

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	18.03.2015	<p align="center"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p align="center">Service Appeal No. 608/2014,</p> <p align="center">Muhammad Naeem Khattak Vs: the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar etc.</p> <p align="center"><u>ABDUL LATIF, MEMBER..-</u> Appellant with counsel (Mr. Ijaz Anwar Advocate) and Mr. Muhammad Adeel Butt, Addl. A.G with Iqbal Munir, H.C for the respondents present.</p> <p>2. The appellant, Muhammad Naeem Khattak was appointed as ASI on 28.02.2006. He rose to the rank of Inspector. He was posted as SHO Police Station Bhanamari on 16.09.2013 and remained posted there till 06.12.2013. He was charge sheeted for the following charges:-</p> <p>“i. That during his posting as SHO Police Station Bhanamari w.e.f. 16.09.2013 to 06.12.2013 heinous cases i.e. (09) cases of murder (17) cases of attempt murder (01) case of kidnapping for ransom (02) cases of abduction, (02) cases of robbery, (05) cases of Burglary, (03) cases of theft ord., (04) cases of vehicle lifting and (03) cases of vehicle snatching, has increased manifold, which shows his in-efficiency and lack of interest in official duty.</p> <p>ii. That on 12.11.2013 during procession of “Ahl-e-Sunnat Waljamaat” an ugly incident vide case FIR No. 1028 dated 12.11.2013 u/s 324/7-ATA P.S Bhanamari had taken place due to your lack of proper strategy which led to law and order situation in area.</p>

iii. That an active member of Sherpao Group moved complaint against you for maltreatment and rude behavior which has badly affected the image of Police Force.”

An enquiry committee comprising of ASP Cantt. and DSP City-II was appointed to conduct enquiry into the above allegations who submitted report wherein it recommended imposition of major penalty of dismissal or compulsory retirement on the appellant. A final show cause notice was issued to him and major penalty of compulsory retirement was imposed upon him by the competent authority. The appellant made a departmental appeal to the Provincial Police Officer which was not responded within the statutory period of ninety days, hence the instant appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

3. Arguments heard and record perused.

4. The learned counsel for the appellant argued that no proper procedure was followed before awarding major punishment of compulsory retirement to the appellant. No proper enquiry was conducted, the appellant was not associated with the enquiry proceedings, statement of witnesses, if any, were not recorded in presence of the appellant nor he was allowed opportunity to cross examine the witnesses. Moreover, he was not served with any show cause notice, thus the whole proceedings were defective in

the eyes of law. He argued that the appellant remained posted as SHO Bhanamari for a period of less than three months and charge of increase in crimes during his stay there was mere exaggeration as it was too short period to adjudge the performance of an officer. In so far as the 2nd charge is concerned, counsel for the appellant stated that the appellant quickly reacted to the incident, got hold of the delinquent constable, lodged FIR against him and completed necessary judicial proceedings in the issue. Replying the third charge, it was argued that matter with the political worker of Qaumi Watan Party was amicably patched upon vide Daily Diary report bearing No. 20 dated 09.11.2013 P.S Phari Pura. He argued that enquiry against the appellant was conducted in a slipshod manner and charges made against the appellant were never proved, the enquiry officers rather gave their findings on surmises and conjectures. Moreover, the enquiry officer stated that they secretly collected information from the local police, however, neither names of those who provided the information were disclosed nor the appellant was given opportunity to cross-examine them. Thus the enquiry report was defective in nature. That the appellant had not been associated with the enquiry proceedings, his statement had not been recorded, nor any witness had been examined in his presence or if so examined the appellant was not allowed opportunity to cross-examine them. The learned

A.F.I.

counsel stated that the whole proceedings so conducted against the appellant were pre-planned and ascertaining the true facts or collect any evidence against the appellant, the enquiry committee submitted its report on mere surmises and conjectures. Similarly, the competent authority also did not consider the defence plea of the appellant, passed the impugned order in a mechanical manner. Moreover, the enquiry was got conducted through a committee comprising two officers whereas there is no such provision in the Police Rules, 1975. The learned counsel for the appellant prayed that on acceptance of the appeal, the impugned order may be set aside and the appellant may be reinstated in service with all back benefits.

A.F.I.

5. The learned Addl. Advocate General while contradicting the arguments of the learned counsel for the appellant argued that proper procedure of enquiry was adopted before imposition of punishment against the appellant under the Police Rules, 1975. Charge sheet and statement of allegations were served on him, enquiry committee was appointed who submitted its report and final show cause notice was issued to the appellant. Before imposition of penalty, the appellant was also heard in person and the appeal having no substance may be dismissed.

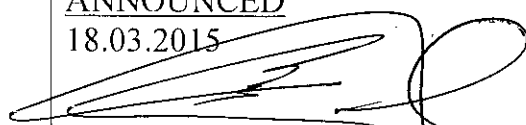
6. Both the learned counsel for the appellant and

learned Addl. AG were heard at length and documents placed on case file including enquiry report thoroughly perused. The record did not show any documentary proof on account of the allegations nor did the enquiry committee collect any solid evidence in support of the allegations leveled against the appellant. It appears that the appellant was proceeded on the basis of unfounded and baseless complaints and based on hearsay evidence which has got no footing in the service law.


7. In view of the foregoing discussion, the major penalty of compulsory retirement is set aside, the appellant is reinstated in service and intervening period since his order of compulsory retirement is treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

18.03.2015



(PIR BAKHSH SHAH)
MEMBER



(ABDUL LATIF)
MEMBER

608/14

06.3.2015

Appellant in person and Mr. Iqbal Munir H.C for the respondents present. The learned Member-II of the Bench has been deputed to KPK Public Service Commission to conduct interview. Therefore, case to come up for order on 13.3.2015.


MEMBER

13.3.2015

Appellant in person and Mr. Iqbal Munir H.C for the respondents present. The learned Member-II of the Bench is on leave, therefore, case is adjourned to 18.03.2015 for ~~order~~.


MEMBER

12.02.2015

Counsel for the appellant and Mr. Muhammad Adeel Butt,
AAG with Iqbal Munir, Head Constable for the respondents
present. Arguments heard. To come up for order on 19/02.2015.


Member


Member

19.2.2015

Appellant with counsel (Mr. Sajid Amin,
Advocate) and Addl. AG with Iqbal Munir, H.C for the
respondents present. The issue as to whether the appellant
should have been proceeded under Police Rules, 1975 or
otherwise, needs further arguments. Therefore, case is
adjourned to 26.2.2015 for the same.


MEMBER


MEMBER

26.2.2015

Appellant with counsel (Mr. Ijaz Anwar, Advocate)
and Addl. AG with Iqbal Munir, H.C for the respondents
present. Further arguments heard. To come up for order on
06.3.2015.


MEMBER


MEMBER

03.10.2014

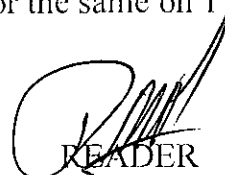
Appellant with counsel and Mr. Kabeerullah, Asstt. AG with Wisal Khan, H.C for the respondents present. Rejoinder received and placed on file. Copy handed over to the learned AAG. To come up for arguments on 27.11.2015.



MEMBER

27.11.2014

Appellant with counsel and Mr. Muhammad Adeel Butt, AAG with Wisal Khan, H.C for respondents present. The Tribunal is incomplete. To come up for the same on 17.12.2014.



READER

17.12.2014

Appellant in person and Mr. Muhammad Jan, GP with Wisal H.C for the respondents present. The Tribunal is incomplete. To come up for the same on 15.1.2015.



READER

15.1.2015

Appellant in person and Mr. Muhammad Adeel Butt, AAG with Iqbal Munir, H.C for the respondents present. The appellant submitted that due to general strike of the legal fraternity, he is unable to make his counsel available before this Tribunal. It was also brought by the learned AAG into the notice of the court that there are other cases of similar nature pending before this Bench of other appellants. Office is directed to club all the cases of similar nature. To come up for arguments on 12.2.2015.



MEMBER



MEMBER

27.06.2014

Appellant with counsel and Mr. Muhammad Jan, GP with Bashir Khan, DSP (Legal) for the respondents present and requested for further time. To come up for written reply on 17.07.2014.

MEMBER

MEMBER

17.07.2014.

Counsel for the appellant and Mr. Muhammad Jan, GP with Wisal Khan, H.C for the respondents present and requested for short adjournment. To come up for written reply on 13.8.2014.

MEMBER

MEMBER

13.08.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Wisal Khan, H.C for the respondents present and reply filed. Copy handed over to counsel for the appellant. To come up for rejoinder on 12.09.2014.

MEMBER

12.09.2014

Appellant in person and Mr. Muhammad Jan, GP with Wisal Khan, H.C for the respondents present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court affecting his status as District & Sessions Judge. To come up as before on 03.10.2014.

MEMBER

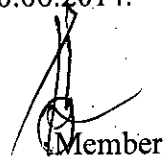
Appeal No. 608/2014
Mr. Muhammad Naveem Qadri

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13.05.2014

Counsel for the appellant present and filed an application

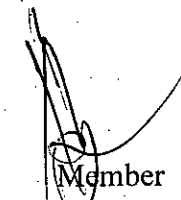
for early hearing. Application allowed. To come up for preliminary hearing on 19.05.2014 instead of 10.06.2014.


Member

19.05.2014

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 22.01.2014, he filed departmental appeal on 03.01.2014, which has not been responded within the statutory period of 90 days, hence the present appeal on 30.04.2014. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. Counsel for the appellant also filed an application for suspension of operation of order dated 22.01.2014. Notice of application should also be issued to the respondents for reply/arguments. To come up for written reply/comments on main appeal on 13.08.2014 as well as reply/arguments on application on 04.06.2014.

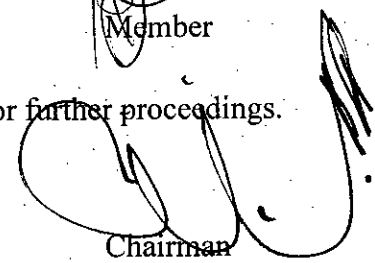
*Appellant deposited
Process fee & Security
Rs. 1800/- Bank Receipt
attached with file*


Member

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19.05.2014

This case be put before the Final Bench  for further proceedings.


Chairman

4.6.2014

Appellant with counsel and Mr. Muhammad Jan, GP with Bashir Ahmad, DSP (Legal) for the respondents present and requested for time. To come up for written reply on 27.6.2014.



