if charged in a criminal case would be dealt with in accordance with Section 16:19 of Police Rules, 1934. Respondents were required to suspend the appellants from service under section 16:19 of Police Rules, 1934, which specifically provides for cases of the nature. Provisions of Civil Service Regulations-194-A also supports the same stance, hence the respondents were required to wait for the conclusion of the criminal case, but the respondents hastily initiated departmental proceedings against the appellants and awarded him with major punishment of compulsory retirement from service before conclusion of the criminal case. In the meanwhile, the appellant was exonerated of the same charges, upon which he was awarded with major punishment of compulsory retirement from service. In 2012 PLC (CS) 502, it has been held that if a person is acquitted of a charge, the presumption would be that he was innocent. Moreover, after acquittal of the appellant in the criminal case, there was no material available with the authorities to take action

and impose major penalty. Reliance is placed on 2003 SCMR 207 and 2002 SCMR 57, 1993 PLC (CS) 460. Moreover, if a civil servant is dismissed from service on account of his involvement in criminal case, then he would have been well within his right to claim re-instatement in service after acquittal from that case. Reliance is placed on 2017 PLC (CS) 1076. The same principle applies to the case of the appellant that when he was acquitted of the same charges in criminal court, the respondents were required to consider this aspect of the case, which however was not done by the respondents. Needless to mention that the inquiry proceedings so conducted are replete with deficiencies as no statement of the complainant has been recorded in presence of the appellant nor the appellant was afforded opportunity to cross-examine such witnesses, thus skipped a mandatory step as prescribed in law.

07. We are of the considered opinion that the appellant has not been treated in accordance with law, particularly when he was exonerated of the charges by the competent court of law; there remains no justification to maintain the penalty. In view of the foregoing discussion, the instant appeal is accepted. The impugned orders dated 19-12-2019 and 21-07-2020 are set aside and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
18.01.2022



(AHMAD SULTAN TAREEN)  
CHAIRMAN



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



**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

S.A No. \_\_\_\_\_/2020

Wali Khan

Versus

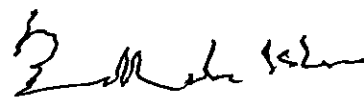
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**I N D E X**

<b>S.#</b>	<b>Description of Documents</b>	<b>Anne</b>	<b>Page</b>
1.	Memo of Appeal		1-4
2.	Former A. No. 501/16 / Annex: 12.5.16	"A"	5-21
3.	Criminal Case/Judgment, 26-04-2017	"B"	22-24
4.	Judgment of ST dated 04-10-2019	"C"	25-27
5.	Reinstatement in service, 18-11-19	"D"	28
6.	Arrival Report dated 20-11-2019	"E"	29
7.	Charge Sheet dated 26-11-2019	"F"	30-31
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9.	FSCN dated 16-12-2019	"H"	33
10.	Reply to FSCN dated 17-12-2019	"I"	34
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Appellant

Through



(Saadullah Khan Marwat)  
Advocate  
21-A Nasir Mansion,  
Shoba Bazaar, Peshawar.  
Ph: 0300-5872676  
0311-9266609

Dated 27-07-2020

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**S.A No. 8818 /2020

Wali Khan S/O Nawaz Khan,  
R/O H. No. 27, Aman Kot,  
Ghari Qamar Din, Kohat,  
Road Peshawar.

Ex - Assistant Grad Clerk,  
Central Police Office, KP,

Peshawar . . . . . Appellant

Registrar Peshawar  
Service Tribunal

Diary No. 8207

Dated 29/7/2020

**VERSUS**

1. Additional Inspector General of  
Police, Hqrs: KP, Peshawar.
2. Inspector General of Police,  
KP, Peshawar. . . . . Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974**  
**AGAINST OFFICE ORDER NO. 6738-47/EV/E-V**  
**DATED 19-12-2019, OF R. NO. 1 WHEREBY MAJOR**  
**PENALTY OF COMPULSORY RETIREMENT WAS**  
**IMPOSED UPON APPELLANT AND PERIOD FROM**  
**DATE OF REINSTATEMENT TILL THE IMPUGNED**  
**ORDER WAS TREATED AS LEAVE WITHOUT PAY OR**  
**OFFICE ORDER NO. 2241-44/E-V DATED 21-07-2020**  
**OF R. NO. 2, WHEREBY DEPARTMENTAL APPEAL OF**  
**APPELLANT WAS REJECTED / FILED FOR NO LEGAL**  
**REASON.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**Respectfully Sheweth:**

1. That on 12-05-2016, appellant filed Appeal No. 501/2016 against the major penalty of compulsory retirement from service before this hon'ble Tribunal along with annexures for reinstatement in service with all back benefits. (Copy along with all annexures there too as annex "A")

Filed to-day  
Registrar  
29/7/2020

2. That Criminal Case was also registered against appellant vide FIR No. 16 dated 29-07-2015 Police Station ACE u/s 161/162/420 of PPC r/w section 5 (2) of PC Act. After finalization of the said proceedings, the court of Special Judge AC (P) Peshawar acquitted him from the charges vide judgment dated 26-04-2017. (Copies as annex "B")
3. That the said Service Appeal came up for hearing on 04-10-2019 and then the hon'ble Tribunal was pleased to accept the same, set aside the then impugned orders reinstated him in service and directed respondents to conduct DENOVO ENQUIRY in accordance with Police Rules, 1975 within a period of 90 days. The issue of back benefits will be subject to the outcome of DENOVO ENQUIRY. (Copy as annex "C")
4. That on 18-11-2019, appellant was reinstated in service for the purpose of DENOVO ENQUIRY and submitted arrival report on 20-11-2019 to the department. (Copy as annex "D" & "E")
5. That on 26-11-2019, appellant was served with Charge Sheet / Statement of Allegation and DIG Investigation CPO and DSP Inquiry & Inspection CPO was appointed as Inquiry Committee to probe into the allegations. (Copy as annex "F")
6. That on 03-12-2019, (wrongly written as 03-11-2019), appellant submitted reply to the Charge Sheet and denied the allegations. (Copy as annex "G")
7. That on 16-12-2019, appellant was served with Final Show Cause Notice to submit reply to the same within 07 days but here it is to point out that the enquiry proceedings were not provided to appellant, being mandatory under the law. (Copy as annex "H")
8. That on 17-12-2019, appellant submitted reply to the Final Show Cause Notice with cogent reasons and denied the allegations. (Copy as annex "I")

9. That on 19-12-2019, after two (02) days of submission of reply to Final Show Cause Notice, appellant was again awarded major punishment of compulsory retirement from service under the E & D Rules, 2011 and period from reinstatement till date was treated as leave without pay, meaning thereby that service was made regularized by doing so. (Copy as annex "J")

Here it would be not out of place that the impugned order dated 19-12-2019 was not served upon appellant nor any copy of the same was endorsed to him as is evident from the same, so the same was received from the office on 27-01-2020 at personal level.

10. That on 19-02-2020, appellant submitted Petition before R. No. 02 for reinstatement in service which was rejected by him on 21-07-2020. (Copies as annex "K" & "L")

Hence this appeal, inter alia, on the following grounds:-

**GROUND S :**

- a. That facts and grounds of the earlier Appeal be treated as integral part for relief of the instant appeal.
- b. That the hon'ble Tribunal directed the authority to conduct enquiry as per the mandate of law but the Inquiry Committee bitterly failed to conduct the same as per law as neither any statement of any witnesses was recorded in presence of appellant nor he was provided opportunity of cross examination, being mandatory, so the impugned orders have no legal effect upon the case of appellant.
- c. That when appellant was acquitted by the competent court of law from the baseless charges, then there was no need to award him major punishment.
- d. That when the period from the order of reinstatement till the order of retirement was treated as leave without pay, then services of appellant were made regularized and the impugned punishment cannot be imposed upon him under the law.

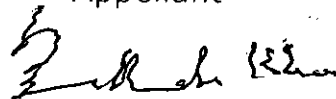
- e. That R. No. 01 was inimical towards appellant as his brother namely Ashfaq Ahmad Marwat was contesting Election from the constituency while the whole family of appellant was supporting Mulana Muhammad Anwar, who won the Election, so he imposed the impugned punishment upon the appellant.
- f. That the matter was not dealt with as per the mandate of law by the department so the impugned orders are based on malafide.

It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 19-12-2019 and 21-07-2020 of the respondents be set aside and appellant be reinstated in service with all consequential benefits, with such other relief as may be deemed proper and just in circumstances of the case.



Appellant

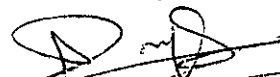
Through



Saadullah Khan Marwat



Arbab Saif-ul-Kamal



Amjad Nawaz  
Advocates,

Dated 27-07-2020

A

5

1

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A No. 501 /2016

Wali Khan S/o Nawaz Khan,  
Ex - Assistant Grad Clerk,  
School of Exclusive Handling, Nowshera . . . . . Appellant

Versus

1. Inspector General of Police, Peshawar.
2. Deputy Inspector General of Police,  
Enquiry & Inspection, KP, Peshawar. . . . . Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974  
AGAINST OFFICE ORDER NO. 1247/EV DATED  
24.02.2016, OF R. NO. 1 WHEREBY MAJOR PENALTY  
OF COMPULSORY RETIREMENT FROM SERVICE WAS  
IMPOSED UPON APPELLANT OR OFFICE ORDER NO.  
2440/EV DATED 20.04.2016 OF R. NO. 1 WHEREBY  
DEPARTMENTAL APPEAL OF APPELLANT WAS  
REJECTED/FILED FOR NO LEGAL REASON.**

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**Respectfully Sheweth:**

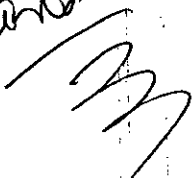
1. That on 07.01.2015, Atta ur Rehman complainant submitted complaint before R. No. 1 that he deceived him by managing job in WAPDA in lieu of Rs. 600000/-. Neither the commitment was honoured nor the money was returned. (Copy as annex "A")
2. That on 04.03.2015, appellant was served with show cause notice by R. No. 1 to the effect:-

1. That he has deceitfully taken an amount of Rs. 600000/- from Atta ur Rehman S/o Rustam Khan complainant by

*Handwritten signature*

6

- promising to provide/award a job in WAPDA in lieu of the said amount.
2. After lapse of 3 months, he did not honour the promise, rather gave him a cheque of Bank Alfalah but the same could not be honored due to none availability of amount in the account.
  3. Later on, he made fake promise to return the amount to the owner for which he had to pay constant visit at his home but in vain.
  4. He has a lot of proofs against him in this regard; and
  5. All this speaks highly adverse on his part warranting stern disciplinary action against him. (Copy as annex "B")
3. That on 05.03.2015, appellant was placed under suspension till further orders. (Copy as annex "C")
  4. That appellant submitted reply to the said show cause notice by denying the allegations. (Copy as annex "D")
  5. That perhaps enquiry in to the matter was initiated but the same was not conducted as per the mandate of law, yet on 31.03.2015 appellant was served with final show cause notice by R. No. 1 which was replied in the aforesaid manner. (Copies as annex "E" & "F")
  6. That on 22.04.2015, complainant Atta ur Rehman submitted affidavit to the authority that he has no grievance against appellant as the matter was resolved and requested for withdrawal of his complaint made to him. (Copy as annex "G")
  7. That on 24.02.2016, major punishment of compulsory retirement from service was imposed upon appellant by R. No. 1. (Copy as annex "H")
  8. That on 04-3-16, appellant submitted departmental appeal/review before R. No. 1 to reinstate him in service with all back benefits which was rejected on 20.04.2016. (Copies as annex "I" & "J")

*Anto*  


7

Hence this appeal, inter alia, on the following grounds:-

**GROUND S:**

- a. That the authority assumed the role of informer, complainant, authority, authorized officer, judge and inquiry officer, so no justice was made to appellant.
- b. That the matter against appellant was not as such which has been fully explained in the departmental appeal. The facts and grounds of the same be also taken as integral part of this appeal.
- c. That enquiry in to the matter was not conducted as per the mandate of law as neither any statement of complainant nor any other witness(s) was recorded in presence of appellant, being mandatory, what to speak of providing him opportunity of cross examination.
- d. That the long service spread over decades of appellant was up to the standard as no complaint was ever made against him. He is to be retired from service in the year, 2021.
- e. That appellant was not afforded opportunity of personal hearing and the matter was not dealt as per the mandate of law, so the impugned orders are based on malafide.

