

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 242/2014

Date of institution ... 24.02.2014

Date of judgment ... 05.05.2016

Juma Rehman,
Sub Inspector, Police Lines.
Dir Lower.

... (Appellant)

VERSUS

1. District Police Officer, Dir Lower at Timergara.
2. Regional Police Officer, Malakand, at Saidu Sharif, Swat.
3. The Secretary, Home and Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar.
4. Inspector General/Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST IMPUGNED ORDER DATED 25.12.2013 ISSUED BY RESPONDENT NO.1 THEREBY APPELLANT WAS DISCHARGED FROM SERVICE WITH IMMEDIATE EFFECT AGAINST WHICH HE FILED DEPARTMENTAL APPEAL ON 02.01.2014 BEFORE THE RESPONDENT NO.2 WHICH WAS REJECTED ON 07.02.2014.

Mr. Khush Dil Khan Advocate.

.. For appellant.

Mr. Muhammad Adcel Butt, Addl: Advocate General

.. For respondents.

MR. PIR BAKHSH SHAH

.. MEMBER (JUDICIAL)

MR. ABDUL LATIF

.. MEMBER (EXECUTIVE)

JUDGMENT

PIR BAKHASH SHAH, MEMBER: Recruited as constable in the Police Department in the year 1992, the appellant Juma Rehman was sub-inspector at the relevant time and working as SHO at Police Station Lal Qilla District DIR Lower. He was departmentally proceeded against and discharged from service vide impugned order dated 25.12.2013 of the competent authority. His departmental appeal was also rejected vide order dated 07.02.2014, hence this service appeal under Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974.

2. Relevant facts in brief as revealed are that in October, 2013 appellant took charge as SHO of the Police Station Lal Qilla. According to the enquiry report:-

One Ilham-Ud-Din s/o Bunair Gul r/o Kumbar Police Station Lal Qilla moved an application to District Police Officer Dir Lower stating therein that on 02.11.2013 at evening SHO Juma Rehman of PS Lal Qilla called him and instigated for selling narcotics and doing other illegal business. The SHO asked him to pay monthly "BATHA" of Rs. 10,000/- and in case of full support from SHO, the amount of BATHA will be 20/30 thousands. The SHO took Rs. 15,000/- from him on the spot for renovation of his residential room. Meanwhile a source report was also received by Regional Police Officer Malakand at Swat from Additional Inspector General of Police, Special Branch containing the same allegations against SI Juma Rehman. Ilham-Ud-Din held a press conference at Press Club Timergara and reiterated his charges against the SHO. The DPO upon the direction of RPO conducted preliminary Inquiry and recommended the SHO for proper departmental Inquiry the delinquent officer was suspended closed to police lines, served with charge sheet while the undersigned appointed Enquiry Officer to scrutinize his conduct".

The appellant was served with charge sheet containing the following charge:-

"that while you posted as SHO Police Station Lal Qilla were found guilty in the preliminary enquiry in the matter conducted through SDPO Timergara for chagrining of receiving Rs. 15,000/- as illegal gratification from one drug paddler namely Ilham-Ud-Din s/o Bunir Gul r/o Kumbar, Lal Qilla for enhancing his illegal business of selling of narcotics in the area and also demanding for payment of huge amount on monthly basis".

According to statement of allegations, Rahat Ullah Khan, SP (Investigation) DIR Lower was appointed as enquiry officer. However the enquiry proceedings were conducted and report submitted by Pur Dil Khan, DSP (Legal). He concluded his report as follows:-

"The SHO is a young energetic man having physical beauty and alertness but after hearing the audio recorded conversation, his greediness and negative attitude toward professionalism come forward. It is regrettable that being SHO he has tried to boost the business of narcotics. The only solid evidence against the SHO is

the audio recorded conversation which is irrefutable. The SHO according to said audio conversation was received Rs. 15,000/- as illegal gratification on the spot. He has misused his authority by asking the applicant to pay monthly "BATHA" in lieu of his illegal and immoral business. The charge leveled against SI Juma Rehman is proved, therefore is recommended for appropriate punishment.

There-after he was issued a final show cause notice to which like his reply to the charge sheet, appellant has submitted his reply and has denied the charges. Finally the appellant was discharged from service and his departmental appeal was also rejected.

3. Arguments heard and record perused with their assistance.
4. Learned counsel for the appellant submitted that the appellant has been discharged from service which penalty is alien to the rules of the disciplinary proceedings and when a penalty is not provided in the law so that penalty is unlawful and not maintainable. Reliance was placed on 2011 PLC (C.S) 1079 and PLJ 2011 Tr.c (Services)-5. He further submitted that the appellant has fall prey to the intrigue and collusion and the case against him is not proved on record. He also submitted that the impugned order was passed by an acting SP who was not competent authority. Reference was made to Article-2 of the Police order 2002. He also argued that proper opportunity of defense was not provided to the appellant and further that the penalty is too harsh. Finally he submitted that the impugned orders may be set aside and the appellant may be reinstated into service with all back benefits.
5. This appeal was resisted by Learned Additional Advocate General who submitted that penalty of discharge is prescribed in the appeal rules 1975 and the punishment of discharge was is not unlawful. He also submitted that according to Article-170 of the Police order 2002, acting official can be a competent authority. He submitted that case against the appellant is proved and he was lawfully awarded the punishment. Finally he submitted that the appeal being devoid of merits may be dismissed.

6. We have carefully gone through the materials on record and considered pro & contra arguments of the parties. Interaction of the appellant with the applicant Ilham-Ud-Din once on the occasion when Ilham-Ud-Din visited residential Quarter of the appellant and where he left some gift for appellant and secondly, when Ilham-Ud-Din was summoned on phone by the appellant through his Gunner Atiq-Ur-Rehman to Machine Adda where they met ~~him~~ in a private car of the appellant in the evening of 02.11.2013 is very much established on record. The record further reveals that after this evening meeting on 02.11.2013, the next day Ilham-Ud-Din held a Press event in which he levelled allegations against the appellant. In support of his allegations, he relied on conversation between them which was stealthily recorded by Ilham-Ud-Din in his cell phone. The enquiry report reveals that the Enquiry Officer has held appellant responsible because of this alleged recorded conversation between the appellant and Ilham-Ud-Din. But a careful perusal of the enquiry report would also show that the Enquiry Officer has not taken verbatim transcription of this conversation which could show the actual dialogue that took place between the appellant and Ilham-Ud-Din. After scanning of the record, else there is no evidence at all to show that the appellant's bribe taking of Rs. 15000/- from Ilham-Ud-Din is proved. In this regard it is evident from record that at the relevant time Gunman of the appellant namely Atiq-Ur-Rehman was also present who in his statement before the Enquiry Officer has denied that he himself saw the two while Rs. 15000/- exchanging hands as alleged by the Ilham-Ud-Din. To agree with the Enquiry Officer that the conversation between the appellant and Ilham-Ud-Din was audible and that it proved that appellant took bribe from Ilham-Ud-Din, cannot be taken for granted, is the considered view of the Tribunal. According to the appellant, he wanted to develop liaison with Ilham-Ud-Din in order to trap den of the peddlers through Ilham-Ud-Din who himself was also notorious for the business but appellant has failed to prove this point before the Enquiry Officer. During the course of arguments, learned counsel for the appellant, in support of the said contention of the appellant also referred to report of the daily diary recorded vide Naqal Mad o. 39 dated 03.11.2013 of the P.S Lal Qilla. But being authored by the appellant who himself was SHO of the Police Station, would be not sufficient to fully discharge onus of proof of the appellant when there is no other materials evidence produced by the appellant before the Enquiry

Officer. However it is evident from record that to prove allegation of corruption and receipt of bribe of Rs. 15000/- of the appellant from Ilham-Ud-Din was a burden of the respondent-department which has not been reasonably discharged, without a pinch of salt of malice. It is evident that Ilham-Ud-Din on his own had paid his first visit to the residential Quarter of the appellant and on the very second visit he had a planning of recording of the appellant conversation through his Cell Phone which smells ~~rate~~. To conclude the discussion, it is the considered opinion of the Tribunal in the light of materials on record that allegations of receipt of bribe of Rs. 15000/- does not stand proved in black & white through solid evidence. The appellant has admitted his interaction with Ilham-Ud-Din. According to him, he interacted with ^{him} in order to trap den of the peddler through him. But this contention, though not proved, however, it was observed that when Ilham-Ud-Din aired allegations in the Media, so the respondent-department, naturally became on defensive and the appellant was discharged from service which penalty, in the circumstances of the case, seems to be too harsh. Hence we would like to convert penalty of discharge into penalty of reduction of the appellant to lower rank for two years. Needless to mention that the appellant is reinstated into service. The impugned orders be treated modified accordingly. The appeal is accepted in the above terms. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
05.05.2016.



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

05.05.2016

Appellant with counsel and Addl: AG for respondents

present.

Vide our detailed judgment of to-day consists of five pages placed on file, we would like to convert penalty of discharge into penalty of reduction of the appellant to lower rank for two years. Needles to mention that the appellant is reinstated into service. The impugned orders be treated modified accordingly. The appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record.

Announced
05.05.2016



MEMBER



MEMBER

10.03.2016

Appellant in person and Mr. Muzaffar Khan, S.I alongwith Addl: A.G for respondents present. Appellant submitted that his counsel has gone to august Supreme Court of Pakistan therefore, case is adjourned. To come up for further arguments on 13-4-16 before D.B.



MEMBER



MEMBER

13.04.2016

Appellant with counsel (Mr. Khush Dil Khan, Advocate) and Mr.

Muzaffar Khan, S.I alongwith Mr. Muhammad Adeel Butt, Additional

Advocate General for respondents present. In pursuance of ^{requirement of} order sheet dated 21.10.2015, the original gadget ^{however}, could not be played.

Representative produced his Cell Phone asserting that he has brought

memory card ^{in which recorded} inserting ~~copy~~ of negotiation between appellant and

Ilham-ud-Din ^{can be heard.} This may be observed that the same was not clearly

audible hence returned in original. It was also contended by learned

counsel for the appellant that such device is not ^{of Court} foregoing from proper custody, in reliable form, and has got no legal sanctity. Arguments

already heard . To come up for order on 05.05.2016.



MEMBER



MEMBER

09.12.2015

Appellant with counsel and Mr. Muzaffar Khan, S.I for respondent alongwith Mr. Ziaullah, GP present. Copies of Naql Mad No. 38, 39 and 40 were produced by the representative of respondent-department, which is placed on file. Learned Addl: AG who previously argued the case, is not in attendance hence proceedings were adjourned. File to come up for further arguments on 21-12-2015.


MEMBER


MEMBER

21.12.2015

Clerk to counsel for the appellant and Addl: AG for respondents present. Clerk to counsel for the appellant submitted that counsel for the appellant was busy before the august Supreme Court of Pakistan. Requested for adjournment. To come up for further arguments on 10-3-2016.


Member


Member

15.09.2015

Counsel for the appellant and Mr. Muzaffar Khan, S.I alongwith Mr. Ziaullah, GP for respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 21-10-15 for arguments.


MEMBER


MEMBER

21.10.2015

Counsel for the appellant and Muzaffar Khan, S.I (legal) alongwith Addl: AG for respondents present. During the course of arguments reference to daily diary vide Naql Mad No. 39 dated 3.11.2013 Police Station Lal Qilla, Dir Lower ^{v/c} given, copy of which was produced by the appellant. The same is placed on file and the respondent-department is directed to produce in the series attested copy of Naql Mad No. 38, 39 and 40 on the next date of hearing. Learned Addl: AG also produced USB ^{gag} and requested that the same be played on computer in this Tribunal. Mr. Kazi Mehmood-ur-Rehman, Manager MIS of this Tribunal was asked to insert the USB in computer who reported before the Tribunal that there is a shortcut of the file in the USB therefore the same cannot be played without its original file. Meanwhile the same on the request of learned counsel for appellant is placed in envelope as ex-P.A duly signed by the Members of the Bench and given to Manager MIS for safe custody. Its original will be produced on the next date. File to come up for further record and arguments on 09-12-2015


Member


Member

04.12.2014

Appellant in person and Mr. Sabar Khan, SI on behalf of respondents with Mr. Muhammad Adeel Butt, AAG present. The Tribunal is incomplete. To come up for rejoiner on 16.01.2015.


Reader

7. 16.01.2015

Appellant in person and Mr. Rashid Ahmad, Inspector (Legal) for respondents alongwith Addl: A.G present. Rejoinder submitted. To come up for final hearing/arguments before D.B on 02.07.2015.


Chairman

02.07.2015

Appellant with counsel and Mr. Ziaullah, GP for the respondents present. Since the court time is over, therefore, case to come up for arguments on 15-9-15


MEMBER


MEMBER

Appeal No. 242/2014
Mr. Juma Rehman

3 10.04.2014

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that appellant has not been treated in accordance with law/rules. Against the original order dated 25.12.2013, he filed departmental appeal on 20.01.2014, which has been rejected on 07.02.2014, hence the present appeal on 24.02.2014. He further contended that no opportunity of personal hearing has been given to the appellant. 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. To come up for written reply/comments on 25.06.2014.

Appellant Deposited
Security & Process Fee
Rs. 200/- in Bank
Receipt With File.

32

Member

4 10.04.2014

This case be put before the Final Bench 1 for further proceedings.

Chairman

5 25.6.2014

Appellant in person and Mr. Fazal Ghafoor, PSI on behalf of respondents with Mr. Mr. Usman Ghani, Sr. GP present. Written reply has not been received, and request for further time made on behalf of the respondents. To come up for written reply/comments on 23.10.2014.

Chairman

6 23.10.2014


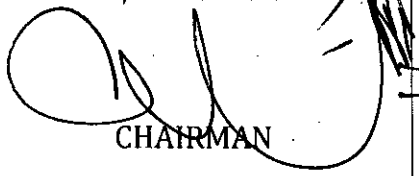
Appellant in person Mr. Saeedullah, PSI, with Mr. Muhammad Adeel Butt, AAG for respondents present. Written reply/comments on behalf of respondents No.1 to 4 received, copy whereof is handed to the appellant for rejoinder on 04.12.2014.

Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 242/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24/02/2014	<p>The appeal of Mr. Juma Rehman presented today by Mr. Khush Dil Khan 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>
2	25-2-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>10-4-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 242 / 2014

Juma Rehman,..... Appellant

Versus

The District Police Officer (DPO)
Dir Lower and others Respondents

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3.	Copy of charge sheet with statement of allegation	13.11.2013	B	8-9
4.	Copy of reply to charge sheet filed by appellant	28.11.2013	C	0-10
5.	Copy of finding of enquiry report	12.12.2013	D	11-12
6.	Copy statements of appellant	28.11.2013	E	0-13
7.	Copies of statements of prosecution witnesses		F	14-19
8.	Copy of final show cause notice	17.12.2013	G	0-20
9.	Copy of reply to show cause notice filed by appellant	19.12.2013	H	0-21
10.	Copy of the impugned order passed by Respondent No.1 thereby appellant was discharged from service with immediate effect	25.12.2013	I	22-23
11.	Copy of departmental appeal filed by appellant on 02.01.2014 before the Respondent No.2	02.01.2014	J	0-24
12.	Copy of comments furnished by Respondent No.1 to Respondent No.2	17.01.2014	K	25-26
13.	Copy of the order whereby departmental appeal of appellant was rejected.	07.02.2014	L	0-27
14.	Wakalat Nama			

Appellant

Through

Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated: 22 / 02/ 2014

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 242 /2014

Juma Rehman,
 Sub Inspector, Police Lines,
 Dir Lower.....Appellant

Versus

1. District Police Officer,
Dir Lower at Timergara.
2. Regional Police Officer,
Malakand, at Saidu Sharif, Swat.
3. The Secretary,
Home and Tribal Affairs Department,
Khyber Pakhtunkhwa, Peshawar.
4. Inspector General/Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.....Respondents.

N.W.F. Province
 2465
 24-2-2014

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 25.12.2013 ISSUED BY RESPONDENT NO.1 THEREBY APPELLANT WAS DISCHARGED FROM SERVICE WITH IMMEDIATE EFFECT AGAINST WHICH HE FILED DEPARTMENTAL APPEAL ON 02.01.2014 BEFORE THE RESPONDENT NO.2 WHICH WAS REJECTED ON 07.02.2014.

Respectfully Sheweth,

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

1. That appellant initially inducted in the Police Force as Constable in the year 1992, with the passage of time he was promoted from rank to rank on regular basis and at the time of passing the impugned order appellant was holding the post and rank of Sub Inspector. During this long tenure of his service he has excellent, unblemished service record with out any complaint.
2. That all of sudden an order dated 11.11.2013 was issued by Respondent No.2 thereby appellant was suspended. On 13.11.2013 charge sheet with

[Handwritten signature]
 24/2/14

statement of allegation was served upon appellant by the acting District Police Officer, Dir Lower at Timergara (Respondent No.1) therein allegedly charged him of receiving Rs. 15000/- as illegal gratification from one drug paddler namely Ilhamudin S/o Bunir Gul for enhancing his illegal business of selling of narcotics in the area and also demanding for payment of huge amount on monthly basis. Mr. Rahatullah Khan, SP/Investigation, Dir Lower was appointed as enquiry officer to which appellant submitted his written **reply on 28.11.2013**. Copies of suspension order, charge sheet and reply as **Annex: A, B & C**.

3. That the enquiry officer has conducted inquiry in the case and also recorded the statements of witnesses including the appellant found him allegedly involved and recommended him for appropriate punishment. On the basis of the enquiry findings a final show cause notice was served upon him by the Respondent No.1 on 17.12.2013 to which he filed written reply on 19.12.2013 and rebutted all the allegations in toto. Copies of inquiry report, statements of appellant, Ilhamudin, Constable Farman, Constable Atiq-ur-Rahman, Syed Jan Alam, Show cause notice and reply as **Annex: D, E, F, G and H**.
4. That the Respondent No.1 passed the impugned order dated 25.12.2013 thereby appellant was discharged him from service with immediate effect against which he filed **departmental appeal on 02.01.2014** before the Respondent No.2 upon which he requisitioned comments from Respondent No.1 and thereafter the same was rejected on **07.02.2014**. Copies of impugned order, departmental appeal, comments and impugned order of appellate authority as **Annex: I, J, K and L**.

Hence the present appeal is submitted on the following amongst other grounds:-

Grounds:

- A. That appellant was not treated in accordance with law and rules on subject and the impugned order has been passed in glaring violation of law and rules tainted with malafide intention and not sustainable and liable to be set aside.

- B. That the allegations as levelled against appellant are baseless, frivolous and not sustainable and untenable under the law and rules on subject.
- C. That no regular enquiry has been conducted in the case. No fair opportunity has been provided to appellant to defend his case. It is pertinent to mention that instead of providing opportunity to appellant of cross examination to prosecution witnesses, the enquiry officer himself used such opportunity and crossed examined the witnesses by himself which is not permissible under the law and deprived the appellant of right of cross examination and as such the enquiry officer has not acted in accordance with law and rules on subject therefore the finding of enquiry is void and illegal and not sustainable and similarly the impugned order based on such invalid findings of enquiry has no legal sanctity, of no legal effect and not operative against the rights of appellant.
- D. That in the statement of allegations Mr. Rahat Ullah Khan, SP/Investigation, Dir Lower was nominated as enquiry officer while the enquiry was conducted by the DSP, Dir Lower who is not competent in the case of appellant therefore the enquiry conducted by him is invalid and not sustainable under the law.
- E. That the enquiry proceedings have not been carried out in accordance with law and rules on subject. The statement of witnesses have been recorded at different dates in absence of appellant thus such evidence has no legal weight and without lawful authority.
- F. That the **Police Rules, 1975** have not been saved under the **Police Order, 2002** therefore the Respondent authority has wrongly applied the same to the case of appellant and carried out the entire proceedings under these rules and passed the impugned order therefore the entire proceedings and subsequently the impugned passed have no legal sanctity, unlawful and without lawful authority and liable so be set aside.
- G. That the enquiry officer has only recommended the case of appellant for appropriate punishment and not specified the punishments as prescribed **under section 4 of the Police Rules, 1975** and as such he is not acting in accordance with rules and thus such recommendation is not sustainable being violative of rules on subject.

- H. That Respondent No.1 used the word of "**discharge**" from service in the impugned order which is not a prescribed punishment under the rule 4 of the **Police Rules, 1975** which is a glaring illegality committed by him therefore the using of word of "**discharge**" in the **impugned order** is unjustified, ambiguous, vague and not sustainable under the rules on subject.
- I. That the entire proceedings including the impugned order are tainted with malafide intention, bias and passed at the back of appellant and no proper opportunity of hearing was provided to him therefore the impugned order is malafide, illegal, being violative of principle of natural justice.
- J. That the charge sheet and statement of allegations have been issued by **acting District Police Officer, Dir Lower at Timergara** who is not competent in the case of appellant and as such he acted in excess of his power and unlawfully issued the same which is not sustainable being without lawful authority.
- K. That Respondent No.1 is not competent authority as he is not working in BPS-17 only shoulder promotion was awarded to him originally he is Deputy Superintendent of Police who can not take disciplinary action against the appellant. Therefore the entire disciplinary proceedings in the case of appellant conducted and subsequent the impugned order passed by the incompetent authority and thus all are void ab-initio, and without lawful authority, having no legal effect against the appellant and liable to be set aside.
- L. That Respondent No.2 has also not acted in accordance with law and rules on subject and rejected the departmental appeal in slipshod manner without examining the case of appellant and no opportunity of personal hearing was provided to him. Therefore the impugned appellate order is unreasonable, arbitrary and liable to be set aside.

It is, therefore, humbly prayed that on acceptance of this service appeal, the impugned orders **dated 25.12.2013** thereby appellant was discharged from service and subsequent impugned appellate order **dated 07.02.2014** thereby departmental appeal of appellant was rejected may graciously be set aside and appellant may kindly be reinstated in service with all back benefits.

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

Through


Appellant

Khush Dil Khan,
Advocate,
Supreme Court of Pakistan

Dated: 22 / 02/ 2014

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2014


Juma Rahman..... Appellant

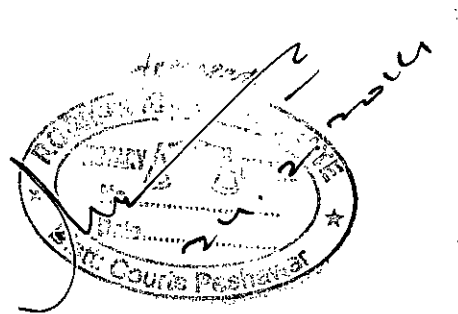
Versus

**The District Police Officer (DPO)
Dir Lower and others Respondents**

Affidavit

I, Juma Rehman, Sub Inspector, Police Lines, Dir Lower, do hereby affirm and declare on oath that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Deponent


Khyber Pakhtunkhwa Service Tribunal
Peshawar
Date: _____
Signature: _____

Annex A
7126
11-11-13
P-7

ORDER:

Being involved in corrupt practices, SI Juma Rehman, SHO Police Station
La Dir Lower District is hereby suspended and closed to Police Lines Timergara with
in ate effect and till further order.

Abdullah Khan
(ABDULLAH KHAN) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat
"Nagi"

N. 0.114 /E,
D. 11/11/2013.

Copy to District Police Officer, Dir Lower with the direction, to proceed
ag him departmentally and results be reported within 15 days positively. This refers to his
M No. 19148/EB, dated 09/11/2013.

OBC/EC
for me as directed.
Investigation is appointed
as EO to conduct proper
departmental enquiry against
him and submit his findings
within the stipulated period.

[Signature]
District Police Officer,
Dir Lower at Timergara.
11/11

03/11/13

OB. 1460
11/11/2013

ATTESTED

Better Copy

Annex - B
P-8

CHARGE SHEET.

1. Tahir-Ur-Rahman Acting District Police Officer, Dir Lower at Timergara as competent authority, hereby charge you SI Juma Rahman committed as follows: -

That while you posted as SHO Police Station Lal Qilla were found guilty in the preliminary enquiry in the matter conducted through SDPO Timergara for charging of receiving Rs. 15,000/- as illegal gratification from one drug paddler namely Ilhaam Ud Din s/o Bunir Gul r/o Kumbar, Lal Qilla for enhancing his illegal business of selling of narcotics in the area and also demanding for payment of huge amount on monthly basis.

2- By reason of above, you appear to be guilty of mis-conduct and have rendered your-self liable, to all or any of the penalties specified in Rule-4 of the Disciplinary Rules, 1975.

3- You are; therefore require submit your written reply within 07 days of the receipt of this charge sheet to the enquiry officer.

4- Your written reply, if any, should reach the enquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-part action shall follow against you.

5- Intimate to whether you desire to be heard in person or not?

6- A statement of allegation is enclosed

Sd/-
(TAHIR-UR-RAHMAN)
Acting District Police Officer,
Dir Lower at Timergara.

No. 21673/EC,
Dated 13/11/2013.

Copy to SI Juma Rahman of Police Lines.

ATTESTED

Enq: No.1456/EB.

Dated. 13/11/2013

DISCIPLINARY ACTION.

1. **Tahir-Ur-Rahman**: Acting District Police Officer, Dir Lower at Timergara as competent authority, am of the opinion that **SI Juma Rahman** has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENTS OF ALLEGATION.

That while he posted as SHO Police Station Lal Qilla was found guilty in the preliminary enquiry in the matter conducted through SDPO Timergara for charge of receiving Rs.15,000/- as illegal gratification from one drug paddler namely Ilhaam Ud Din s/o Bunir Gul r/o Kumbar Lal Qilla for enhancing his illegal business of selling of narcotics in the area and also demanding for payment of huge amount on monthly basis.

2- For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations **Mr. Rahat Ullah Khan SP/Investigation, Dir Lower** is appointed as enquiry officer.

3- The enquiry officer shall conducted proceedings in accordance with provisions of Police Rules 1973 and shall provide reasonable opportunity of defence and hearing to the accused officer record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry officer.

(TAHIR-UR-RAHMAN)
Acting District Police Officer,
Dir Lower at Timergara.

No. 2167/-72/EC.

Dated Timergara, the 13/11/2013

- 1- **Mr. Rahat Ullah Khan SP/Investigation, Dir Lower** (Enquiry Officer) for initiating proceeding in the light of the attached Photostat documents containing 23 sheets against the accused **SI Juma Rahman** under Police Rules, 1975.
- 2- **SI Juma Rahman**, of Police Lines.

Sd/-
(TAHIR-UR-RAHMAN)
Acting District Police Officer,
Dir Lower at Timergara.

ATTESTED

CHARGE SHEET.

I. Tahir-Ur-Rahman Acting District Police Officer, Dir Lower at Timergara as competent authority, hereby charge you SI Juma Rahman committed as follows: -

1- That while you posted as SHO Police Station Lal Qilla were found guilty in the preliminary enquiry in the matter conducted through SDPO Timergara for charging of receiving Rs.15,000/- as illegal gratification from one drug paddler namely Ishaam Ud Din s/o Bunir Gul r/o Kumbar, Lal Qilla for enhancing his illegal business of selling of narcotics in the area and also demanding for payment of huge amount on monthly basis.

2- By reason of above, you appear to be guilty of mis-conduct and have rendered your-self liable, to all or any of the penalties specified in Rule-4 of the Disciplinary Rules, 1975.

3- You are, therefore, require submit your written reply within 07 days of the receipt of this charge sheet to the enquiry officer.

4- Your written reply, if any, should reach the enquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-part action shall follow against you.

5- Intimate to whether you desire to be heard in person or not?

6- A statement of allegation is enclosed.



(TAHIR-UR-RAHMAN)
Acting District Police Officer,
Dir Lower at Timergara.

No. 21673 /EC,

Dated 13/11 /2013. ✓

Copy to SI Juma Rahman of Police Lines.

ATTESTED

NO- 204/21A

P-9

13/11/13

Enq. No. 1456/BB.

Dated 13/11/2013.

DISCIPLINARY ACTION.

I. Tahir-Ur-Rahman Acting District Police Officer, Dir Lower at Timergara as competent authority, am of the opinion that SI Juma Rahman has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENTS OF ALLEGATION.

That while he posted as SHO Police Station Lal Qilla was found guilty in the preliminary enquiry in the matter conducted through SDPO Timergara for charge of receiving Rs.15, 000/- as illegal gratification from one drug paddler namely Ihaam Ud Din s/o Bunir Gul r/o Kumbar Lal Qilla for enhancing his illegal business of selling of narcotics in the area and also demanding for payment of huge amount on monthly basis.

2- For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations Mr. Rahat Ullah Khan SP/Investigation, Dir Lower is appointed as enquiry officer.

3- The enquiry officer shall conducted proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defence and hearing to the accused officer, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4- The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry officer.

(TAHIR-UR-RAHMAN)
Acting District Police Officer,
Dir Lower at Timergara.

No. 21671-72/EC. Dated Timergara, the 13/11/2013.

1- Mr. Rahat Ullah Khan SP/Investigation, Dir Lower (Enquiry Officer) for initiating proceeding in the light of the attached documents containing 23 sheets against the accused SI Juma Rahman under Police Rules 1975.

2- SI Juma Rahman, of Police Lines.