MEMBER 

MEMBER 

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 608 /2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	30/04/2014	<p>The appeal of Mr. Muhammad Naeem Khattak presented today by Mr. Ijaz Anwar Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2 5-5-2014</p> <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>10-6-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 608/2014

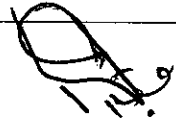
Muhammad Naeem Khattak Ex Inspector/SHO Police Station
Banamari Peshawar.....(*Appellant*)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and
others(*Respondents*)

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4	Copy of the Inquiry Report	D	12-13
5	<i>Copies of final show cause notice, reply, and Order dated 22.01.2014</i>	E, F & G	14-19
6	Copy of the departmental appeal	H	20-29
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Appellant

Through



IJAZ ANWAR

Advocate Peshawar



SAJID AMIN

Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 608/2014

30/4/14

Muhammad Naeem Khattak Ex Inspector/SHO Police Station
Banamari Peshawar.....(Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
3. The Capital City Police Officer, Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 22.01.2014, whereby the appellant has been awarded major punishment of Compulsory Retirement From Service, against which the Departmental Appeal dated 29.1.2014 has not been responded despite the lapse of 90 days.

Prayer in Appeal: -

On acceptance of this appeal the order dated 22.01.2014, may please be set-aside and the appellant may please be re-instated in service with full back wages and benefits of service.

Respectfully Submitted:

30/4/14

1. That the father of the appellant was Police Officer who laid his life in the performance of duties. The appellant was appointed as ASI being son of a Shaheed Police Officer on 28.02.2006 in the Police Department. During the Course of his Service, the appellant undergone all the major police courses and was promoted as Sub Inspector and lastly was promoted as Inspector.
2. That ever since his appointment, the appellant had performed his duties as assigned to him with zeal and devotion and there was no complaint whatsoever regarding his performance. It is pertinent to mention here that during his entire service, the performance of the appellant remained commendable, he traced and arrested criminals

who were required to the Police in some high profile cases, besides this during the roar of militancy, he always remained in the front line against the militants and demonstrated exceptional performance, gallantry and devotion beyond the call of duty. His performance was also appreciated by the High Ups and he was awarded number of Commendation Certificates and Cash awards. *(Copy of list of cases are attached as annexure A)*

3. That while serving in the said capacity, the appellant was served with charge Sheet and statement of allegations dated 16.12.013, containing certain unfounded and baseless allegations. The allegations leveled in the Charge Sheet are reproduced bellow:

i. *"That during his posting as SHO Police Station Bhanamari w.e.f 16.9.2013 to 6.12.2013 heinous cases i.e (09) cases of murder (17) cases of attempt murder (01) case of Kidnapping for ransom (02) cases of abduction, (02) cases of robbery, (05) cases of Burglary, (03) cases of theft, (04) cases of vehicle lifting and (03) cases of vehicle snatching, has increases manifold, which shows his in-efficiency and lack of interest in official duty.*

ii. *That on 12.11.2013 during procession of "Ahle-e-Sunnat wa Aljamat," an ugly incident vide case FIR No. 1028 dated 12.11.2013 u/s 324/7-ATA P.S Bhanamari had taken place due to your lack of proper strategy which led to law and order situation in area.*

iii. *That an active member of Sherpao Group moved complaint against you for maltreatment and rude behavior which has badly affected the image of Police Force.*

(Copy of the Charge Sheet and Statement of Allegations are attached as Annexure B & C)

4. That without associating the appellant with the inquiry proceedings, a partial inquiry was conducted and the inquiry officer submitted his inquiry report wherein he recommended the appellant for major punishment.

(Copy of the Inquiry Report is attached as Annexure D)

5. That thereafter the appellant was served with Final Show Cause Notice, the appellant duly replied the final show cause notice whoever, the authority while agreeing with the findings of the Inquiry Officer, awarded the appellant major punishment of

“Compulsory Retirement from Service” vide order dated 22.01.2014 to the appellant. (*Copies of final show cause notice, reply, and Order dated 22.01.2014 are attached as Annexure E to G*)

6. That the appellant has submitted his departmental appeal dated 29.01.2014, however it has not been responded despite the lapse of Statutory Period of 90 days. (Copy of the departmental appeal is attached as Annexure H)
7. That the impugned Penalty Order is illegal unlawful against law and facts hence liable to be set aside inter alia on the following grounds :

GROUND OF APPEAL .

- A. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding the major penalty of *Compulsory Retirement from Service*, to the appellant. No proper inquiry has been conducted, the appellant has not been associated with the inquiry proceedings, statements of witnesses if any were never taken in his presence nor he has been allowed opportunity of cross examination, moreover he has not been served with any show cause notice, thus the whole proceedings are defective in the eyes of law.
- C. That the allegations leveled against the appellant are general in nature and no specific instance has been shown where he has been found involved in the charges leveled against him, thus the Charge Sheet in itself is ambiguous and not warranted under the law.
- D. That the incumbent CCP has wrongly assumed the powers of the Competent Authority, he was holding the post of SSP, therefore, initiating proceedings and awarding penalty was beyond his domain, therefore, the proceedings so conducted were illegal and without lawful authority
- E. That the petitioner being a civil servant was required to have been proceeded under the Khyber Pakhtunkhwa Civil Servants (Efficiency & Disciplinary) Rules 2011, after the promulgation of the Police Order 2002, the Police Act 1861 has been

repealed, therefore, the proceedings conducted under the Police Rules, 1975 are illegal and result of misapplication of law, therefore, the proceedings so conducted are liable to be struck down on this score alone.

- F. That the allegations pertaining to the issue of Ali Bacha, Constable No. 5952 is concerned, the moment the appellant received information he rushed to the place of occurrence keeping in view the sensitivity of the issue and controlled the procession, formally arrested him and recovered the weapon of offence lodged FIR against the accused constable. The accused made confessional statement before the court of Mr. Nasrullah Khan, Judicial Magistrate, Peshawar which is self explanatory as he stated that this was his individual act, therefore, how can the appellant be held responsible for the acts of others. (Copy of confessional statement of accused is attached as annexure I)
- G. That the allegations regarding the issue of altercation with a local leader of Qaumi Watan Party namely Aman Ali Bacha it is submitted that it was a minor incident and has already been resolved, copy of the D.D report bearing No. 20 is enclosed. The said leader has got no grievances against the appellant, however the inquiry officer failed to appreciate this fact.
- H. That the appellant has not been allowed opportunity of personal hearing, thus he has been condemned unheard.
- I. That in the Charge Sheet/ Statement of allegations it was alleged that the appellant carries bad reputation in terms of inefficiency, corruption and involvement in criminal activities, however not a single instance has been mention wherein he has been found inefficient, corrupt or involved in criminal activities, thus he has not been allowed fair opportunity to defend himself against the charges.
- J. That the charges leveled against the appellant were never proved in the enquiry, the enquiry officer gave his findings on surmises and conjunctures, moreover the inquiry officer had stated in the inquiry report that he secretly collected information from the local people about the character, however neither the names of those person (if any) were brought on record nor the appellant has been allowed to cross examine those person on whom statements the inquiry officer relied and

recommended him for major punishment. Thus the inquiry report is defective in nature.

- K. That the appellant has never indulged himself in any such activities beneficial to his person except for the public good. The allegations leveled against the appellant are based on hearsay evidence which has got no footings in the service laws. The Superior Courts have always held that no one should be condemned without solid reasons/ proof.
- L. That appellant has never committed any act or omission which could be termed as misconduct, albeit been awarded the penalty of "*Compulsory Retirement from Service.*"
- M. That the appellant has not been associated with the inquiry proceedings, his statement has not been recorded by the inquiry officer, nor any witness have been examined in his presence or if so examined the appellant has not been allowed to cross examine those who may have deposed against him.
- N. That the appellant has a bright and spotless service career at his credit, the service record of the appellant bear testimony of his spotless service career, the appellant was never communicated any adverse entries nor has any bad entries in his ACRs/ service roll, the penalty imposed upon him is too harsh and liable to be set aside.
- O. That unfortunately the whole proceedings so conducted against appellant were the result of pre-determined mind, the enquiry officer without ascertaining the true facts or collecting any evidence against the appellant, has submitted his report on mere surmises and conjectures, similarly the competent authority has also did not considered the defence plea of the appellant and passed the impugned order in a mechanical manner least caring for the lifelong service of the appellant.
- P. That the appellant is jobless since the illegal compulsory retirement from service.

- Q. That the appellant also seeks permission of this Honourable Tribunal to rely on additional grounds at the time of hearing of the instant appeal.

It is, therefore, humbly prayed that on acceptance of this appeal the order dated 22.01.2014, may please be set-aside and the appellant may please be re-instated in service with full back wages and benefits of service.

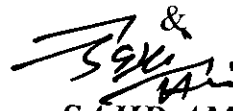

Appellant

Through



IJAZ ANWAR

Advocate Peshawar



SAJID AMIN

Advocate, Peshawar

AFFIDAVIT

I, Muhammad Naeem Khattak Ex Inspector/SHO Police Station Banamari Peshawar, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.



Deponent



(67)

APPROVED: A

Respected Sir,

During my posting as SHO Police Station Bhanamari, for the period with effect from 16-09-2013 to 06-12-2013, I tried my level best and fought against the criminal as well as made hectic efforts to culminate the menace of crimes from the area which is evident from the good job done by me during the said period. Similarly, during the short span of time, I performed outstandingly and successfully. It is added that I worked out the following blind/ untraced cases:-

- Recovered motorcar 02-OD bearing registration No.A5759 stolen in case vide FIR No.874 dated 05-10-2013, u/s 381-A PPC Police Station Bhanamari;
- Recovered a motorcar bearing registration No.ZT-897 vide FIR No.1000 dated 09-10-2013 u/s 420/ 468/ 411 PPC Police Station Bhanamari which was stolen from the jurisdiction of Police Station, Raman, Islamabad vide FIR No.402 dated 08-10-2013 u/s 381-A PPC;
- Recovered kidnaped of case of case vide FIR No.843 dated 27-09-2013 u/s 365 PPC Police Station Bhanamari and arrested six (06) accused (Sahib Zada etc);
- Arrested a Bhattkhor namely Fawad wanted in case vide FIR No.807 dated 10-09-2013 u/s 387/ 506 PPC/ 25 Telegraph Act, Police Station Bhanamari;
- Arrested another Bhattkhor namely Saleem wanted in case vide FIR No.1014 dated 13-11-2013 u/s 387/ 506 PPC/ 25 Telegraph Act, Police Station, Bhanamari;
- Arrested accused and recovered the stolen property snatched vide case FIR No.870 dated 03-10-2013 u/s 382/ 411 PPC Police Station Bhanamari;
- Arrested accused Ghufan Ullah and recovered a Suzuki Carry bearing registration No.NZ-728/ I.D vide FIR No.1051 dated 02-12-2013 u/s 411 PPC Police Station Bhanamari which was stolen from the jurisdiction of Police Station Sadar Kohat.