It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 03.02.2016 of R. No. 1 be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

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Appellant

Through *Handwritten signature*  
Saadullah Khan Marwat

*Handwritten signature*  
Arbab Saif-ul-Kamal

& *Handwritten signature*  
Miss Robina Naz,  
Advocates,

Dated: 12.05.2016

*Handwritten signature*



8  
7-1-15 (5)

To,

The Inspector General Police,  
Khyber Pukhtoon Khawa.

CPQ

SUBJECT:- COMPLAINT AGAINST WALI KHAN MARWAT GCP OFFICE

Respected Sir,

With due respects, it is humbly brought in your kind notice that, I am a poor person and am in need of a job. In this connection the subject person i.e Mr. Wali Khan Marwat deceived me by promising that he will award me job in Wapda and for this, he took Rs.6,00,000/- (Six Lac ). However, after a lapse of 03 Months, he did not honor his promise and rather gave me a Cheque NO.CD.4735402 of Bank Alfalah A/c No.00641002934036 which I took for encashment but the same was not honored. Sir, I Tried my best but failed because this man is always making fake promises to return my amount for which I have to come time and again which is an extra burden upon me. In this connection, I have a lot of proofs against this man which I will produce before the enquiry committee.

In view of the above, it is requested that I may kindly be granted my amount from this man and revere action may be taken against him.

Thanks,

Yours Sincerely

(ATTA-UR-REHMAN)  
S/O RUSTAM KHAN  
R/O LAKKI MARWAT

0301886670  
03450248364

DATED: 07.01.2015

AHested

Deputy Inspector General of Police,  
Enquiry & Inspection KPK Peshawar

*some things are mentioned in copy  
normally nobody do  
this is normal case this is  
subject was referred to enquiry  
committee for further*



9 4-3-15  
OFFICE OF THE  
INSPECTOR GENERAL OF POLICE,  
KHYBER PAKHTUNKHWA,  
CENTRAL POLICE OFFICE,  
PESHAWAR

091-9210545 Fax # 091-921092

No 1597 /SE-V Dated Peshawar the 4-3 /2015

### SHOW CAUSE NOTICE.

I, MUBARAK ZEB PSP, Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar as competent authority, under the Civil Servant (Efficiency & Disciplinary) Rules 2011, do hereby serve Show Cause Notice to you Asstt: Grade Clerk Wali Khan presently posted in School of Explosive Handling at Nowshera on the score of the following grounds that:-

- 1). A Preliminary Enquiry was conducted by Deputy Inspector General of Police, Enquiry & Inspector, Khyber Pakhtunkhwa, Peshawar against you on the application of one Atta Ur Rehman son Rustam Khan resident of Lakki Marwat wherein you were found guilty of the charges leveled. The grounds of the Enquiry are that you have deceitfully taken an amount of Rs: - 6, 00,000/ (Six Lac) from him by promising that you will provide/award a job in WAPDA in lieu of the said amount.
- 2). After a lapse of 03 months you didn't honor your promise and rather gave him a Cheque No CD-4735402 of Bank Alfalah bearing A/c No 00641002934036 but the same could not be honored due to non-availability of amount in the said Account.
- 3). Later on, you made fake promised to return the amount to the owner for which he had to pay constant visits at your home but in vain.
- 4). He has a lot of proofs against you in this regard.
- 5). All this speaks highly adverse on your part warranting stern disciplinary action against you

6. Keeping in view, the above allegations on your part, you are hereby called upon to **Show Cause within 07 days** of the receipt of this notice as to why you should not awarded punishment under the **Civil Servants (Efficiency & Disciplinary) Rules 2011**, if your written reply is not received within the stipulated period, it shall be presumed that you have no defence to offer. You are also allowed to appear before the undersigned if you so desire.

  
(MUBARAK ZEB)

DIG, HQrs:

For Inspector General of Police,  
Khyber Pakhtunkhwa  
Peshawar.





10

5-3-15

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE,  
KHYBER PAKHTUNKHWA,  
CENTRAL POLICE OFFICE,  
PESHAWAR

091-9210545 Fax # 091-921092

**ORDER.**

Consequent upon Enquiry conducted by Deputy Inspector General of Police, Enquiry and Inspection, CPO, Peshawar against Asstt: Grade Clerk Wali Khan presently posted at School of Explosive Handling Nowshera and found him guilty of the charges leveled, he is, therefore placed under suspension with immediate effect till further orders.

He is also being issued Show Cause Notice separately.

*(Signature)*  
(MUBARAK ZEB)

DIG, HQrs:

For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

Seen

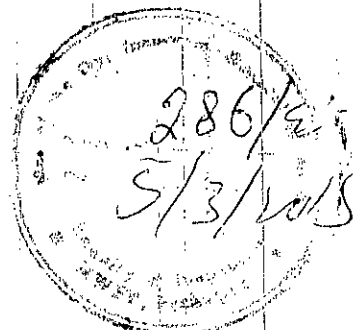
*(Signature)*  
DIG/EX I

No/598-1604/E-V Dated Peshawar the 5-3 /2015

Copy of above is forwarded for information and necessary action to the :-

1. Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Enquiry and Inspection, Khyber Pakhtunkhwa, Peshawar with reference to his office Letter No 479/E & I Dated 03.03. 2015.
3. AIG, Establishment, CPO, Peshawar.
4. PSO to Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
5. Registrar, CPO, Peshawar.
6. Office Supdt: Secret, CPO, Peshawar.
7. Principal School of Explosive Handling Nowshera.

*(Signature)*



11      3

REPLY TO SHOW CAUSE NOTICE

It is submitted that in response to the allegations leveled against me in the Show Cause Notice issued vide No. 1597/SE-V dated 4.3.2015 following reasons are submitted in self-defence:

1. That applicant's friend namely Yasin happens to be mutual friend of complainant Atta-Ur-Rehman.
2. Complainant brother Insha Ullah wanted to pay Yasin an amount of Rs 3,90,000.
3. Yasin for not having a bank account requested the applicant to provide account number for deposit of the amount.
4. Complainant's brother namely Insha Ullah deposited a total of Rs 3,90,000 on 18 and 19 September 2014 by making two transactions in applicant's account.
5. A few months later complainant along with his brother came to me and demanded their money back which had been withdrawn by Yasin.
6. Reason for demand was asked from complainant; who stated that Yasin had taken the afore amount for providing him job in WAPDA and even after lapse of several months he has not honored his promise.
7. Applicant being government servant got scared of such allegation; therefore gave him cheque No. CD-4735402 and requested the complainant not to submit application against him and assured him that his amount will be paid back to him.
8. Applicant reprimanded Yasin of such unlawful deed and directed him to pay the money back.
9. An amount of Rs 3,30,000 has been paid to complainant through DSP E&I Hukam Khan while the complainant refused to take back remaining Rs 60,000 and is asking for another Rs 2,60,000.
10. Applicant has nothing to do with complainant's money. The only mistake on my part is that my account has been used by Yasin for accepting the amount.
11. The allegation of Rs 6 lac is not correct as only Rs 3,90,000 had been deposited in my account which were later withdrawn by Yasin.
12. Applicant claims innocence on the afore ground and request your goodself to file the explanation and direct the complainant to collect his remaining amount.

Yours Obediently,



**Wali Khan**  
Assistant Grade Clerk  
School Of Explosives

original

12

31-3-15



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE  
PESHAWAR

Ph: 091-9210545 Fax: 091-9210927

No 2154 /E-V, Dated Peshawar the 31-3 /2015

**FINAL SHOW CAUSE NOTICE.**

1. WHEREAS, you Asstt: Grade Clerk Wali Khan presently posted in School of Explosive Handling at Nowshera, has committed gross misconduct as defined in Govt. servants (Efficiency and Discipline Rules 2011), resultantly you were served with a Show Cause Notice on the basis of Preliminary Enquiry conducted by Deputy Inspector General of Police, Enquiry and Inspections, Khyber Pakhtunkhwa, Peshawar against you.
2. WHEREAS, you have been found held guilty of the charges leveled against you as mentioned in the Show Cause Notice.
3. AND WHEREAS, on going through record and contents of the Preliminary Enquiry and Show Cause Notice served upon you, the material placed on record and other connected papers including your reply, I am satisfied that you have committed the misconduct and are guilty of the charges leveled against you as per contents of the Show Cause Notice conveyed to you which stand proved and render you liable to be awarded punishment under the said rules.
4. NOW THEREFORE, I, Mubarak Zeb (PSP) Deputy Inspector General of Police, HQrs: : Khyber Pakhtunkhwa, Peshawar as Competent Authority have tentatively decided to impose upon you, any one or more penalties including the penalty of "dismissal from Service" under Section 4 of Govt. servants (Efficiency and Discipline Rules 1974/(amended in 2011).
5. You are therefore, required to Show Cause within seven days of the receipt of this Notice, as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defence to offer and an exparte action shall be taken against you. Meanwhile also intimate whether you desire to be heard in person or otherwise.

(MUBARAK ZEB)PSP  
DIG, HQrs:

For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar

*Handwritten initials*

*Handwritten notes: No charge...*

REPLY TO THE FINAL SHOW CAUSE NOTICE

It is submitted that in response to the allegations leveled against me in the Final Show Cause Notice issued vide No. 2154 E-V dated 31.3.2015 following reasons which have already been submitted in reply to Show Cause Notice are again submitted in self defence:

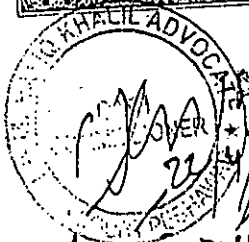
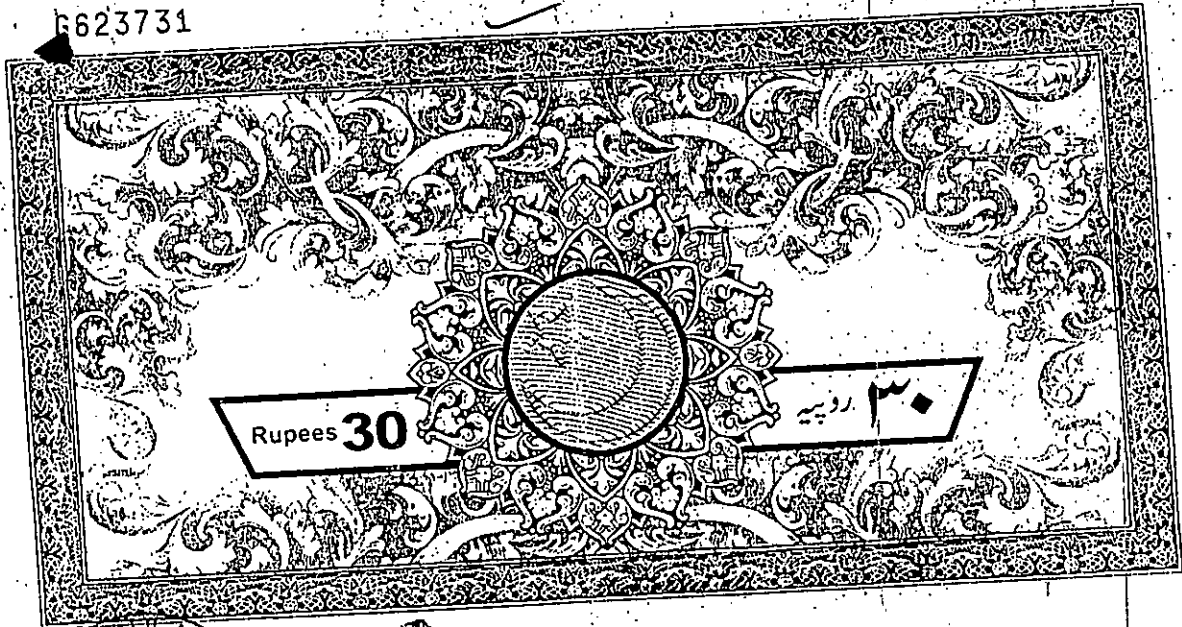
1. That applicant's friend namely Yasin happens to be mutual friend of complainant Atta Ur-Rehman.
2. Complainant brother Insha Ullah wanted to pay Yasin an amount of Rs 3,90,000.
3. Yasin for not having a bank account requested the applicant to provide account number for deposit of the amount.
4. Complainant's brother namely Insha Ullah deposited a total of Rs 3,90,000 on 18 and 19 September 2014 by making two transactions in applicant's account.
5. A few months later complainant along with his brother came to me and demanded their money back which had been withdrawn by Yasin.
6. Reason for demand was asked from complainant; who stated that Yasin had taken the afore amount for providing him job in WAPDA and even after lapse of several months he has not honored his promise.
7. Applicant being government servant got scared of such allegation; therefore gave him cheque No. CD-4735402 and requested the complainant not to submit application against him and assured him that his amount will be paid back to him.
8. Applicant reprimanded Yasin of such unlawful deed and directed him to pay the money back.
9. An amount of Rs 3,30,000 has been paid to complainant through DSP E&I Hukam Khan while the complainant refused to take back remaining Rs 60,000 and is asking for another Rs 2,60,000.
10. Applicant has nothing to do with complainant's money. The only mistake on my part is that my account has been used by Yasin for accepting the amount.
11. The allegation of Rs 6 lac is not correct as only Rs 3,90,000 had been deposited in my account which were later withdrawn by Yasin.
12. Applicant claims innocence on the afore ground and request your goodself to file the Final Show Cause Notice and direct the complainant to collect his remaining amount.
13. Applicant wish to be heard in person.