Received Today
13/11/13
TESTED

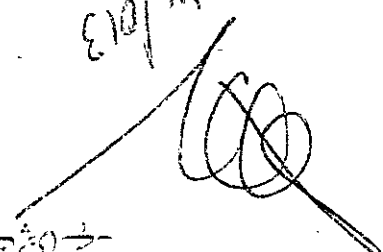
(TAHIR-UR-RAHMAN)
Acting District Police Officer,
Dir Lower at Timergara.

مختار محمد حسن صاحب

محمد حسن

28/11/2013

ATTESTED



مختار محمد حسن صاحب نے اپنی درخواست پڑھ کر دیکھی ہے۔ اس میں لکھا ہے کہ وہ اپنے پاس موجود ایک دستاویز کو دیکھنا چاہتا ہے جس میں OHS (Occupational Health and Safety) کے بارے میں معلومات ہیں۔ اس کے ساتھ ساتھ وہ اپنی معلومات کو اپنی دیگر دستاویزوں میں شامل کرنے کے لیے اس دستاویز کو اپنے پاس رکھنا چاہتا ہے۔

اس کے علاوہ، وہ اپنے پاس موجود ایک دستاویز کو دیکھنا چاہتا ہے جس میں OHS کے بارے میں معلومات ہیں۔ اس کے ساتھ ساتھ وہ اپنی معلومات کو اپنی دیگر دستاویزوں میں شامل کرنے کے لیے اس دستاویز کو اپنے پاس رکھنا چاہتا ہے۔

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Amara-e
Rafiqe

Subject: FINDING REPORT IN INQUIRY AGAINST SI JUMA REHMAN
SIR!

Brief facts leading to this Enquiry are that one Ilhamuddin s/o Bunair Gul r/o Kumbar Police Station Lal Qilla moved an application to District Police Officer Dir Lower stating therein that on 02-11-2013 at evening SHO Juma Rehman of PS Lal Qilla called him and instigated for selling narcotics and doing other illegal business. The SHO asked him to pay monthly "BATHA" of Rs. 10,000/- and in case of full support from SHO, the amount of BATHA will be 20/30 thousands. The SHO took Rs. 15,000/- from him on the spot for renovation of his residential room. Meanwhile a source report was also received by Regional Police Officer Malakand at Swat from Additional Inspector General of Police, Special Branch containing the same allegations against SI Juma Rehman. Ilhamuddin held a press conference at Press Club Timergara and reiterated his charges against the SHO. The DPO upon the direction of RPO conducted preliminary Inquiry and recommended the SHO for proper departmental Inquiry. The delinquent officer was suspended, closed to police lines, served with charge sheet while the undersigned appointed Enquiry Officer to scrutinize his conduct.]

I examined the applicant Ilhamuddin, witnesses Syed Jehan ALamri, constable Atiqur Rehman and Fa man No. 2480. The conversation between SHO and applicant has been recorded by the applicant through audio recording system of his cell phone. The conversation was heard in presence of two witnesses namely ASI Momin Khan and KPO Sajjad Ali while the applicant and delinquent officer were also present. The K.P.O upon the direction of undersigned saved the conversation in a USB which was taken into possession through recovery Memo in presence of witnesses. The conversation has also been saved in computer of Investigation branch. All the witnesses were examined in presence of delinquent officer giving him ample opportunity of cross examination. In last the delinquent officer was examined in detail.

The Inquiry revealed that SI Juma Rehman took the charge as SHO of PS Lal Qilla on 09.10.2013. On 02-11-2013, the SHO dialed Ilhamuddin through his gunner Atiqur Rehman and asked him for meeting. Ilhamuddin came to Machine Abad where the SHO alongwith gunner was waiting. The SHO took him to his private 2-OD car of black color and disembarked the gunner. The SHO told Ilhamuddin that he is allowed to do his business of narcotics and will be protected by him. Ilhamuddin told that in addition to his business (Narcotics selling) he will also come to police station in other matters and he will be helped by him (SHO) accordingly. After some discussion, Ilhamuddin asked the SHO to fake action against other narcotics paddlers namely Umar, Zakir and Sardar Badshah. The SHO assured him that

QUESTED

he will tight the rope against them, which will entail in monetary benefit to him (Ilhamuddin). In return he (Ilhamuddin) will pay Rs. 20/30 thousands per month. He briefed Ilhamuddin that he will provide safety to him, however if in case of emergency or unavoidable circumstances, any action is taken against him, he will not mind it. After thorough discussion, the SHO asked the applicant to give him Rs. 20,000/- for renovation of his residential room in Police Station. The applicant gave Rs. 12,000/- which the SHO termed deficient and asked to pay more. The applicant paid further Rs. 3,000/-. The SHO asked him to pay the remaining five thousands by tomorrow.

The recorded conversation was heard in presence of SHO, applicant and two witnesses and the voices of both the persons found very clear. During cross examination, the SHO was asked to opine about recorded conversation but he was unable to rebut it. No doubt Ilhamuddin remained associated with business of narcotics and 08 cases are registered against him on the record of Police station Lal Qilla but he contends that he has given-up this ugly business for last 15/20 years. The record show that the last case of narcotics was registered against him on 17-12-1997. The SHO took the plea that the applicant is involved in selling of narcotics through organized network and he wanted to get information about it but the conversation reveal that no such effort has been made by SHO. He failed to take any action against him or his alleged network. He even failed to take action against other paddlers of narcotics namely Zakir, Umar and Sardar Bacha .

The SHO is a young energetic man having physical beauty and alertness but after hearing the audio recorded conversation, his greediness and negative aptitude toward professionalism come forward. It is regrettable that being SHO he has tried to boost the business of narcotics. The only solid evidence against the SHO is the audio recorded conversation which is irrefutable. The SHO according to said audio conversation has received Rs. 15,000/- as illegal gratification on the spot. He has misused his authority by asking the applicant to pay monthly "BATHA" in lieu of his illegal and immoral business. The charge leveled against SI Juma Rehman is proved, therefore is recommended for appropriate punishment.

Issue Panel SHO case after

(Signature)
DPO/DIS/Lower
16/12/13

(Signature)
(PURDIL KHAN)
DSP Legal Dir Lower.

12/12/13

ATTESTED

بیان اذان SI جمعہ الرحمن پولیس لائن۔

دریافت بیان کیا۔ کہ میں مورخہ 08.10.2013 سے تھانہ لعل قلعہ میں تکثیف SHO تعینات تھا۔ چارج لینے کے بعد اُن دنوں میں سی اے ایہام الدین نے بدست کنستبل فرمان نمبر 2420 اردلی جناب SDPO صاحب میدان نے ایک گفٹ لاکر پیش کی۔ اور کہا کہ یہ مسکی الہام الدین نے بھجوائی ہے۔ من SHO نے مذکورہ فرمان کو کہا کہ میں الہام الدین کو جانتا بھی نہیں تو کیسے گفٹ قبول کرو۔ فرمان نے کہا کہ وہ کچھ دن بعد خود ہی آپ کے ہاں ملنے کے لئے آنے والا ہے۔ تو اسی دن مجھے شک پڑا کہ دال میں کچھ کالا کالا ہے۔ علاوہ ازیں مشران علاقہ، وٹجلیس کمیٹی ممبران کی طرف سے الہام الدین کے متعلق کافی شکایات آتے رہے کہ مذکورہ بھاری مقدار میں سوشل طریقے سے منشیات کا کاروبار کر رہا ہے۔ اور اسکا بہت وسیع نیٹ ورک ہے۔ کچھ دن بعد الہام الدین میرے کوارٹر آکر اپنا تعارف کرایا۔ اسکے بعد میرے عدم موجودگی میں میرے گھر زکو بتایا تھا۔ کہ SHO صاحب کے کمرے میں جو بھی ضرورت ہے مجھے لکھ کر دو۔ تاکہ میں اُسے خرید لاؤں لیکن یہ بات مجھے خود نہیں کہہ سکے۔ مذکورہ کامیرے گھر کے ساتھ ہر وقت رابطہ تھا اور میرا پوزیشن معلوم کرتا رہتا تھا۔ جس پر من SHO کو نڈید شک گزارا کہ مذکورہ واقعی منشیات کا کمروہ دھندہ کر رہا ہے۔ جس پر پردہ ڈالنے اور میرے قربت حاصل کرینگی کوشش کر رہا ہے۔ اسی دن سے ہم نے الہام الدین کا منیٹ ورک معلوم کرنے کے لئے سر توڑ کوشش شروع کی لیکن ہم اسکے منیٹ ورک اور منشیات کی سنگٹنگ تک پہنچنے میں ناکام رہے۔ اندر میں سلسلہ نڈید کچھ اس طرح منصوبہ تیار کیا کہ کسی ایسے طریقے سے اس کے کاروبار، منیٹ ورک تک پہنچ جاؤ۔ تو میں نے براہ راست اسکے ساتھ رابطہ استوار کیا۔ اور اُن کو اعتماد میں لینے کو کوشش کی کہ میں اُنکو اعتماد دلاؤ کہ آپ اپنا کاروبار جاری رکھے۔ اور میں بھاری مقدار میں اُن سے برآمدگی کر سکوں اور اُنکو گرفتار بھی کروں تاکہ علاقہ ہذا کے نوجوانوں کو منشیات نوشی کی لعنت سے بچھٹکارا دلاؤ اور علاقہ ہذا کو اس کمروہ دھندے سے پاک کر سکوں۔ بدیں وجہ اسکے ساتھ بالمشافہ رابطہ رکھا۔ لیکن مذکورہ انتہائی چالاک اور دغا باز نکالا اور ہم اپنے مشن میں کامیاب نہ ہو سکے۔ یہاں یہ امر بھی قابل ذکر ہے۔ کہ مذکورہ الہام الدین کے خلاف مختلف نوعیت کے مقدمات منشیات فروشی، بد فعلی اور چوری چکاری کے درج رجسٹرڈ ہیں۔ فہرست مفصل لف ہے۔ اور اسکے علاوہ وارنٹ زیر دفعہ 3MPO مورخہ 17.12.2012 بھی بغیر کاروائی کے ریکارڈ تھا نہ پر موجود ہے۔ نیز اس سلسلہ میں میرا واپسی بحوالہ نمبر 39 مورخہ 03.11.2013 بھی مفصل اور قابل ملاحظہ ہے۔ قبل ازیں مذکورہ الہام الدین نے سابقہ SDPO میدان گل نورخان کے خلاف بھی پریس کانفرنس کی تھی۔ اسکے علاوہ سابقہ SHO تھانہ لعل قلعہ عارف الرحمن نے مذکورہ الہام الدین کے خلاف سرچ وارنٹ حاصل کر کے مذکورہ الہام الدین کی خانہ تلاشی لی تھی۔ اس پر بھی الہام الدین نے عارف الرحمن SHO خلاف آفسران بالا کو درخواست دائر کی تھی۔ مذکورہ الہام الدین کے خلاف جب بھی مقامی پولیس کوئی منصوبہ بندی تیار کر کے کاروائی شروع کرتا ہے۔ تو مذکورہ مقامی پولیس اہلکا پھنسائے اور دباؤ ڈالنے کے لئے پریس کانفرنس، ڈائریوں اور درخواستوں کا سہارا لیتا ہے۔ اور اس طرح وہ اپنے مذموم مقاصد میں کامیاب ہو جاتا ہے۔ اور اپنا کمروہ دھندہ چلاتا رہتا ہے۔ مذکورہ کی زندگی کھلی کتاب کی مانند ہے۔ جو کسی سے ڈھکی چھپی نہیں ہے۔ جو کہ ریکارڈ تھا نہ سے صاف عیاں ہے۔ باوجود روایتی کاوشوں کے مذکورہ کے سر کوئی کے لئے اس کو اعتماد میں لینا واحد ذریعہ رہ کر لہذا امن SI نے مذکورہ کو دوسری راہ پر لانے کا ترغیب محض اس بناء پر دیا کہ انفارمیشن ایسی تھی کہ مذکورہ نے کسی بھی وقت زیادہ مقدار میں منشیات لانا ہے۔ تاہم راز راز نہ کر جب مذکورہ کو اس قسم کے سوچ کا علم ہوا تو اُس نے یہی ڈرامہ چلایا۔ اس کے اس حوالے سے اخباری بیانات سامنے آنے پر تھیدی بیان بھی جاری کر چکا ہوں۔ جو ریکارڈ پر ہے۔ جو کہ مذکورہ نے اس کے بعد میں خاموشی اختیار کی۔ جہاں تک میرے بدعنوانی کا تعلق ہے۔ تو اس سلسلے میں کسی بھی دیگر فرد نے من SI پر اس قسم کی الزامات نہیں لگائے ہیں۔ بلکہ من SI کی کارکردگی ریکارڈ پر ہے۔ اور سابقہ ادوار میں بھی اہم تقاضوں میں تکثیف SHO من SI کے خلاف کوئی الزام عائد نہیں ہوا ہے۔ ایک ناسور شخص کے ناسور قسم کے سوچ پر سائیل کا محاسبہ شاید مذکورہ کے علاوہ دیگر جرائم پیشہ لوگوں کے حوصلہ افزائی کے باعث ہوگی۔ اور رقم کی وصولی کا الزام بے بنیاد ہے۔ اس میں کوئی حقیقت نہیں ہے۔ محض من SI کو بدنام کیا جا رہا ہے۔ یہی میرا بیان ہے۔ جو حقیقت پر مبنی ہے۔

جمعہ الرحمن
28/11/13

سب آئیڈیو تھانہ لعل قلعہ لیا گیا تو الہام الدین موجود نہیں تھا۔

درگاہ دین آسے سے علاقہ قاتے حوا

تھانہ لعل قلعہ لیا گیا تو الہام الدین موجود نہیں تھا۔

تھانہ لعل قلعہ لیا گیا تو الہام الدین موجود نہیں تھا۔

تھانہ لعل قلعہ لیا گیا تو الہام الدین موجود نہیں تھا۔

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تم نے انکو کیوں بلوایا۔
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میں نے انکو کیوں بلوایا۔

تم نے انکو کیوں بلوایا۔
میں نے انکو کیوں بلوایا۔

Attested
M
DSPAL
2/12

ATTESTED

(1)

بیان اذان الہیاء الدین ولد سیرگل سکٹہ کھمبر حیدران۔

حلفاً بیان کیا کہ میں کھمبر لعل تلہ کا سکوتی باشندہ ہوں۔ اور ایک پیرامن شہری ہونے کے ناطے کھیٹی برائے بین المذاہب ہم اہنگی اور لوکل VCD کا ممبر بھی ہوں۔