Besides the above, the following table shows the achievements done by me during the period when I was posted as SHO Police Station Bhanamari:-

Kalashnikov	07
Kalakov	01
Rifle	04
Guns	16
Pistols	88
Cartridges/ rounds	9407
Charas	39850 kgs
Alcohol	306 bottles
Pos arrest	21
Preventive measures u/s 107/ 151 Cr.P.C.	142
Arrest u/s 55/ 109	18

YK

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Sir,

In pursuance to charge sheet and summary of allegations, bearing No. E/ 21/PA dated 16.12.2013, it is respectfully submitted that alleged charges against me are unjustified, unwarranted and without footings / facts. The para wise reply to the charges are as under:

i. At the very out set, I may to submit that during my posting as SHO PS Bhanamari, I tried my level best to culminate the menace of crimes from the area, leaving no stone unturned. My tenure as SHO clearly reflects my performance as I have struggled a lot to fight against the criminals. During short span of time of my posting, I performed outstandingly and successfully work out the following blind / untraced cases.

- Recovery of the car in case vide FIR 874 dated 05.10.2013 u/s 381 A PPC.
- Recovery of motor car ZT-897 in a case of Islamabad vide FIR 402 dated 08.10.2013 u/s 381 PPC.
- Tactful recovery of kidnapce in case FIR 843 dated 27.09.2013 u/s 365A PPC and arrest of 06 accused (Sahibzada etc).
- Arrest of Bhattakhor Saleem in case FIR 1014 dated 13.11.2013 u/s 387, 506 PPC 25 Tel.
- Arrest of Bhattakhor Fawad in cases FIR 807 dated 10.09.2013 u/s 387, 506 PPC 25 Tel.
- Recovery of stolen property and arrest of culprits in case FIR 870 dated 03.10.2013 u/s 382 / 411 PPC.
- Quarterly performance w.e.f 16.09.2013 to 06.12.2013, as below:

Kalashnikov	07
Kala Cove	01
Rifle	04
Guns	16
Pistols	88
Cartages	9407
Charas	39,850 Kgs
Alcohol	306 Botels
PO arrest	21
Preventive measures u/s 107 / 151 Cr.P.C	142
Arrest u/s 55 / 109	18

ii. The charge of lack of proper strategy during procession of Ahlesunnat Waljumat on 22.11.2013 is based on surmises and conjectures and there are no materials which can connect me prima face with the alleged charge. The accused constable had been assigned duty at nakabandi point Ring road which was at a far flung distance but unfortunately one of the small procession crossed through that area and the unfortunate mishap was occurred. May it be clarified that during this time, I

YPO

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was on duty and attached with worthy DSP circle and SHO Yakkatoot at Kohati Chowk Circular Road to keep the situation calm and quite with peaceful atmosphere in the area. The act of constable was independent and no overt act attributes to me. Just after the alleged occurrence, the case was registered against the constable and he was arrested immediately. No reluctance for action against the constable has been shown from my side. On my request and efforts, services of Mr. Ibrahim Qasmi, a well known member of Ahl-Sunnah. Scholar and elder of area was called who intervened and mediated with the leaders of procession and by the grace of Almighty Allah it was peacefully dispersed. This factum was recorded vide Madd 18 dated 23.11.2013 PS Bhanamari (Copy attached).

iii. The charge under this para is not based on facts but was reported as concocted. I did not misbehave the member of Sherpao Group. It is worth clarifying that on 09.11.2013. number of ill elements had been brought to Police Station after search operation in the area and I was busy in interrogating them. In meanwhile, a person showing himself as Amanat Ali s/o Tor Khan r/o Dir Town arrived and started interference. expressing his ill well / annoyance on the arrest of ill elements of his area. The person who was subsequently identified as a member of Sherpao group used unparliamentarily language against the officers, illegally intervened the working of Police but even then no misbehave attitude was conducted. The matter was recorded vide Madd 20 dated 09.1.2013 PS Bhanamari (Copy attached).

iv. Since I have joined the Police Force, I performed my duties dedicatedly honestly and to the entire satisfaction of my superiors. All the afore-stated charges bear no authenticity.

Forgoing in view, It is humbly prayed that the charge sheet may please be withdrawn and the inquiry proceedings may be filed without further action. I shall pray for the prosperity and long life of your good self as well the family

Obediently Yours

Inspector
Naeem Khattak
Police Lines Peshawar

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ANNEX B

CHARGE SHEET

1. Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient.
2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.
3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, **I Ijaz Ahmad Capital City Police Officer**, Peshawar hereby charge you **Inspector Muhammad Naeem Khattak the then SHO PS Bhanamari**, Peshawar under Rule 5 (4) of the Police Rules 1975 on the basis of following allegations:-
 - i. That during his posting as SHO Police Station Bhanamari w.e.f 16.09.2013 to 06.12.2013 heinous cases i.e. (09) cases of murder (17) cases of attempted murder (01) case of Kidnapping for ransom (02) cases of abduction, (02) cases of robbery, (05) cases of Burglary, (03) cases of theft ord., (04) cases of vehicle lifting and (03) cases of Vehicle Snatching, has increased manifold, which shows his in-efficiency and lack of interest in official duty.
 - ii. That on 12.11.2013 during procession of "Ahl-e-Sunnat wa Aljamat" an ugly incident vide case FIR No.1028 dated 12.11.2013 u/s 324/7-ATA PS Bhanamari had taken place due to your lack of proper strategy which led to law and order situation in area.
 - iii. That an active member of Sherpao Group moved complaint against you for maltreatment and rude behavior which has badly affected the image of Police Force.
4. And I hereby direct you further under Rule 6 (I) (b) of the said Rules to put in a written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why the action should not be taken against you and also stating at the same time whether you desire to be heard in person.
5. And in case your reply is not received within the specific period to the Enquiry officer, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.


**CAPITAL CITY POLICE OFFICER,
PESHAWAR.**



(11)

ANNEX: C

STATEMENT OF ALLEGATIONS

1. **I. Ijaz Ahmad, Capital City Police Officer**, Peshawar as Competent Authority, am of the opinion that **Inspector Muhammad Naeem Khattak the then SHO PS Bhanamari**, Peshawar has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.

STATEMENT OF ALLEGATION

- i. That during his posting as SHO Police Station Bhanamari w.e.f 16.09.2013 to 06.12.2013 heinous cases i.e. (09) cases of murder (17) cases of attempt murder(01) case of Kidnapping for ransom (02) cases of abduction, (02) cases of robbery, (05) cases of Burglary,(03) cases of theft ord:, (04) cases of vehicle lifting and (03) cases of Vehicle Snatching, has increased manifold, which shows his in-efficiency and lack of interest in official duty.
- ii. That on 12.11.2013 during procession of "Ahl-e-Sunnat wa Aljamat" an ugly incident vide case FIR No.1028 dated 12.11.2013 u/s 324/7-ATA PS Bhanamari had taken place due to your lack of proper strategy which led to law and order situation in area.
- iii. That an active member of Sherpao Group moved complaint against you for maltreatment and rude behavior which has badly affected the image of Police Force.

2. For the purpose of scrutinizing the conduct of said accused official with reference to the above allegations an Enquiry Committee/Enquiry Officer comprising of the following is/are hereby constituted/nominated:-

- a. ASP Cantt, Sohail
- b. DSP City II, Banaras Khan

3. The Enquiry/Committee, Enquiry Officer shall in-accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused official and make recommendations as to punish or other action to be taken against the accused official.

**CAPITAL CITY POLICE OFFICER,
PESHAWAR.**

No 21 /E/PA dated 16 / 12 /2013.

Copy to the above is forwarded to the Enquiry Officer for initiating proceeding against the accused under the provision of Police Rules 1975.

(12)

ANNEX D

CAPITAL CITY POLICE PESHAWAR

TO: CHIEF CAPITAL CITY POLICE OFFICER PESHAWAR

FROM: ASST. CHIEF

NO: 4609 /PA

DL: 31 /DECEMBER, 2013.

SUBJECT: DEPARTMENTAL INQUIRY AGAINST INSPECTOR NAEEM KHATTAK.

MEMORANDUM.

Please refer to your office inquiry No. 31/PA, CCPO, dated 16/12/2013, on the subject noted above.

Allegations.

- I. That during his posting as SHO Police Station Bhanamari w.e. 16/09/2013 to 06/12/13 heinous cases like (09) cases of murder (17) cases of attempted murder (01) case of Kidnapping for ransom (02) cases of abduction (2) cases of robbery, (05) cases of Burglary, (03) cases of theft and (04) cases of vehicle lifting and (03) cases of Vehicle Snatching, has increased manifold.
- II. That on 12/11/2013 during procession of "Ahle-Sunnat wal Jumaat" an ugly incident vide case No. 1028 dated 12.11.2013 u/s 324/7-ATA PS Bhanamari had taken place due to his lack of proper strategy which led to law and order situation in area.
- III. That an active member of Sherpao Group moved complaint against him for maltreatment and rude behavior which has badly affected the image of Police Force. As mentioned in charge sheet

PROCEEDINGS.

- a) The under enquiry officer was heard in person and his written reply perused
- b) Statement of his supervisory officer and local notables recorded and perused.
- c) Secret enquiry conducted into the general repute of the officer.

FINDINGS:-

- a. As regard the first allegation, not only did the crime rate increased manifold, a lot was also left lacking in tracing/apprehending the offenders. The under enquiry officer failed to satisfy the undersigned with regards to his performance thereby establishing his un-efficiency and lack of interest in official duty.
- b. The second allegation of mis handling the procession of "Ahle-Sunnat Wal Jumaat" on 12/11/2013 was also looked into minutely. The said procession was carried out after the recent sectarian tragedy in Rawalpindi at a time when sectarian tempers were at the highest. As SHO, the under enquiry officer failed to prevent/preempt the unfortunate incident which could have very easily engulfed the entire City's sectarian harmony thereby establishing the under enquiry's lack of interest and foresight.
- c. Furthermore, the complaint of rude behavior with the general public was also perused. Although, nothing concrete could have been established, yet a secret enquiry revealed that the officer is usually rude with complainants.


13/12/13

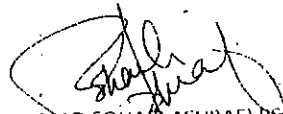
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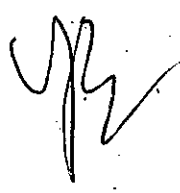
Lastly during the course of this enquiry, other enquiry of an apparent police high handedness revealed that the said officer also had links with food grabbers and was involved in forced expropriation. However, this enquiry is yet to be finalized.

RECOMMENDATION:

In light of the aforesaid recommendation, I am of the opinion that the under enquiry officer may be awarded major punishment of dismissed from service or compulsory retirement.


(BANARAS KHAN)
DEPUTY SUPDT. OF POLICE
CITY-II PESHAWAR.


(MUHAMMAD SOHAIL ASHRAF) PSP
ASSTT. SUPDT. OF POLICE
CANTT CIRCLE PESHAWAR.



FINAL SHOW CAUSE NOTICE.

ANNEXURE

14

I Ijaz Ahmad CCPO Peshawar as Competent Authority under P.R 1975, do hereby serve you Inspector Muhammad Naeem Khattak, the then SHO PS Bhanamari as follow:-

3. (i) The consequent upon the completion of inquiry conducted against you by Mr. Sohaib Ashraf, ASP Cantt: & Mr. Bnaras Khan DSP City-II for which you were given opportunity of hearing.

(ii) On going through the findings and recommendations of the inquiry officers, the material on record and other connected papers including your defense before the said officers.

I am satisfied that you have committed the following acts/omission:-

(i) That during your posting as SHO Police Station Bhanamari w.e.f 16.09.2013 to 06.12.2013 heinous cases i.e (09) cases of murder (17) cases of attempt murder (01) case of Kidnapping for ransom (02) cases of abduction, (02) cases of robbery, (05) cases of Burglary, (03) cases of theft ord., (04) cases of vehicle lifting and (03) cases of Vehicle Snatching, has increased manifold, which shows your in-efficiency and lack of interest in official duty.

(ii) That on 12.11.2013 during procession of "Ahl-e-Sunnat wa Alijamat" an ugly incident vide case FIR No.1028 dated 12.11.2013 u/s 324/7-ATA PS Bhanamari had taken place due to your lack of proper strategy which led to law and order situation in area.

(iii) That an active member of Sherpao Group moved complaint against you for maltreatment and rude behavior which has badly affected the image of Police Force.

4. As a result there of I, as Competent Authority decided to impose upon you Major penalty including dismissal from service under the said Ruls.
3. You are, therefore, require to Show Cause as to why the aforesaid penalty should not be imposed upon you.
4. If no reply to this notice received within 7 days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-part action shall be taken against you.
5. You are at liberty to be heard in person, if so wished.
6. Copy of the findings of the inquiry officer is enclosed.

CAPITAL CITY POLICE OFFICER,
PESHAWAR.

REPLY TO FINIAL SHOW CAUSE NOTICE

ANNEXURE
15

R/Sir,

In pursuance of final show cause notice served on me vide No. 68/PA, dated 17 January, 2014, I beg to submit my reply to the allegations leveled against me as under: -

1. During my posting as SHO Police Station, Bhanamari for the period with effect from 16-09-2013 to 06-12-2013, I tried my level best and fought against the criminals as well as made hectic efforts to culminate the menace of crime from the area which is evident from the good job done by me during the said period. Similarly, during the short span of time, I performed outstandingly and successfully. It is added, that I worked out the following blind/untraced cases: -

- Recovered motorcar 02-OD, bearing registration No. A-5759 stolen in case vide FIR No. 874 dated 05-10-2013 u/s 381-A PPC Police Station, Bhanamari.
- Recovered a motorcar bearing registration No. ZT-897 vide FIR No. 1000 dated 09-10-2013 u/s 420/468/411 PPC Police Station Bhanamari which was stolen from the jurisdiction of Police Station, Ramna, Islamabad vide FIR No. 402 dated 08-10-2013 u/s 381-A PPC Police Station, Ramna, Islamabad.
- Recovered kidnappee of case vide FIR No. 843 dated 27-09-2013 u/s 365-A PPC Police Station, Bhanamari and arrested 06 accused (Sahib Zada etc) of the case.
- Arrested a Bhattakhor namely Fawad wanted in case vide FIR No. 807 dated 10-09-2013 u/s 387/506 PPC/25 Telegraph act Police Station, Bhanamari.
- Arrested another Bhattakhor namely Saleem wanted in case vide FIR No. 1014 dated 13-11-2013 u/s 387/506 PPC/25 Telegraph act Police Station, Bhanamari.



- Arrested accused and recovered the stolen property snatched vide case FIR No. 870 dated 03-10-2013 u/s 382/411 PPC Police Station Bhanamari.
- Arrested accused Ghufranullah and recovered a Suzuki Carry bearing registration No. NZ-728/I.D vide FIR No. 1051 dated 02-12-2013 u/s 411 PPC Police Station Bhanamari which was stolen from the jurisdiction of Police Station Sadar Kohat.
(All the copies of FIRs are attached for ready reference).

Besides, the following table would show the good job done by me during the period when I was posted as SHO Police Station Bhanamari.

Kalashnikov	07
Kalakov	01
Rifle	04
Guns	16
Pistols	88
Cartridges/rounds	9407
Charas	39,850 kgs
Alcohol	306 bottles
POs arrest	21
Preventive measures u/s 107/151 Cr.PC	142
Arrest u/s 55/109	18

2. The charge of lack of proper strategy during the procession of Ahlesunnat Waljumat on 22-11-2013 is based on surmises and conjectures having no solid and plausible ground. Moreover, there is no material which prima facie connects me with the alleged charge. It is added that the accused Constable Ali Bacha No. 5952 was assigned the duty at Nakabandi point "ring road" which is far away from the point where a heavy procession of the said jummat was passing. However, unfortunately a small procession was crossing Nakabandi point "ring road" where the accused Constable was deployed and the members of the procession were raising slogans against Ahle-Tashee which provoked him as he was belonging to Ahle-Tashee and he (accused Constable) opened fire at the members of the procession which resulted in

causing injuries to some of the processionists vide FIR No. 1028 dated 22-11-2013 u/s 324 PPC /7ATA/155-D Police Order 2002, Police Station, Bhanamari.

It is worth mentioning that, I alongwith Mr. Banaras Khan DSP and SI Daud Khan SHO Police Station, Yakatoot was present at Kohati gate near Circular Road where a heavy procession was passing.

Upon receiving the message of this incident, I immediately rushed to the spot and evacuated the injured to LRH Peshawar. The processionists were insisting that they will burn the accused Constable but I called one Ibrahim Qasmi a well known member of Ahle-Sunnat Waljumat/Ex-MPA alongwith scholars/elders of the area to the spot who intervened and mediated with the leaders of the procession and by the grace of Almighty Allah the procession was peacefully dispersed and the accused Constable was taken into custody.

A proper case was registered against accused Constable and on the following day he was produced before Anti Terrorism Court with a request of physical remand. The court granted 03 days Police custody for his interrogation. He was properly interrogated who admitted the facts of the case.

On expiry of the Police custody he was produced before the court for confessional statement and he confessed the guilt before the court adding that he was on duty at Nakabandi point. The procession of Ahle-Sunnat Waljumat was passing through the Nakabandi point and the participants of the procession were naming Ahle-Tashee as infidel, which he could not tolerate and he opened fire at the procession. (copy of confession attached)

The above facts revealed that no laxity or malafide has been done by me during the discharge of my official duty.

3. So far as the complaint moved by one Amanat Ali Bacha an active members of Sherpao group against me is concerned, a compromise has been arrived at between me and Amant Ali Bacha on the intervention of the

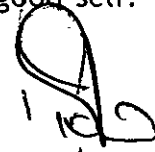


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elders of the locality and he has pardoned me in the name of Allah. Moreover, he does not want to proceed further in the matter. The copy of compromise deed is attached herewith for perusal please.

Since my enlistment in the Police Department I had performed my duties dedicatedly, honestly and to the entire satisfaction of my superiors. Moreover, all the above mentioned charges bear no authenticity.

In wake of the above facts, it is humbly prayed that the Final Show Cause Notice served upon me may kindly be filed without further action. I shall pray for the prosperity and long life of your good-self.



Inspector Naeem Khattak
Police Lines, Peshawar



ORDER

ANNEX-6

(18)

This order will dispose off formal departmental enquiry against **Inspector Naeem Khattak** the then SHO PS Bhanamari who was suspended and closed to Police Lines Peshawar vide order No. 13404-16/EC-II dated 6.12.2013, on the basis of the following allegations:-

1. That during his posting as SHO PS Bhanamari w.e.f 16.9.2013 to 6.12.2013 heinous cases i.e (09) cases of murder (17) cases of attempted murder (01) case of kidnapping for ransom (02) cases of abduction, (02) cases of robbery, (05) cases of Burglary, (03) cases of theft and, (04) cases of vehicle lifting and (03) cases of vehicle snatching has increased manifold, which shows his inefficiency and lack of interest in official duty.
2. That on 12.11.2013, during procession of "Ahle-Sunnat wal-jumat" an ugly incident vide case FIR No. 1028 dated 12.11.2013 u/s 324/7-ATA PS Bhanamari had taken place due to his lack of proper strategy which led to law and order situation in area.
3. That an active member of Sherpao Group moved complaint against him for maltreatment and rude behavior which has badly affected the image of Police Force.

Mr. Sohaib Ashraf, ASP/Cantt: and DSP-City-II, were appointed as the E.Os. In their finding they mentioned that :-

- a. As regards the first allegation, not only did the crime rate increased manifold, a lot was also felt lacking in tracing/apprehending the offenders. The under enquiry officer failed to satisfy the E.Os with regards to his performance thereby establishing his in-efficiency and lack of interest in official duty.
- b. The second allegation of mis-handling the procession of "Ahle-Sunnat-wal-jumat" on 12.11.2013 was also looked into minutely. The said procession was carried out after the recent sectarian tragedy in Rawalpindi at a time when sectarian tempers were at the highest. As SHO, the under enquiry officer failed to prevent/preempt the unfortunate incident which could have very easily engulfed the entire City's sectarian harmony thereby establishing the under enquiry's lack of interest and foresight.

c. Furthermore, the complaint of rude behavior with the general public was also perused. Although, nothing concrete could have been established, yet a secret enquiry revealed that the officer is usually rude with complaints.

d. Lastly, during the course of this enquiry, other enquiry of an apparent Police high handedness revealed that the said officer also had links with land grabbers and was involved in forced ejections.

The E.Os recommended that the said officer for award of major punishment.

On receipt of the findings of the E.Os, he was issued Final Show Cause Notice to which he replied. The same was perused and found unsatisfactory.

He was also called in O.R. on 22/1/14 and heard him in person but he could not offer plausible explanation in his defence, hence he is awarded the major punishment of **compulsorily retirement from service** with immediate effect.


**CAPITAL CITY POLICE OFFICER,
PESHAWAR.**

No. 123-37/PA, dated Peshawar the 22/01/2014.

Copies for information and n/a to the:-

- 1 . SSSP /Ops: & Inv: Peshawar.
- 2 . SsP/HQ/City/Cantt:/Rural & Security, Peshawar.
- 3 . AS/EC-I/EC-II/PO/CC/I.C Computer Cell./FMC ensl: (71)
- 4 . *official concerned.*

(20)

Approved: H

To

The Provincial Police Officer,
Khyber Pakhtunkhwa,
CPO Peshawar.

Through: PROPER CHANNEL.

Subject: - DEPARTMENTAL APPEAL AGAINST ORDER OF CHIEF CAPITAL CITY POLICE OFFICER PESHAWAR DATED 22-1-2014 WHEREBY THE APPELLANT WAS COMPULSORY RETIRED.

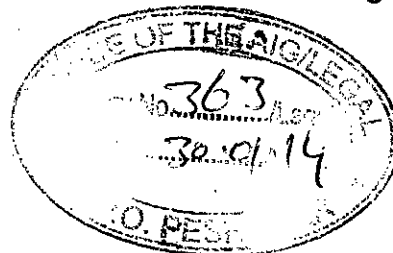
Respected Sir,

1. That the Order dated 22-1-2014, of the CCPO is illegal without jurisdiction against facts on record and without lawful authorities hence is liable to be recalled;
2. That I have rendered Seven years approved service with unblemished service record;
3. That the work of the appellant has been appreciated by his supervisory officers as well as by general public and this fact finds strength from report of DSP as well as general public (copies enclosed);
4. That as per issue of increase in heinous crimes is concerned, I submitted a detailed reply to the show cause notice, this fact has been clarified with detailed justifications. (copy of the same is enclosed).

*Original appeal
alongwith enclosures
amounting 2+12
pages secured
today on 30-1-2014,*

5. So far the issue of Ali Bacha, constable No.5952 is concerned, the moment I received information I rushed to the place of occurrence keeping in view the sensitivity of the issue and controlled the procession, formally arrested him and recovered the weapon of offence lodged FIR against the accused constable. The accused made confessional statement before the court of Mr. Nasr Ullah Khan, Judicial Magistrate, Peshawar which is self explanatory as he stated that this was his individual act (copy enclosed).

6. In connection of the issue of altercation with a local leader of Qaumi Watan Party namely Amant Ali Bacha it is submitted that it was a minor incident and has already been resolved copy of the D.D report bearing No. 20 is enclosed. Currently the said leader has got no grievances against the appellant.



gm

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7. That the CCPO had committed legal and procedural errors in disciplinary proceedings conducted against appellant in violation of consistent view that proceedings should be as per law, and free from legal lacunas so as to meet the ends of justice.
8. That under the service law and Rules prior to imposition of major penalty of compulsory retirement, the holding of proper departmental inquiry is required to be carried out. On this count too the impugned order is not maintainable;
9. That no full fledge inquiry was carried out against the appellant and all the proceeding was carried out in the absence of the appellant. No opportunity of cross examination was provided to the appellant. Consequently serious prejudice has been caused to the appellant.
10. That the impugned order of the CCPO dated 22-1-2014 is also violative of the principles of natural justice which stipulates that no body should be condemn unheard
11. That any ground not specifically taken in this Departmental Appeal, then permission may be accorded for additional ground in personal hearing;

In the light of above submissions it is most humbly prayed that this Departmental appeal may kindly be accepted & I may be reinstated in service with all back benefits.

Your obediently



Muhammad Naeem Khattak
Ex-Inspector

Dated: 29-1-2014

Copy in advance to:-

- The Provincial Police Officer, Khyber Pakhtunkhwa



Muhammad Naeem Khattak
Ex-Inspector

Address: Village Dosehra,
Sardehri, District Charsadda.
Mobile #0300-3333091



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CERTIFICATE.

It is submitted that Muhd Naeem Khatack Inspector was SHO PS Bhana Manri during his period of posting he performed his duty very well as per the direction of the high -Ups. No complaint was received during his posting as SHO PS Bhana Manri.

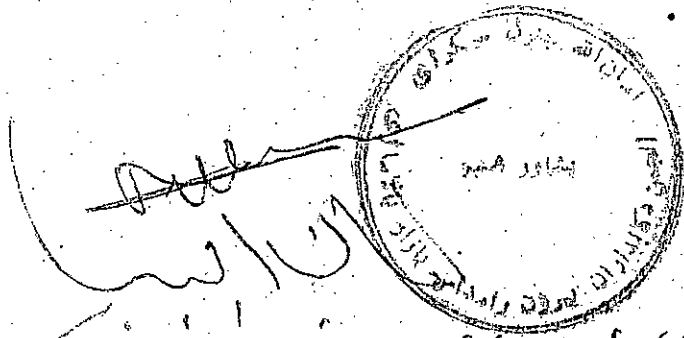
(Riaz Ul Islam Khan Murwat)
DEPUTY: SUPDT: OF POLICE
SUBRUB CIRCLE PESHAWAR.

Dy. Superintendent of Police
Subar Circle
Peshawar.
19/12/13

2/10

صاحب عالی

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خاتون

میں اس تحریر کی او سے ماکور دینا ہوں کہ اس وقت تک

حصہ لکھنے میں نے عدالت سے اس وقت تک

بہت اچھا وقت گزارا ہے۔ لیکن اس وقت تک

کہ تمہیں تعاون کی ہے۔ اطلاع مانی اچھا تھا

عدالت میں ان کے ساتھ اچھے طریقے سے ملنا

اور فریبوں کا پھرد تھا۔

محترم سربراہ خان صاحب

محترم سربراہ خان

9019483 : 0300 - مندرجہ

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میں اس کی سرکری اور دیگر دیکھ کر دیکھا کہ کمال

۱۹۳۵ء کے زمانے میں تھا۔ اس وقت اس کا وقت گزرا

۲۔ یہاں پر کنڈوں اور کھانوں، گھر اور ان کے

یوں افسر تھا۔ یہاں کے لوگ اس سے

کچھ نہیں اس کے خلاف کوئی شکایت نہیں کی

میں بھی اس سے کافی وطن تھا۔

پیرسل کیری ۱۱۳۵

جہاں علی

نوائے مسلم و قشور و اہل قوت میں ایک جہاں علی

0314-5688141

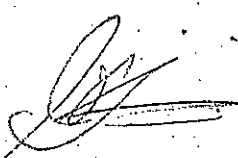
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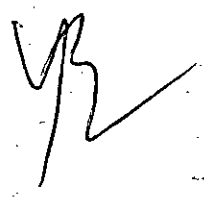
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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

میں اس تحریر کی او سے تحریر کرنا نکلو وہاں ہوں کہ
 میں ساتھ ساتھ سے کافی وقت لگا رہا ہوں
 تاکہ بہت اچھا وقت گزارا ہے۔ بیمار ہوا تو تم کو
 پریشانی کی ہے۔ غریبوں کا پرہیز لگا رہا۔
 اس کے دور میں ہر کام لکھیں اور پورا اور
 نذر لکھیں اور دعا۔

عرفان الہ ولد مسلم خان سہارا ہفتا ہزاری
 0345-9196497

حیدر شکر علی PT سہارا ہزاری





میں اس تحریر کی او سے بھوکھ دیکھوں کہ سا ہوگا
 ہر نئے فنک کے دور میں علامہ سے فراہم ہوتے
 اقرار و اسی کے لئے نڈر اور بیار کے اصرار
 جہاں کے ساتھ لیا ویت نڈر ارا ہے ہم اس سے ار
 کاش ویت وطن کو

اسکا

رعان افضل جہاں ہر افضل سے بھوکھ ماڑی جہاں نور اللہ

صدر PTI بھوکھ ماڑی

0345-5009792

جہاں
 علی


صدا عالی

میں اس فریگی دو سے افراد زانیوں نے نام 5000 روپے
 دیکھ کر منہ سے نکلا کہ یہاں سے ہمیں کافی اچھا وقت
 گزارا ہے۔ ہر ایک ہفتہ افراد کے خلاف حکام
 ہر ایک ہفتہ لوگوں اس کی ڈر سے نکلا ہے۔
 جے "کے" کو۔ ایک ٹھوس قابل لوگوں امیر ہے۔
 پیادرا اور نہ ڈرے والا لوگوں امیر ہے۔

مقامی

سربراہان ہمارے

اشرف خان
 تو کتبہ ۲۲
 GMS

صدر آل انڈیا
 کو اولیس کو سن

19/12/13

مقامی

۷۲

میں اس تحریر کو پڑھ کر اس وقت تک کہ وہ لکھنے سے روک کر
 ۱۹۴۵ء میں لکھی گئی تھی۔ اس میں کائنات کی عظمت اور اس کے
 نیک اور صوم جلوہ کا بیان ہے۔ غیر بیوقوف اور نادار
 لوگوں کا دل بھر دلا تھا، غیر اہم پر مانی کنڈیل کے
 پر اہمیت توں کمال سے ملے تھے۔ یہاں پر
 سے اچھے طریقے سے بتائے گئے ہیں۔ اس سے
 قدرت و وطن ہے۔ بیاد اور قابل لڑنے اور
 ان صبا احمد لولہ فورس میں است کم پلک میں

عزیز ماسٹر صاحبان کی جانی و مال اور دینی و دنیوی خوشیوں کے لیے دعا گو
 صبا احمد

۹۴۴۴۵۵ - ۰۳۹۳

سید صاحبان کے لیے سب سے
 حیرت انگیز اور ملکیت کی سب سے

(29) میں اس فریئر کے بارے میں اقرار کر کے نکودہ میں لکھوں گا کہ

SHO نے ہدف سے ختم کرنے کے علاوہ تھکان میں کافی اچھا وقت

گزارا ہے اس کے دور میں میرا ہم پر کافی تھکان تھا

جراثیم میں لوگوں اس کے ڈر کی وجہ سے علی گڑھ کے

بہادر اور قابل لوگوں سے بہت زیادہ سزا کو سہہ

معاذیہ میں تعاون کیا ہے ہم اس سے فوٹو بھی لے کر بیرون
کا فوٹو خواہ تھا۔

عین

محمد طفیل ولد حاجی علی محمد صاحب کھانا کھانے والے

فریئر کے نام لکھا ہوا ہے

محکم سٹیٹس فریئر تنظیم تاج ان ہونہ جیسے کچھ خواہ

03339594095

Handwritten signature or mark at the bottom left.

صاحب

تو جمع 11/3 و میں 9 نمبر ایمان رفتہ جو کہ وہاں سے دور تر گیا
 جن سنا ہم حد الفم اسے شکر نون پڑا میں ڈسٹا رہا
 اس خوراک تھا از حدت مانوں کے مانو جو تفتو لعا کے اس
 نام کہ میں انانت علی ولد او خان کٹر رہا میں جو علم مبرا
 اور دنگر توں کے مانو آجی پڑا - بند رہا کے تم پو آسیدت الی ہے
 تے بیوں - ہم مذکورہ حصو کو سمایا تیلن وہ سنیں
 ہر یاد ما او ایسا رہا و عیب جانا رہا اور پھر رہا کے اسے
 خیمے کے کا رہا الی کر ایس جاتا - کا ماسیما کے ماو جو وہا
 صدف اور دنگر رہا رہا کے اس سلیم مسو اف ان
 لیسو کے تفتو تفصل تفتو شہدے حابن اف ان
 لیا م صدف رہا جو تفتو انانت علی کی حابن لیسو -

صاحب


 MMS P. P. 1008

POWER OF ATTORNEY

In the Court of

PKPIC Sana Abdul Rahman
M. Naam

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

S.P.O in other

} Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

Sana Abdul Rahman my true and lawful attorney, for me in my same and on my behalf to appear at PKPIC to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____ the _____ day to _____ the year _____

Executant/Executants _____

Accepted subject to the terms regarding fee _____

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0333-9107225

Sana
Hair

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In the Matter of

Appeal No. 609 2014

ZAHID ALAM

VERSUS

**PROVINCIAL POLICE OFFICER KPK PESHAWAR AND
OTHERS**

APPLICATION FOR EARLY HEARING IN THE
TITLED APPEAL ALONGWITH
CONSULADATED APPEAL NO. 608 /2014
TITLED NAEEM KHATTAK VERSUS
PROVINCIAL POLICE OFFICE KPK
PESHAWAR AND OTHERS.

Respectfully Sheweth,

1. That the titled appeal alongwith consuladated appeal No. 608 /2014 titled Naeem Khattak VERSUS PPO And Others are pending before this Honourable Tribunal in which 10/06/2014 is date fixe for preliminary hearing.

2. That similar nature appeal No. 35 to 39/14 titled Inayat ur Rehman and others, are fixed before the Honourable Bench-II on 04/06/2014 for final arguments.

3. That since the titled appeal and the appeal referred in the above Para are similar in nature hence deserve to be clubbed together.

It is therefore, humbly requested that the date in the titled appeal may be expedited.

Dated: 13/05/2014


Applicant

Through


SAJID AMIN

Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 608/2014

Muhammad Naeem Applicant

Versus

Provincial Police Officer and others Respondents

**APPLICATION FOR THE SUSPENSION OF
OPERATION OF ORDER DATED 22/01/2014
TILL THE FINAL DISPOSAL OF THE TITLED
APPEAL.**

RESPECTFULLY SHEWETH,

1. That applicant has filed the titled appeal before this Honourable Tribunal in which today i.e. 19/5/2014 is the date fixed for the preliminary hearing.
2. That the facts and grounds mentioned in the titled appeal may be read as integral part of the instant application.
3. That applicant has got very good prima facie case and is sanguine of his success in the same.
4. That balance of convenience lies in favour of the applicant and an irreparable loss would accrue to him if the instant application was not accepted.

5. That any grounds will be raised at the time of arguments with prior permission of this Honourable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application operation of the order dated 22/01/2014 may please be suspended till the final decision of the titled appeal.



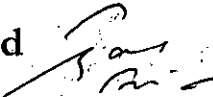
Applicant

Through



IJAZ ANWAR

And




SAJID AMEEN

Advocates, Peshawar.

AFFIDAVIT:-

I, do hereby solemnly affirm and declare on oath that all the contents of instant application are true and correct and nothing has been concealed from this Honourable Tribunal.

ATTESTED



DEPONENT

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR**

Service Appeal No.608/2014.

Muhammad Naeem Khattak Ex-Inspector/SHO PS Bhanamari
Peshawar.....Appellant.

VERSUS.

- 1- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2- Deputy Inspector General of Police, Khyber Pakhtunkhwa,
Peshawar.
- 3- Capital City Police Officer, Peshawar.....Respondents.

Reply for behalf of Respondents 1 and 2.

PRELIMINARY OBJECTIONS.

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

FACTS:-

- 1- Para No. 1 relates to appellant, hence needs no comments.
- 2- Para No. 2 is incorrect and denied. Appellant while posted as SHO PS Bhanamari w.e.f 16.09.2013 to 06.12.2013, heinous cases i-e (09) cases of murder, 17 cases of attempt to murder, 01 case of kidnapping for ransom, 02 cases of abduction, 02 cases of robbery, 05 cases of burglary, 03 cases of theft, 04 cases of vehicle lifting and 03 cases of vehicle snatching, had increased manifold. Further more, on 12.11.2013 during procession of "Ahl-e- Sunnat-wa-Aljumat" an ugly incident vide case FIR No 1028 dated 12.11.2013 U/S 324/7-ATA PS Bhanamari took place due to lack of proper strategy by the appellant which led to law and order situation in area. It is worth mentioning that various complaints of maltreatment and rude behavior of appellant were also received from respectable citizens which badly affected image of Police department. So keeping in view the above record, the appellant, lack of interest in duty is established.

- 3- Para No. 3 correct to the extent that charges of allegations regarding heinous crimes, lack of proper strategy during procession of Ahle-Sunat-wal-jamat on 12.11.2013 and also maltreatment and rude behavior with public during his period were leveled against him, charge sheet and statement of allegation served; which were stand proved in a proper departmental enquiry.
- 4- Para No 5 is incorrect. The appellant was properly served with charge sheet. Statement of allegations and final show cause notice were also issued to him, which he also replied but his reply was found unsatisfactory and also the charges leveled against him were stand proved, hence appellant was awarded major punishment of compulsory retirement from service.(charge sheet, statement of allegations and final show cause notices and replies are annexed)
- 5- Para No 5 is correct. Proper procedure was adopted by the competent authority. All codal formalities were fulfilled.
- 6- Para correct to the extent that the appellant submitted departmental appeal.
- 7- Para is incorrect. Para already replied above.

GROUND:-

- A- Incorrect. Proper procedure was adopted by the Police department. The punishment order is in accordance with law and commensurate with gravity of misconduct.
- B- Incorrect. already explained in detail of the facts of Para (4). Proper departmental enquiry was conducted.
- C- Incorrect. The appellant was found guilty after conducting a proper departmental enquiry by the enquiry officer. The punishment order is in accordance with law/ rules.
- D- Incorrect. The CCPO (Capital City Police Officer) being a competent authority has the power to initiate and conduct enquiry against subordinate Police officials.
- E- Incorrect. The appellant was proceeded in accordance with laid down rules of police Rule 1975.
- F- Incorrect. Due to lack of proper strategy by the appellant an ugly incident vide case FIR No 1028 dated 12.11.2013 U/S 324/7-ATA PS Bhana Mari took place which led to law and order situation in area.

- G- Incorrect. An active member of Sherpao group moved complaint against appellant for maltreatment and rude behavior which badly affected image of Police department.
- H- Incorrect. Para already explained in preceding Para's.
- I- Incorrect. Para already explained in ground (C). Proper procedure was adopted by the competent authority. The punishment order is in-accordance with law/ rules.
- J- Incorrect. As above.
- K- Incorrect. Para already explained in preceding Para's.
- L- Incorrect. The allegations leveled against appellant were stand proved. Hence was awarded major punishment of compulsory retirement.
- M- Incorrect. As above.
- N- Incorrect. Para already explained above.
- O- Incorrect. Proper procedure was adopted by the Police department. The punishment order is in-accordance with law and commensurate with gravity of misconduct.
- P- The first part of Para pertains to appellant, hence needs no comments while rest of the Para is denied on the ground that punishment order is legal and in accordance with law.
- Q- That, respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

PRAYER.

Keeping in view the above facts, it is therefore prayed that the subject appeal may kindly be dismissed.


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


**Deputy Inspector General
Of Police, Khyber Pakhtunkhwa
Peshawar.**


**Capital City Police Officer,
Peshawar.**

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR**

Service Appeal No.608/2014.

Muhammad Naeem Khatak Ex-Inspector/SHO PS Bhanamari
Peshawar.....Appellant.

VERSUS.

- 1- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2- Deputy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 3- Capital City Police Officer, Peshawar.....Respondents.

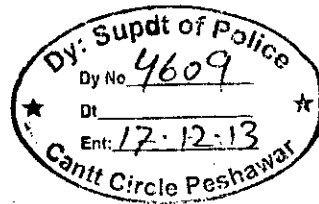
AFFIDAVIT.

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


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


**Deputy Inspector General
Of Police, Khyber Pakhtunkhwa,
Peshawar.**


**Capital City Police Officer,
Peshawar.**



CHARGE SHEET

1. Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient.

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

3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I Ijaz Ahmad Capital City Police Officer, Peshawar hereby charge you Inspector Muhammad Naeem Khattak the then SHO PS Bhanamari, Peshawar under Rule 5 (4) of the Police Rules 1975 on the basis of following allegations:-

- i. That during his posting as SHO Police Station Bhanamari w.e.f 16.09.2013 to 06.12.2013 heinous cases i.e. (09) cases of murder (17) cases of attempted murder (01) case of Kidnapping for ransom (02) cases of abduction, (02) cases of robbery, (05) cases of Burglary, (03) cases of theft ord., (04) cases of vehicle lifting and (03) cases of Vehicle Snatching, has increased manifold, which shows his in-efficiency and lack of interest in official duty.
- ii. That on 12.11.2013 during procession of "Ahl-e-Sunnat wa Aljamat" an ugly incident vide case FIR No.1028 dated 12.11.2013 u/s 324/7-ATA PS Bhanamari had taken place due to your lack of proper strategy which led to law and order situation in area.
- iii. That an active member of Sherpao Group moved complaint against you for maltreatment and rude behavior which has badly affected the image of Police Force.

4. And I hereby direct you further under Rule 6 (I) (b) of the said Rules to put in a written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why the action should not be taken against you and also stating at the same time whether you desire to be heard in person.

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

CAPITAL CITY POLICE OFFICER,
PESHAWAR.

STATEMENT OF ALLEGATIONS

1. **I, Ijaz Ahmad, Capital City Police Officer**, Peshawar as Competent Authority, am of the opinion that **Inspector Muhammad Naeem Khattak the then SHO PS Bhanamari**, Peshawar has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.

STATEMENT OF ALLEGATION

- i. That during his posting as SHO Police Station Bhanamari w.e.f 16.09.2013 to 06.12.2013 heinous cases i.e. (09) cases of murder (17) cases of attempt murder (01) case of Kidnapping for ransom (02) cases of abduction, (02) cases of robbery, (05) cases of Burglary, (03) cases of theft ord., (04) cases of vehicle lifting and (03) cases of Vehicle Snatching, has increased manifold, which shows his in-efficiency and lack of interest in official duty.
 - ii. That on 12.11.2013 during procession of "Ahl-e-Sunnat wa Aljamat" an ugly incident vide case FIR No.1028 dated 12.11.2013 u/s 324/7-ATA PS Bhanamari had taken place due to your lack of proper strategy which led to law and order situation in area.
 - iii. That an active member of Sherpao Group moved complaint against you for maltreatment and rude behavior which has badly affected the image of Police Force.
2. For the purpose of scrutinizing the conduct of said accused official with reference to the above allegations an Enquiry Committee/Enquiry Officer comprising of the following is/are hereby constituted/nominated:-
- a. ASP Cantt, Sohail
 - b. DSP City II, Banaras Khan
3. The Enquiry/Committee, Enquiry Officer shall in accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused official and make recommendations as to punish or other action to be taken against the accused official.


**CAPITAL CITY POLICE OFFICER,
PESHAWAR.**

No 21 /E/PA dated 16 / 12 /2013.

Copy to the above is forwarded to the Enquiry Officer for initiating proceeding against the accused under the provision of Police Rules 1975.

Sir,

In pursuance to charge sheet and summary of allegations, bearing No. E/ 21/PA dated 16.12.2013, it is respectfully submitted that alleged charges against me are unjustified, unwarranted and without footings / facts. The para wise reply to the charges are as under:

i. At the very outset, I may submit that during my posting as SHO PS Bhanamari, I tried my level best to culminate the menace of crimes from the area, leaving no stone unturned. My tenure as SHO clearly reflects my performance as I have struggled a lot to fight against the criminals. During short span of time of my posting, I performed outstandingly and successfully work out the following blind / untraced cases.

- Recovery of the car in case vide FIR 874 dated 05.10.2013 u/s 381 A, PPC.
- Recovery of motor car ZT-897 in a case of Islamabad vide FIR 402 dated 08.10.2013 u/s 381 PPC.
- Tactful recovery of kidnapee in case FIR 843 dated 27.09.2013 u/s 365A PPC and arrest of 06 accused (Sahibzada etc).
- Arrest of Bhattakhor Saleem in case FIR 1014 dated 13.11.2013 u/s 387, 506 PPC / 25 Tel.
- Arrest of Bhattakhor Fawad in cases FIR 807 dated 10.09.2013 u/s 387, 506 PPC / 25 Tel.
- Recovery of stolen property and arrest of culprits in case FIR 870 dated 03.10.2013 u/s 382 / 411 PPC.
- Quarterly performance w.e.f 16.09.2013 to 06.12.2013, as below:

Kalashnikov	07
Kala Cove	01
Rifle	04
Guns	16
Pistols	88
Cartages	9407
Charas	39.850 Kgs
Alcohol	306 Botels
PO arrest	21
Preventive measures u/s 107 / 151 Cr.P.C	142
Arrest u/s 55 / 109	18

ii. The charge of lack of proper strategy during procession of Ahlesunnat Waljumat on 22.11.2013 is based on surmises and conjectures and there are no materials which can connect me prima face with the alleged charge. The accused constable had been assigned duty at nakabandi point Ring road which was at a far flung distance but unfortunately one of the small procession crossed through that area and the unfortunate mishap was occurred. May it be clarified that during this time, I

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was on duty and attached with worthy DSP circle and SHO Yakkatoot at Kohati Chowk Circular Road to keep the situation calm and quite with peaceful atmosphere in the area. The act of constable was independent and no overt act attributes to me. Just after the alleged occurrence, the case was registered against the constable and he was arrested immediately. No reluctance for action against the constable has been shown from my side. On my request and efforts, services of Mr. Ibrahim Qasmi, a well known member of Ahl-Sunnah, Scholar and elder of area was called who intervened and mediated with the leaders of procession and by the grace of Almighty Allah it was peacefully dispersed. This factum was recorded vide Madd 18 dated 23.11.2013 PS Bhanamari (Copy attached).

iii. The charge under this para is not based on facts but was reported as concocted. I did not misbehave the member of Sherpao Group. It is worth clarifying that on 09.11.2013, number of ill elements had been brought to Police Station after search operation in the area and I was busy in interrogating them. In meanwhile, a person showing himself as Amanat Ali s/o Tor Khan r/o Dir Town arrived and started interference, expressing his ill will / annoyance on the arrest of ill elements of his area. The person who was subsequently identified as a member of Sherpao group used unparliamentarily language against the officers, illegally intervened the working of Police but even then no misbehave attitude was conducted. The matter was recorded vide Madd 20 dated 09.11.2013 PS ^{Ihni Pura} (Copy attached).

iv. Since I have joined the Police Force, I performed my duties dedicatedly honestly and to the entire satisfaction of my superiors. All the afore-stated charges bear no authenticity.

Forgoing in view, It is humbly prayed that the charge sheet may please be withdrawn and the inquiry proceedings may be filed without further action. I shall pray for the prosperity and long life of your good self as well the family

Obediently Yours



Inspector
Naem Khattak
Police Lines Peshawar

-19/12/13

13-11

CAPITAL CITY POLICE PESHAWAR.

TO CHIEF CAPITAL CITY POLICE OFFICER PESHAWAR.
FROM A.P. CANTT
NO. 4609 /PA.
Dt. 31 /DECEMBER, 2013.
SUBJECT DEPARTMENTAL INQUIRY AGAINST INSPECTOR NAEEM KHATTAK.

MEMORANDUM.

Please refer to your office inquiry No.21/PA, CCPO, dated 16/12/2013, on the subject noted above.

Allegations.

- ✓ I. That during his posting as SHO Police Station Bhanamari w.e.f 16/09/2013 to 06/12/13 heinous cases i.e (09) cases of murder (17) cases of attempted murder (01) case of Kidnapping for ransom (02) cases of abduction, (2) cases of robbery, (05) cases of Burglary, (03) cases of theft and (04) cases of vehicle lifting and (03) cases of Vehicle Snatching, has increased manifold.
- ✓ II. That on 12/11/2013 during procession of "Ahl-e-Sunnat was Aljumat" an ugly incident vide case Fir No.1028 dated 12.11.2013 u/s 324/7-ATA PS Bhanamari had taken place due to his lack of proper strategy which led to law and order situation in area.
- ✓ III. That an active member of Sherpao Group moved complaint against him for maltreatment and rude behavior which has badly affected the image of Police Force. As mentioned in charge sheet.

PROCEEDINGS.

- a) The under enquiry officer was heard in person and his written reply perused.
- b) Statement of his supervisory officer and local notables recorded and perused.
- c) Secret enquiry conducted into the general repute of the officer.


FINDINGS:-

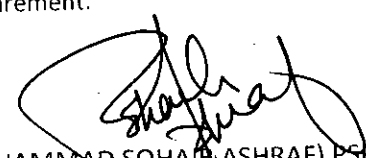
- ✓ a. As regards the first allegation, not only did the crime rate increased manifold, a lot was also felt lacking in tracing/apprehending the offenders. The under enquiry officer failed to satisfy the undersigned with regards to his performance thereby establishing his un-efficiency and lack of interest in official duty.
- ✓ b. The second allegation of mis-handling the procession of "Ahl-e-Sunnat Wal Jumaat" on 12/11/2013 was also looked into mutely. The said procession was carried out after the recent sectarian tragedy in Rawalpindi at a time when sectarian tempers were at the highest. As SHO, the under enquiry officer failed to prevent/preempt the unfortunate incident which could have very easily engulfed the entire City's sectarian harmony thereby establishing the under enquiry's lack of interest and foresight.
- ✓ c. Furthermore, the complaint of rude behavior with the general public was also perused. Although, nothing concrete could have been established, yet a secret enquiry revealed that the officer is usually rude with complainants.

- d. Lastly, during the course of this enquiry, other enquiry of an apparent police high handedness revealed that the said officer also had links with land grabbers and was involved in forced ejections. However, this enquiry is yet to be finalized.

RECOMMENDATION:-

In light of the aforesaid recommendation, I am of the opinion that the under enquiry officer may be awarded major punishment of dismissed from service or compulsory retirement.


(BANARAS KHAN)
DEPUTY SUPDT: OF POLICE
City-II PESHAWAR.


(MUHAMMAD SOHAIB ASHRAF) PSP
ASST: SUPDT: OF POLICE
CANTT CIRCLE PESHAWAR.

FINAL SHOW CAUSE NOTICE.

I, Ijaz Ahmad CCPO Peshawar as Competent Authority under P.R 1975, do hereby serve you Inspector Muhammad Naeem Khattak, the then SHO PS Bhanamari as follow:-

3. (i) The consequent upon the completion of inquiry conducted against you by Mr. Sohaib Ashraf, ASP Cantt: & Mr. Bnaras Khan DSP City-II for which you were given opportunity of hearing.

(ii) On going through the findings and recommendations of the inquiry officers, the material on record and other connected papers including your defense before the said officers.

I am satisfied that you have committed the following acts/omission:-

(i) That during your posting as SHO Police Station Bhanamari w.e.f 16.09.2013 to 06.12.2013 heinous cases i.e (09) cases of murder (17) cases of attempt murder (01) case of Kidnapping for ransom (02) cases of abduction, (02) cases of robbery, (05) cases of Burglary, (03) cases of theft ord:, (04) cases of vehicle lifting and (03) cases of Vehicle Snatching, has increased manifold, which shows your in-efficiency and lack of interest in official duty.


(ii) That on 12.11.2013 during procession of "Ahl-e-Sunnat wa Alijamat" an ugly incident vide case FIR No.1028 dated 12.11.2013 u/s 324/7-ATA PS Bhanamari had taken place due to your lack of proper strategy which led to law and order situation in area.

(iii) That an active member of Sherpao Group moved complaint against you for maltreatment and rude behavior which has badly affected the image of Police Force.

4. As a result there of I, as Competent Authority decided to impose upon you Major penalty including dismissal from service under the said Ruls.
3. You are, therefore, require to Show Cause as to why the aforesaid penalty should not be imposed upon you.
4. If no reply to this notice received within 7 days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-part action shall be taken against you.
5. You are at liberty to be heard in person, if so wished.
6. Copy of the findings of the inquiry officer is enclosed.


CAPITAL CITY POLICE OFFICER,
PESHAWAR.

No 68 /PA, dated Peshawar the 17/ 1 /2014

Received by Mr. 
10/11/2014
بھائی برکت خان
کونوٹ

REPLY TO FINAL SHOW CAUSE NOTICE

Sir,

In pursuance of final show cause notice served on me vide No. 68/PA, dated 17 January, 2014, I beg to submit my reply to the allegations leveled against me as under: -

1. During my posting as SHO Police Station, Bhanamari for the period with effect from 16-09-2013 to 06-12-2013, I tried my level best and fought against the criminals as well as made hectic efforts to culminate the menace of crime from the area which is evident from the good job done by me during the said period. Similarly, during the short span of time, I performed outstandingly and successfully. It is added, that I worked out the following blind/untraced cases: -

- Recovered motorcar 02-OD, bearing registration No. A-5759 stolen in case vide FIR No. 874 dated 05-10-2013 u/s 381-A PPC Police Station, Bhanamari.
- Recovered a motorcar bearing registration No. ZT-897 vide FIR No. 1000 dated 09-10-2013 u/s 420/468/411 PPC Police Station Bhanamari which was stolen from the jurisdiction of Police Station, Ramna, Islamabad vide FIR No. 402 dated 08-10-2013 u/s 381-A PPC Police Station, Ramna, Islamabad.
- Recovered kidnappee of case vide FIR No. 843 dated 27-09-2013 u/s 365-A PPC Police Station, Bhanamari and arrested 06 accused (Sahib Zada etc) of the case.
- Arrested a Bhattakhor namely Fawad wanted in case vide FIR No. 807 dated 10-09-2013 u/s 387/506 PPC/25 Telegraph act Police Station, Bhanamari.
- Arrested another Bhattakhor namely Saleem wanted in case vide FIR No. 1014 dated 13-11-2013 u/s 387/506 PPC/25 Telegraph act Police Station, Bhanamari.

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Arrested accused and recovered the stolen property snatched vide case FIR No. 870 dated 03-10-2013 u/s 382/411 PPC Police Station Bhanamari.

Arrested accused Ghufranullah and recovered a Suzuki Carry bearing registration No. NZ-728/I.D vide FIR No. 1051 dated 02-12-2013 u/s 411 PPC Police Station Bhanamari which was stolen from the jurisdiction of Police Station Sadar Kôhat.

(All the copies of FIRs are attached for ready reference).

Besides, the following table would show the good job done by me during the period when I was posted as SHO Police Station Bhanamari.

Kalashnikov	07
Kalakov	01
Rifle	04
Guns	16
Pistols	88
Cartridges/rounds	9407
Charas	39,850 kgs
Alcohol	306 bottles
POs arrest	21
Preventive measures u/s 107/151 Cr.PC	142
Arrest u/s 55/109	18

- ✓ 2. The charge of lack of proper strategy during the procession of Ahlesunnat Waljumat on 22-11-2013 is based on surmises and conjectures having no solid and plausible ground. Moreover, there is no material which prima facie connects me with the alleged charge. It is added that the accused Constable Ali Bacha No: 5952 was assigned the duty at Nakabandi point "ring road" which is far away from the point where a heavy procession of the said jumat was passing. However, unfortunately a small procession was crossing Nakabandi point "ring road" where the accused Constable was deployed and the members of the procession were raising slogans against Ahle-Tashee which provoked him as he was belonging to Ahle-Tashee and he (accused Constable) opened fire at the members of the procession which resulted in

causing injuries to some of the processionists vide FIR No. 1028 dated 22-11-2013 u/s 324 PPC /7ATA/155-D Police Order 2002, Police Station, Bhanamari.

It is worth mentioning that, I alongwith Mr. Banaras Khan DSP and SI Daud Khan SHO Police Station, Yakatoot was present at Kohati gate near Circular Road where a heavy procession was passing.

Upon receiving the message of this incident, I immediately rushed to the spot and evacuated the injured to LRH Peshawar. The processionists were insisting that they will burn the accused Constable but I called one Ibrahim Qasmi a well known member of Ahle-Sunnat Waljumat/Ex-MPA alongwith scholars/elders of the area to the spot who intervened and mediated with the leaders of the procession and by the grace of Almighty Allah the procession was peacefully dispersed and the accused Constable was taken into custody.

A proper case was registered against accused Constable and on the following day he was produced before Anti Terrorism Court with a request of physical remand. The court granted 03 days Police custody for his interrogation. He was properly interrogated who admitted the facts of the case.

On expiry of the Police custody he was produced before the court for confessional statement and he confessed the guilt before the court adding that he was on duty at Nakabandi point. The procession of Ahle-Sunnat Waljumat was passing through the Nakabandi point and the participants of the procession were naming Ahle-Tashee as infidel, which he could not tolerate and he opened fire at the procession. *(copy of confession attached)*

The above facts revealed that no laxity or malafide has been done by me during the discharge of my official duty.

- ✓ 3. So far as the complaint moved by one Amanat Ali Bacha an active members of Sherpao group against me is concerned, a compromise has been arrived at between me and Amant Ali Bacha on the intervention of the

elders of the locality and he has pardoned me in the name of Allah. Moreover, he does not want to proceed further in the matter. The copy of compromise deed is attached herewith for perusal please.

Since my enlistment in the Police Department I had performed my duties dedicatedly, honestly and to the entire satisfaction of my superiors. Moreover, all the above mentioned charges bear no authenticity.

In wake of the above facts, it is humbly prayed that the Final Show Cause Notice served upon me may kindly be filed without further action. I shall pray for the prosperity and long life of your good-self.



Inspector Naeem Khattak
Police Lines, Peshawar

21-01-2014

ORDER

This order will dispose off formal departmental enquiry against **Inspector Naeem Khattak** the then SHO PS Bhanamari who was suspended and closed to Police Lines Peshawar vide order No. 13404-16/EC-II dated 6.12.2013, on the basis of the following allegations:-

1. That during his posting as SHO PS Bhanamari w.e.f 16.9.2013 to 6.12.2013 heinous cases i.e (09) cases of murder (17) cases of attempted murder (01) case of kidnapping for ransom (02) cases of abduction, (02) cases of robbery, (05) cases of Burglary, (03) cases of theft and, (04) cases of vehicle lifting and (03) cases of vehicle snatching has increased manifold, which shows his inefficiency and lack of interest in official duty.
2. That on 12.11.2013, during procession of "Ahle-Sunnat wal-jumat" an ugly incident vide case FIR No. 1028 dated 12.11.2013 u/s 324/7-ATA PS Bhanamari had taken place due to his lack of proper strategy which led to law and order situation in area.
3. That an active member of Sherpao Group moved complaint against him for maltreatment and rude behavior which has badly affected the image of Police Force.

* Mr. Sohaib Ashraf, ASP/Cantt: and DSP-City-II, were appointed as the E.Os. In their finding they mentioned that :-

- a. As regards the first allegation, not only did the crime rate increased manifold, a lot was also felt lacking in tracing/apprehending the offenders. The under enquiry officer failed to satisfy the E.Os with regards to his performance thereby establishing his in-efficiency and lack of interest in official duty.
- b. The second allegation of mis-handling the procession of "Ahle-Sunnat-wal-jumat" on 12.11.2013 was also looked into mutely. The said procession was carried out after the recent sectarian tragedy in Rawalpindi at a time when sectarian tempers were at the highest. As SHO, the under enquiry officer failed to prevent/preempt the unfortunate incident which could have very easily engulfed the entire City's sectarian harmony thereby establishing the under enquiry's lack of interest and foresight.

c. Furthermore, the complaint of rude behavior with the general public was also perused. Although, nothing concrete could have been established, yet a secret enquiry revealed that the officer is usually rude with complaints.

d. Lastly, during the course of this enquiry, other enquiry of an apparent Police high handedness revealed that the said officer also had links with land grabbers and was involved in forced ejections.

The E.Os recommended that the said officer for award of major punishment.

On receipt of the findings of the E.Os, he was issued Final Show Cause Notice to which he replied. The same was perused and found unsatisfactory.

He was also called in O.R. on 22/1/14 and heard him in person but he could not offer plausible explanation in his defence, hence he is awarded the major punishment of **compulsorily retirement from service** with immediate effect.


**CAPITAL CITY POLICE OFFICER,
PESHAWAR.**

No. 123-37/PA, dated Peshawar the 22/01/2014.

Copies for information and n/a to the:-

- 1 . SSsP /Ops: & Inv: Peshawar.
- 2 . SsP/HQ/City/Cantt:/Rural & Security, Peshawar.
- 3 . AS/EC-I/EC-II/PO/CC/I.C Computer Cell./FMC encl: (7)
- 4 . *official concerned.*

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 379 /ST

Dated 24 / 03 / 2015

To

The P.P.O,
Peshawar.

Subject: - APPEALS NOs. 608/2014 MUHAMMAD NAEEM KHATTAK & 609/2014
ZAHID ALAM VS P.P.O PESHAWAR AND OTHERS.

I am directed to forward herewith certified copies of Judgement dated 18.03.2015 passed by this Tribunal on subject appeal for strict compliance.

Encl: As above

o/c

[Signature]
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Appeal No. **608** / 2014

Muhammad Naeem Khatak Ex- Inspector/ SHO PS Bhanamari
Peshawar.

(Appellant)

VERSUS

Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and
others.

(Respondents)

REPLICATION ON BEHALF OF THE APPELLANT

Preliminary Objections:

1. Contents incorrect and misleading, the appeal is filed well within the prescribed period of limitation.
2. Contents incorrect and false, all parties necessary for the disposal of the instant appeal are arrayed in the instant appeal.
3. Contents incorrect and misleading, the appellant has come to the tribunal with clean hands.
4. Contents incorrect and misleading, the appellant has illegally been awarded the penalty of compulsory retirement from service thus being an aggrieved civil servant he has got the necessary cause of action and Locus Standi to file the instant appeal.
5. Contents incorrect and false, no rule of estoppel is applicable in the instant case.
6. Contents incorrect and misleading, all necessary facts are brought before the Honourable Tribunal and nothing has been kept back or concealed.

23/10/14

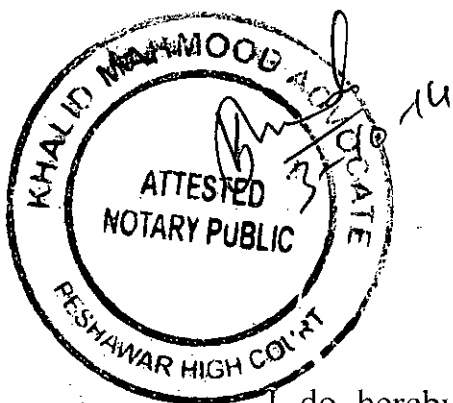
Facts of the Case:

1. Contents need no reply, however contents of Para 1 of the appeal are correct.
2. Contents of Para 2 of the appeal are correct the reply submitted to the Para is incorrect, false and misleading.
3. Contents need no reply, however contents of Para 3 of the appeal are correct. Moreover the charges leveled against the appellants were never proved during the inquiry.
4. Contents of Para 4 of the appeal are correct the reply submitted to the Para is incorrect, false and misleading.
5. Contents of Para 5 of the appeal are correct the reply submitted to the Para is incorrect, false and misleading.
6. Contents need no reply, however contents of Para 6 of the appeal are correct.
7. Contents of Para 7 of the appeal are correct the reply submitted to the Para is incorrect, false and misleading.

Grounds of Appeal:

The Grounds (A to Q) of appeal taken in the memo of appeal are legal will be substantiated at the hearing of this appeal.

It is, therefore, prayed that, on acceptance of this replication the service appeal of the appellants be accepted as prayed for.



Through

[Signature]
Appellant

[Signature]
IJAZ ANWAR
Advocate Peshawar

&
[Signature]
SAJID AMIN
Advocate, Peshawar.

AFFIDAVIT

I do hereby solemnly affirm and declare on oath that the contents of the above replication as well as appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

[Signature]
Deponent