*Handwritten signature*

Yours Obediently,

*Handwritten signature of Wali Khan*

Wali Khan



بیان حلفی / حلفی نامہ

منہ مستفی عطا الرحمن ولد سید اختر خان کن تاجہ زئی جس صلح نامہ اور حاکموں  
 دریں وقت خوش دواصل علیہ بنمبر جنم داگرہ پڑے تخریروں بدینہ میں تخریماستہ  
 تک یاسین کے ساتھ رقم کا تنازعہ تھا جس میں سید اختر خان و سید نور احمد خان فیما بین  
 ذمہ دار تھا اور ایسا اداؤت استعمال ہوا تھا۔ یہ کہ ولی خان کے خلاف من تخری نے آئی  
 جی پی جی کو درگاہت دی ہے۔ اب من تخری نامہ یاسین کے ساتھ رقم کا تنازعہ  
 مکمل طور پر حل ہوئی ہے۔ اور واپسی پر رقم بھیجی ہے۔ لیکن ولی خان جس  
 ولیس کے خلاف جو درگاہت میں دی ہے وہ معنی اپنی فریسی دہری سے والیسی  
 تہا ہوں۔ اور ایسے خلاف ولی کاروری میں دورانہ جاسی ہوں، ولی خان کے  
 ساتھ میرا کوئی تنازعہ نہ ہے۔ لہذا جو درگاہت میں دی ہے وہ والیسی کی  
 اور ولی خان کے خلاف ولی کاروری میں نہ ہے۔ علم مال بین میں نے اپنی  
 رضا اور فریسی سے تخری کے اور جمہور کے حاکموں کے ساتھ  
 تخری کے ہر وقت اور نہ نامہ اور

عطا الرحمن

گاہ ادارہ عطا الرحمن  
 جوبھی اطلاع ہو

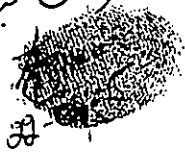
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عطا الرحمن بہادر

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گاہ عدلیہ عطا الرحمن  
 کراچی

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24-2-16

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE  
PESHAWAR  
Ph: 091-9210545 Fax: 091-9210927

No 1247 /E-V Dated Peshawar the 24-2 /2016

### ORDER

This is an order on the Departmental Enquiry conducted against Asstt: Grade Clerk Wali Khan while posted in School of Explosive Handling at Nowshera committed the following Commission/Omission that:-

1. A Preliminary Enquiry was conducted by Deputy Inspector General of Police, Enquiry & Inspection, Khyber Pakhtunkhwa, Peshawar against him on the application of one Atta Ur Rehman son of Rustam Khan r/o Lakki Marwat wherein he was found guilty of the charges leveled against him. The grounds of the Enquiry are that he had deceitfully taken an amount of Rs.6,00,000/- (Six Lac) from him by promising that he (Asstt: Grade Clerk Wali Khan) will provide/award a job in WAPDA in lieu of the said amount. After a lapse of 03 months, he didn't honour his promise and rather gave him a Cheque No CD-4735402 of Bank Al-Falah bearing A/C No00641002934036 but the same could not be honored due to non-availability of amount in the said Account. Later on, he made fake promise to return the amount to the owner for which he had to pay constant visits at his home but in vain. The Complainant had a lot of proofs against him in this regard.
2. Deputy Inspector General of Police, Enquiry and Inspection, Khyber Pakhtunkhwa, Peshawar completed the Enquiry and submitted to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar. Upon perusal the Enquiry Report, the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar passed the following remarks that:-
  - Criminal action should be taken against the Clerk
  - Case should be registered against him.
  - He should also be placed under suspension and Show Cause Notice be issued for Major penalty.

According to the kind orders of Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, he was placed under suspension and a Criminal Case was registered against him in Anti Corruption, Establishment, Khyber Pakhtunkhwa, Peshawar vide Case FIR No 16 Dated 29.07.2015 u/s 420/161/162/PPC/5(2) PC, Act, PS, ACE, Peshawar. Moreover, he was also issued/served with the Show Cause Notice.

In response to the same Show Cause Notice, the delinquent official submitted his reply but being un-satisfied, he was issued Final Show Cause Notice accordingly. He submitted his reply to Final Show Cause Notice accordingly. To fulfill the codal formalities in the Subject Enquiry, he was called in OR for personal hearing before the undersigned but he disappeared despite of repeated reminders and calls on his Cell No. At last, he was directed through two local Urdu leading News Papers dated 17.02.2016 for appearance before the Competent Authority. After advertisement in the News Papers, he appeared on the same date before the undersigned but he could not satisfy the undersigned.

Beside, Mr. Siraj Khan s/o Bashir Khan r/o Peshawar also submitted a complaint against the above named delinquent Asstt: Grade Clerk Wali Khan wherein he alleged that he lended an amount of Rs:- 5,75,000/- to him. Now whenever, he demands for the returning of the said amount, Asstt: Grade Clerk threat him of dire consequences. Later on, he gave him a Cheque No 4882083 of Habib Bank but it was dishonored due to insufficient amount in his Account. To know the real facts, an Enquiry was conducted against Asstt: Grade Clerk Wali Khan by Superintendent of Police, Enquiry and Inspection, CPO, Peshawar. He was time directed time and again to join the Enquiry but he deliberately avoided to face the Enquiry Process. However, the Enquiry Officer completed the enquiry and submitted his report to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar with the contents that during the course of Enquiry it has been revealed and proved beyond reasonable doubt that Asstt: Grade Clerk Wali Khan is a habitual and deceived several people on the promise/pretext of their recruitment and has collected Millions Rupees by using such ways. The Enquiry Officer reached to the conclusion and recommended to launch a FIR under the relevant Sections of law by the ACE, Khyber Pakhtunkhwa, Peshawar against him and being a really black sheep and stigma on the face of Police Department may be dismissed from Service after proper departmental action. The recommendations submitted by the Enquiry Officer, were duly approved by the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

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16

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE  
PESHAWAR

Ph: 091-9210545 Fax: 091-9210927

Similarly, another Complaint against delinquent official Asstt: Grade Clerk Wali Khan was also submitted by one Rahat Bacha son of Riaz Ali Shah r/o village Musa Zai, District Peshawar mentioning that he has given an amount of Rs:- 3,00000/- to him for the appointment of Naib Qasid in WAPDA in the witness of his real brothers. Neither he has provided to him the said job nor he is returning the same amount. He also narrated in his complaint that whenever he demands for the returning of his amount, he always use deceptive tact's. He has further stated in his application that the image of Police Department is defaming/polluting by such black sheep. Therefore, he has request for the recovery of his amount from Asstt: Grade Clerk Wali Khan.

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The matter was enquired by SP, Enquiry and Inspection, CPO, Peshawar and submitted his Findings Report to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar. Upon perusal the Enquiry Report, the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar has passed the remarks that departmental action be finalized against the delinquent official.

In the above two Compliant, the departmental process could not be initiated against him because after submission of reply to the Final Show Cause Notice, he was disappeared from his lawful duty without any kind of leave or permission from the Competent Authority. He was called time and again to appear for personal hearing before the Competent Authority and to join the enquires initiated against him on his Cell No but in vain. However, during the course of both enquiries, he was found guilty on the score of allegation leveled against him by the applicants.

Inquire in absen  
imp

On going through the findings/recommendations of the Enquiry Officer duly approved the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, the material/witness available on record, I, MUHAMMAD ALAM SHINWARI, PSP Deputy Inspector General of Police, Hqrs; Khyber Pakhtunkhwa, Peshawar (Competent Authority) however, taking a lenient view, hereby order to award the Major punishment of Compulsory Retirement from Service to the above delinquent official Asstt: Grade Wali Khan with immediate effect.

Order announced

(MUHAMMAD ALAM SHINWARI) PSP  
DIG, Hqrs:  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No/248-55/E-V Dated Peshawar the 24/2/2016.

Copy of above is forwarded for information and necessary action to the:-

1. Additional Inspector General of Police, Hqrs: Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Enquiry and Inspection, Khyber Pakhtunkhwa, Peshawar with references to his office Letter No. 524-25/E&I Dated 06.02.2015, 479/E&I Dated 03.03.2015 and 8559/E&I Dated 23.09.2015
3. Asstt: Inspector General of Police, Estt: CPO, Peshawar.
4. Director, Anti Corruption Establishment, Khyber Pakhtunkhwa, Peshawar with reference to his office Letter No 8734/ACE Dated 18.08.2015.
5. Registrár, CPO, Peshawar.
6. Office Supdt: Secret, CPO, Peshawar.
7. Accountant, CPO, Peshawar.
8. Incharge Central Registry, CPO, Peshawar.

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TO

The Inspector General of Police (IG)  
Khyber Pukhtoonkhwa (KPK),  
Peshawar.

**SUBJECT:** SERVE APPEAL AGAINST ORDER BEARING ENDORSEMENT NO

1247/E-V DATED PESHAWAR THE 24TH-02-2015

*cleared  
16 Feb 2015*

Respected Sir,

I bear the honour to assail, herein, office order dated 24th February 2016 passed by the worthy Deputy Inspector General of Police (Headquarter) by means of which the Appellant has been awarded a major penalty of compulsory retirement from service.

Facts in brief, forming the background of this appeal are enumerated as below:

I. That one Atta Ur Rehman son-of Rustam Khan, resident of Taja Zai Lakki Marwat had a monetary difference of opinion with one Yaseen and as the appellant had friendly relations with both the parties, a settlement was made between them and the Appellant became guarantor of Yaseen for paying a sum of Rs 450000/- and a check towards payment was issued by the Appellant in favour of claimant Atta Ur Rehman upon the promise of Yaseen that before the arrival of due date, the amount shall be deposited by him in the Appellant's account.

II. That before the arrival of payment date, Yaseen disappeared with the result that Appellant's check was bounced and subsequently FIR No 16, dated 29-07-2016 was registered by the complainant against the appellant. He also moved a departmental complaint against the Appellant which came up before DIG (Inquiries) where complainant

*Handwritten signature*

admitted that only role of the Appellant was of a guarantor of Yaseen and to this effect he furnished a statement on affidavit. Appellant also paid him Rs 330000/- and paid the balance amount afterwards. To pay the guaranty amount, appellant sold all the golden ornaments of the female-folk of the family and managed the amount through much ordeals. The inquiry was filed without any further action.

- III. That fearing arrest in FIR No 16, Appellant moved towards his village and afterwards secured interim-pre arrest bail from the Court of Learned District and Sessions Judge Peshawar.
- IV. That though appellant had been proceeded against ex-parte, without any service of notice or information, Appellant appeared before worthy DIG (Headquarters) on 15-02-2016 and subsequently on 17-02-2016, but the impugned order was Passed with out affording any opportunity of hearing to the Appellant.
- V. That Appellant assails the impugned order, inter alia, on the following grounds:

**GROUND**

- A. That appellant has been condemned unheard and impugned order has been passed unilaterally and ex-parte and as such the principle of natural Justice has been violated.
- B. That no inquiry, whatsoever, was conducted as neither appellant was charge sheeted nor show caused. Likewise, neither any statement of any witness was recorded nor any official was appointed as inquiry officer.
- C. That Worthy DIG (Headquarter) has assumed the role of informer, complainant, authority, authorised Officer as well of inquiry Officer which conduct of the worthy officer is against E& D Rules and the law enunciated by the worthy superior Courts.
- D. That Appellant has already put up service of about 33 years (ever since 17-01-1984) and was lastly holding the post of Head Clerk CPO and

*Handwritten signature/initials*

during long span of service the credentials and record of the Appellant, including his ACRs remained up to the mark. Neither any grievence against the Appellant, was brought by any individual nor did the Superiors ever felt bothered about the Appellant's conduct.