حورہ 2/11/03 کو بوقت شام 07:00 بجے SHO صاحب جم الرحمن نے مجھ سے بذریعہ میں ہوا تو اس نے کہا کہ باہر آؤ۔ جب میں اس کے پاس پہنچا تو SHO صاحب سیاہ رنگ 2-D کار میں موجود تھا۔ اس نے مجھ کو اپنے ساتھ سوٹر کار میں بٹھایا اور مجھے بتایا کہ لعل تلہ بازار میں مجھے نکل آزادی دیتا ہو کہ ہر قسم کے نا جائز دھندے کو اور اس کے عوض مجھے 35/40 ہزار روپے ماہواری دیا کرو۔ فرید بتایا کہ آراب کے خلاف کوئی کارروائی ہونے والی ہو تو میں مجھے پہلے خبردار کروں گا۔ اور اگر میں نے مجھ کو پہلے خبردار نہیں کیا تو تم مجھ سے اس پر فقہ نہ ہوں گے۔ حالات کے مطابق تم مجھ کو کم یا زیادہ ماہواری مجھے دوں گے۔ میرے اس وقت کہا کہ میں تھانہ لعل تلہ نیا آیا ہوں اور کمرہ رہائش کے سیٹ کیلئے اب مجھے 20000/- روپے دے دوں۔ میں نے اسے صلئے 12000/- روپے دیئے لیکن اس نے بتایا کہ یہ کم ہے اسلئے 30000/- روپے اور دیئے۔ اس وقت گاڑی میں اسے مجھ سے 15000/- روپے دیئے۔ اس کے ساتھ اس نے مجھے کہا کہ 5000/- روپے سوچ سوچے ضرور لاؤ۔ میں نے اپنے علاقہ حیدران کے ساتھ میرے ساتھ پیش آنے والے واقعہ کے بارے میں آگاہ کیا۔ اور حورہ 2/11/03 کو پیرس کلب نمبر 7 میں SHO جم الرحمن کے خلاف پیرس کانسٹیبل کی ہے فرید بتایا کہ یہ بات اور پیش کے طور پر حیدران ہے کہ علاقہ حیدران میں پاک آرمی تعینات ہے جس کے وہم سے کوئی بھی غلط کام اور نا جائز دھندوں کا تصور نہیں کر سکتا ہے۔ یہی حیرتیں ہیں جو کہ درست ہے۔ اور میرے اور SHO کے درمیان جو گفتگو ہوئی ہے اس کے میں نے اپنے حورائیل میں ریکارڈ کی ہے۔

س۔ خوں بر آئے ساتھ میں، رالہ لہا، الہام
 ح۔ کنشیل عشق الرحمن جو کہ SHO ہے۔
 ساتھ سیرجے۔ نا جو ہے رالہ لہا۔
 ہیں۔ آراب آگاہ ہیں۔

الہام الدین ولد سیرگل
 NIC No: 15302-1603623-7

REGISTERED

سب سے پہلی بات یہ ہے کہ

1۔ سینیٹ آباد ہو گئی ہے آدھا کل دیوار اور طرف کھنڈ ہو گیا ہے

2۔ عینق کو اس نے ابنا کر رکھا ہے

3۔ میں اس سے پہلے تھا کہ ~~میں اس سے پہلے تھا کہ~~ میرا دلان قلب میں

احتمالاً ہے کہ اس کے ساتھ ساتھ یہ ہے کہ

4۔ اس وقت سے اس کا حصہ بن گیا ہے SHG کے رہائشی

کو انٹر کلاس بنا دیا گیا ہے۔ گھر کے بلدیہ بن گیا ہے۔ آدھے گھر کے لئے

5۔ SHG کے ملاقات ہو گئے ہیں ابھی بات کرنا چاہیے کہ اس سے

6۔ دوران DSP کے بلع گھنٹہ آیا ہے۔ DSP کے بلع گھنٹہ کو ملے گا

7۔ SHG میں وہاں ہے۔ اور یہ گھر کے لئے ہے۔ کہ آج مشران

8۔ موجود ہیں۔ گھنٹہ کے لئے ہے۔ یہ 11/10/13 ہے۔ کہ آج مشران

9۔ عینق فون میں ہے۔

10۔ میں دوران ملاقات کے لئے ہے۔

11۔ میں یہ کہتا ہوں کہ میں اس کے ساتھ کوئی اور ہے

12۔ میں اس کے ساتھ ساتھ ہے۔

13۔ میں اس کے ساتھ ساتھ ہے۔

(2)

سے ~~XXXX~~ قرار کیا جائے کہ اس میں کیا ہے؟

۱۔ DSP ملک تھریٹر سے DSP/HR کے وجود کی یہ فرد مقبول ہے۔

اس کے بعد ~~XXXX~~ قرار دیا گیا ہے کہ ~~XXXX~~ کا وجود ہے۔
گواہان موجود ہیں۔
عورتوں کی آواز۔۔۔ گارنٹ یہ ہے۔

سے ~~XXXX~~ میں ایک طرف سے ~~XXXX~~ اور دوسری طرف سے ~~XXXX~~۔

۲۔ DSP کے لئے ~~XXXX~~ کے لئے ~~XXXX~~ قرار دیا گیا ہے۔

سے ~~XXXX~~ میں ایک طرف سے ~~XXXX~~ اور دوسری طرف سے ~~XXXX~~۔

۱۔ ~~XXXX~~ سے ~~XXXX~~ اور ~~XXXX~~ کے لئے ~~XXXX~~ قرار دیا گیا ہے۔

۲۔ ~~XXXX~~ سے ~~XXXX~~ اور ~~XXXX~~ کے لئے ~~XXXX~~ قرار دیا گیا ہے۔

سے ~~XXXX~~ میں ~~XXXX~~ قرار دیا گیا ہے۔

۱۔ حالات فراہم ہیں۔ لہذا اسے متعلقہ حالت میں رکھو۔

۲۔ ~~XXXX~~ میں ~~XXXX~~ قرار دیا گیا ہے۔

ATTESTED

۱۔ ~~XXXX~~ میں ~~XXXX~~ قرار دیا گیا ہے۔

سہیلی تو یہ سلام خوا کہ اللامح الدین سہیل طریقے سے اینڈ ہیری
بیک دور کارڈ میں منیات فریڈ کرتے ہیں۔ اللامح الدین کا سیر
بیتا تو کوئی تعلق نہیں تھا تو انٹرنیشنل فرمان جو کہ ۱۹۵۵ء میں ان کا
اردل کے ساتھ جے فٹ سیوہ fruit

ج۔ چونکہ یہ مہمان تھا۔ میں انہما دونوں میں سے کسی کو بھیج دیا۔
ان کے میں ان کو بھیج دی۔ میں نے بطور تحفہ دیا ہے۔ بطور
بھرت نہیں دیا ہے۔

ع۔ فرمان ۱۹۵۵ء اور ۱۹۵۶ء کے انٹرنیشنل حکامات کے نزدیک باورچی
کا کام کرتا ہے۔ اس کے ان کا کام

س۔ ~~ع۔ فرمان~~ میں نے فرمان کے ذریعے اللامح الدین کو یہ کہنا چاہا
کہ میں ان کو بھیجنا چاہتا۔ پھر کہیں تحفہ قبول کرو۔ فرمان نے کہا

کہ اس کے لئے یہ بھیج دو۔ اور اللامح الدین آ رہے ہیں تو وہ بھیج دو۔
تو میں نے کہا کہ آ رہے ہیں۔ کیوں؟
ج۔ میں نے انٹرنیشنل کو آ رہے ہیں۔ ۱۹۵۵ء میں ان کے ساتھ ملنے آ رہے ہیں۔

۔ مجھے بھی پتا ہے کہ اس کے لئے موجود ہے۔
س۔ ۱۹۵۵ء میں ۱۹۵۵ء میں ہارون زبیر نے ۱۹۵۵ء میں بھیج دیا ہے
ج۔ میں نے اظہار جان جو کہ اس میں بھیج دیا ہے۔ تو وہ بھیج دیا ہے
ماہر سے لے آیا۔ اور میں نے بھیج دیا ہے۔ وہ بھیج دیا ہے۔

د۔ کل فرمیں اور دیگر اظہار جان نے بھیج دیا ہے۔
تو وہ بھیج دیا ہے۔ اور میں نے بھیج دیا ہے۔
ج۔ یہ ہے۔ میں نے بھیج دیا ہے۔ اور میں نے بھیج دیا ہے۔

سے ۲۰۰ پیرا تھا، ساتھ ساتھ ~~۲۰۰~~ ۲۰۰ سے بھی نہ تھی۔ اور نہ میں نے اس سے
 کوئی بھی چیز چاہی تھی۔ یہ تو میری ذمہ داری ہے اور اس میں کوئی عیب نہیں
 ہے۔ اگر آپ کو کوئی شک ہے تو اسے ظاہر کرنا چاہیے۔

Q

A. ROZAZ
 E.O / ASPL
 28/11/03

بیان اذان کی شکل نزعاً منہ 24200 نمائندگی لعل قلم۔

بدریافت بیان کیا کہ میں SDPO صاحب لعل قلم میدان کے ساتھ محنت اردلی نصیحت
 ہوں۔ ایک دن میں کوارٹر میں موجود تھا کہ صبی الہام الدین آکر مجھے ایک بند
 قیدہ دیا کہ یہ SHO صاحب کیلئے تحفہ ہے اور اُسے حوالہ کریں۔ جب SHO صاحب خانہ
 آیا تو میں نے وہ تحفہ اُسے پیش کیا کہ یہ الہام الدین نے لایا ہے۔ اس پر SHO
 صاحب نے مجھے کہا کہ میں الہام الدین کو نہیں پہچانتا تو اُس کا تحفہ کس طرح قبول
 کرو۔ میں نے وہ قیدہ کمرے میں رکھا۔ دوسرے دن الہام الدین خود آکر
 SHO صاحب سے ملاقات کی۔ مباحث ہونے کے ناطے میں نے الہام الدین سے تحفہ
 لے کر SHO صاحب کو حوالہ کی ہے۔ یہی حیرا بیان ہے جو کہ درست ہے۔

الحمد للہ

محررانہ 24200

س 100 تم اُسے ساتھ چو؟

س 100 - میں اس کے میدان کے ساتھ ماوروی کا ڈاکوڑی اٹھا دیتا ہوں۔
 س 100 کیا الہام الدین سہلات فرمیں؟
 س 100 - ان کا سہرت یہی ہے۔

س 100 جب SHO صاحب نے قیدہ نہیں لیا۔ تو اُسے اُس کے ساتھ لیا گیا۔
 س 100 - میں نے اسے لے کر لیا تھا۔ دوسرے دن الہام الدین آکر
 اور میں دونوں ماوروی کے ملاقات ہوئی۔

ATTESTED

Attested
 29/11

بیان اذان کنیبل عتیق الرحمن نمبر 1405 حقیقتہً تھانہ لال قلم

حلفاً بیان کیا کہ میں تھانہ لال قلم میں SHO صاحب جمعہ الرحمن کے ساتھ محبت گزشتہ تھانہ تھا۔ مسی الہام الدین ولد بونیر قلم سکے کبھی جس کو میں پہلے سے نہیں جانتا تھا ایک دن تھانہ آکر مجھ سے SHO صاحب کے بارے میں دریافت کیا۔ مگر اس وقت SHO صاحب عدالت موجود تھے۔ مذکورہ نے اپنا جو بائیل نمبر لکھ کر مجھے دیا۔ اور بتایا کہ اگر SHO صاحب کے کمرے میں سیٹنگ کی کسی چیز کی ضرورت ہو تو اُسے بتائے کہ میں لے آؤں گا۔ حیدرآباد 2/11/03

SHO صاحب کے ساتھ اُس کے ذاتی گاڑی میں گشت پر تھانہ بمقام حسین آباد زبیدارہ روڈ پر SHO صاحب نے مجھے کہا کہ الہام الدین کو خون کھریں کہ وہ یہاں آئے۔ میں نے الہام الدین کو اُس کے جو بائیل نمبر 0302-8887123 پر اپنے جو بائیل نمبر سے رابطہ کر کے اُسے طلب کیا۔ الہام الدین کے آنے کے بعد میں SHO صاحب کے ذاتی گاڑی سے اُن کو وہ دونوں موٹر کار میں بٹھائے۔ تقریباً ادھے گھنٹے تک وہ دونوں آپس میں مل بیٹھے تھے۔ مجھے یہ علم نہ ہے کہ اُن کے مابین کیا لین دین یا گت و شنید ہوئی ہے۔ یہ میرا بیان ہے جو کہ درست ہے۔

الحسن احمد
کنیبل عتیق الرحمن
1405
NIC No- 15302-878746-1

س منہ تم سے تھانہ لال قلم میں جو؟

1- میں 010-11-22 سے تہنیت ہوں۔

2- میں الہام الدین تم سے ملنے چاہتا ہوں؟

3- 17/11 سے نہیں جانتا تھا۔ SHO جمعہ رحمن سے ملنا آ رہا تھا۔ اُس میں ملاقات ہوئی۔

4- الہام الدین نے آپ کو فون پر کیوں دی؟

5- الہام الدین نے مجھے خبر دیا اور کہا کہ اگر SHO صاحب کے کمرے میں کسی چیز کی ضرورت ہوگی تو مجھے بتلائیں۔

6- الہام کو فون کیوں کیا؟

7- SHO صاحب نے کہنے پر کہا۔ میں حسین آباد آیا تو SHO صاحب تھانہ لال قلم میں تھے اور تھا؟

ATTESTE

۱۔ میں سٹوڈنٹ ہوں اور اس کے ساتھ ساتھ ایک اور شہر میں بھی پڑھتا ہوں اور اس میں
ایک کلاس ہے۔ سٹوڈنٹس کے ساتھ ساتھ ایک اور شہر میں بھی پڑھتا ہوں اور اس میں
ایک کلاس ہے۔ سٹوڈنٹس کے ساتھ ساتھ ایک اور شہر میں بھی پڑھتا ہوں اور اس میں

۲۔ (پہلے) اور سٹوڈنٹس کے ساتھ ساتھ ایک اور شہر میں بھی پڑھتا ہوں اور اس میں
ایک کلاس ہے۔ سٹوڈنٹس کے ساتھ ساتھ ایک اور شہر میں بھی پڑھتا ہوں اور اس میں

۳۔ سٹیٹ گورنمنٹ کے ساتھ ساتھ ایک اور شہر میں بھی پڑھتا ہوں اور اس میں
ایک کلاس ہے۔ سٹوڈنٹس کے ساتھ ساتھ ایک اور شہر میں بھی پڑھتا ہوں اور اس میں

۴۔ سٹیٹ گورنمنٹ کے ساتھ ساتھ ایک اور شہر میں بھی پڑھتا ہوں اور اس میں
ایک کلاس ہے۔ سٹوڈنٹس کے ساتھ ساتھ ایک اور شہر میں بھی پڑھتا ہوں اور اس میں

Attested
Mr
DSB/L29/11

ATTESTED

P-20

Annex-5

OFFICE OF THE DISTRICT POLICE OFFICER, DIR LOWER AT TIMERGARA

FINAL SHOW CAUSE NOTICE

WHEREAS AS YOU SI Juma Rahman while posted as SHO PS Lal Qilla was found guilty in the preliminary as well as departmental enquiries in the matter conducted through SDO Timergara and DSP Legal respectively for charging of receiving of Rs.15,000/- as illegal gratification from one drug paddler namely Ihtam-ud-Din son of Buntir Gul resident of village Kunbar, PS Lal Qilla for enhancing his illegal business of selling of narcotics in the area and also demanding for payment of huge amount of "BHATTVA" / on monthly basis, which shows gross misconduct on his part.