E. That the law has prescribed a distinct mode of inquiries which ought to have been adhered to as where the law requires a particular thing to be done in the prescribed manner, it ought to be done in the like manner and all other modes of its performance are forbidden.

F. That it was also unwarranted to deny to Appellant any opportunity to learn about any charge, moreso, when Appellant duly appeared before the Worthy DIG (H) and on this count alone the impugned order is not tenable in the eyes of law.

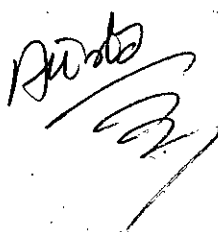
G. That Appellant is left with only 05 years and justice fairplay and compassionate grounds demands that being an old and experienced official, with unblemished record, Appellant must not be left with a tarnished record.

PRAYERS:

In view of above submissions, it is prayed that upon acceptance of this departmental Appeal, the impugned order dated 24-02-2016 may graciously be set aside and Appellant may graciously be restored to the service with all back benefits including remunerations, increments etc.

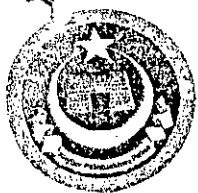
Wali Khan son of Nawaz Khan  
Resident of Achu Khel, Tehsil and District Lakki Marwat

Dt; 04-3-16



DJ No 441 E-V

043-16



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE,  
KHYBER PAKHTUNKHWA,  
CENTRAL POLICE OFFICE,  
PESHAWAR

Ph: 091-9210545 Fax: 091-9210927

No 2440

/E-V Dated Peshawar the 20-4

/2016

ORDER.

This order is hereby passed to dispose of departmental appeal under Rule 17 of Government Khyber Pakhtunkhwa Government Civil Servant (Efficiency & Discipline) Rules- 2011 submitted by Asstt: Grade Clerk Wali Khan. The Appellant was awarded Major Punishment of Compulsory Retirement from Service by the Deputy Inspector General of Police, Hqrs: Khyber Pakhtunkhwa, Peshawar vide Order issued under Endst: 1248-55/E-V Dated 24.02.2016 while he was posted in School of Explosive Handling School at Nowshera, committed the following Commission/Omission that a Preliminary Enquiry was conducted by Deputy Inspector General of Police, Enquiry and Inspection, Khyber Pakhtunkhwa, Peshawar against him on the application of one Atta Ur Rehman son of Rustam Khan r/o Lakki Marwat wherein he was found guilty of charges levelled against him as he had deceitfully taken 6,00000/- (six Lac) from him for providing the job in WAPDA in lieu of the said amount. After a lap of 03 months, he didn't honour of his promise and rather gave him a Cheque No CD-4735402 but the same Cheque couldn't honour due to non-availability of amount in his Account. Later on, he made fake promises to return the amount to the owner but in vain. Deputy Inspector General of Police, Enquiry and Inspection, Khyber Pakhtunkhwa, Peshawar completed the Enquiry and submitted his Finding Reports to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar. Upon perusal the Enquiry Report, the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar ordered to take the following action against him: -

- For proper Criminal action.
- To register proper case.
- To place him under suspension
- To issue him Show Cause Notice.

He was placed under suspension, served with issued Show Cause Notice, and a Criminal Case was also registered against him vide case an FIR No 16 Dated 29.07.2015 u/s 420/161/162/PPC/5(2) PC Act PS ACE, Peshawar. In response to the Show Cause Notice, he submitted his reply but being un-satisfied, he was issued Final Show Cause Notice accordingly. After submitting his reply to the Final Show Cause Notice, he was appeared in Orderly Room before the Competent Authority but he could not satisfy him.

Besides, another Enquiry was initiated against him on the application of one Siraj Khan s/o Bashir Khan r/o Peshawar wherein the Complainant alleged that he lended an amount of 5,75000/- to the above delinquent official. But he is not returning the same amount even than whenever, he demands, Asstt: Grade Clerk Wali Khan threat him of dire consequences. Later on, He gave him a Cheque but the same could not honoured due to non-availability of amount in his Account. The above delinquent official was directed time and again to join the Enquiry but in vain. However, the Enquiry Officer completed the Enquiry and submitted his reports to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar with the contents that during the course of Enquiry it has been revealed and proved beyond reasonable doubt that Asstt: Grade Clerk Wali Khan is a habitual and deceived several people on the promise/pretext of their recruitment and has collected Million Rupees by using such ways and being a black sheep and stigma is on the face of Police Departmental. Therefore, he was recommended for dismissal from Service. The Provincial Police Chief, approved the recommendations of Deputy Inspector General of Police, Enquiry and Inspection, Khyber Pakhtunkhwa, Peshawar.

Similarly, another complaint against the above mentioned delinquent official was submitted by one Rahat Bacha son of Riaz Ali Shah r/o Village Musa Zai District Peshawar, alleging that he has given an amount of Rs:- 3,00000/- to him for appointment of Naib Qasid in Wapda. But neither he has provided to him the said job nor he is returning the same amount and using the deceptive tact's. This matter was also enquired by SP, Enquiry and Inspection, CPO, Peshawar and he was found guilty of the charges levelled against him. Therefore, on the score of above allegations, he was awarded Major Punishment of Compulsory Retirement from Service by the Deputy Inspector General of Police, Hqrs: Khyber Pakhtunkhwa, Peshawar.

After awarding the above mentioned punishment of Compulsory Retirement from Service, Asstt Grade Clerk to Junior Clerk, the Petitioner went for an appeal to the next Appellate Authority for setting aside his punishment awarded to him by the Competent Authority.

In this connection, on 03.03.2016 at CPO, Peshawar the appellant was heard in person in detail and he admitted his mis-conduct. The allegations/charges were also proved against him in the Departmental Proceedings. However, he failed to offer any plausible grounds/reason in his defense. Hence, his appeal has no substance.

Keeping in view the position explained above, the Departmental Appeal submitted by the Ex-Asstt: Grade Clerk Wali Khan is hereby rejected/filed by the undersigned.

(MIAN MUHAMMAD ASIF) PSP  
Addl: IGP, Hqs:  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.



21

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE,  
KHYBER PAKHTUNKHWA,  
CENTRAL POLICE OFFICE,  
PESHAWAR

Ph: 091-9210545 Fax: 091-9210927

No. 2441-50 /E-V Dated Peshawar the 20-4 /2016

Copy of above is forwarded for information and necessary action to

the:-

1. Deputy Inspector General of Police, Hqrs., Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Enquiry and Inspection, Khyber Pakhtunkhwa, Peshawar with reference to his office Letter No 524-25/E & I Dated 06.02.2015, 479/E&I Dated 03.03.2015 and 8559/E&I Dated 23.09.2015.
3. Asstt: Inspector General of Police, Establishment, Khyber Pakhtunkhwa, Peshawar.
4. PSO to Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
5. PRO to Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
6. Registrar, CPO, Peshawar.
7. Office Supdt: Secret, CPO, Peshawar.
8. Office Supst: CPB, CPO, Peshawar.
9. Incharge Central Registry, CPO, Peshawar.
10. Ex-Assistant Grade Clerk Wali Khan

*Wali Khan*

B

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26-4-17

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In the Court of Special Judge, Anti-Corruption, (Provincial), Khyber Pukhtunkhwa,  
Peshawar.

Case No.16 of 2017.

Date of Institution.. 01.03.2017.

Date of Decision. 26.04.2017.

State...Versus.

Wali khan S/o Muhammad Nawaz, R/o Gulshan Rehman Colony, Peshawar.

Case FIR No.16 dated 29.07.2015 of P.S. Anti-Corruption Establishment Peshawar, for the  
offences punishable u/s 420/161/162 of PPC read with section 5 (2) of Prevention of Corruption  
Act.

ATTESTED

ORDER.

- 1) Vide FIR No.16 dated 29.07.2015, P.S. ACE, Peshawar. accused Wali khan S/o Muhammad Nawaz was charged for the offences punishable u/s 420/161/162 of PPC read with section 5(2) of Prevention of Corruption Act and his case was forwarded to this court for trying him for the said offences.
- 2) According to the contents of FIR in brief complainant Attaur Rehman S/o Rustam khan R/o Tajazai, Lakkimarwat made the an application before the IGP KPK claiming that the accused, being an employee of police department, had received an amount of Rs.6 lacs on the pretext of getting him a job/service in the WAPDA but later on he kept on putting it off and hence he committed fraud with complainant. The IGP constituted an enquiry team which suspended the accused and issued him show cause notice. Thereafter the application was sent to the Director Anti-corruption Establishment, who ordered open enquiry No.7/2015. During said enquiry the statements of the parties as well as the statement of complainant u/s 164 of Cr.PC were recorded and the available record was obtained and it was found that while taking undue advantage of his government service, the accused had fraudulently obtained an amount of Rs.6 lacs from the complainant. As a result of final report of the said enquiry, case was registered against him and the investigation was carried out.
- 3) After completing investigation the challan was submitted against the accused for trial. Provisions of section 241-A of Cr.PC were complied with and the charge was framed against the accused to which he pleaded not guilty and claimed trial.
- 4) In support of its case the prosecution produced and examined Ehsan Shah C.O. ACE Peshawar as PW-1 and Attaur Rehman S/o Rustam khan as PW-2; both these witnesses were

EXAMINED  
Court of Special Judge  
Anti-Corruption K.P.K. Peshawar  
15/3/18

11.4.17  
Khyber Pukhtunkhwa Peshawar  
26.4.17  
2017

cross-examined today and soon thereafter the learned counsel of the accused applied for acquittal of accused u/s 249-A of Cr.P.C. Notice of the said application was given to the learned Public Prosecutor.

5) Arguments of learned counsel for accused and learned Public Prosecutor heard and file perused with their assistance.

6) The instant case has been initiated on the application of the complainant submitted before the I.G.P. KPK wherein he had claimed that the accused had received an amount of Rs. 6 lacs from him on the pretext of getting him a job/service in the WAPDA but later on he kept on putting it off and hence he committed fraud with complainant. After conducting open inquiry on the said complaint, the inquiry officer in his final report too had found the claim of the complainant as correct and thus the FIR was registered accordingly. It would appear from the said complaint and the final report read with the contents of the FIR that the complainant version was that he had paid the amount of Rs.6 lacs to the accused for the aforementioned purpose. However, while appearing as PW-2 today in the court the complainant falsified his own version by disclosing in his cross examination that he had paid the amount to one Malik Yaseen and that said Malik Yaseen had redressed his grievances. He has also deposed that the accused facing trial had satisfied him about his innocence and therefore, he was neither interested in the prosecution of the case nor he had any objection on the acquittal of the accused. His cross examination being most relevant is reproduced below for ready reference:-

"It is correct that one Malik Yaseen was the friend of accused facing trial. It is correct that Malik Yaseen used to give a job on receipt of money from the people. It is correct that I have given the amount to said Malik Yaseen for government job and accused facing trial had taken responsibility of my amount. It is correct that Malik Yaseen has redressed my grievances. It is correct that accused facing trial had satisfied me regarding his innocence. It is also correct that I am no more interested in the prosecution of the case. I have no objection if the honorable court acquits the accused facing trial."

ATTESTED

7) In view of the cross examination of the complainant, being the most crucial witnesses of the prosecution in the case, as reproduced above, it is quite clear that amount if any was paid to Malik Yaseen and not to the accused, which fact cuts the very root of this case. Moreover, it is also evident from the cross examination of the complainant that he is quite satisfied about the innocence of the accused and is therefore no longer interested in his prosecution. As such there seems to be no probability of the accused being convicted of any offence, no matter what other evidence is lying in the stock with and produced by the prosecution in this case. In the circumstances while invoking the provision of section 249-A Cr.P.C. the accused named above is acquitted of the charges leveled against him. Being on bail he and his sureties are absolved of their liabilities under the bail bonds.

EXAMINEE  
Court of Special Judge  
Anti Corruption KPK Peshawar

15-3-17  
SPECIAL JUDGE  
Anti Corruption  
Khyber Pakhtunkhwa Peshawar  
26.4.17

*[Handwritten signature]*



- 8) The case property, if any, should be kept intact till the expiry of the period of limitation prescribed for appeal/revision and should be disposed of according to law if no appeal is preferred.
- 9) File of the case be consigned to the record room after putting it in order in accordance with rules.

Announced.  
Peshawar.  
26.04.2017.

*(Signature)*  
26.4.17  
(Muhammad Bashir)  
Special Judge,  
Anti-Corruption (Provincial),  
Khyber Pakhtunkhwa, Peshawar.

Certificate.

Certified that this order consists of three pages: each page has been signed by me.

**ATTESTED**

*(Signature)*  
EXAMINER  
Court of Special Judge  
Anti Corruption KPK Peshawar



*(Signature)*  
26.4.17  
Special Judge,  
Anti-Corruption (Provincial),  
Peshawar, Khyber Pakhtunkhwa.

D-3-18

*(Signature)*

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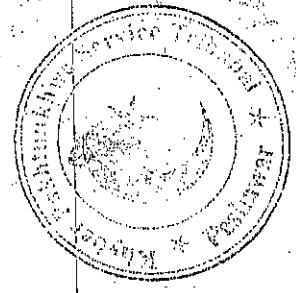
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4-10-19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 501/2016

Date of institution ... 12.05.2016  
Date of judgment ... 04.10.2019



Wali Khan S/o Nawaz Khan  
Ex-Assistant Grad Clerk,  
School of Explosive Handling, Nowshera.

(Appellant)

VERSUS

1. Inspector General of Police, Peshawar.
2. Deputy Inspector General of Police, Inquiry & Inspection, Khyber Pakhtunkhwa, Peshawar.

(Respondents)

APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST OFFICE ORDER NO. 1247/EV DATED 24.02.2016 OF RESPONDENT NO. 1 WHEREBY MAJOR PENALTY OF COMPULSORY RETIREMENT FROM SERVICE WAS IMPOSED UPON APPELLANT OR OFFICE ORDER NO. 2440/EV DATED 20.04.2014 OF RESPONDENT NO. 1 WHEREBY DEPARTMENTAL APPEAL OF APPELLANT WAS REJECTED/FILED FOR NO LEGAL REASON.

*M. Amin*  
4.10.2019

Mr. Arbab Saif-ul-Kamal, Advocate  
Mr. Kabirullah Khattak, Additional Advocate General

For appellant.  
For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI  
MR. AHMAD HASSAN

MEMBER (JUDICIAL)  
MEMBER (EXECUTIVE)

ATTESTED

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the

appellant and Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Police Department as Assistant Grad Clerk. He was imposed major penalty of compulsory retirement from service vide order dated 24.02.2016 on the allegation that he has taken six lac from Atta-ur-Rehman S/o

*Amin*

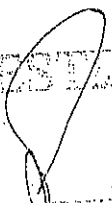
Rustam Khan resident of Lakki Marwat by promising him to provide/award a job in WAPDA in lieu of the said amount but he did not honor his promise rather giving him Cheque No. CD-4735402 of Bank Alfalah bearing A/C No. 00641002934036 but the same could not be honored due to non-availability of amount in the said account. The appellant filed departmental appeal on 04.03.2016 which was rejected on 20.04.2016 hence, the present service appeal on 12.05.2016.

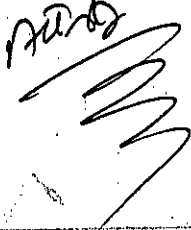
3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was imposed major penalty of compulsory retirement from service on the aforesaid allegation. It was further contended that neither charge sheet, statement of allegation was framed or served upon the appellant nor proper inquiry was conducted nor opportunity of personal hearing and defence was provided to the appellant nor a copy of inquiry was handed over to the appellant with show cause notice therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned Additional Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that one Atta-ur-Rehman submitted an application against the appellant that the appellant had taken six lac rupees from him and promise that he will provide job in WAPDA in lieu of said amount but neither the appellant has awarded any job nor has returned the said amount and on the said application, a preliminary inquiry was conducted and the appellant was found guilty. It was further contended that all the codal formalities were fulfilled by the respondent-department and thereafter on the basis of inquiry report, the

*M. Anwar*  
4.10.2019

ATTESTED  
  
BRAHMAN  
Hyder Khan  
Services Officer  
Peshawar

*M. Anwar*  


appellant was rightly imposed major penalty of compulsory retirement from service and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was serving in Police Department. He was imposed major penalty of compulsory retirement from service on the aforesaid allegations but the record reveals that neither charge sheet, statement of allegation was framed or served upon the appellant nor the proper inquiry was conducted nor the appellant was associated in any regular inquiry. The record further reveals that though a show-cause notice was issued to the appellant on 04.03.2015 but neither a regular inquiry has been dispensed by the competent authority in the said show-cause notice nor any reason for dispensing of regular inquiry has been mentioned. Meaning thereby, that in the absence of codal formalities i.e charge sheet, statement of allegation, regular inquiry and show-cause notice with copy of inquiry report, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order, reinstate the appellant into service and direct the respondent-department to conduct de-novo inquiry in accordance with Police Rules, 1975 within a period of 90 days from the date of copy of receiving of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
04.10.2019

(AHMAD HASSAN)  
MEMBER

*Muhammad Amin*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

Certified true copy

FOR THE  
Khyber Pakhtunkhwa  
Superior Tribunal  
Peshawar

Date of Filing	28-10-2019
Number	1200
Copy	14
Copy	4
Tel	18
Number	8
Date	28-10-19
Date of delivery of copy	28-10-19

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D



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE,  
CENTRAL POLICE OFFICE,  
KHYBER PAKHTUNKHWA PESHAWAR

No. 6475-82 /E-V, dated Peshawar the 18 /11 /2019

ORDER.

In compliance with the Judgment of the Honourable Service Tribunal Khyber Pakhtunkhwa dated 04.10.2019 and opinion of AIG/Legal CPO, Ex-Assistant Grade Clerk Wali Khan is hereby re-instated in Service for the purpose of de-novo enquiry, with immediate effect.

Sd/-

Dr. ISHTIAQ AHMED PSP/PPM  
Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa,  
Peshawar.

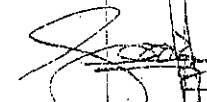
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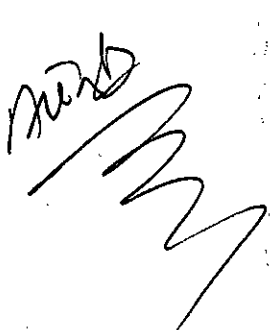
Copy forwarded to the: -

- ✓ Addl: Inspector General of Police HQrs: Khyber Pakhtunkhwa, Peshawar.
- Accountant General Khyber Pakhtunkhwa, Peshawar.
- Deputy Inspector General of Police, HQrs, Khyber Pakhtunkhwa, Peshawar.
- Deputy Inspector General of Police, Internal Accountability, Khyber Pakhtunkhwa, Peshawar.
- Assistant Inspector General of Police, Legal CPO Peshawar w/r to his letter No. 5369/Legal, dated 05.11.2019.
- Registrar CPO, Peshawar.
- Office Superintendents, Secret & Charge Central Registry Cell CPO, Peshawar.

(SADIQ BALOCH) PSP  
AIG/Establishment,

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

  
18/11/19



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20-11-19



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE,  
CENTRAL POLICE OFFICE,  
KHYBER PAKHTUNKHWA PESHAWAR

ARRIVAL REPORT

In compliance with the order issued vide No. 6475-82/E-V, dated 18.11.2019, I hereby report my arrival for duty at CPO Peshawar today, on 20.11.2019 (F.N).

*Wali Khan*

(WALI KHAN)  
Assistant Grade Clerk  
CPO Peshawar

No. 6501-6504E-V, dated Peshawar the /11/2019

Copy forwarded to the: -

- o Deputy Inspector General of Police, Internal Accountability, Khyber Pakhtunkhwa, Peshawar.
- o Assistant Inspector General of Police, Legal CPO Peshawar.
- o Registrar CPO, Peshawar.
- o Office Superintendent, Central Registry Cell CPO, Peshawar.

*Wali Khan*

*Sadiq Balogh*

(SADIQ BALOGH) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

*20/11/19*



30  
OFFICE OF THE  
INSPECTOR GENERAL OF POLICE,  
KHYBER PAKHTUNKHWA,  
CENTRAL POLICE OFFICE,  
PESHAWAR

6567/EV dated: 26-11-2019 Ph: 091-9210545 Fax: 091-9210927

**CHARGE SHEET**

I, Dr. Ishtiaq Ahmed Addl: Inspector General of Police, HQrs: Khyber Pakhtunkhwa as competent authority, under Rule 5(b) of Khyber Pakhtunkhwa, E&D Rules, 2011 hereby charge you Assistant Grade Clerk Wali Khan as follows:-

- i. That you took an amount of Rs. 6,00,000/- (Six-Lac) from Atta-ur-Rehman s/o Rustam Khan resident of District Lakki Marwat promising that you will provide him a Job in WABDA in lieu of the said amount. After a lapse of 03-months you did not honor your promise and rather give him a cheque No. CD-4735402 of Bank Alfalah bearing A/C No. 00641002934036 but the same was not honored due to non-availability of amount in said account. The complainant failed to get his money back from you besides several visits of your home and frequent promises. Consequently a proper case vide FIR No. 16 dated 29-07-2015 u/s 420/161/162/PPC/5(2) PS, Act, PS, Ante Corruption Establishment, Peshawar was registered against you, as it amounts to gross misconduct and criminal undertaking on your part and is punishable under the said Rules.
  - ii. All this speaks highly adverse on your part warranting stern disciplinary action against you under the relevant Rules, Khyber Pakhtunkhwa Government Civil Servants (Efficiency and Disciplinary) Rules-2011.
2. That You were issued Final Show Cause Notice vide No. 2154/E-V, date 31.03.2015 and enquiry was conducted against you and after proper proceedings of the enquiry, the Enquiry Officer recommended that being guilty you may be dismissed from service after proper departmental proceedings.
  3. That the departmental proceedings could not be initiated against you because after submission of reply to final Show Cause Notice you disappeared from your lawful duty without any kind of leave or permission from the Competent Authority. You were time and again summoned to appear before the Competent Authority and join the enquiry proceedings but in vain. Consequently the then DIG HQrs awarded you the major punishment of compulsory retirement from service.
  4. You had submitted appeal vide dairy No. 441/E-V dated 03.03.2016, which was rejected by Addl: IGP/HQrs: vide order No. 2440/E-V dated 20.04.2016. You, then submitted Service appeal No. 501/2016 before the Chairman Service Tribunal Khyber Pakhtunkhwa date 12.05.2016.
  5. The Service Tribunal Khyber Pakhtunkhwa Peshawar vide his Judgment dated 04.10.2016 has directed Police Department to conduct De-novo enquiry within period of 90-days. For the purpose of enquiry, you have been re-instated vide order No. 6475-82/E-V dated 18.11.2019.
  6. You are, therefore, required to submit your written defense reply within seven (07) days of the receipt of this charge sheet to the Enquiry Committee as constituted by Internal Accountability Bureau CPO Peshawar.
  7. Your written defense, if any, should reach the enquiry committee within the specified period. Failing which it shall be presumed that you have no defense to put in and in that case appropriate action shall follow against you.
  8. Intimate whether you desire to be heard in person.
  9. Statement of allegations is enclosed.

*Handwritten signature/initials*

*(Signature)*  
(Dr. ISHTIAQ AHMED), PSP/PPM  
Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa,  
Peshawar.



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**OFFICE OF THE  
INSPECTOR GENERAL OF POLICE,  
KHYBER PAKHTUNKHWA,  
CENTRAL POLICE OFFICE,  
PESHAWAR**

6568-70/EV dt: 26-11-2019 Ph: 091-9210545 Fax: 091-9210927

**DISCIPLINARY ACTION.**

I, Dr. Ishtiaq Ahmed Addl: Inspector General of Police, HQrs: Khyber Pakhtunkhwa, am of the opinion that Assistant Grade Clerk Wali Khan has rendered himself liable to be proceeded against departmentally, as he has committed the following acts/fraud/omissions within the meaning of Khyber Pakhtunkhwa Government Civil Servants (Efficiency and &Disciplinary ) Rules-2011.