AND WHEREAS, a proper departmental was conducted against you and the charge leveled against you were established without any shadow of doubt and you as to be awarded major punishment including dismissal from service.

NOW THEREFORE, as required by the NWFP Police Rules, 1975

I, Ghulam Habib Khan, District Police Officer, Dir Lower call upon to show cause as to why you should not be awarded major punishment as defined under rule-4(b) of the said rules.

Your explanation should reach the undersigned within 02-Days of the receipt of this notice.

You should state in writing as to whether you wish to be heard in person or not. In case, your written explanation is not received within the specified period, it would be presumed that you have no defense to offer.

Dir Lower at Timergara
District Police Officer,

(Signature)

(Signature)

No. 28713 /E,

Dated 17/12/2013

Enclosed herewith please find Final Show Cause Notice

(in-duplicate) is sent to RI through DSP Hqs. for necessary deliver upon SI Juma Rahman

One copy of the Final Show Cause Notice may be delivered upon him and his signature taken as a token of its receipt be returned for further necessary action.

ATTACHED

Better Copy

Annex-1

P-22

OFFICE OF THE DISTRICT POLICE OFFICER, DIR LOWER AT TIMARGARA

ORDER

This order will disposed off the departmental enquiry conducted against SI Juma Rahman No.210/M he while posted as SHO Police Station Lal Qilla one Ilhamuddin son of Bunair Gul resident of Kumbar moved an application to the the then District Police Officer, Dir Lower stating therein that on 02/11/2013 at evening SHO Juma Rahman of PS Lalqilla called him and instigated for selling narcotics and doing other illegal business. The delinquent officer asked him to pay monthly "Batha" of Rs. 10,000/- and ub case of full support from SHO, the amount of "Batha" will be Rs.20/30 thousands. The delinquent officer took Rs. 15,000/- from him on the spot for renovation of his residential room in Police Station. Meanwhile a source repost was also received from Region Office, Swat as well as from Special Branch containing the same allegations against him. The applicant held a press conference at Press Club Timergara and reiterated his charges against the SHO. The then DPO upon the directions of Regional Police Chief conducted preliminary enquiry and recommended him for proper departmental enquiry. The delinquent officer was suspended, closed to Police Lines, served with Charge Sheet while DSP Legal appointed as Enquiry Officer to scrutinized his conduct.

The Enquiry Officer examined the applicant, witnesses as well as conversation between the delinquent Officer and applicant has been recorded by the applicant through audio recording system of his cell phone. The conversation was heard in presence of two witnesses by the Enquiry Officer in the presence of applicant and delinquent officer. The conversation was saved in a USB by the Enquiry Officer in Computer of Investigation Branch. The Enquiry Officer examined all the witnesses in the presence of delinquent officer given him ample opportunity of cross examination as well as in last in detail.

The enquiry officer in his finding report submitted that the enquiry revealed that the delinquent officer took the charge as SHO of PS Lal Qilla on 09/10/2013 and on 02/11/2013, the SHO dialed Ilhamuddin through his gunner Atiqur Rahman and asked him for meeting. So Ilhamuddin came to Machine Abad where the SHO along-with gunner was waiting. He took him to his private 02-D Car of black color and disembarked the gunner. The SHO told Ilhamuddin that he is allowed to do his business of narcotics and will be protected by him. Ilhamuddin told that in addition to his business (narcotics selling) he will also come to Police Station in other matter and he will be helped by him (SHO)

ATTESTED

20 accordingly. After some discussion, Ilhimuddin asked the SHO to take action against other narcotics paddlers namely Umar, Zakir and Sardar Bad Shah. The SHO assured the applicant at that time that he will tight the rope against them which will entail in monetary benefit to him (Ilhamuddin). In return he (Ilhamuddin) will also pay Rs.20/30 thousands per month. The SHO briefed (Ilhamuddin) that he will provide safety to him. However if in case of emergency or unavoidable circumstances, any action is taken against him he (Ilhamuddin/applicant) will not mind it After thorough discussion, the SHO asked the applicant to give him Rs.20,000/- for renovation of his residential room in Police Station. The applicant gave Rs.12,000/- which the SHO termed deficient and asked to pay more. The applicant paid further Rs.3,000/- and the SHO asked him to pay the remaining five thousands by tomorrow.

The Enquiry Officer heard the recorded conversation in presence of SHO, applicant, witnesses and the voices of both the persons found very clear. During cross examination, the SHO asked to opine about recorded conversation, but he was unable to rebut it. No doubt Ilhamuddin remained associated with business of narcotics and 08 cases are registered against him on the record of Police Station Lal Qilla, but he contends that he has given up this ugly business for last 15/20 years. The record shows that the last case of narcotics was registered against Ilhamuddin / applicant on 17/12/1997. The SHO took the plea that the applicant is involved in selling of narcotics through organized network and he wanted to get information about it but the conversation reveal that no such efforts has been made by SHO and failed to take any action against him or his alleged network. He also even failed to take action against other paddlers of narcotics mentioned above.

The enquiry revealed that the charges of corruption has proved against the delinquent officer beyond any shadow of doubt and he was also heard in person beside issuing him Final Show Cause Notice, but could not produce any cogent reason in his defence, therefore, I, Ghulam Habib Khan, District Police Officer, Dir Lower at Timergara (competent authority) discharge him from service with immediate effect.

OB No. 1700
Dated. 25-12-2013

Sd/-
District Police Officer
Dir Lower at Timergara


ATTESTED

The enquiry officer in his finding report submitted that the enquiry revealed that the delinquent officer took the charge as SHO of PS Lal Qilla on 09/10/2013 and on 02/11/2013, the SHO dialed Ithamuddin through his gunner Atiqur Rahman and asked him for meeting. So Ithamuddin came to Mochira Abad where the SHO along with gunner was waiting. He took him to his private 02-D Car of black color and disembarked the gunner. The SHO told Ithamuddin that he is allowed to do his business of narcotics and will be protected by him. Ithamuddin told that in addition to his business (narcotics selling) he will also come to Police Station in other matter and he will be helped by him (SHO).

The Enquiry Officer examined the applicant, witnesses as well as conversation between the delinquent Officer and applicant has been recorded by the applicant through audio recording system of his cell phone. The conversation was heard in presence of two witnesses by the Enquiry Officer in the presence of applicant and delinquent officer. The conversation was saved in a USB by the Enquiry Officer in Computer of Investigation Branch. The enquiry Officer examined all the witnesses in the presence of delinquent officer given him ample opportunity of cross examination as well as in last in detail.

This order will be disposed off the departmental enquiry conducted against SI Juma Rahman No.210/M, he while posted as SHO Police Station Lal Qilla one Ithamuddin son of Bunair Gul resident of Kumbhat provided an application to the then District Police Officer, Dir Lower stating therein that on 02/11/2013 at evening SHO Juma Rahman of PS Lalqilla called him and investigated for selling narcotics and doing other illegal business. The delinquent officer asked him to pay monthly "Batha" of Rs.10,000/- and his case of full support from SHO, the amount of "Batha" will be Rs.20/30 thousands. The delinquent officer took Rs.15,000/- from him on the spot for renovation of his residential room in Police Station. Meanwhile a source report was also received from Region Office, Swat as well as from Special Branch containing the same allegations against him. The applicant held a press conference at Press Club Timergara and reiterated his charges against the SHO. The then DPO upon the directions of Regional Police Chief conducted preliminary enquiry and recommended him for proper departmental enquiry. The delinquent officer was suspended, closed to Police Lines, served with Charge Sheet while DSP legal appointed as Enquiry Officer to scrutinize his conduct.

ORDER

OFFICE OF THE DISTRICT POLICE OFFICER, DIR LOWER AT TIMERGARA P-22

Annex-1

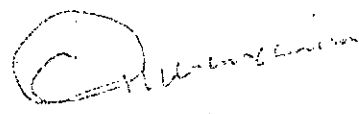
accordingly. After some discussion, Ilhamuddin asked the SHO to take action against other narcotics paddlers namely Umar, Zakir and Sadiq Bad Shah. The SHO assured the applicant at that time that he will tight the rope against them, which will entail in monetary benefit to him (Ilhamuddin). In return he (Ilhamuddin) will also pay Rs.20/30 thousands per month. The SHO briefed (Ilhamuddin) that he will provide safety to him. However if in case of emergency or unavoidable circumstances, any action is taken against him, he (Ilhamuddin/applicant) will not mind it. After thorough discussion, the SHO asked the applicant to give him Rs.20,000/- for renovation of his residential room in Police Station. The applicant gave Rs.12,000/-, which the SHO termed deficient and asked to pay more. The applicant paid further Rs 8,000/- and the SHO asked him to pay the remaining five thousands by tomorrow.

The Enquiry Officer heard the recorded conversation in presence of SHO, applicant, witnesses and the voices of both the persons found very clear. During cross examination, the SHO asked to opine about recorded conversation, but he was unable to rebut it. No doubt Ilhamuddin remained associated with business of narcotics and 08 cases are registered against him on the record of Police Station Lal Qilla, but he contends that he has given up this ugly business for last 15/20 years. The record shows that the last case of narcotics was registered against Ilhamuddin / applicant on 17/12/1997. The SHO took the plea that the applicant is involved in selling of narcotics through organized network and he wanted to get information about it but the conversation reveal that no such efforts has been made by SHO and failed to take any action against him or his alleged network. He also even failed to take action against other paddlers of narcotics mentioned above.

The enquiry revealed that the charges of corruption has proved against the delinquent officer beyond any shadow of doubt and he was also heard in person beside issuing him Final Show Cause Notices, but could not produce any cogent reason in his defence, therefore, I, Ghulam Habib Khan, District Police Officer, Dir Lower at Timergara (competent authority) discharge him ^{from} service with immediate effect.

OB No. 1700
 Dated. 25-12-13

ATTESTED


 District Police Officer,
 Dir Lower at Timergara

بھنور جناب RPO صاحب ملاکنڈ ریجن تھری بمقام سید و شریف

P-24

307

16-1-14

عنوان: درخواست بمراد بحالی ملازمت

جناب عالی!

سائیل ذیل عرض گزار ہے۔

یہ کہ سائیل محکمہ پولیس ضلع پشاور FRP میں سال 1992 کو بحیثیت کنسٹیبل بھرتی ہو کر حکمانہ کوریز کر کے بہ عہدہ SI ترقیاتی کا حکم ہو کر تاحکم برطانی ایسی عہدہ پرفرائیض سرانجام دے رہا تھا۔

یہ کہ سائیل نے جملہ حکمانہ کوریز امتیازی حیثیت سے پاس کر کے جس باعث ریکارڈ پر جملہ احکامات واضح موجود ہیں۔

یہ کہ فدوی دیویور میں تعیناتی کے دوران مختلف تھانہ جات میں حسب احکم بالا حکام بحیثیت SHO تعینات رہ کر اچھی کارکردگی کی بنیاد پر افسران بالا نے انعامات اور ایچھے ACR,s سے نوازا ہے۔

یہ کہ سائیل کے خلاف قانون اور قاعدہ کے خلاف ورزی کا کوئی حکم متعلق سزماہ قبل نہیں ہوا ہے۔

یہ کہ سائیل کے خلاف ایک پیشہ درجرائم پیشہ شخص کے منگھروت اور حقائق سے ہٹ کر سازشی الزام پر حکمانہ انکوائیری کی گئی۔

یہ کہ مذکورہ شخص کے الزام پر انکوائیری کے دوران دیگر شہادتوں کو نظر انداز کی جا کر محض اس کے الزام پر ڈسچارج کرنے کا حکم صادر کیا گیا۔

یہ کہ مذکورہ شخص کے پاس کوئی RELIABLE شہادت نہ ہونے کے باوجود اس کے سابقہ سزایابی کاریکارڈ بھی محفوظ خاطر نہ رکھ کر بلکہ سائیل کے خلاف انکوائیری ایف س اور DPO دیویور نے یکطرفہ کارروائی کر کے محکمہ سے ڈسچارج کیا۔

یہ کہ سائیل کے عرصہ ملازمت کو اور کارکردگی کو یکسر نظر انداز کیا گیا ہے۔

یہ کہ سائیل کے خلاف لگایا گیا الزام محض ایک سازش تھا اور حقیقت سے اس کا کوئی تعلق نہیں رہا ہے۔

یہ کہ ریکارڈ تھانہ اس بات کی کھل کر ایک مکمل اور جامع ثبوت ہے۔ کہ الزام لگانے والے شخص کا اخلاقی معیار کس قدر ہے۔

یہ کہ سائیل کے جملہ خدمات کو محض ایک جرائم پیشہ شخص کے سازشی کرتوتوں پر یک لخت ختم کر کے جس سے سائیل اور سائیل کے خاندان کو انتہائی دکھ ہوا ہے۔

یہ کہ سائیل کے جوانی اور استطاعت پولیس کیلئے وقف رہا ہے۔ اب سائیل کا محکمہ سے ڈسچارج ہونے کا اثر سائیل کے شیرخوار بچوں پر پڑ کر جس سے ان کی مستقبل تاریک ہوتا جا رہا ہے۔

یہ کہ انصاف کے تقاضوں کو بالا طاق رکھ کر سائیل کو ایسی سزا دی گئی ہے۔ جس کے باعث سائیل جناب کے حضور میں انصاف کیلئے متمنی ہے۔

یہ کہ سائیل اور سائیل کے اہل عیال پر رحم فرما کر جناب DPO صاحب دیویور کے جاری کردہ حکم OB نمبر 1700 مورخہ 25/12/2013 منسوخ کر کے اور سائیل کو دوبارہ ملازمت پر بحالی کا حکم صادر فرمادیں۔ سائل تاحیات دعاگوں رہیگا۔

02/01/2014
العارض!

محمد رحمان سابقہ SI ضلع دیویور

NIC نمبر 15302-5991495-7

TESTED

EC
for report
Communist

DPO / Dir / Luni
15/1/2014

DPO / Dir / Luni

83

3/1/2014

Regional Police Officer,
Mintahad, at Saidu Bhatti Swat.