**STATEMENT OF ALLEGATIONS**

- i. That you took an amount of Rs. 6,00,000/- (Six-Lac) from Atta-ur-Rehman s/o Rustam Khan resident of District Lakki Marwat promising that you will provide him a Job in WABDA in lieu of the said amount. After a lapse of 03-months you did not honor your promise and rather give him a cheque No. CD-4735402 of Bank Alfalah bearing A/C No. 00641002934036 but the same was not honored due to non-availability of amount in said account. The complainant failed to get his money back from you besides several visits of your home and frequent promises. Consequently a proper case vide FIR No. 16 dated 29-07-2015 u/s 420/161/162/PPC/5(2) PS, Act, PS, Ante Corruption Establishment, Peshawar was registered against you, as it amounts to gross misconduct and criminal undertaking on your part and is punishable under the said Rules.
- ii. That the departmental proceedings could not be initiated against you because after submission of reply to final Show Cause Notice you disappeared from your lawful duty without any kind of leave or permission from the Competent Authority. You were time and again summoned to appear before the Competent Authority and join the enquiry proceedings but in vain. Consequently the then DIG HQrs awarded you the major punishment of compulsory retirement from service.
- iii. All this speaks highly adverse on your part warranting stern disciplinary action against you under the relevant Rules, Khyber Pakhtunkhwa Government Civil Servants (Efficiency and Disciplinary) Rules-2011.

1. The Service Tribunal Khyber Pakhtunkhwa Peshawar vide his Judgment dated 04.10.2019 has directed Police Department to conduct De-novo enquiry within period of 90-days. For the purpose of enquiry, you have been re-instated vi de order No. 6475-82/E-V dated 18.11.2019.

2. For the purpose of enquiry against the said Assistant Grade Clerk with the reference to the above allegation an Enquiry Committee consisting of the following, is constituted under the Rule 10 (1) (a) of the ibid Rules vide No. 1666/CPO/IAB/C&E, dated 30.04.2019.

Mr. DIG Investigation C.P.O

Mr. DSP Enquiry & Investigation C.P.O

3. The Enquiry Committee shall, in accordance with the provision of the said Rules, provide reasonable opportunity of hearing to the accused, record & submit its findings and make, within 10 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

4. The defaulter official and a well conversant representative of the department shall in the proceedings on the date, time and place fixed by the Enquiry Committee.

*Handwritten signature*

*Handwritten signature*  
(Dr. ISHTIAQ AHMED), PSP/PPM  
Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa,  
Peshawar.



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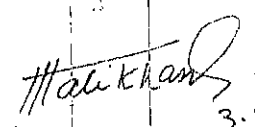
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REPLY TO THE CHARGE SHEET

Respected Sir,

It I submitted that n response to the allegations leveled against me in the Show Cause Notice issued vide No.6567/EV dated 26.11.2019 issued under the signature of worthy Additional Inspector General of Police, H.Qrs: Peshawar, following reasons are submitted in self-defence.

- 1- That applicant's friend namely Yasin happens to be mutual friend of complainant Atta-Ur-Rehman.
- 2- Complainant brother Insha Ullah wanted to pay Yasin an amount of Res. 3,90,000.
- 3- Yasin for not having a bank account requested the applicant to provide account number for deposit of the amount.
- 4- Complainants brother namely Insha Ullah deposited a total of Rs. 3,90,000 on 18 and 19 September 2014 by making two transaction in applicants account.
- 5- A few months later complainant alongwith his brother came to me and demanded their money back which had been withdrawn by Yasin.
- 6- Reason for demand was asked from complainant, who stated that Yasin had taken the afore amount for providing him job in WAPDA and even after lapse of serval months he has not honored his promise.
- 7- Applicant being government servant got scared of such allegations, therefore gave him cheque No. CD-4735402 and requested the complainant not the submit application against him and assured him that his amount will be paid back to him.
- 8- Applicant reprimanded Yasin of such unlawful deed and directed him to pay the money back.
- 9- An amount of Rs 3,3,000 has been paid to complainant through DSP E&I Hukam Khan while the complainant refused to take back remaining Rs 60000 and is asking for another Rs 2,60,000.
- 10- Applicant has nothing to do with complainant's money. The only mistake on my part is that my account has been used by Yasin for accepting the amount.
- 11- The allegation of Rs 6 lac is not correct as only Rs 3,90,000 had been deposited in my account which were later withdrawn by Yasin.
- 12- The applicant was falsely charged in criminal case vide FIR NO.16 dated 29.07.2015 Police Station Anti-Corruption Establishment Peshawar, wherein the competent court of law vide judgment order dated 26.04.2017 has acquitted me of the charges.(copy of judgment is attached).
- 13- Applicant claims innocence on the afore ground and request your good self to file the explanation and direct the complainant to collect his remaining amount.



(Wali Khan)  
Assistant Grade Clerk  
E-V,CPO Peshawar.

3.11.2019

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16-12-19




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

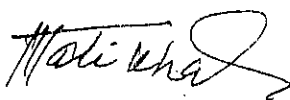
No. 6727 /E-V, Dated Peshawar the 16/12/2019.

**FINAL SHOW CAUSE NOTICE**

1. **WHEREAS**, you Mr. Wali Khan, Assistant Grade Clerk, while posted at Police School of Explosive and Handling Nowshera committed gross misconduct as defined in Section 14 (4) under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and proper departmental proceedings were conducted and you are awarded punishment of compulsory retirement from service vide order No. 1247-55/E-V, dated 24.02.2016.
2. **AND WHEREAS**, your departmental appeal was rejected, against which service appeal No. 2440, dated 20.04.2016 was lodged in Service Tribunal Khyber Pukhtunkhwa Peshawar.
3. **WHEREAS** the Honourable Service Tribunal vide judgment dated 04.10.2019, partially accepted the appeal, set-aside the impugned order, reinstated into service and directed the respondent to conduct denovo enquiry in accordance with law/rules within a period of 90 days.
4. **WHEREAS** an enquiry committee comprising of Mr. Idrees Khan, DIG Investigation Khyber Pukhtunkhwa Peshawar and Mr. Mehar Ali DSP Internal Accountability Khyber Pukhtunkhwa CPO Peshawar were appointed as enquiry committee to conduct denovo enquiry.
5. **NOW THEREFORE, I, Dr. Ishtiaq Ahmed**, Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa Peshawar, as Competent Authority have tentatively decided to impose upon you, any one or more penalties including the penalty of "Dismissal from Service" under Section 4 (b) (iv) under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 of the said Rules.
6. You are therefore, required to issue Final Show Cause within seven days of the receipt of this Notice, as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defence to offer and exparte action shall be taken against you. Meanwhile also intimate whether you desire to be heard in person or otherwise.

  
(DR. ISHTIAQ AHMED), PSP/PPM  
Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa,  
Peshawar

Mr. Wali Khan,  
The then Assistant Grade Clerk



16.12.2019.

3.10 PM



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17-12-19

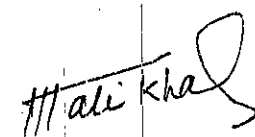
REPLY TO THE FINAL SHOW CAUSE NOTICE

Respected Sir,

It is submitted that in response to the Final Show Cause Notice issued vide No. 6727/E-V dated 16-12-2019 issued under the signature of worthy Additional Inspector General of Police HQrs: Peshawar, following reasons are submitted in self-defence:-

1. That applicant's friend namely Yasin happens to be mutual friend of complainant Atta-Ur-Rehman.
2. Complainant brother Insha Ullah wanted to pay Yasin an amount of Rs. 3,90,000/-.
3. Yasin for not having a bank account requested the applicant to provide account number for deposit of the amount.
4. Complainant's brother namely Insha Ullah deposited a total of Rs. 3,90,000/- on 18 and 19 September 2014 by making two transactions in applicant's account.
5. A few months later complainant along with his brother came to me and demanded their money back which had been withdrawn by Yasin.
6. Reason for demand was asked from complainant, who stated that Yasin had taken the afore amount for providing him job in WAPDA and even after lapse of several months he has not honored his promise.
7. Applicant being government servant got scared of such allegations, therefore gave him cheque No. CD-4735402 and requested the complainant not to submit application against him and assured him that his amount will be paid back to him.
8. Applicant reprimanded Yasin of such unlawful deed and directed him to pay the money back.
9. An amount of Rs. 3,30,000/- has been paid to complainant through DSP E&I Hukam Khan while the complainant refused to take back remaining Rs. 60,000/- and is asking for another Rs. 2,60,000/-.
10. Applicant has nothing to do with complainant's money. The only mistake on my part is that my account has been used by Yasin for accepting the amount.
11. The allegation of Rs. 6,00,000/- is not correct as only Rs. 3,90,000/- had been deposited in my account which were later withdrawn by Yasin.
12. The applicant was falsely charged in criminal case vide FIR No. 16 dated 29-07-2015 Police Station Anti-Corruption Establishment Peshawar, wherein the competent court of law vide judgment order dated 26-04-2017 has acquitted me of the charges (copy of Judgment is attached).
13. Applicant claims innocence on the afore ground and request to yourself to file the enquiry.



  
(Wali Khan)  
Assistant Grade Clerk

17-12-2019



J 35

**OFFICE OF THE INSPECTOR GENERAL OF POLICE,  
KHYBER PAKHTUNKHWA, CPO PESHAWAR**  
Ph: 091-9210545, Fax No. 091-9210927, Email: [OSEstabV@gmail.com](mailto:OSEstabV@gmail.com)

46  
6/58 - /E-V, dated Peshawar the, 19 /12/2019

**ORDER**

This order will dispose of the denovo proceedings against Assistant Grade Clerk Wali Khan initiated in the light of the judgement of Khyber Pakhtunkhwa Service Tribunal Peshawar announced on 04.10.2019.

The judgement of the Apex Court was implemented & the appellant was re-instated in service. He was served with proper Show Cause Notice to which he replied. His reply was found un-satisfactory & issued him charge sheet & statement of allegations.

A departmental Committee consisting of Mr. Muhammad Idrees Khan, DIG/Investigation & Mr. Mehar Ali, DSP/Enquiry CPO, Peshawar was constituted to conduct denovo proceedings against the accused official. The Enquiry Committee conducted denovo proceedings & submit findings. The charges leveled against the accused official was proved beyond any shadow of doubt and recommended him for Major punishment of compulsory retirement from service.

Upon the findings of the Enquiry Committee, he was issued Final Show Cause Notice to which he replied. His reply was again found un-plausible. He was given an opportunity for personal hearing in Orderly Room.

On 19<sup>th</sup> December, 2019, he was heard in person and questioned about his case and conduct and was given ample opportunity to defend himself, but could not advance any plausible explanation. He was not able to satisfy the undersigned.

Keeping in view the denovo proceedings, wherein the charges leveled against him are proved & other material present on file. Being found him guilty, I, **Dr. Ishtiaq Ahmed, Additional IGP/HQrs, KP** being Competent Authority under the relevant rules came to the conclusion & awarded the accused official Assistant Grade Clerk Wali Khan again the Major punishment of "Compulsory Retirement" from service under E&D Rules-2011 with immediate effect. His period i.e from the date of re-instatement till to date is treated as leave without pay.

**Order announced**

*(Signature)*  
**(DR. ISHTIAQ AHMED) PSP/PPM**  
Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa,  
Peshawar

**Endst: No. & date even.**  
Copy forwarded to the:-

1. COS to Worthy IGP/Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector of Police, HQrs, Khyber Pakhtunkhwa, Peshawar.
3. Capital City Police Officer, Peshawar.
4. AIG/Establishment, KP Peshawar.
5. PA to Additional IGP/HQrs, KP Peshawar.
6. Registrar, CPO Peshawar.
7. Office Supdt: Secret & Incharge Central Registry Cell.
8. All concerned.

*(Signature)*

K

36

19-2-20

To: The Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar

Subject: MERCY PETITION

Respected Sir,

It is submitted that the applicant joined Police force as Junior Clerk on 17-01-1984 and after performing a lengthy service of 25-years, subsequently, promoted to the Rank of Assistant Grade Clerk.

One Atta-Ur-Rehman S/O Rustam Khan Residence of Lakki Marwat tendered an application against the applicant in the year 2015 while I was posted in Central Police Office.

A criminal case F.I.R No. 16 dated 29-07-2015 under section 420/161/162 PPC PS Anti-corruption was registered against the applicant and the DIG Headquarter awarded the applicant to major penalty of compulsory retirement.

The applicant approached Service Tribunal against the compulsory retirement order mentioned above and the court of law partially accepted my appeal and re-instated the applicant in service and directed the department to conduct the de-novo enquiry worth 90 days.

The Department conducted de-novo enquiry and once again imposed major penalty of compulsory retirement upon the applicant despite the facts that the Special Judge Anti-corruption (Provincial), Khyber Pakhtunkhwa, Peshawar in its judgment in case No. 16 of 2017 acquitted all the charges leveled against me.

Respected Sir,

It is humbly requested that once the court of law has acquitted the applicant of all charges, then imposition of punishment in the same case is not only came under the contempt of court but also speaks volume of some personal grudges of someone against the applicant by setting aside the decision of court of law and as is evident from the previous enquiry in which all codal formalities were ignored just to award punishment to the applicant.

Keeping in view the above facts, it is very humbly requested that the order No. 6738-46/E-V dated 19-12-2019 may be cancelled and the applicant may please be reinstated in service with all back benefits as the court of law has already declared the name of applicant acquitted from all the charges.

I shall be extremely grateful for you're this act of kindness.

Dairy No. 7039/E5

19-2-2020



Yours Obediently,

Wali Khan  
Assistant Grade Clerk (BS-16)  
Central Police Office, Peshawar



37

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE,  
CENTRAL POLICE OFFICE,  
KHYBER PAKHTUNKHWA PESHAWAR

No. 2241-2121 /E-V, dated Peshawar the 21 / 07 /2020

**ORDER**

This order is hereby passed to dispose of the Mercy Petition dated 20.02.2020 preferred by Ex-Assistant Grade Clerk Wali Khan regarding major punishment of "**Compulsory Retirement**" from service awarded by the then Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa vide order No. 1248-55/E-V, dated 24.02.2016, on the following grounds:-

*"Ex-Assistant Grade Clerk Wali Khan was involved illegal gratification on the application of one Atta Ur Rehman r/o lakki Marwat wherein he was found guilty of the charges leveled against him. The grounds of the enquiry are that he had deceitfully taken an amount of Rs. 6,00,000/- (Six Lac) from him by promising that he (Assistant Grade Clerk Wali Khan) will provide a job in WAPDA in lieu of the said amount. After a lapse of 03-Months, he didn't honour his promise and rather gave him a Cheque No. CD-4735402 of Bank Al-Falah bearing Account No. 00641002934036, but the same could not be honored due to non-availability of amount in the said account. Later on, he made fake promise to return the amount to the owner for which he had to pay constant visits at his home but in vain. The complainant had a lot of proofs against him. He after exhausting departmental remedies filed Service Appeal No. 501/2016, which was accepted by the Honorable Khyber Pakhtunkhwa Services Tribunal vide order dated 04.10.2019, wherein impugned order dated 24.02.2016, was set aside and he was reinstated in service and the case was remitted to respondent Department for de-novo enquiry proceedings strictly in accordance with the law and rules within a period of 90 days from the date of receipt of this judgment. On receipt of the judgment, he was reinstated in service vide Order No. 6475-82/E-V, dated 18.11.2019 for the purpose of de-novo enquiry."*

De-novo enquiry was conducted and he was again "**Compulsory Retired**" from Service by Addl: Inspector General of Police, HQrs: Khyber Pakhtunkhwa under E&D Rules-2011, vide Order No. 6738-46/E-V, dated 19.12.2019. His period i.e. from the date of re-instatement is treated as leave without pay.

He was heard in person on 22.06.2020, but he failed to advance any plausible explanation in rebuttal of the charges, therefore, his mercy petition is rejected/filed.

Sd/-  
(DR. ISHTIAQ AHMED) PSP/PPM  
Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa,  
Peshawar.

**Endst: No. & date even.**

**Copy forwarded to the: -**

- Addl: Inspector General of Police, HQrs: Khyber Pakhtunkhwa Peshawar.
- Registrar CPO Peshawar.
- Office Superintendent Secret Branch CPO Peshawar.
- Official concerned.

(KASHIF ZULFIQAR) PSP  
AIG/Establishment  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar

بعد التّ جناب سرسٹریٹ ٹریبونل صوبہ سندھ پشاور

منجانب اسٹیلٹ

ولی خان

نظام محکمہ ٹورس

دعوی اپیل

باعضرت سرسٹریٹ ٹریبونل

⑤

⑤

مستردہ سند رجوع عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و عمل کاروائی متعلقہ آن مقام پشاور  
کیسٹبل سید احمد خان سرور نے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب  
موصوف کو مستردگی کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر طرف  
یعنی جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور برضی دعویٰ اور درخواست  
ہر قسم کی تقدیر اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی  
اور تسویخ یا نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت تقدیر مذکور  
کے عمل یا اجزائی کاروائی کے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا  
اور انہی مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پروا خستہ سزا و  
قبول ہوگا و دوران مقدمہ میں جو شرحہ و ہر جانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب  
موصوف ہوں گے نیز بغایا و شرحہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام روزہ  
یرہو یا عدست باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔  
لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

المزوم

التب

التب

التب

11

دریاب سید اسحاق  
ایڈووکیٹ

سید احمد خان  
سنہ اللہ خان مرثت  
ایڈووکیٹ

Hawthorn

Handwritten signature

احمد کوانزالی وکیل

**"B"**

**PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**KHYBER JUDICIAL COMPLEX (OLD), KHYBER ROAD,**  
**PESHAWAR.**

S.B

Appeal No.....88/8..... of 20 20

.....M. Khan.....Appellant/Petitioner

Versus

A.I.C., CF Police HQs, KP Peshawar Respondent

Respondent No.....2.....

Notice to: —

Inspector General of Police  
KP Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....16/11/2020.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

- Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....20/11.....

Day of.....Oct.....20 20



**Registrar,**  
**Khyber Pakhtunkhwa Service Tribunal,**  
**Peshawar.**

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
  2. Always quote Case No. While making any correspondence.



**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

S.B

Appeal No.....8818..... of 20 20

Wali Khan.....Appellant/Petitioner

Versus

A.I.C. of Police Hqs. KP Peshawar.....Respondent

Respondent No.....1.....

Notice to: —

Additional Inspector General  
of Police Hqs. KP Peshawar.


WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....16/11/2015.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.


Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....2015.....

Day of.....Oct.....20 20

  
26-10

  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

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

Service Appeal No. 8818/ 2020.

Wali Khan..... (Appellant)

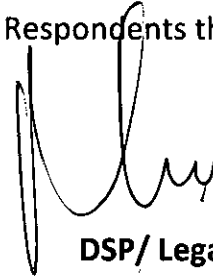
VERSUS

PPO KPK etc..... (Respondents)

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S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1.	Para-wise comments		1-3
2.	Affidavit		4
3.	Reinstatement order of appellant for purpose of de-novo enquiry	A	5
4.	Copy of charge sheet	B	6
5.	Final Show cause notice	C	7
6.	Copy of compulsory retirement order No. 1247-55/E-V, dated 24.02.2016	D	8-9

Respondents through



**DSP/ Legal**  
CPO, Peshawar.

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

Service Appeal No. 8818/ 2020.

Wali Khan..... (Appellant)

VERSUS

PPO KPK etc..... (Respondents)

SUBJECT: **PARA-WISE COMMENTS BY RESPONDENTS NO. 1 & 2.**

RESPECTFULLY SHEWETH:

**PRELIMINARY OBJECTIONS:-**

- a) That the appeal is not based on facts.
- b) That the appellant has got no cause of action and locus standi to file present appeal.
- c) That the appeal is bad for non-joinder and miss-joinder of necessary parties.
- d) That the appellant is estopped by his own conduct to file the present appeal.
- e) That the appellant has not come to this Honorable Tribunal with clean hands.
- f) That the appellant has wrongly invoked the Jurisdiction of this Honorable Tribunal.

**FACTS:-**

1. Pertains to record of Honorable Tribunal hence, needs no comments.
2. Pertains to record of Anti-Corruption Establishment and Honorable Special Judge, needs no comments.
3. Correct to the extent that in compliance with the judgment of Honorable Tribunal, appellant was reinstated for the purpose of denovo enquiry (**Annexure "A"**). All the codal formalities were observed during the course of denovo enquiry.
4. Pertains to record hence, needs no comments.

5. Pertains to record hence, needs no comments.
6. Correct to the extent that reply of appellant to the charge sheet (**Annexure "B"**) was found unsatisfactory and baseless.
7. Incorrect. On receipt of enquiry findings report Competent Authority issued final show cause notice (**Annexure "C"**) to the appellant to explain the circumstances and material evidence brought on file by the enquiry officer. But he badly failed to explain the same. All the public documents were provided to the appellant for proper defence.
8. As explained above, needs no comments.
9. Correct to the extent that reply of the appellant to final show cause notice was found un-plausible, he was heard in person and an appropriate punishment for compulsory retirement from service was awarded to the appellant (**Annexure "D"**) keeping in view his long service. Order was announced in the presence of appellant and copy was provided under the rules.
10. Pertains to record. Rejection order was convincing, well reasoned and passed in accordance with law/ rules. The appeal is not maintainable may liable to be dismissed on the following Grounds.

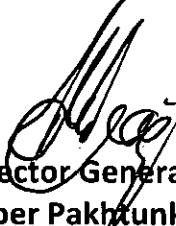
**GROUND:-**

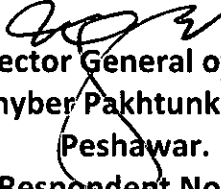
- A. The facts and grounds of the respondents reply to the earlier appeal may be treated as integral part for dismissal of the instant appeal.
- B. Incorrect. In compliance with the directions of Honorable Tribunal, proper denovo enquiry was conducted against the appellant wherein, all the opportunities of hearing, self defence and cross examination were provided but he failed to bring any evidence in self defence. As the charges of corruption, misappropriations etc were established and thereafter, proper legal and well reasoned order was passed against the appellant.
- C. Incorrect. Criminal and departmental proceedings are parallel to each other and acquittal of appellant in criminal charges on technical grounds has no effect on the departmental proceedings. The charges have been proved against the appellant in departmental probe therefore, appropriate punishment was awarded to the appellant in accordance with facts and rules.

- D. Correct to the extent that appellant has not performed duty during the period from the order of reinstatement till order of compulsory retirement therefore, the said period was treated as leave without pay.
- E. Incorrect, misleading and baseless. Respondents have properly evaluated the charges against the appellant in the departmental enquiry and on establishment of the charges and observing all codal formalities, legal and appropriate punishment was imposed upon the appellant in accordance with the facts and rules.
- F. Incorrect. Appellant has been dealt as per the mandate of law/ rules and order of the respondents are based on justice, facts and without any malafide.

**PRAYERS:-**

In view of the above narrated facts, it is, humbly prayed that the appeal being not maintainable, may kindly be dismissed with costs, please.

  
Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa ,  
Peshawar.  
(Respondent No. 01)

  
Inspector General of Police,  
Khyber Pakhtunkhwa ,  
Peshawar.  
(Respondent No. 02)

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

Service Appeal No. 8818/ 2020.

Wali Khan..... (Appellant)

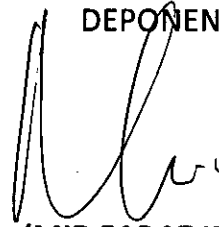
VERSUS

PPO KPK etc..... (Respondents)

**AFFIDAVIT**

I, Mir Faraz Khan DSP/ Legal CPO, Peshawar do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of Respondents are correct to the best my knowledge and belief. Nothing has been concealed from this Honorable Tribunal.

DEPONENT



**(MIR FARAZ KHAN)**

DSP/ Legal,  
CPO, Peshawar.  
11101-1425161-3  
0336-5761727

38-11-19

D

28

(A)

A



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE,  
CENTRAL POLICE OFFICE,  
KHYBER PAKHTUNKHWA PESHAWAR

No. 6475-82/E-V, dated Peshawar the 18 / 11 / 2019

ORDER.

In compliance with the Judgment of the Honourable Service Tribunal Khyber Pakhtunkhwa dated 04.10.2019 and opinion of AIG/Legal CPO, Ex-Assistant Grade Clerk Wali Khan is hereby re-instated in Service for the purpose of de-novo enquiry, with immediate effect.

Sd/-

Dr. ISHTIAQ AHMED PSP/PPM  
Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa,  
Peshawar.

Endst: No. & date even.