From: The District Police Officer,
Dir Lower at Timergara

To: The Regional Police Officer,
Malakand at Saidu Sharif, Swat.

Annex - K
P-25

No. 617 /EB dated Timergara the 17-1-2014

Subject: APPLICATION FOR RE-INSTATEMENT IN SERVICE

Memorandum:

Kindly refer to Region Office, Swat Endst: No.83/E, dated 03/01/2014.

Brief facts on the application of Ex-SI Juma Rahman No.210/M are submitted that he while posted as SHO Police Station Lal Qilla one Ilhamuddin son of Bunair Gul resident of Kumbar moved an application to the then District Police Officer, Dir Lower stating therein that on 02/11/2013 at evening SHO Juma Rahman of PS Lalqilla called him and instigated for selling narcotics and doing other illegal business. The delinquent officer asked him to pay monthly "Batha" of Rs.10,000/- and of full support from SHO, the amount of "Batha" will be Rs.20/30 thousands. The delinquent officer took Rs.15, 000/- from him on the spot for renovation of his residential room in Police Station. Meanwhile a source report was also received from Region Office, Swat as well as from Special Branch containing the same allegations against him / Ex-SI. The applicant Ilhamuddin held a press conference at Press Club Timergara and reiterated his charges against the then SHO. The then DPO upon the directions of Regional Police Chief conducted preliminary enquiry and recommended him for proper departmental enquiry. The delinquent officer was suspended, closed to Police Lines, served with Charge Sheet while DSP Legal appointed as Enquiry Officer to scrutinize conduct of applicant / Ex-SI.

The Enquiry Officer examined the applicant Ilhamuddin, witnesses as well as conversation between the delinquent Officer and applicant has been recorded by the applicant through audio recording system of his cell phone. The conversation was heard in presence of two witnesses by the Enquiry Officer in the presence of applicant and delinquent officer / Ex-SI. The conversation was saved in a USB by the Enquiry Officer in Computer of Investigation Branch. The Enquiry Officer examined all the witnesses in the presence of delinquent officer given him ample opportunity of cross examination as well as in last in detail.

The Enquiry Officer in his finding report submitted that the enquiry revealed that the delinquent officer took the charge as SHO of PS Lal Qilla on 09/10/2013 and on 02/11/2013; the SHO dialed Ilhamuddin through his gunner Atiqur Rahman and asked him for meeting. So Ilhamuddin came to Machine Abad where the Ex-SHO / applicant along-with gunner were waiting. He took him to his private 02-D Car of black color and disembarked the gunner. The Ex-SHO told Ilhamuddin that he is allowed to do his business of narcotics and will be protected by him / Ex-SI. Ilhamuddin told that in addition to his business (narcotics selling) he will also come to Police Station in other matter and he will be helped by him (SHO) accordingly. After some discussion, Ilhamuddin asked the SHO to take action against other narcotics paddlers namely Umar, Zakir and Sardar Bad Shah. The Ex-SHO / applicant assured applicant at that time that he will tight the rope against them, which will entail in monetary benefit to him (Ilhamuddin). In return he (Ilhamuddin) will also pay Rs.20/30 thousands per month. The Ex-SHO briefed (Ilhamuddin) that he will provide safety to him. However if in case of emergency or unavoidable circumstances, any action is taken against him, he (Ilhamuddin/applicant) will not mind it. After thorough discussion, the Ex-SHO / applicant asked the applicant to give him Rs.20, 000/- for renovation of his residential room in Police Station. The applicant gave Rs.12, 000/-, which the Ex-SHO / applicant termed deficient and asked to pay more. The applicant paid further Rs.3, 000/- and the Ex-SHO / applicant asked him to pay the remaining five thousands by tomorrow.

The Enquiry Officer heard the recorded conversation in presence of Ex-SHO, applicant, witnesses and the voices of both the persons found very clear. During cross examination, the Ex-SHO asked to opine about recorded conversation,

ATTESTED

15/1/2014

but he was unable to rebut it. No doubt Ilhamuddin remained associated with business of narcotics and 08 cases are registered against him on the record of Police Station Lal Qilla, but he contends that he has given up this ugly business for last 15/20 years. The record shows that the last case of narcotics was registered against Ilhamuddin / applicant on 17/12/1997. The Ex-SHO took the plea that the applicant is involved in selling of narcotics through organized network and he / Ex-SI / applicant wanted to get information about it but the conversation reveal that no such efforts has been made by Ex-SHO and failed to take any action against him or his alleged network. The applicant / Ex-SI also even failed to take action against other paddlers of narcotics mentioned above.

The enquiry papers were perused which revealed that the charges of corruption proved against Ex-SI / applicant beyond any shadow of doubt and he was also heard in person beside issuing him Final Show Cause Notice, but could not produce any cogent reason in his defence, therefore, the applicant was discharged from service with immediate effect vide this office OB No.1700, dated 25/12/2013 please.

[Handwritten Signature]

District Police Officer,
Dir Lower at Timergara

2.16/

[Handwritten Signature]
ATTESTED

Annex-L

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

ORDER:

This order will dispose off the appeal preferred by Ex-SI Juma Rehman of Dir Lower District for reinstatement in service.

Brief facts are that, the above named Ex-SI while posted as SHO Lal Qilla one Ilhamuddin R/o Kumbar moved an application on 02/11/2013 against him that the SHO called him and instigated for selling narcotics etc and to pay him monthly "Batha" of Rs: 10,000/- while the SHO took 15000/- on the spot for renovation of his residential room in Police Station. The applicant held a press conference against the SHO and a source report from Special Branch also received in this regard. Consequently the delinquent officer was suspended and served with charge sheet. DSP Legal was appointed as enquiry officer to scrutinize conduct of the applicant / Ex-SI.


The Enquiry officer examined/ heard the conversation in presence of applicant / delinquent officer and two witnesses, which was recorded in his cell phone. The enquiry officer gave him ample opportunity of cross examination as well as last in detail.

The Enquiry Officer in his finding report submitted that SHO Police Station Lal Qilla on 09/10/2013 and 02/11/2013 dialed Ilhamuddin through his gunner Atiqur Rehman for meeting. Ilhamuddin came to Machine Abad and the SHO took him to his private 02-D Car and told him that he is allowed to do his business of Narcotics. Ilhamuddin told that in addition to Narcotics business he will also come to Police Station in other matter and will be supported by SHO. Ilhamuddin asked to take action against the narcotics paddlers and was assured by the SHO. After thorough discussion the SHO asked Ilhamuddin to give him Rs: 20,000/- for renovation of his residential room in PS and Ilhamuddin gave him Rs: 12000/- on which the SHO termed deficient and asked to pay more and Ilhamuddin paid further Rs: 3000/- while the SHO asked him to pay the remaining Rs: 5000/- by tomorrow.

On perusal of the enquiry papers wherein the charges of corruption were proved against the Ex-SI beyond any shadow of doubt, he was served with Final Show Cause Notice and heard in person but he failed to produce any cogent reason in his defense. So the District Police Officer, Dir Lower awarded him major punishment of discharge from service under Police Rules 1975 vide OB No. 1700 dated 25/12/2013

The appellant was called in Orderly Room on 07/02/2014 and heard in person, but he did not produce any substantive materials in his defense. Therefore I uphold the order of District Police Officer, Dir Lower, whereby the appellant has been awarded major punishment for discharge from service.

Order announced.


(ABDULLAH KHAN) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat

No. 1202-03/E,

Dated 07-02 2014.

ATTESTED

Copy for information and necessary action to the:-

1. District Police Officer, Dir Lower with reference to his office Memo: No. 617/EB, dated 17/01/2014.
Ex-SI Juma Rehman of Dir Lower District.

*****~*****

WAKALAT NAMA

IN THE COURT OF Service Tribunal R. P. Peshawar

Juma Rahman S.I.

District Peshawar Appellant(s)/Petitioner(s)

VERSUS

District Police Officer

District D. P. Peshawar Respondent(s)

I/We Juma Rahman S.I. do hereby appoint **Mr. Khush Dil Khan, Advocate** Supreme Court of Pakistan in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

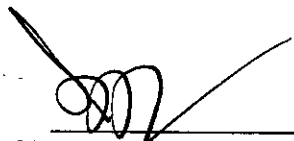
AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by


Khush Dil Khan,
Advocate,
Supreme Court of Pakistan


Signature of Executants

9-B, Haroon Mansion
Khyber Bazar, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESAHWAR

Service Appeal No. 242/ 2014

Juma Rahman Ex sub inspector, Dir lower.....Appellant.

VERSUS

- 1) District Police Officer Dir Lower.
 - 2) Regional Police Officer Malakand swat.
 - 3) The Secretary, Home & Tribal Affairs Deptt; Khyber Pakhtunkhawa, Peshawar.
 - 4) Inspector General of Khyber Pakhtunkhawa, Peshawar
-Respondents.

PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS.

Respectfully shewith;

PRELIMINARY OBJECTION.

- 1) That the present service appeal is not maintainable in it's form.
- 2) That the appellant has not come to this August Tribunal with clean hands.
- 3) That the present appeal is badly time barred.
- 4) That the Honorable Service Tribunal has no jurisdiction to entertain the present service appeal.
- 5) That the appellant has got no cause of action.
- 6) That the appellant suppressed material facts from this Honorable Tribunal.

ON FACTS

1. Correct: to the extent of induction as constable, the rest of Para pertains to record. He has a stained services record as censure has been awarded to him in one case (Annex" A")
2. Incorrect: The real story of the case is such that the appellant while posted as SHO Ps was involved with drug peddler and the order of suspension of the appellant the responded No2 is correct. This para needs explanation. The real story of the case revealed that on 5.11.2013 Mr. Ilham uddin hold a press conference against the appellant wherein he leveled allegations that the appellant instigate him for selling drugs etc and also got Rs.15000 on the spot and stressed for giving monthly 'batha" of Rs.10000. The said person also forwarded application to DPO Dir (L) about that matter. The DPO tasked SDPO Timergara to probe into the matter. In finding report of preliminary enquiry the appellant was found guilty. After that respondent No2 rightly suspended the appellant and a proper department enquiry was conducted by DSP legal against the appellant. The finding report of the enquiry recommended him for appropriate punishment. (Press clipping of news paper, application to DPO, finding report of SDPO, Timergara; suspension order of respondent No 2 and finding report of enquiry are attached as annex(A.....E)

3. During the course of enquiry the appellant was given an opportunity to defend him self relating to the audio recording but he failed to defend himself therefore he was recommended for punishment.

4. Correct.

ON GROUNDS

A. Incorrect, the appellant was treated in accordance with law and rules and the order was issued with bonafide intention.

B. In-correct, The allegations are genuine and based on facts.

C. Incorrect, proper enquiry has been conducted against the appellant and all the formalities of natural justice has been fulfilled. The allegations leveled against the appellant stand proved beyond any shadow of doubts.

D. Incorrect, the DSPL has been appointed as enquiry officer and he conducted proper enquiry against the appellant.(Appointment latter attached annex F').

E. Incorrect, All the enquiry proceeding have been carried out in accordance with the rules. All the statements of witnesses have been recorded in the presence of the appellant.

F. Incorrect, the police rules are protected by the police order 2002 and all the proceedings are according to law.

G. Incorrect, the punishment is according to the law.

H. Incorrect, the appellant was proceeded properly and his guilt has been proved. Therefore the authority is awarded him the said punishment. The punishment is according to the laws rules.

I. Incorrect, all the proceedings and order, against the appellant, is based on facts and there is neither mala-fide, nor bias on the part of the respondents against the appellant. Proper opportunity of hearing was given to him in light of the rules of natural justice, but he failed to defend himself. Further during the course of inquiry audio recording, was presented by Iham uddin before the enquiry officer which was heard to the appellant in presence of witness, is also a part of the record. The appellant during cross examination remained mum against the audio conversation between appellant and alhamuddin.

J. Incorrect, under Article 170 of police order 2002 the acting officer can exercise all the power vested to the competent officer.

K. Incorrect, all the proceeding are according to the rules and the orders are according to the rules.

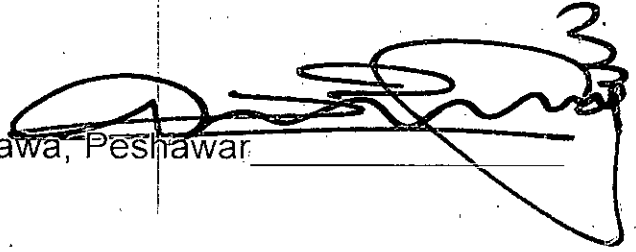
L. Incorrect, the respondent No.2 acted rightly and was no legal ground in his appeal, therefore his appeal was rejected.

PRAYER:-

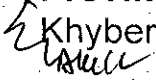
In light of above it is prayed that the appeal being time barred and baseless, may be dismissed with of cost please.

Secretary,

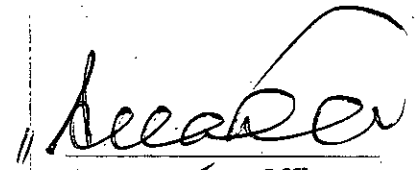
Home & Tribal Affairs Deptt: Khyber Pakhtunkhwa, Peshawar.



Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.



Regional Police Officer,
Malakand, at Saidu, Swat.



Regional Police Officer,
Malakand, at Saidu Sharif Swat.

District Police Officer,
Dir Lower at Timergara.



District Police Officer
Dir Lower at Timergara

BEFORE THE KHYBWR PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 242/ 2014

Juma Rahman Ex Sub Inspector, Dir lower.....Appellant.

VERSUS

- 1) District police officer Dir lower.
- 2) Regional police officer Malakand swat.
- 3) The Secretary, Home & tribal affairs Deptt; Khyber Pakhtunkhwa, Peshawar.
- 4) Inspector General of Khyber Pakhtunkhwa, Peshawar

.....Respondents.

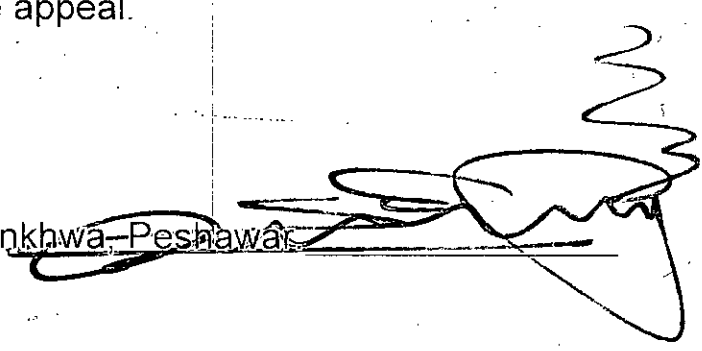
POWER OF ATTORNEY.

We the following responds do hereby authorized Mr. Muzafar Khan SI Legal Timergara Dir Lower to appear on our behalf before the honorable service tribunal Khyber Pakhtunkhwa Peshawar in connection with above service appeal.

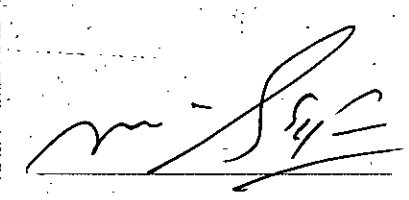
He is also authorized to submit all documents required by the tribunal in the above service appeal.

Secretary,

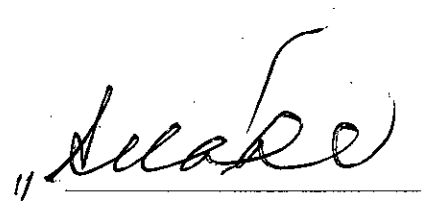
Home & Tribal Affairs Deptt: Khyber Pakhtunkhwa, Peshawar



Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

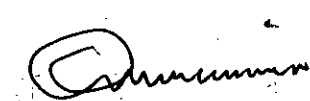


Regional Police Officer,
Malakand, at Saidu Sharif, Swat.



Regional Police Officer,
Malakand, at Saidu Sharif Swat.

District Police Officer,
Dir Lower at Timergara.



District Police Officer
Dir Lower at Timergara.

BEFORE THE KHYBWR PAKHTUNKHWA SERVICE TRIBUNAL PESAHWAR

Service Appeal No. 242/ 2014.

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VERSUS

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- 2) Regional police officer Malakand Swat.
- 3) The secretary, Home & tribal affairs Deptt; Khyber Pakhtunkhwa, Peshawar.
- 4) Inspector General of Khyber Pakhtunkhwa, Peshawar.....

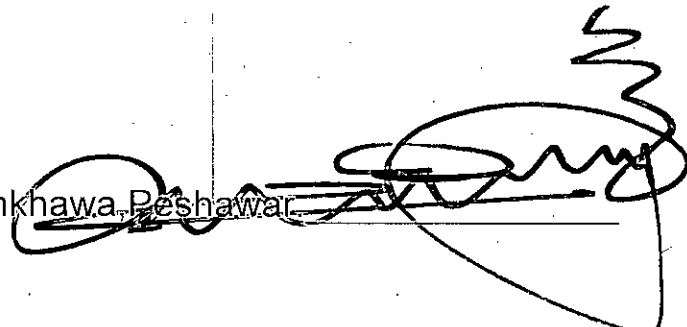
Respondents.

AFFIDAVIT

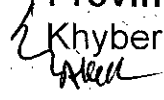
We the undersigned do hereby solemnly affirm and declare on Oath that the contents of the Para-wise comments are true and correct to the best of our knowledge and belief and nothing has been suppressed or concealed from this honorable tribunal.

Secretary,

Home & Tribal Affairs Deptt: Khyber Pakhtunkhwa, Peshawar.

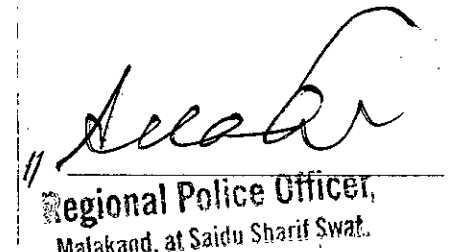


Provincial Police officer,
Khyber Pakhtunkhwa, Peshawar.



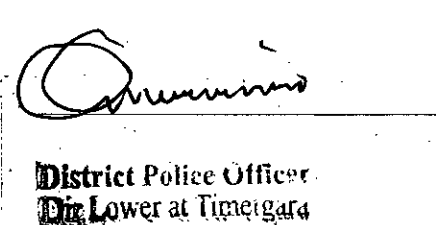
Regional police officer,
Malakand, at Saidu Sharif, Swat.

Regional Police Officer,
Malakand, at Saidu Sharif Swat.



District Police Officer,
Dir Lower at Timergara.

District Police Officer,
Dir Lower at Timergara



CHARACTER ROLL OF

(Contd.)

15-CENSURES AND PUNISHMENTS—concl'd.

Serial No.

Chavang : That while he posted as SHO and I.O.P.S. Kahl
 accused in case vide FIR NO. 751 dt 2/11/02/4/5/13-AD
 P.S. Kahl acquitted due to his poor investigation and
 statement recorded before the Court of Law by I.O. Kahl
 Court has clearly mentioned the reason of acquittal
 due to poor investigation. As the case is a pity matter
 but of the I.O. having such weakness in a pity matter
 case then how we can expect good result in hundreds
 cases.

Punishment: the enquiry be kept pending the decision
 of appeal in postwar highest postwar

dt. CB NO 1089
 28/8/03

DPO D/O

Chavang

while he posted as SHO
 P.S. such failed to control
 timber smuggling in his
 area of jurisdiction and
 during night, the R.P. Line
 while on night guard
 detected vehicle loaded
 with S.S. No. illegal slippers.
 Beside the local Army command
 operational unit also complaint
 his involvement with timber
 smuggling and instigating local
 against Army and he threatened
 them to avoid interaction with Army
 Awarded him minor punishment
 of "CENSURE" to be careful in
 future.

Punishment

تہا ...
تہا پورا ...
تہا ...

No = 1210
7-11-2013
تہا ...
تہا ...
تہا ...
تہا ...

تہا ...
تہا ...

Annexure C

140
 163/1
 163/2
 163/3
 163/4
 163/5
 163/6
 163/7
 163/8
 163/9
 163/10

بجہ بالا قیمت سے قیمت تانوں کی کاروائی کیلئے رہنمایا جائیں گے
 کوئی درجہ نشیہ ایک ذہ میں نہ اٹس ۔ میں پڑھیں پتھر لہوں ، اور فوٹی
 اس کیلئے بڑے بین الاقوامی حساب کتاب کا دیکھیں ۔ اور علاقائی
 یعنی نوکل ۷۰۵ - بھر لیں ۔ میں نے اپنی نکلہ کی اس دور میں یہ عمارت
 ہر وقت کسی بوجھ میں سے بچے ہیں ہاں میں ۔ میں نے بلا تڈ ڈو تیار کی
 اس میں $\frac{1}{2}$ روپے اور آدھا ۔ صبراً آئیں تو۔ حق ادا کرنا چاہیے
 الدار میں ۔ ڈیڑھ ادا ۔ میں نے اسے چھوڑا ۔
 بجالت بالا حسب اس کے حساب و کتاب
 الیہ السلام
 llham
 بعدا منور زبانی باد

سائل - (سہ) الدین دار سیرنگل کے بھرنے میں سے کچھ فلاح (سہ) میں
 0344929795 - 7-1503623-15302-1501

- کاپی درصورت فاروڈ ٹو چہ میں پائسان ڈیکو (سہ) میں
 1. غیر اعلیٰ پر دین قلم صاحب صدوبہ ضیر بختوہ بختوہ
 2. سیران الحق صاحب فہر
 3. پ۔ ا۔ صاحب صدوبہ ضیر بختوہ
 4. D. A. J. ڈی اے ڈوٹ این ڈوٹ این
 5. A. C. 05 لوئیہ دہر
 6. A. C. صاحب کیمبل سدنگ
 7. 8. سرنگی S. D. P. 05 صاحب لیس تیل
 9. سید گل صاحب P. A. میدان تمبر سدنگ

11
 2013

101
 111
 ایجنٹ ناچران کتیر بھارت
 کھیل لعل فلاح
 کھیل لعل فلاح

مانڈنگ رپورٹ

حاج عالی ا

حوالہ حصول درخواست آزران مسی الہام الدین ولد لوبو سیر گل
 ساکن کھنڈ علاقہ لعل قلع، DS.B اطلالی ڈاکٹری اور اخباری
 بیانات پر خلاف جمع الزامات $5/11/40$ کے تحت لعل قلع حضور من خدمت
 میں کہ درخواست کنندہ الہام الدین کے $5/11/40$ جمع الزامات میں کمی اور
 الزامات عائد کیے ہیں کہ $5/11/40$ کے تحت $11/11/40$ کو بوقت
 تمام چنے بذریعہ فون مانڈی حیدرآباد کے مقام پر بلا کر آئے اپنے
 ذاتی طور کار میں بیٹھایا اور اس سے ہر جائزہ ناجائز دھند شروع
 کرتے اور اس کے عوض اسے ماہانہ مبلغ طالبین ہزار روپیہ لکھوری سے
 دینے کا مطالبہ کیا اور اسے فوسلی لیسٹ بنا یا حاصل ہو گیا اور ساتھ
 ہی اسی وقت اس سے بھی اپنے رہائشی گھر کی سینگ کھانے مبلغ
²⁰ ہزار روپیہ دینے کا مطالبہ کیا۔ مبلغ $11/11/40$ ہزار روپیہ درخواست
 کنندہ سے اسی وقت وصول کیے جبکہ مبلغ $11/11/40$ ہزار روپیہ اگلے روز
 دینے کی تاکید کی گئی۔ درخواست کنندہ نے یہ بھی اپنی درخواست میں
 وضاحت کی ہے کہ اس نے $5/11/40$ صحت سے ساتھ ہونے والی گفتگو
 دینے سے قبل فون کے حیدرآباد میں دیکھا اور اسے $11/11/40$ درخواست کرنے
 سے اسے ایک شریف شہری ظاہر کرتے ہوئے $5/11/40$ صحت سے مذکورہ خلاف
 کارروائی کرنے کی استدعا کی ہے۔ درخواست کنندہ نے $11/11/40$
 کو ایسی سلسلے میں پریس کالفس کرتے مدرس مارہ DS.B کے
 اطلالی ڈاکٹری اور قومی اخبارات، جنگ راولپنڈی آزادی، جانر
 اور آج میں شائع قبیلہ قابل حلہ حکم ہیں۔

حاج عالی ا کے والد عائد شدہ الزامات کے حوالے سے خود اتہارائی انکو آہری
 کرتے ہوئے درخواست کنندہ الہام الدین، سید جمال عالم ولد سید جمع صابر
 ساکن کھنڈ، پٹن عشیق الرحمن $1/11/40$ منصفہ کے لعل قلع اور $5/11/40$ جمع الزامات
 کے حوالے سے $11/11/40$ درخواست

(ص ۱۰۲)

کمرے خود خصوصاً شامی کاروائی ہے۔

انکوٹری کا عذر دیا، قلمبر شدہ بیانات اور قبضہ شدہ
جمہوری کارڈ کی گفتگو سن کر اس نتیجہ پر پہنچ چکا ہوں کہ واقعہ
درخواست کنندہ مسیبات فروش ہے۔ کیونکہ تمہارے زلیکا کارڈ
مردانہ کی طرف کا جائیداد ہے اور میں اور میرے ذاتی
معلومات سے بھی واضح ہوا ہے کہ مذکورہ کا کوئی شخصیت
مسیبات فروش کا عذر دیا ہے۔ مگر یہ شخصیت جو
میں نے بھی اسے فراہم نہیں ہے۔ حتمی طور پر اسے قانونی دائرہ میں
لانے کے بجائے کاروبار (مسیبات فروش) وسیع کرنا اور اس کے
مخوض آسے سے چلانا عمارت رقم کا مطالبہ کر چکا ہے اور ساتھ ہی
حاصل شدہ جمہوری کارڈ کی گفتگو کے مطابق درخواست کنندہ سے
مسلک شدہ ہزار روپیہ وصول کئے ہیں۔ میں و حرمہم اللہ
سہو تمہارے نقل قلم موجودہ انکوٹری سے پہنچا رہا گیا ہے۔ شکریہ
باقاعدہ حکمانہ کاروائی کی سزا جس کی جاتی ہے۔ ریکورڈ پر ہے۔



3020/T. gary

8/11/13

Annexure D

Subject: FINDING REPORT IN INQUIRY AGAINST SI JUMA REHMAN
SIR!

Brief facts leading to this Enquiry are that one Ilhamuddin s/o Bunair Gul r/o Kumbar Police Station Lal Qilla moved an application to District Police Officer Dir Lower stating therein that on 02-11-2013 at evening SHO Juma Rehman of PS Lal Qilla called him and instigated for selling narcotics and doing other illegal business. The SHO asked him to pay monthly "BATHA" of Rs. 10,000/- and in case of full support from SHO, the amount of BATHA will be 20/30 thousands. The SHO took Rs. 15,000/- from him on the spot for renovation of his residential room. Meanwhile a source report was also received by Regional Police Officer Malakand at Swat from Additional Inspector General of Police, Special Branch containing the same allegations against SI Juma Rehman. Ilhamuddin held a press conference at Press Club Timergara and reiterated his charges against the SHO. The DPO upon the direction of RPO conducted preliminary Inquiry and recommended the SHO for proper departmental Inquiry. The delinquent officer was suspended, closed to police lines, served with charge sheet while the undersigned appointed Enquiry Officer to scrutinize his conduct.

I examined the applicant Ilhamuddin, witnesses Syed Jehan ALam, constable Atiqur Rehman and Farman No. 2480. The conversation between SHO and applicant has been recorded by the applicant through audio recording system of his cell phone. The conversation was heard in presence of two witnesses namely ASI Momin Khan and KPO Sajjad Ali while the applicant and delinquent officer were also present. The K.P.O upon the direction of undersigned saved the conversation in a USB which was taken into possession through recovery Memo: in presence of witnesses. The conversation has also been saved in computer of Investigation branch. All the witnesses were examined in presence of delinquent officer giving him ample opportunity of cross examination. In last the delinquent officer was examined in detail.

The Inquiry revealed that SI Juma Rehman took the charge as SHO of PS Lal Qilla on 09.10.2013. On 02-11-2013, the SHO dialed Ilhamuddin through his gunner Atiqur Rehman and asked him for meeting. Ilhamuddin came to Machine Abad where the SHO alongwith gunner was waiting. The SHO took him to his private 2-OD car of black color and disembarked the gunner. The SHO told Ilhamuddin that he is allowed to do his business of narcotics and will be protected by him. Ilhamuddin told that in addition to his business (Narcotics selling) he will also come to police station in other matter and he will be helped by him (SHO) accordingly. After some discussion, Ilhamuddin asked the SHO to take action against other narcotics paddlers namely Umar, Zakir and Sardar Badshah. The SHO assured him that

he will tight the rope against them which will entail in monetary benefit to him (Ilhamuddin). In return he (Ilhamuddin) will pay Rs. 20/30 thousands per month. He briefed Ilhamuddin that he will provide safety to him, however if in case of emergency or unavoidable circumstances, any action is taken against him, he will not mind it. After thorough discussion, the SHO asked the applicant to give him Rs. 20,000/- for renovation of his residential room in Police Station. The applicant gave Rs. 12,000/- which the SHO termed deficient and asked to pay more. The applicant paid further Rs. 3,000/-. The SHO asked him to pay the remaining five thousands by tomorrow.

The recorded conversation was heard in presence of SHO, applicant and two witnesses and the voices of both the persons found very clear. During cross examination, the SHO was asked to opine about recorded conversation but he was unable to rebut it. No doubt Ilhamuddin remained associated with business of narcotics and 08 cases are registered against him on the record of Police station Lal Qilla but he contends that he has given-up this ugly business for last 15/20 years. The record show that the last case of narcotics was registered against him on 17-12-1997. The SHO took the plea that the applicant is involved in selling of narcotics through organized network and he wanted to get information about it but the conversation reveal that no such effort has been made by SHO. He failed to take any action against him or his alleged network. He even failed to take action against other paddlers of narcotics namely Zakir, Umar and Sardar Bacha .

The SHO is a young energetic man having physical beauty and alertness but after hearing the audio recorded conversation, his greediness and negative aptitude toward professionalism come forward. It is regrettable that being SHO he has tried to boost the business of narcotics. The only solid evidence against the SHO is the audio recorded conversation which is irrebutable. The SHO according to said audio conversation has received Rs. 15,000/- as illegal gratification on the spot. He has misused his authority by asking the applicant to pay monthly "BATHA" in lieu of his illegal and immoral business. The charge leveled against SI Juma Rehman is proved, therefore is recommended for appropriate punishment.

Issue Final Show cause Notice.

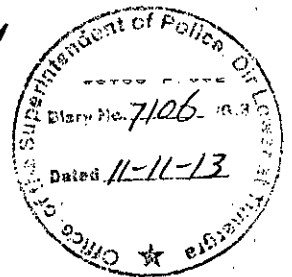
(Signature)

DDO/DIR/16/11/2013
16/11/2013

(Signature)
(PURDIL KHAN)
DSP Legal Dir Lower.

12/12/013

Annexure E



ORDER:

Being involved in corrupt practices, SI Juma Rehman, SHO Police Station in Dir Lower District is hereby suspended and closed to Police Lines Timergara with effect and till further order.

(Signature)
(ABDULLAH KHAN) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat
Naqi

N 0114/E,
D 11/11/2013.

Copy to District Police Officer, Dir Lower with the direction to proceed to him departmentally and results be reported within 15 days positively. This refers to his No. 19148/EB, dated 09/11/2013.

OBC/EC
for mg as directed.
~~SI~~ ^{Deputy} Investigation is appointed
as EO to conduct proper
departmental enquiry against
him and submit his findings
within the stipulated period.

(Signature)
District Police Officer,
Dir Lower at Timergara.
11/11

01/11/13

OB. No 1460
11/11/13

Annexure F

From: The District Police Officer,
Dir Lower at Timergara

To: The Regional Police Officer,
Malakand at Saidu Sharif, Swat

No. _____ /EB Dated Timergara the 21-11-2013

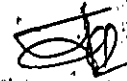
Subject: **SOURCE REPORT-COMPLAINT AGAINST
SHO PS LALQILLA**

Memo: Kindly refer to Region Office, Swat Endst:
No.10114/E, dated 11/11/2013.

It is submitted that Mr. Purdil Khan, DSP
Legal has been appointed as Enquiry Officer to conduct proper
departmental enquiry in the matter against the delinquent
officer with the directions to submit his finding report within the
stipulated period please.

District Police Officer,
Dir Lower at Timergara

No. 22267 ✓ /EC.
Copy to DSP Legal for necessary action.


District Police Officer,
Dir Lower at Timergara

Readle
[Signature]

21/11

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

K.W.P. Province
Service TribunalDiary No. 293
Date 15-4-15

Service Appeal No.242/2014

Mr. Juma RehmanAppellant

Versus

The District Police Officer (DPO),
Dir Lower & others.....Respondents

APPLICATION FOR EARLY HEARING.

Respectfully Sheweth,

1. That the titled appeal is pending before this Hon'ble Tribunal wherein the next date of hearing is fixed 02.07.2015 for arguments.
2. That applicant/appellant has filed this appeal on 22.02.2014 against the impugned order dated 25.12.2013 thereby he was discharged from service in a disciplinary proceedings.
3. That applicant has a good case on merit and he has sanguine hope of its success but the date fixed for arguments is too much long and otherwise the appeal has taken much long time in its maturity due to which the applicant and his family are suffering from mental agony and financial crises. Moreover, the identical cases have already decided by this Hon'ble Tribunal and applicant/appellant also requested for acceleration of the date fixed.

Place on file
17/4/2015

It is, therefore, humbly prayed that on acceptance of this application, the date may kindly be accelerated to the most earliest possible date than the date already fixed.

Applicant

Through

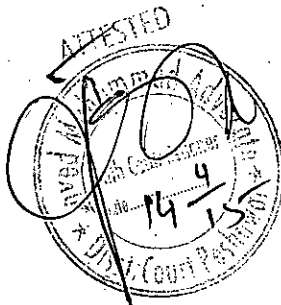
Khush Dil Khan,
Advocate,
Supreme Court of Pakistan.

14/4/2015

Dated: 14 / 04 / 2015

Affidavit

I, Juma Rehman, Sub Inspector, Police Lines, Dir Lower do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2014

Juma RehmanApplicant/Appellant

Versus

The District Police Officer,
Dir Lower & others.....Respondents.

APPLICATION FOR EARLY HEARING

Respectfully Sheweth,

1. That titled appeal is pending before this Hon'ble Tribunal and is fixed for hearing on 10.04.2014.
2. That matter in question is of urgent nature needs the immediate attention of this Hon'ble Tribunal for earlier disposal being the involved a short matter.

It is, therefore, humbly prayed that on acceptance of this application, the appeal may kindly be accelerated to an early date than the date already fixed.

Applicant

Through

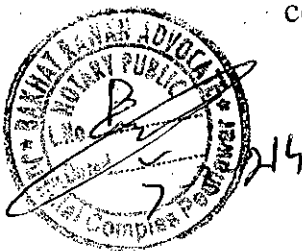
**Khush Dil Khan,
Advocate,
Supreme Court of Pakistan.**

Dated: 4 / 03/ 2014

Affidavit

I, Juma Rehman, Sub Inspector, Police Lines, Dir Lower do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

ATTESTED



Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.242/2014

Juma Rehman.....Appellant

Versus

The District Police Officer (DPO)
Dir Lower and others.....Respondents.

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO REPLY
FILED BY RESPONDENTS.**

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous so denied.

Rejoinder to Reply of Facts:

- 0-7
16.01.15
1. That the answering respondent has admitted the para one of the appeal but it is incorrect that the appellant has no good service record as mentioned by the answering respondent. The appellant has excellent service record on the basis of which he was promoted from step to step/ rank to rank upto the rank of Sub Inspector on regular basis.
 2. That the reply is totally incorrect and against the record based on exaggeration so denied.
 3. That the reply is incorrect so denied. The inquiry officer acted in arbitrary manner and conducted the inquiry one sided against the appellant without providing him a proper opportunity to defend ~~his~~ false case against him.
 4. That the contents of para four of the appeal admitted as correct by the answering respondents so no needs of further elucidation.

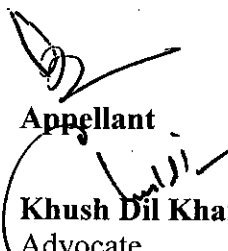
Rejoinder to Reply of Grounds:

- A. That the reply of ground A is erroneous so denied.
- B. That the reply is incorrect so denied.
- C. That the reply of ground C is based on exaggeration so denied. The appellant raised the plea that the inquiry officer has not provided any opportunity of cross examination but that opportunity availed by the inquiry officer himself and he cross examined the witness at the back of appellant, in this regard the answering respondent furnished no comments, meaning thereby that this illegality is admitted impliedly by the answering respondents.
- D. That the reply is based on exaggeration, actually earlier Mr. Rahatullah Khan, SP Investigation was appointed as Inquiry Officer but when the authority came to know that the appointed inquiry officer has not succumbed to its pressure as the authority was adamant to punish the appellant therefore he was replaced by DSP, Dir Lower who is not competent to carry out the inquiry against appellant.
- E. That the reply is incorrect so denied.
- F. That the reply is incorrect so denied.
- G. That the reply is ambiguous and incorrect so denied.
- H. That the reply is incorrect so denied.
- I. That reply is incorrect being based on exaggeration so denied.
- J. That the reply is incorrect so denied.
- K. That the reply is incorrect so denied.
- L. That the reply is incorrect so denied.

0-1-7
16.01.11

It is, therefore, humbly prayed that the reply of answering respondents may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through


Appellant
Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated: 12 / 01/2015

0-17
16.01.15

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.242/2014

Juma Rehman.....Appellant

Versus

The District Police Officer (DPO)
Dir Lower and others.....Respondents

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO REPLY
FILED BY RESPONDENTS.**

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous so denied.

Rejoinder to Reply of Facts:

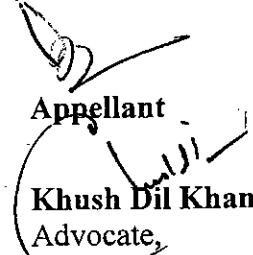
1. That the answering respondent has admitted the para one of the appeal but it is incorrect that the appellant has no good service record as mentioned by the answering respondent. The appellant has excellent service record on the basis of which he was promoted from step to step/ rank to rank upto the rank of Sub Inspector on regular basis.
2. That the reply is totally incorrect and against the record based on exaggeration so denied.
3. That the reply is incorrect so denied. The inquiry officer acted in arbitrary manner and conducted the inquiry one sided against the appellant without providing him a proper opportunity to defend his false case against him.
4. That the contents of para four of the appeal admitted as correct by the answering respondents so no needs of further elucidation.

Rejoinder to Reply of Grounds:

- A. That the reply of ground A is erroneous so denied.
- B. That the reply is incorrect so denied.
- C. That the reply of ground C is based on exaggeration so denied. The appellant raised the plea that the inquiry officer has not provided any opportunity of cross examination but that opportunity availed by the inquiry officer himself and he cross examined the witness at the back of appellant, in this regard the answering respondent furnished no comments, meaning thereby that this illegality is admitted impliedly by the answering respondents.
- D. That the reply is based on exaggeration, actually earlier, Mr. Rahatullah Khan, SP Investigation was appointed as Inquiry Officer but when the authority came to know that the appointed inquiry officer has not succumbed to its pressure as the authority was adamant to punish the appellant therefore he was replaced by DSP, Dir Lower who is not competent to carry out the inquiry against appellant.
- E. That the reply is incorrect so denied.
- F. That the reply is incorrect so denied.
- G. That the reply is ambiguous and incorrect so denied.
- H. That the reply is incorrect so denied.
- I. That reply is incorrect being based on exaggeration so denied.
- J. That the reply is incorrect so denied.
- K. That the reply is incorrect so denied.
- L. That the reply is incorrect so denied.

It is, therefore, humbly prayed that the reply of answering respondents may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through


Appellant
Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated: 12 / 01/2015

تعمیرات

تعمیرات 39 دورہ ناچے 3/13

39 ویں دورہ تعمیرات SH05 دورہ 3/13 وقت 5:00 بجے میں تعمیرات بیان
 رفتہ بوالہ مد 2 بجے بعد از فرسٹ جو بائیل سٹ ڈور سٹاپا عمل تک
 نا تعمیر بازار ادیکسٹر باڈی گاٹھانی و خیرہ سے واپس آیا۔ صدرین
 جو بائیل سٹ حنیہ سٹین کی سلسلہ میں قسمی البیام و کد بونیر مل گھر کا
 سے بستام زینہ دارہ روڈ ملاقات کر کے جد بیٹ و رک بائیل سٹیاں فردسی
 کافی حد تک گتہ شنید کر کے قد کورہ کو اعتماد میں لیا گیا۔ جب نجیبی
 بندریں سلسلہ کا فیما بی حنیہ سٹین بائیل سٹیاں فردسیں نصیب ہوئی
 تو اسٹور ان باڈی بونیر ہر وقت لایا جائیگا۔ تمام نوئی کارڈائی حسب ضابطہ
 بنوگی۔ دیگر حیرت انگیز تعمیرات سے اسلم ایجنٹس داخل مانی نہ ہوگا
 حیرتوں اگر خدای Asi بھی حیرتہ واپس آیا۔ جناب عالی!

نقل بھلائی 4/13

M M

ps. L. Qillap

3-11-13

Place
 File
 21/11/2015
 21/11/2015

Service Appeal No.242/2014

Mr. Juma RehmanAppellant

Versus

The District Police Officer (DPO),
Dir Lower & others.....Respondents

APPLICATION FOR EARLY HEARING.

Respectfully Sheweth,

1. That the titled appeal is pending before this Hon'ble Tribunal wherein the next date of hearing is fixed 02.07.2015 for arguments.
2. That applicant/appellant has filed this appeal on 22.02.2014 against the impugned order dated 25.12.2013 thereby he was discharged from service in a disciplinary proceedings.
3. That applicant has a good case on merit and he has sanguine hope of its success but the date fixed for arguments is too much long and otherwise the appeal has taken much long time in its maturity due to which the applicant and his family are suffering from mental agony and financial crises. Moreover, the identical cases have already decided by this Hon'ble Tribunal and applicant/appellant also requested for acceleration of the date fixed.

It is, therefore, humbly prayed that on acceptance of this application, the date may kindly be accelerated to the most earliest possible date than the date already fixed.



Applicant

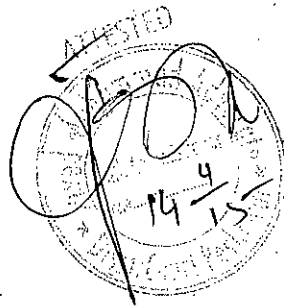
Through

Khush Dil Khan,
Advocate,
Supreme Court of Pakistan.

Dated: 14 / 04 / 2015

Affidavit

I, Juma Rehman, Sub Inspector, Police Lines, Dir Lower do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




Deponent

Service Appeal No.242/2014

Mr. Juma RehmanAppellant

Versus

The District Police Officer (DPO),
Dir Lower & others.....Respondents

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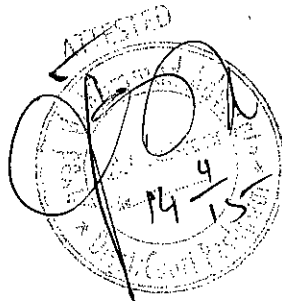
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Dated: 14 / 04 / 2015

Affidavit

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Deponent