Copy forwarded to the: -

- ✓ Addl: Inspector General of Police HQrs: Khyber Pakhtunkhwa, Peshawar.
- Accountant General Khyber Pakhtunkhwa, Peshawar.
- Deputy Inspector General of Police, HQrs, Khyber Pakhtunkhwa, Peshawar.
- Deputy Inspector General of Police, Internal Accountability, Khyber Pakhtunkhwa, Peshawar.
- Assistant Inspector General of Police, Legal CPO Peshawar w/r to his letter No. 5369/Legal, dated 05.11.2019.
- Registrar CPO, Peshawar.
- Office Superintendents, Secret & Charge Central Registry Cell CPO, Peshawar.

(SADIQ BALOCH) PSP

AIG/Establishment,

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

18/11/19

B



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE,  
KHYBER PAKHTUNKHWA,  
CENTRAL POLICE OFFICE,  
PESHAWAR

6567/EV dated: 26-11-2019 Ph: 091-9210545 Fax: 091-9210927

CHARGE SHEET

I, Dr. Ishtiaq Ahmed Addl: Inspector General of Police, HQrs: Khyber Pakhtunkhwa as competent authority, under Rule 5(b) of Khyber Pakhtunkhwa, E&D Rules, 2011 hereby charge you Assistant Grade Clerk Wali Khan as follows:-

- i. That you took an amount of Rs. 6,00,000/- (Six-Lac) from Atta-ur-Rehman s/o Rustam Khan resident of District Lakki Marwat promising that you will provide him a Job in WABDA in lieu of the said amount. After a lapse of 03-months you did not honor your promise and rather give him a cheque No. CD-4735402 of Bank Alfalah bearing A/C No. 00641002934036 but the same was not honored due to non-availability of amount in said account. The complainant failed to get his money back from you besides several visits of your home and frequent promises. Consequently a proper case vide FIR No. 16 dated 29-07-2015 u/s 420/161/162/PPC/5(2) PS, Act, PS, Ante Corruption Establishment, Peshawar was registered against you, as it amounts to gross misconduct and criminal undertaking on your part and is punishable under the said Rules.
- ii. All this speaks highly adverse on your part warranting stern disciplinary action against you under the relevant Rules, Khyber Pakhtunkhwa Government Civil Servants (Efficiency and Disciplinary) Rules-2011.

2. That You were issued Final Show Cause Notice vide No. 2154/E-V, date 31.03.2015 enquiry was conducted against you and after proper proceedings of the enquiry, the Enq Officer recommended that being guilty you may be dismissed from service after proper departmental proceedings.
3. That the departmental proceedings could not be initiated against you because a submission of reply to final Show Cause Notice you disappeared from your lawful duty without kind of leave or permission from the Competent Authority. You were time and again summoned to appear before the Competent Authority and join the enquiry proceedings but in consequence the then DIG HQrs awarded you the major punishment of compulsory retirement from service.
4. You had submitted appeal vide dairy No. 441/E-V dated 03.03.2016, which was rejected by Addl: IGP/HQrs: vide order No. 2440/E-V dated 20.04.2016. You, then submitted Second appeal No. 501/2016 before the Chairman Service Tribunal Khyber Pakhtunkhwa on 12.05.2016.
5. The Service Tribunal Khyber Pakhtunkhwa Peshawar vide his Judgment dated 04.10 has directed Police Department to conduct De-novo enquiry within period of 90-days. For purpose of enquiry, you have been re-instated vide order No. 6475-82/E-V dated 18.11.2019
6. You are, therefore, required to submit your written defense reply within seven (07) days of the receipt of this charge sheet to the Enquiry Committee as constituted by the Accountability Bureau CPO Peshawar.
7. Your written defense, if any, should reach the enquiry committee within the specified period. Failing which it shall be presumed that you have no defense to put in and in that case action shall follow against you.
8. Intimate whether you desire to be heard in person.
9. Statement of allegations is enclosed.

(Dr. ISHTIAQ AHMED), PSP/PPM  
Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa,  
Peshawar.

1729/PAB

26-11-2019





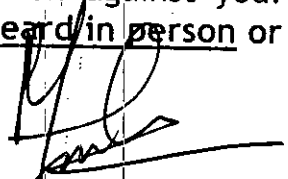
OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE  
PESHAWAR

Ph: 091-9210545 Fax: 091-9210927

No 2154 /E-V, Dated Peshawar the 31-3 /2015

**FINAL SHOW CAUSE NOTICE.**

1. WHEREAS, you Asstt: Grade Clerk Wali Khan presently posted in School of Explosive Handling at Nowshera, has committed gross misconduct as defined in Govt. servants (Efficiency and Discipline Rules 2011), resultantly you were served with a Show Cause Notice on the basis of Preliminary Enquiry conducted by Deputy Inspector General of Police, Enquiry and Inspections, Khyber Pakhtunkhwa, Peshawar against you.
2. WHEREAS, you have been found held guilty of the charges leveled against you as mentioned in the Show Cause Notice.
3. AND WHEREAS, on going through record and contents of the Preliminary Enquiry and Show Cause Notice served upon you, the material placed on record and other connected papers including your reply, I am satisfied that you have committed the misconduct and are guilty of the charges leveled against you as per contents of the Show Cause Notice conveyed to you which stand proved and render you liable to be awarded punishment under the said rules.
4. NOW THEREFORE, I, Mubarak Zeb (PSP) Deputy Inspector General of Police, HQrs: : Khyber Pakhtunkhwa, Peshawar as Competent Authority have tentatively decided to impose upon you, any one or more penalties including the penalty of "dismissal from Service" under Section 4 of Govt. servants (Efficiency and Discipline Rules 1974/(amended in 2011).
5. You are therefore, required to Show Cause within seven days of the receipt of this Notice, as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defence to offer and an exparte action shall be taken against you. Meanwhile also intimate whether you desire to be heard in person or otherwise.

  
(MUBARAK ZEB)PSP  
DIG, HQrs:  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar ✓



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24-2-16  
OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE  
PESHAWAR  
Ph: 091-9210545 Fax: 091-9210927

No 1247 /E-V Dated Peshawar the 24-2 /2016

### ORDER

This is an order on the Departmental Enquiry conducted against Asstt: Grade Clerk Wali Khan while posted in School of Explosive Handling at Nowshera committed the following Commission/Omission that:-

1. A Preliminary Enquiry was conducted by Deputy Inspector General of Police, Enquiry & Inspection, Khyber Pakhtunkhwa, Peshawar against him on the application of one Atta Ur Rehman son of Rustam Khan r/o Lakki Marwat wherein he was found guilty of the charges leveled against him. The grounds of the Enquiry are that he had deceitfully taken an amount of Rs.6,00,000/- (Six Lac) from him by promising that he (Asstt: Grade Clerk Wali Khan) will provide/award a job in WAPDA in lieu of the said amount. After a lapse of 03 months, he didn't honour his promise and rather gave him a Cheque No CD-4735402 of Bank Al-Falah bearing A/C No00641002934036 but the same could not be honored due to non-availability of amount in the said Account. Later on, he made fake promise to return the amount to the owner for which he had to pay constant visits at his home but in vain. The Complainant had a lot of proofs against him in this regard.
2. Deputy Inspector General of Police, Enquiry and Inspection, Khyber Pakhtunkhwa, Peshawar completed the Enquiry and submitted to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar. Upon perusal the Enquiry Report, the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar passed the following remarks that:-

- Criminal action should be taken against the Clerk
- Case should be registered against him
- He should also be placed under suspension and Show Cause Notice be issued for Major penalty.

According to the kind orders of Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, he was placed under suspension and a Criminal Case was registered against him in Anti Corruption, Establishment, Khyber Pakhtunkhwa, Peshawar vide Case FIR No 16 Dated 29.07.2015 u/s 420/161/162/PPC/5(2) PC, Act, PS, ACE, Peshawar. Moreover, he was also issued/served with the Show Cause Notice.

In response to the same Show Cause Notice, the delinquent official submitted his reply but being un-satisfied, he was issued Final Show Cause Notice accordingly. He submitted his reply to Final Show Cause Notice accordingly. To fulfill the codal formalities in the Subject Enquiry, he was called in OR for personal hearing before the undersigned but he disappeared despite of repeated reminders and calls on his Cell No. At last, he was directed through two local Urdu leading News Papers dated 17.02.2016 for appearance before the Competent Authority. After advertisement in the News Papers, he appeared on the same date before the undersigned but he could not satisfy the undersigned.

Beside, Mr. Siraj Khan s/o Bashir Khan r/o Peshawar also submitted a complaint against the above named delinquent Asstt: Grade Clerk Wali Khan wherein he alleged that he lended an amount of Rs:- 5,75,000/- to him. Now whenever, he demands for the returning of the said amount, Asstt: Grade Clerk threat him of dire consequences. Later on, he gave him a Cheque No 4882083 of Habib Bank but it was dishonored due to insufficient amount in his Account. To know the real facts, an Enquiry was conducted against Asstt: Grade Clerk Wali Khan by Superintendent of Police, Enquiry and Inspection, CPO, Peshawar. He was time directed time and again to join the Enquiry but he deliberately avoided to face the Enquiry Process. However, the Enquiry Officer completed the enquiry and submitted his report to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar with the contents that during the course of Enquiry it has been revealed and proved beyond reasonable doubt that Asstt: Grade Clerk Wali Khan is a habitual and deceived several people on the promise/pretext of their recruitment and has collected Millions Rupees by using such ways. The Enquiry Officer reached to the conclusion and recommended to launch a FIR under the relevant Sections of law by the ACE, Khyber Pakhtunkhwa, Peshawar against him and being a really black sheep and stigma on the face of Police Department may be dismissed from Service after proper departmental action. The recommendations submitted by the Enquiry Officer, were duly approved by the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.



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OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE  
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Similarly, another Complaint against delinquent official Asstt: Grade Clerk Wali Khan was also submitted by one Rahat Bacha son of Riaz Ali Shah r/o village Musa Zai, District Peshawar mentioning that he has given an amount of Rs:- 3,00000/- to him for the appointment of Naib Qasid in WAPDA in the witness of his real brothers. Neither he has provided to him the said job nor he is returning the same amount. He also narrated in his complaint that whenever he demands for the returning of his amount, he always use deceptive tact's. He has further stated in his application that the image of Police Department is defaming/polluting by such black sheep. Therefore, he has request for the recovery of his amount from Asstt: Grade Clerk Wali Khan.

The matter was enquired by SP, Enquiry and Inspection, CPO, Peshawar and submitted his Findings Report to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar. Upon perusal the Enquiry Report, the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar has passed the remarks that departmental action be finalized against the delinquent official.

In the above two Compliant, the departmental process could not be initiated against him because after submission of reply to the Final Show Cause Notice, he was disappeared from his lawful duty without any kind of leave or permission from the Competent Authority. He was called time and again to appear for personal hearing before the Competent Authority and to join the enquires initiated against him on his Cell No but in vain. However, during the course of both enquiries, he was found guilty on the score of allegation leveled against him by the applicants.

On going through the findings/recommendations of the Enquiry Officer duly approved the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, the material/witness available on record, I, MUHAMMAD ALAM SHINWARI, PSP Deputy Inspector General of Police, Hqrs; Khyber Pakhtunkhwa, Peshawar (Competent Authority) however, taking a lenient view, hereby order to award the Major punishment of Compulsory Retirement from Service to the above delinquent official Asstt: Grade Wali Khan with immediate effect.

Order announced

(MUHAMMAD ALAM SHINWARI) PSP  
DG, Hqrs:  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No/248-55E-V Dated Peshawar the 24/2 /2016.

Copy of above is forwarded for information and necessary action to the:-

1. Additional Inspector General of Police, Hqrs: Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Enquiry and Inspection, Khyber Pakhtunkhwa, Peshawar with references to his office Letter No. 524-25/E&I Dated 06.02.2015, 479/E&I Dated 03.03.2015 and 8559/E&I Dated 23.09.2015
3. Asstt: Inspector General of Police, Estt: CPO, Peshawar.
4. Director, Anti Corruption Establishment, Khyber Pakhtunkhwa, Peshawar with reference to his office Letter No 8734/ACE Dated 18.08.2015.
5. Registrär, CPO, Peshawar.
6. Office Supdt: Secret, CPO, Peshawar.
7. Accountant, CPO, Peshawar.
8. Incharge Central Registry, CPO, Peshawar.



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 1085 /ST

Dated: 18/01/2022

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 Additional Inspector General of police,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 8818/2020 MR. WALI KHAN.

I am directed to forward herewith a certified copy of Judgement dated 18.01.2022 passed by this Tribunal on the above subject for compliance please.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR