

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	27.09.2019	<p style="text-align: center;"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b></p> <p style="text-align: center;"><u>Appeal No.1064/2018</u></p> <p style="text-align: center;">Date of Institution ... 29.08.2018 Date of Decision ... 27.09.2019</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Said Khan Bangash, Ex-DSP Rural Circle, Bannu. ----- <b>Appellant</b></p> <p style="text-align: center;"><b><u>Versus</u></b></p> <p style="text-align: center;">The Provincial Police Officer Khyber Pakhtunkhwa Peshawar and others ----- <b>Respondents</b></p> <p style="text-align: center;"><b>Mr. Muhammad Amin Khan Kundi.....Member(J)</b> <b>Mr. Hussain Shah.....Member (E)</b></p> <p><b><u>JUDGMENT</u></b></p> <p><b><u>Mr. HUSSAIN SHAH:-</u></b> Learned counsel for the appellant and Mr. Zia Ullah Learned Deputy District Attorney for the respondents present.</p> <p>2. It was contended by the learned counsel for the appellant that the appellant was serving in Police Department as DSP however during service the major penalty of compulsory retirement from service was imposed upon him. The appellant filed a service appeal before this tribunal which was partially accepted and the respondent department was directed to conduct de-novo inquiry. It was further contended that after the de-novo inquiry, the respondent department imposed the major penalty of demotion, from the rank of DSP to the rank of Inspector, vide order dated 17.07.2018. The appellant filed departmental appeal on 01.08.2018 which was rejected on 16.08.2018 hence, the present service appeal with the prayers that on acceptance of the appeal the order dated 16.08.2018 and 17.07.2018 be set-aside and the respondent be directed to restore the appellant</p>

to his original rank of DSP with all back and consequential benefits on the following grounds.

3. The learned counsel for the appellant contended that the de-novo inquiry was not conducted by the inquiry committee in accordance to the prescribed procedure as neither statement of the witness was recorded in the presence of the appellant nor he was given the opportunity to cross examine the witnesses. Further argued that the appellant submitted a written requests to the competent authority for substitution of one of the member of the inquiry committee on the basis of partiality and biases towards the appellant though the said member was replaced but contrary to the composition of three (03) member of the inquiry committee the substituted member did not participated in the proceedings and just affixed his signature on the inquiry report which is tantamount to the fact that the inquiry was conducted by two (2) member instead of three members hence the inquiry and its recommendation are quere non-judice. Moreover despite the submission of a written request to summon some of the material witnesses i.e. Investigation Officer Rehmat Ullah ASI who were present on the spot and was witness of the recovery memo but the inquiry committee ignored his lawful request and hence the inquiry is partial. Further contended that these deficiency in the de-novo proceeding meant that the appellant has been condemned unheard. Similarly the written request of the appellant to the inquiry committee regarding summoning the thirteen (13) Police officials, the witness of the raid of the SHO, was also ignored which is an evidence to prove the fact that the inquiry

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committee member were biased and having malafide against the appellant. Further argued that in violation of the judgment of this Tribunal for conducting the de-novo inquiry according to the prescribed procedure, the inquiry conducted by the enquiry committee had many defects hence its recommendations were not legal and justifiable. Further pointed out that the inquiry committee could not prove the allegation level against the appellant on the basis of any cogent evidence rather recommended the major penalty on the basis of surmises and conjectures which is against the spirit of justice and law. Further contended that the appellant was not given proper chance of personal hearing before the imposition of the penalty which is against the norms of justice. Even the penalty of reduction in the rank, from DSP to the rank of Inspector without specification of time period, is not covered under the law and it is also in-violation of FR-29. Learned counsel for the appellant relied upon the judgment of August Supreme Court of Pakistan reported on 2007 SCMR 229, 2008 PLC (C.S) 1161, 2009 SCMR 605. He also relied upon the judgment of the Khyber Pakhtunkhwa Service Tribunal reported on 2011 PLC (C.S) 1232, Punjab Service Tribunal reported on 2002 PLC (C.S) 503 and Baluchistan Service Tribunal reported on 2015 PLC (C.S) 1324.

4. The learned Deputy District Attorney contested the facts, grounds of the appeal and argument of the learned counsel for the appellant and contended that in compliance of the judgment of this Tribunal dated 02.03.2018 in Appeal No. 1236/2016 the competent authority issued charge sheet and statement of allegations and

constituted a higher ranking committee, consisting of three (03) officers to conduct an inquiry in the case. The appellant participated at each stage through submitting his written replies and defense, given him the opportunity of cross examination and personal hearing as prescribed in the relevant procedure and law. The appellant was also given the opportunity to cross examine the necessary witnesses. He further contended that the recommendations of the inquiry committee were based on evidences to prove him guilty of misconduct. The competent authority issued show cause notice to the appellant to which he submitted his written defense. Further contended that the appellant was given the opportunity of personal hearing thereafter the competent authority issued original order dated 17.07.2018. He further contended that the revision petition of the appellant was processed and disposed off according to the prescribed procedure which was rejected on the ground that the appellant failed to advance any cogent reason to rebut the findings of the inquiry committee hence the appeal may be dismissed being meritless.


5. Arguments heard. File perused.


6. After the detailed scrutiny of the documents on record, arguments and counter arguments of the learned counsel of the appellant and the learned Deputy District Attorney this Tribunal observes that the contradictions in the statement of Abdur Razzaq SHO regarding the counting of the arms and ammunition recovered on the spot or in the police station creates doubts but the inquiry committee did not took notice of this aspect which is of

prime importance. The said SHO stated under the ATC Bannu that all the proceedings pertaining to documentation of the recovered arms and ammunition were held at the spot while in contradiction to that position he stated before the inquiry committee that the proceedings were held in the police station. Moreover his statement before the inquiry committee was not supported by other witnesses. In this regard the statement of Hidayat Ur Rehman investigation officer has significance as he stated before the ATC Bannu that Abdur Razzaq had counted and taken into his possession all the arms and ammunition on the spot and handed over the same to the investigation officer on the spot who further handed over the same in sealed condition to Mohrarr in the police station. Similarly the statement of another important witness Rehmat Ullah ASI of police station ghoriwala was also in contradiction to the story of Abdul Aziz SHO. The inquiry committee failed to resolve the above noted contradiction. As regarding the role of the appellant in the entire episode was of a supervisory nature and the appellant was present on the spot on the direction of the District Police Officer. As regarding the allegation regarding selling the official trees the inquiry committee could not prove the same. The charge/allegations regarding the stinking reputation of the appellant it is noted that the allegation is vague and could not prove due to the lack of any substantive evidence. As regarding the absence of one of the member of inquiry committee during the proceedings the respondent department could not submit before the court any evidence to negate.



7. In view of the above discussion the appeal is accepted and the respondent authorities are directed to count the absence period during the disciplinary proceeding counted as leave of the kind. Parties are left to bear their own costs. File e consigned to the record room.

  
(Muhammad Amin Khan Kundi)  
Member

  
(Hussain Shah)  
Member

ANNOUNCED  
27.09.2019

08.07.2019

Counsel for the appellant and Mr. Ziaullah, DDA for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 26.08.2019 before D.B.

  
Member

  
Member

26.08.2019


Appellant in person present. Mr. Ziaullah, DDA for respondents present. Appellant seeks adjournment due to general strike on the call of Peshawar Bar Association. Adjourn. To come up for arguments on 27.09.2019 before D.B.

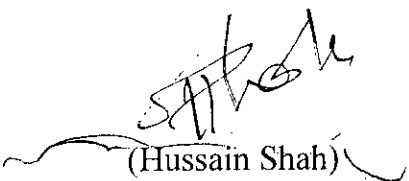
  
Member

  
Member

27.09.2019

Learned counsel for the appellant and Mr. Zia Ullah Learned Deputy District Attorney for the respondents present. Vide our detail judgment of today of this Tribunal placed on file, the present service appeal is accepted and the respondent authorities are directed to count the absence period during the disciplinary proceeding e counted as leave o the leave. Parties are left to bear their own costs. File be consigned to the record room.

  
(Muhammad Amin Khan Kundi)  
Member

  
(Hussain Shah)  
Member

15.05.2019

Appellant alongwith counsel and Mr. Muhammad Ria Khan Painsdakhel, Asstt. AG for the respondents present.

Due to demise of his father, learned Member of the Bench (Mr. Hussain Shah) is on leave. Adjourned to 24.05.2019 for arguments before the D.B.


  
Chairman

24.05.2019

Appellant in person and Mr. Usman Ghani District Attorney alongwith Mr. Naeem Hussain Inspector (legal) for the respondents present.

Appellant requests for adjournment due to indisposition of his learned counsel.


Adjourned to 17.06.2019 before D.B.

  
Member

  
Chairman

17.06.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 08.07.2019 before D.B.

  
Member

  
Member



19.04.2019

Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Naeem, Inspector (Legal) for the respondents present. Appellant seeks adjournment on the ground that his counsel is busy before the Hon'ble Peshawar High Court. Adjourned to 22.04.2019 for arguments before D.B.

  
(HUSSAIN SHAH)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

22.04.2019

Appellant alongwith counsel and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Naeem Hussain Inspector (Legal) for the respondents present.

The representative of respondents is required to produce the entire record pertaining to the reply of appellant to the charge sheet/statement of allegations dated 25.04.2018 alongwith all its annexures/enclosures submitted during the denovo enquiry proceedings. He is also required to produce the complete record of enquiry proceedings including the statements of witnesses recorded by the enquiry committee and the applications of appellant for producing the officials of Raiding Party and Investigation team for confronting with their statements and also for their cross-examination. The requisite record shall positively be produced on next date of hearing.

Adjourned to 15.05.2016 for arguments before the D.B.

  
Member

  
Chairman

11.04.2019

Appellant in person and Mr. Ziaullah, DDA alongwith Muhammad Suleman, H.C for the respondents present.

This Tribunal delivered judgment in Appeals No. 1236/2016, 1334/2014 and 55/15 on the strength of judgment handed down by Honourable Peshawar High Court Peshawar in Writ Petition No. 163 of 1982 (Ahmad Mustafa Vs. Inspector of Police etc.). The said judgment was subsequently reported as PLJ-1984-Peshawar-124. In the reported judgment it was held by the High Court, inter-alia, that the N.W.F.P Police Rules, 1975 were made by the Government in exercise of the powers conferred under Section 7 of the Police Act, 1861. It was also noted that a Deputy Superintendent of Police was not a police officer of the subordinate rank, hence the NWFP Police Rules 1975 also made applicable to the police officers of the rank of Deputy Superintendent of Police, shall be deemed ultra-vires of the statute itself i.e. the Police Act. This Tribunal in the judgments noted herein-above followed the said view and accordingly decided the respective appeals.



The proceedings were undertaken in the appeal in hand by a Division Bench of the Tribunal when, on 01.01.2019, the learned Deputy District Attorney contended that the parent judgment (PLJ 1984 Peshawar-124) was passed in view of Section 7 of Police Act, 1861. The said Act stood repealed under the provision of Police Order 2002, therefore, the view taken by this Tribunal through the judgments *ibid* was required to be revisited. It was the proposition that prompted for the formation of a Larger Bench in order to re-examine the proposition.

We have heard exhaustive arguments of learned counsel for the appellant as well as learned Deputy District Attorney on the point and have also examined the law applicable to the proposition.

The Police Rules 1975 were gazetted on 27.01.1976 by the Government of N.W.F.P, wherein, the preamble provided that the same were made under Section 7 of Police Act, 1861. The Police Order 2002 was subsequently promulgated and by virtue of provisions contained in Paragraph 185 of the order, the Police Act 1861 was repealed. Despite the repeal, all rules prescribed under the Act were declared to have

been prescribed under the Order so far as they were consistent with the provisions of the Order. Likewise, the Khyber Pakhtunkhwa Police Act 2017 was promulgated and published in the official gazette on 30.01.2017. Under Section 141 of the Act, 2017 all the provisions of the Police Order 2002 relating to the Provincial Legislative Field and in respect of which corresponding provisions were provided in the Act were repealed. In the said Section, however, the Police Rules made under the Police Act 1861, were required to continue to remain in force until altered, repealed or amended by the appropriate authority. Pertinently, the Police Act, 2017 is the last piece of legislation by the Provincial Government in respect of regulating the Police in the Province of Khyber Pakhtunkhwa. We are, therefore, of the view that the Police Rules, 1975 are in field and have not been dislodged by any subsequent primary or subordinate legislation.

For the purpose of controversy in hand in terms of applicability of Police Rules, 1975 to the disciplinary cases against the officers in rank of Deputy Superintendents of Police, reference is to be made to the part of the rules wherein its application has been provided through rule-1. Sub Rule (ii) of Rule 1 provides that rules shall come



into force at once and shall apply to all police officers of and below the rank of Deputy Superintendent of Police. The said provision is unequivocal enough and does not require any reference to interpretation other than the literal. It is the provision which prompted the respondents for disciplinary proceedings against the officers, including the Deputy Superintendents of Police, under Rules of 1975. In the said context the anomaly cropped up when a reference was made to the judgment of Honourable Peshawar High Court passed in Writ Petition No. 163 of 1982 ibid during the hearing of the fore-noted appeal by this Tribunal. It is a fact that August Supreme Court of Pakistan, while seized of C.P No. 255-P/1984 (IGP NWFP etc. Vs. Ahmad Mustaf) granted leave to appeal on 08.01.1986 against the judgment passed in Writ Petition No. 163/1983. The appeal came up for hearing before the Apex Court on 20.12.1989, wherein, a Bench comprising of six honourable Judges was pleased to accept the appeal and set aside the judgment/order reported as PLJ-1984-Peshawar-124. Learned counsel for the appellant was gracious enough to have located and provided a copy of judgment of the Apex Court

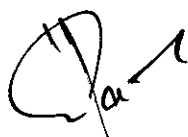


for our assistance in the matter, albeit subsequent to the hearing on 29.03.2019.

In the case in hand, the appellant was proceeded against departmentally by the respondents under the provisions of Police Rules, 1975 and in view of the foregoing discussion we hold that there was no legal impediment in doing so. It is, therefore, decided that the appeal shall be laid before a Division Bench on 19.04.2019 for hearing on merits. The parties shall, however, be at liberty to raise other legal objections before the D.B, if available to them.



Chairman



(M. Hamid Mughal)  
Member



(M. Amin Khan Kundi)  
Member



(Ahmad Hassan)  
Member

(Hussain Shah)  
Member

ANNOUNCED  
11.04.2019

S.A No. 1064/2018

29.03.2019

Appellant alongwith Mr. Muhammad Asif Yousafzai, Advocate and Mr. Ziaullah, DDA alongwith M/S Javed Ahmad S.P (Litigation) and Muhammad Naeem Khan, Inspector (Legal) for the respondents present.

Arguments regarding the proposition noted in the order dated 01.01.2019 heard. To come up for order alongwith Appeal No. 1061/2018 on 11.04.2019 before the Larger Bench.



(M. Hamid Mughal)  
Member

  
Chairman

(M. Amin Khan Kundi)  
Member

  
(Ahmad Hassan)  
Member

(Hussain Shah)  
Member

12.02.2019

Appellant in person and Mr. Ziaullah, DDA alongwith Muhammad Suleman, H.C for the respondents present.

Due to indisposition of one of the Honourable Members (Mr. Hussain Shah) today, instant matter is adjourned to 11.03.2019 before the Larger Bench.



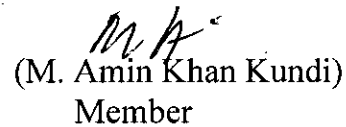
(Mr. Hamid Mughal)  
Member



Chairman



(Ahmad Hassan)  
Member



(M. Amin Khan Kundi)  
Member

11.03.2019

Appellant alongwith counsel and Mr. Ziaullah, DDA alongwith Muhammad Naeem, Inspector (Legal) for the respondents present.

Learned Member of Tribunal (Mr. Hussain Shah) is still indisposed, therefore, this appeal is adjourned to 29.03.2019 for arguments before the Larger Bench.



(M. Hamid Mughal)  
Member



Chairman



(M. Amin Khan Kundi)  
Member



(Ahmad Hassan)  
Member



1064/2018

28.12.2018

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Muhammad Naeem, Inspector (Legal) for the respondents present.

Vide our detailed order of today in Service Appeal No. 1061/2018, the appeal in hand be also laid before the Larger Bench on 28.01.2019.

  
Member


  
Chairman


28.1.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Abdur Rahman, DSP (Legal) for the respondents present.


Learned counsel for the appellant requests for time to submit requisite number of sets of the brief. May do so within 5 days.


Adjourned to 12.02.2019 before the Larger Bench.

  
(M. Hamid Mughal)  
Member

  
Chairman

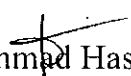
  
(M. Amin Khan Kundi)  
Member

  
(Ahmad Hassan)  
Member

  
(Hussain Shah)  
Member

05.12.2018

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Muhammad Salman, Head Constable for the respondents present. Learned counsel for the appellant submitted rejoinder, copy of the same is handed over to learned Deputy District Attorney. Adjourned. To come up for arguments on 21.12.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

21.12.2018

Learned counsel for the appellant Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Abdur Rehman <sup>DSP</sup> for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come for arguments on 28.12.2018 before D.B. I


(Hussain Shah)  
Member

  
(Muhammad Amin Kundi)  
Member

28.12.2018

Appellant alongwith Taimur Ali Khan, Advocate and Mr. Ziaullah, DDA alongwith Abdur Rahman, DSP (Legal) for the respondents present.

Being Friday this case may not be concluded in the remaining time. Adjourned to 01.01.2019 for arguments before the D.B.

  
Member

  
Chairman

01.10.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Suleman, Head Constable for the respondents present. Written reply not submitted. Learned Additional AG requested for adjournment. Adjourned. To come up for written reply/comments on ~~29.10.2018~~ before S.B.

*MA*

(Muhammad Amin Khan Kundi)

Member

*Due to Retirement of Honorable  
Chairman the Tribunal is non  
functional therefore the case is  
adjourned to come up for the  
same on 13-11-2018*

*Salman*  
Reader

13.11.2018


Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 05.12.2018. Written reply received on behalf of respondents by Mr. Salman HC and placed on file.

*Salman*  
READER

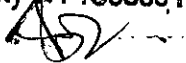
04.09.2018

Counsel for the appellant Said Khan Bangash present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department as DSP however, during service he was imposed major penalty of compulsory retirement from service. The appellant filed service appeal before this Tribunal which was partially accepted and the respondent-department was directed to conduct de-novo inquiry. It was further contended that de-novo inquiry was conducted and after conducting de-novo inquiry again respondent-department imposed major penalty and the appellant was demoted from the rank of DSP to the rank of Inspector vide order dated 17.07.2018. The appellant filed departmental appeal on 01.08.2018 which was rejected on 16.08.2018 hence, the present service appeal. It was further contended that neither opportunity of personal hearing was provided to the appellant during the de-novo inquiry nor opportunity of cross examination was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 01.10.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

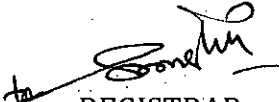

Appellant Deposited  
Security & Process Fee



Form- A  
FORM OF ORDER SHEET

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

Case No. 1064 /2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/08/2018  29-8-18	<p>The appeal of Mr. Said Khan Bangash presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p align="right"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29-9-2018</u></p> <p align="right"> MEMBER</p>

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 1064 /2018

Said Khan Bangash

V/S

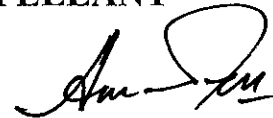
Police Department etc.

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5.	Copy of reinstate order	---D---	12
6.	Copy of charge sheet	---E---	13-15
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APPELLANT

THROUGH:



(M.ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT,

&



(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT,

Room No. Fr-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar Cantt:  
Contact No. 03339103240

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 1064 /2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1349

Dated 29-8-2018

Said Khan Bangash, Ex-DSP  
Rural Circle, Bannu.

(Appellant)

VERSUS

1. The Provincial Police Officer, KPK, Peshawar.
2. The Regional Police Officer, Bannu.
3. The District Police Officer, Bannu.

(Respondents)

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APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 16.08.2018 WHEREBY THE REVIEW PETITION HAS BEEN REJECTED AGAINST THE ORDER DATED 17.07.2018 WHEREIN THE MAJOR PUNISHMENT OF COMPULSORY RETIRMENT FROM SERVICE IS CONVERTED INTO MAJOR PENALTY OF REDUCTION IN RANK FROM THE DSP TO THE RANK OF INSPECTOR.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 16.08.2018 & 17.07.2018 AND THE APPELLANT MAY KINDLY BE RESTORED TO HIS ORIGINAL RANK OF DSP WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to Day  
Registrar  
29/8/18

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the SHO PS Ghorī Wala on the information raided the house of Khuda Dad at Toro Balo Michan Khel on 07.04.2016 and recovered huge quantity of arms/ammunitions. The SHO informed the DPO Bannu who directed to the appellant to go to the spot and on the basis of that direction the appellant went to the spot, when the appellant reached the spot the SHO has already prepared recovery memo, sealed the arms/ammunitions and loaded the arms and ammunition in the two official vehicles which were brought under the supervision of the appellant to Police Station. It is pertinent to mention here that SHO PS Ghorī Wala told the appellant that he has completed the entire proceedings and the spot was also examined by the appellant in the presence of SHO.
2. That on 14.06.2016 charge sheet and statement of allegation and show cause notice was issued to the appellant wherein 5 charges were leveled against the appellant, which was properly replied by the appellant and denied all the charges and explained the real facts about the situation. **Copy of charge sheet, statement of allegations are attached as Annexure-A & B.**
3. That the inquiry was conducted against the appellant in which no proper chance of defence was provided to the appellant and on the basis of that irregular inquiry the appellant was compulsorily retired from service vide order dated 15.08.2016 against which the appellant filed appeal/review petition on 2.9.2016 which was not responded in the statutory period of ninety days.
4. That against the impugned orders, the appellant filed service appeal No. 1236/2016 in this august Service Tribunal which was decided on 02.03.2018. The Honorable Service Tribunal mentioned in its judgment that the proceeding against DSP,s under the Khyber Pakhtunkhwa Police Rules 1975 could not be held and declared ultra-vires to this extent by the august Peshawar High Court Judgment reported as PLJ 1984 Peshawar 124 and in the light of the said judgment the appeal was accepted and the appellant was reinstated into service. The department was directed to hold denovo proceeding within the period of 90 days. **(copy of judgment dated 02.03.2018 is attached as Annexure-C**



5. That on the basis of Honorable Service Tribunal direction, the appellant was reinstated into service on 20.04.2018 and denovo inquiry was order against the appellant and in this respect charge sheet along with statement of allegations on previous charges were served to the appellant. The appellant submitted detail replies to the charge sheet and denied all the allegation. **(Copies of reinstate order, charge sheet, statements of allegations and reply to charge sheet are attached as Annexure-D, E, F & G.**
6. That denovo inquiry was conducted against the appellant by the inquiry committee which was not according to the prescribed procedure as neither the statement of the witnesses were recorded in the presence of the appellant nor gave him opportunity of cross examination, but despite that the appellant was held responsible by the inquiry committee and on the basis of denovo inquiry, show cause notice was served to the appellant which was duly replied in which he once again denied all the allegations. **(Copy of inquiry report, show cause notice and reply to show cause are attached as Annexure-H, I & J.**
7. That the respondent No.1 passed the order dated 17.07.2018 in which the major penalty of compulsory retirement from service awarded to the appellant was converted into major penalty of reduction in the rank from DSP to the rank of Inspector, against which the appellant field review petition which was also rejected on 16.08.2018. **(Copies order dated 17.07.2018, review petition and rejection order dated 16.08.2018 are attached as Annexure-K, L & M.**
8. That now the appellant wants to comes this august Service Tribunal for redressal of his grievance on the following grounds amongst others.

**GROUND:**

- A) That the order dated 17.07.2018 and rejection order dated 16.08.2018 against the law, facts, norms of justice and material on record and therefore not tenable.
- B) That the august Service Tribunal accepted the appeal of the appellant on the point that the proceeding against the appellant should have been taken on KPK, Government Servant (E&D) rules, 2011 and clearly mentioned in its judgment that the appellant being

DSP, Police rules 1975 is not applicable to the appellant for departmental proceeding and should be dealt by E&D Rules 2011 relied on High Court judgment reported as PLJ 1984 Peshawar 124, but despite that the appellant was again proceeded by Police Rules 1975 which was already declared Ultra-virus by the Peshawar High Court as well as by this august Tribunal, therefore the whole proceeding taken against the appellant is Void ibi Initio therefore the impugned is liable to be set aside on this score only.

- C) That de-novo inquiry was not conducted against the appellant by the inquiry committee according to the prescribed procedure as neither statement of the witnesses was recorded in the presence of the appellant nor gave him opportunity of cross examination of the witnesses. Which is against the principle of nature justice and fair play, therefore the impugned is liable to be set aside.
- D) That during inquiry proceeding the appellant felt that one of the member of the inquiry committee namely Irfan Ullah AIG was biased, partial therefore, he filed application for his substitution with an officer who is impartial and well behaved and on his application the competent authority replaced Wasim Khalil SP HQr, however during the inquiry proceeding the appellant did not see Wasim Khalil participating in the inquiry proceeding which show that the inquiry was conducted by two member instead of three members. Hence the inquiry was quere non iudice and it could not recommended anything to the competent authority.
- E) That the appellant field application to summon some of the material witnesses i.e investigation officer and Rehmat Ullah ASI who were present on the spot and witness of the recovery memo, but no action has been taken by the inquiry committee which shows that the appellant was not treated in accordance with law and rules and has been condemned unheard. **Copy of application is attached as Annexure-N.**
- F) That the appellant also field application to the inquiry committee to summon 13 police officials who were present with SHO during raid but the said witnesses were not summoned by the inquiry committee which shows the malafide and biased attitude of the inquiry committee. **Copy of application is attached as Annexure-O.**
- G) That the inquiry committee mentioned in its finding that two ACRs for the year 2004 and 2008 is not good and such ACRS was challenged by the appellant in this august Service Tribunal in service appeal No.1851/2009 which was dispose off in limine with the

direction to the respondents to ignore the impugned adverse remarks for the period of 1.7.2008 to 24.9.2008 against the appellant vide order dated 17.12.2009. Moreover the appellant could not be punished for his previous omission as per superior court judgment no one be punished for his previous omission which was already adjudicated upon. **(copy of order sheet dated 17.12.2009 is attached as Annexure-**

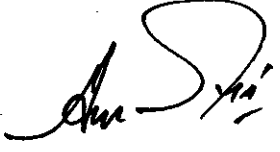
- H) That the august service Tribunal clearly directed in its judgment that the inquiry should be conducted according to the prescribed procedure, but the denovo inquiry was merely repetition of previous inquiry which is violation of august service Tribunal direction as well as inquiry proceeding therefore the impugned order passed on the basis of denovo inquiry is liable to be set aside.
- I) That all the allegations leveled against the appellant have not been proved through any cogent evidence and the inquiry committee has recommended the punishment on the basis of surmises and conjectures which are not permissible under the law of the land.
- J) That, even the reasons and persons mentioned in the impugned penalty order have never been examined by the inquiry committee in presence of appellant. Thus the appellant has been penalized on the basis of unfounded and confronted evidence which in law has no value at all.
- K) That even the appellant has not been given proper chance of personal hearing before imposing the penalty which is against the norms of justice.
- L) That the appellant has not been dealt in accordance with law, rules and principles of justice and fair play, therefore, the impugned orders are liable to be set aside.
- M) That the penalty of reduction in rank from the DSP to the rank of Inspector was imposed upon the appellant but without specification of time period which is violation of FR-29.
- N) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

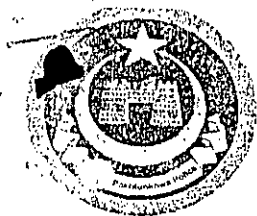
APPELLANT

  
Said Khan Bangash

THROUGH:

  
(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT,

&   
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,



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

No. S/ 4592-93 / 16, Dated Peshawar the 14/06 /2016.

*(Signature)*  
A  
7

To:

1. Dr. Ishtiaq Ahmad Marwat,  
Addl: IGP/Investigation Khyber Pakhtunkhwa,  
Peshawar.
2. Mian Naseeb Jan,  
District Police Officer, Karak.

*(Signature)*

Subject:-

Charge Sheet/Statement of Allegations.

Memo:

Enclosed please find herewith a copy of Charge Sheet/Statement of Allegations duly signed by the Competent Authority in r/o Mr. Saeed Khan Bangash (the then DSP/Rural Circle Bannu) under suspension, now closed to CPO for conducting an enquiry into the allegations mentioned in the requisite charge sheet/statement of allegations and report within 07 days as desired by the competent authority.

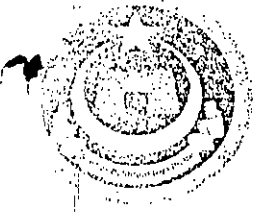
*(Signature)*  
(MUHAMMAD ALAM SHINWARI)

DIG/HQrs:

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar

ATTESTED  
*(Signature)*

4592-93/16/1001  
*(Signature)*



(8)

CHARGE SHEET

I, Nasir Khan Durrani, Inspector General of Police, Khyber Pakhtunkhwa, Peshawar as Competent Authority, under Khyber Pakhtunkhwa Police rules 1975 (amended 2014) hereby charge you Mr. Saeed Khan Bangash DSP/Rural Circle Bannu now closed to CPO (under suspension) as follows:-

- i. That on a tip of information, SHO PS Ghoriwala raided the house of Khuda Dat at Toro Balo Michan Khel on 07.04.2016 and recovered a huge quantity of arms/ammunition. He informed the then DPO/Bannu who sent you to the scene. The arms/ammunitions were brought in two vehicles under your supervision to the Police Station. *NO charge*
- ii. That while you reached the Police Station, you took 02 Kashnikovs, 02 pistols and boxes of live rounds for yourself. Later during counting again you took another 5/6 kashnikovs alongwith boxes of live rounds and distributed pistols amongst the police officers, who participated in the raid.
- iii. That reportedly you tried to sell official trees through your subordinate staff on Mandan Road near Police Post "Yak Qabar". *NO proved*
- iv. That being a supervisory officer, your above acts has degraded the image of police in the eyes of police as well as general public.
- v. That reportedly you bear stinking reputations.

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

You are therefore, directed to submit your written defense within seven (07) days of the receipt of this Charge Sheet to the Enquiry Officer/Committee.

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

You are directed to intimate whether you desire to be heard in person or otherwise.

A statement of allegation is enclosed.

(NASIR KHAN DURRANI)  
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

ATTESTED



B  
9

DISCIPLINARY ACTION

I, Nasir Khan Durrani, Inspector General of Police, Khyber Pakhtunkhwa Peshawar being Competent Authority, am of the opinion that Mr. Saeed Khan Bangash, DSP/Rural Circle Bannu (under suspension) now closed to CPO has rendered himself liable to be proceeded against; as he has committed the following acts of omissions/commissions within the meaning of the Khyber Pakhtunkhwa Police Rules 1975(amended 2014).

STATEMENT OF ALLEGATIONS

- i. That on a tip of information, SHO PS Ghoriwala raided the house of Khuda Dat at Toro Balo Michan Khel on 07.04.2016 and recovered a huge quantity of arms/ammunition. He informed the then DPO/Bannu who sent you to the scene. The arms/ammunitions were brought in two vehicles under your supervision to the Police Station.
- ii. That while you reached the Police Station, you took 02 Kashnikovs, 02 pistols and boxes of live rounds for yourself. Later during counting again you took another 5/6 kashnikovs alongwith boxes of live rounds and distributed pistols amongst the police officers, who participated in the raid.
- iii. That reportedly you tried to sell official trees through your subordinate staff on Mandan Road near Police Post "Yak Qabar".
- iv. That being a supervisory officer, your above acts has degraded the image of police in the eyes of police as well as general public.
- v. That reportedly you bear stinking reputations.

The said act of negligence depicts inefficiency, disobedience, indiscipline and lack of professionalism which amounts to grave misconduct on his part warranting stern disciplinary action against him.

For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, an Inquiry Committee consisting of the following Officers of Khyber Pakhtunkhwa is constituted under Police Rules 1975.

- i. Dr. Ishtiaq Ahmad Marwat, Addl: IGP/Investigation, KPK
- ii. Mian Naseeb Jan, DPO/Karak

The Inquiry Committee/officer (s) shall, in accordance with the provision of the said Rules, provide reasonable opportunity of hearing to the accused officers, record and submit its finding within 07 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused officer.

ATTESTED

(NASIR KHAN DURRANI)  
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1236/2016

Date of Institution ... 14.12.2016

Date of Decision ... 02.03.2018



Said Khan Bangash, Ex-DSP,  
Rural Circle, Bannu.

... (Appellant)

VERSUS

1. The provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and 2 others.  
... (Respondents)

-----  
MR. MUHAMMAD ASIF YOUSAFZAI,  
Advocate

--- For appellant

**ATTESTED**

MR. KABIRULLAH KHATTAK,  
Additional Advocate General

--- For respondents

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

MR. NIAZ MUHAMMAD KHAN,  
MR. AHMAD HASSAN,

--- CHAIRMAN

--- MEMBER (Executive)

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN:- Arguments of the learned counsel  
for the parties heard and record perused.

FACTS

2. The appellant was compulsorily retired on 15.08.2016 against which he filed the review petition on 02.09.2016 which was not responded to and thereafter he filed the present service appeal on 14.12.2016. At the very outset this Tribunal informed the parties that two judgments have been delivered by this Tribunal bearing service appeal no. 1334/2014 entitled "*Shoukat Zaman-vs- Chief Secretary*" on 18.07.2017 and service appeal no. 55/2015 entitled "*Muhammad Javid-vs- Government of Khyber Pakhtunkhwa*" on 18.07.2017. In these two judgments on the basis of reported judgment of entitled "*Ahmad Mustafa-vs-IGP, Khyber Pakhtunkhwa and two others*" reported as PLJ 1984 Peshawar 124 had held that the proceedings against DSP's under the Khyber



Pakhtunkhwa Police Rules 1975 could not be held and declared *ultra-varies* to this extent by the august Peshawar High Court.

**ARGUMENTS**

3. Learned counsel for the appellant argued that the proceedings should have been taken under the Khyber Pakhtunkhwa government servant (Efficiency and Discipline) Rules 2011. That the procedure in both the rules i.e 2011 and 1975 mentioned above are different. That the appellant was *prejudiced* by not following the procedure of the rules of 2011.

4. On the other hand learned Addl: Advocate General argued that the authority in both the rules was IGP. That all the codal formalities were fulfilled.

**CONCLUSION.**

5. Without adverting to the merit of the appeal this Tribunal has already delivered two judgments mentioned above on the basis of the judgment of august Peshawar High Court mentioned above. In the light of the said judgment the present appeal is accepted and the appellant is reinstated in service. The department is directed to hold de-novo proceedings within a period of 90 days of the receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo proceedings and rules on the subject. In case the de-novo proceedings are not conducted within the said period then the issue of back benefits shall be decided by the department in accordance with the rules like gainful employment etc. Parties are left to bear their own costs. File be consigned to the record room.

*[Handwritten signature]*

(AHMAD HASSAN)  
MEMBER

*[Handwritten signature]*  
(NIAZ MUHAMMAD KHAN)  
CHAIRMAN

ANNOUNCED  
02.03.2018

Certified to be true copy  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

ATTESTED

*[Handwritten mark]*



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

No. S/ 1466-76/18, Dated Peshawar the 20/04/2018.

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**ORDER**

This order is to dispose of departmental appeal No. 1236/2016 submitted by Mr. Said Khan Bangash, Ex- Deputy Superintendent of Police against punishment order i.e Compulsory Retirement on the recommendations of enquiry committee by Worth Inspector General of Police, Khyber Pakhtunkhwa Peshawar vide No. S/5545-60/16, dated 15.08.2016 on the following charges:-

- That on a tip of information, SHO PS Ghoriwala raided the house of Khuda Dat at Toro Balo Michan Khel on 07.04.2016 and recovered a huge quantity of arms/ammunition. He informed the then DPO/Bannu who sent you to the scene. The arms/ammunitions were brought in two vehicles under your supervision to the Police Station.
- That while you reached the Police Station, you took 02 Kalashnikovs, 02 pistols and boxes of live rounds for yourself. Later during counting again you took another 5/6 Kalashnikovs alongwith boxes of live rounds and distributed pistols amongst the police officers, who participated in the raid.
- That reportedly you tried to sell official trees through your subordinate staff on Mandan Road near Police Post "Yak Qabar.
- That being a supervisory officer, your above acts has degraded the image of police in the eyes of police as well as general public.
- That reportedly you bear stinking reputations.

Mr. Said Khan Bangash, Ex-Deputy Superintendent of Police in accordance with the Services Tribunal judgment dated 02.03.2018 announced on Service Appeal No. 1236/2016 of Mr. Said Khan Bangash that:-

*"Without adverting to the merit of the appeal this Tribunal has already delivered two judgments mentioned above on the basis of the judgment of august Peshawar High Court mentioned above. In the light of the said judgment the present appeal is accepted and the appellant is reinstated in service. The department is directed to hold Denovo proceedings within a period of 90 days of the receipt of this judgment. The issue of back benefits shall be subject to the outcome of the Denovo proceedings and rules on the subject. In case the Denovo proceedings are not conducted within the said period then the issue of back benefits shall be decided by the department in accordance with the rules like gainful employment etc"*

In the light of the judgment of Service Tribunal Khyber Pakhtunkhwa I, Salah-ud-Din Khan, Inspector General of Police, Khyber Pakhtunkhwa Peshawar provisionally re-instated Ex-DSP/Said Khan Bangash into service from the date of compulsory retirement and Denovo proceeding against him is ordered to be conducted by a committee.

Sd/-

Salah-ud-Din Khan, PSP  
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

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

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

1. Addl: Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Bannu Region, Bannu.
3. PSO to IGP/Khyber Pakhtunkhwa, Peshawar.
4. Assistant Inspector General of Police, Legal, CPO Peshawar.
5. Superintendent of Police, Courts, CPO Peshawar.
6. PRO to IGP/Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: Secret Branch, CPO, Peshawar.
8. PA to Addl: IGP/HQrs.; PA to DIG/HQrs: & PA to AIG/Estab: CPO Peshawar.

(SHER AKBAR)  
PSP, S.St  
DIG/HQrs:

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar

ATTESTED



18  
OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
Central Police Office, Peshawar

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CHARGE SHEET

A Charge Sheet and Statement of Allegations were issued against Ex-DSP Said Khan Bangash and after proper departmental enquiry he was awarded major punishment of compulsory retirement vide order dated 15.08.2016. He filed Service appeal No. 1236/2016 in the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar which was partially accepted by the Tribunal vide order dated 02.03.2018 and directed the department to conduct Denovo proceedings/inquiry against him under the law/rules. Hence in the light of directions of Court following fresh charge sheet is hereby issued for the purpose of Denovo proceedings.

I, Salah-ud-Din Khan, Inspector General of Police, Khyber Pakhtunkhwa, Peshawar as Competent Authority, under Khyber Pakhtunkhwa Police rules 1975 (amended 2014) hereby charge you Mr. Said Khan Bangash the then DSP/Rural Circle Bannu as follows:-

- i. That on a tip of information, SHO PS Ghoriwala raided the house of Khuda Dat at Toro Balo Michan Khel on 07.04.2016 and recovered a huge quantity of arms/ammunition. He informed the then DPO/Bannu who sent you to the scene. The arms/ammunitions were brought in two vehicles under your supervision to the Police Station.
- ii. That while you reached the Police Station, you took 02 Kashnikovs, 02 pistols and boxes of live rounds for yourself. Later during counting again you took another 5/6 kashnikovs alongwith boxes of live rounds and distributed pistols amongst the police officers, who participated in the raid.
- iii. That reportedly you tried to sell official trees through your subordinate staff on Mandan Road near Police Post "Yak Qabar".
- iv. That being a supervisory officer, your above acts has degraded the image of police in the eyes of police as well as general public.
- v. That reportedly you bear stinking reputations.

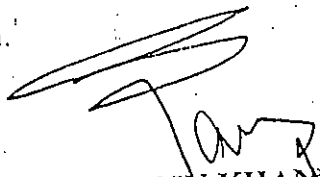
By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.

You are therefore, directed to submit your written defense within seven (07) days of the receipt of this Charge Sheet to the Enquiry Officer/Committee.

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

You are directed to intimate whether you desire to be heard in person or otherwise.

A statement of allegation is enclosed.

  
(SALAH-UD-DIN KHAN) PSP  
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

ATTACHED



DISCIPLINARY ACTION

I, Salah-ud-Din Khan, Inspector General of Police, Khyber Pakhtunkhwa Peshawar being Competent Authority, am of the opinion that Mr. Said Khan Bangash, the then DSP/Rural Circle Bannu has rendered himself liable to be proceeded against; as he has committed the following acts of omissions/commissions within the meaning of the Khyber Pakhtunkhwa Police Rules 1975(amended 2014).

STATEMENT OF ALLEGATIONS

- i. That on a tip of information, SHO PS Ghoriwala raided the house of Khuda Dat at Toro Balo Michan Khel on 07.04.2016 and recovered a huge quantity of arms/ammunition. He informed the then DPO/Bannu who sent you to the scene. The arms/ammunitions were brought in two vehicles under your supervision to the Police Station.
- ii. That while you reached the Police Station, you took 02 Kashnikovs, 02 pistols and boxes of live rounds for yourself. Later during counting again you took another 5/6 kashnikovs alongwith boxes of live rounds and distributed pistols amongst the police officers, who participated in the raid.
- iii. That reportedly you tried to sell official trees through your subordinate staff on Mandan Road near Police Post "Yak Qabar".
- iv. That being a supervisory officer, your above acts has degraded the image of police in the eyes of police as well as general public.
- v. That reportedly you bear stinking reputations.

The said act of negligence depicts inefficiency, disobedience, indiscipline and lack of professionalism which amounts to grave misconduct on his part warranting stern disciplinary action against him.

For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, an Inquiry Committee consisting of the following Officers of Khyber Pakhtunkhwa is constituted under Police Rules 1975.

- i. Mr. Sheq ARZB 9v DIG HOv?
- ii. Mr. Irfanullah AIS ESTS *replaced on 29/5/18*
- iii. Mr. Waseem Rizq SPC Gutt Pesh.

The Inquiry Committee/officer (s) shall, in accordance with the provision of the said Rules, provide reasonable opportunity of hearing to the accused officers, record and submit its finding within 07 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused officer.

(SALAH-UD-DIN KHAN) PSP  
Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar.

جواب خارج اندر سات ٦  
سرٹیب پوکر گز ارٹس ٤

DSP/KPO-Peshawar  
03/05/2018

Respected Sir,

Kindly refer to your charge sheet/statement of allegations No.S/1551-54/18, dated Peshawar the 25/04/2018 issued to me by Worthy Inspector General of Police KPK Peshawar. Which is delivered to me on 27-04-2018.

It is submitted that I was posted as DSP Rular Circle Bannu w.e.f 21-6-2014 to 3-6-2016. On 3-6-2016 I was closed to CPO Peshawar on complaint and was served with the charge sheet No.S-4592-93/16 on 14-6-2016 and an inquiry committee comprising of Awal Khan RPO Kohat and Mian Naseeb Jan DPO Karak was constituted. After completion of inquiry the then IGP KPK Peshawar awarded me the major punishment of compulsory retirement vide order No.-Nos/5545-60 dated 15-8-2016. I submitted review petition dated 2-9-2016 which was not considered by the then IGP hence I preferred appeal No.1236/2016 in the KPK Service Tribunal Peshawar. The KPK service Tribunal vide order dated 2-3-2018 reinstated me and ordered the de novo inquiry. The order of KPK service tribunal has been implemented and I have been served with the charge sheet / summary of allegations. As already submitted all the five charges leveled against me are false and basless. Serial wise reply to the charges is subitted as under

1- Charge No.:1 That on a tip of information SHO PS Ghoriwala raided the house of Khuda Dad at Toro Balo Michan Khel on 07-04-2016 and recovered a huge quantity of arms/ammunitions. he informed the then DPO Bannu who send you the scene the arms / ammunitions were brought in two vehicles under your supervision to the police station...

Reply to the charge No.1

This charge legally does not come under the defination of an offence. I on the direction of the DPO had proceeded to the spot as a supervisory officer. The SHO narrated the detail of the recovery and despatch of murasla to the police station PS for registration of the case. Due to my presence and supervision on the spot nothing un-to-word happend.

2-Charge No.2. That while you reached to the Police station you took 02 Kalashinkovs,02 Pistols and boxes of live rounds for your self later during counting again you took another 5/6 Kalashnikovs alongwith boxes of live round and distributed pistols amongst the police officers, who participated in the raid.

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Reply to the Charge No. 2

Charge No 2 is false, frivolous and basless. No complaint by my senior officer i.e RPO, DPO and SP Investigation Bannu has ever been made against me nor by the accused involved in the case. But the things were found correct and no complaint of any sort was made against me. A joint investigation team was constituted for investigation in to the case. Till now there is <sup>no</sup> complaint against me from any quarter but even then I was charge sheeted. Only Abdur Razaq SHO PS Ghori Wala has falsely, malaciously and malafidely given statement against me. I submit here with written and solid proof of my innocense in the following paras. Charge No.2 is re produced as under.

That while you reached to the police station you took 02 Kalashanikovs 02 Pistols and boxes of live rounds for your self. Later during counting again you took another 5/6 Kashanikovs alongwith boxes of llve rounds and distributed pistols amongst the police officers, who participatitton the raid.

I. In this regard It is submitted that the inquiry committe had recorded the statement of 1. Abdur Razaq SHO, 2. ASI Jamshad Khan 3. Feroze Khan Muharrar of PS Ghoriwala, The SHO falsely stated that when they reached the police station I took two kalashnikovs and two pistols and kept the same in my vehicle after that the arms/ammonition were counted and recovery memo was prepared in the PS and case was registered. The statement of SHO is false and basless just to create doubt in the case to help the accused in acquittal. The inquiry committee has admitted in there report that the charge No.2 was partiallyly been proved upto taking away 02 kalashnikovs and 02 pistols by the defaulter officer. Which means that there was no solid proof of any misconduct on my part and the punishment awarded on such flimsy proof is agianst law and justice.(Copies of the statement of SHO during the inquiry process alongwith cross examination paper and statment before the court of ATC Bannu by Abdur Razaq SHO annexure A and copy of the inquiry committee report is annexure A-1.

II. "During inquiry cross examination of Abdur Razaq SHO was conducted wherein his statement has been proved false and basless. The SHO during cross examination has admitted that the arms and ammonation was counted on the spot and recovery memo and murasla were also drafted on the spot. Similarly during

W ATTESTED

cross examination the SHO had denied the distribution of arms/ammunition by the defaulter officer on the spot and in the police station and this negated the charge No.2 leveled against me. Copy of recovery memo is annexer B. The investigating officer had reached to the spot and the recovered arms and ammunition according to the recovery memo was handed over to him who also prepared a separate recovery memo which is annexer C. And when he reached the police station the case had been registered. ( Copy of the FIR is annexure D.

III. The inquiry committee totally neglected the cross examination of SHO Abdur Razaq which is a solid proof of his falsehood. According to his statement the arms and ammunition were <sup>never</sup> counted in the police station nor he had handed over the same to the Muharrar. In fact the arms ammunition were handed over to the muharrar by Hidayat Ur Rehman Inspector/ IO from the investigation staff.

IV. During trial of the case in ATC Bannu the statement of Abdur Razaq SHO was recorded on oath on 12-11-2016 where-in he has given the statement in contradiction with his statement before the inquiry committee. He has admitted in the court that all the proceedings were carried out on the spot and the arms ammunition were handed over to the IO on the spot which was sealed by him on the spot Which is a clear proof of his falsehood. His contradictory statements should also be considered with regard to the charge No.2 this should have been considered as well.

V. The statement of ASI Jamshad Khan who is a marginal witness to the recovery memo also contradicts the statement of Abdur Razaq SHO. According to his statement the recovery memo and murasla were drafted on the spot. Counting was not made in the police station. ASI Jamshad Khan during his statement before the inquiry committee stated that he did not know anything about the allegations leveled against the defaulter officer he further disclosed that he was one of the member of the raiding party and present on the spot during the whole proceedings but no arms/ammunition was distributed by the defaulter officer. His statement totally negates the charge No.2 and inquiry report. which is a clear proof of my innocence. The examination in chief and his replies to the cross examination speaks <sup>well</sup> will of my innocence. (Copies of the statement and cross examination before the inquiry committee are annexure E.

ATTESTED

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VI. Feroze Khan Muharrar during his statement before the inquiry committee also contradicts the statement of Abdur Razaq SHO in respect of charge No. 2 above. Feroze Khan Muharrar has categorically stated that all the arms and ammunition was handed over to him by Hidayat Ur Rehman Inspector/IO which was already sealed in a parcel and is lying in the Mall Khana of the police station. The statement of Feroze Khan Muharrar contradicts the statement of SHO and is a solid proof of my innocence but unfortunately was not considered by the inquiry committee. (Copy of the statement and cross examination before the inquiry committee and statement before the court ATC Bannu are annexure F.

VII. The statement of Hidayat Ur Rehman Inspector/ IO recorded on oath as PW-7 in ATC Bannu is sufficient to contradict the statement of Abdur Razaq SHO. According to his statement the Abdur Razaq SHO had counted and taken in to his <sup>possession</sup> position all the arms and ammunition on the spot and handed over the same to him on the spot who further handed over the same in seal condition to Muharrar in the police station. (Copies of the statement of Hidayat Ur Rehman Inspector IO before the court annexure G.

VIII. That the defence witness Rehmatullah ASI PS Ghoriwala was an important witness but the inquiry committee did not record his statement. His statement recorded on oath in ATC Bannu contradicts the statement of Abdur Razaq SHO. The statement of Abdur Razaq SHO has been proved false and baseless in the light of statements of PWs recorded on oath in the ATC Bannu. (Copies of court statement of Rehmatullah ASI as PW-3, Feroze Khan MHC as PW-1, Abdur Razaq SHO as PW-2 and Inspector Hidayat Ur Rehman as PW-7 which are recorded on oath in the court of ATC Bannu are annexure H which are a solid proof of baselessness of the charge No. 2 and inquiry committee report and for the falseness of statement of the SHO Abdur Razaq.

Charge No. 3. That reportedly you tried to sell official trees through your subordinate staff on Mandan road near police post "Yaq Qabar".

ATTACHED



Reply to the charge III The allegation were manipulated to tarnish my good image Again allegation of attempt through subordinate have been leveled with no explanation that how and who foiled the attempt.

In respect to charge No. 3 leveled against me the inquiry committee in their report has remarked in para No. 3 that the allegations of cutting/selling of trees have not been established through plausible evidence.

4- Charge No.4. That being a supervisory officer of his above acts has degraded the image of police in the eyes of pf police as well as general public.

Reply to the charge No.4 I am proud to appraise your good-self that I joined the police department as constable in the year 1978 and in view of good performance and possessing high professional qualities was elevated to the rank of Deputy Superintendent of Police in the year 2014 . I was noted for good policing duties especially for action against the miscreants and hardened criminals. I have commanded as SHO and RPOs have appreciated my performance. Human conduct does not change abruptly. I was noted as good police officer for long span of period therefore, the present allegations of stinking reputation are unsubstantiated and baseless. My promotion to the rank Deputy Superintendent of Police from the rank of Constable is ample proof of my good service carrier. I have participated in various encounters with outlaws and was on front line in the fight against terrorism. I would like to make reference to the one of encounters in the jurisdiction of Police station Ustarzai Kohat in which police party was commanded by me where four proclaimed offenders along with gang leader namely Balo were killed. The said gang of criminal was involved in murder of four Police officers likewise One most wanted proclaimed offender was killed during encounter in the jurisdiction of PS Havid Bannu. The police party was under my command as SDPO Rural Circle Bannu. Jani Khel area of district Bannu was declared no go area for the last ten years and I was the first Police officer who conducted search and strike operation in the area and Regional Police Officer Bannu recommended my performance vide letter No 2963-64/PA, dated 19-5-2015. Copy enclosed. Furthermore I have been able to earn good ACR for the last several years and especially the performance of the year 2015 were appreciated in the ACR the same may please be examined for true evaluation of my conduct.

ATTESTED

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Lastly this is also brought to your kind notice that one of my brothers Syed Zulfiqar Ahmed LHC Police department and one relative were informer of Abid Ali DIG Police Bannu ( Shaheed ) the then DPO Kohat who were killed by the miscreants on the sole ground of assisting the Police. Does it appeal to your prudent mind that I would ruin any carrier for pitty two kalashnikovs and two pistols that two of country made.

5- Charge No 5: That reportedly you bear stinking reputation.

Reply to the charge No.5

In this respect it is submitted that this charge is totally false and baseless and the ex inquiry committee has also reported that this charge has not been established against me through any source.

That in the light of allegations of stinking reputation the matter was secretly probed into by the inquiry committee but no plausible evidence or any kind of material was received by the said committee to established this allegations In this regard the report of inquiry committee is worth perusal.

It is therefore, humbly requested that I may please be exonerated of the charges the charges Leveled agaist me are false and basless and were not prove druing the ex-departmental inquiry proceedings. The charges were mainpulated with sole aim of causing damage to my good reputation. Furthermore , appellat is not in the knowledge that the immediate superior officers of appellat i.e Regional Police Officer, Superintendent of Police investigation Bannu and District Police Officer, Bannu has made any complaint aganist appellat as nothing has been received on their part to appellat till date. I would also like to be heard in person for apprising your good self with real situation of the incident and reasons behind maligning the appellat.

Yours Obediently



(Sald Khan Bangash)

DSP CPO Peshawar


Dated 03-05-2018

ATTESTED



**DE-NOVO INQUIRY PROCEEDINGS AGAINST**  
**DSP SAID KHAN BANGASH THE THEN DSP RURAL CIRCLE BANNU**

- 1.1) This consolidated inquiry report will dispose of the de-novo departmental inquiry proceedings initiated against DSP Said Khan Bangash the then DSP Rural Bannu proceeded against departmentally by the Inspector General of Police Khyber Pakhtunkhwa, Peshawar vide CPO Letter No. 1551-54/18, dated 25.04.2018.
- 1.2) Ex-DSP Rural Said Khan Bangash was issued charge sheet and statement of allegations vide CPO reference No. 1551-54/18, dated 25.04.2018 which contained the following allegations:
- i. That on a tip of information, SHO PS Ghoriwala raided the house of Khuda Dad at Toro Balo Michan Khel on 07.04.2016 and recovered a huge quantity of arms/ammunitions. He informed the then DPO/Bannu who sent you to the scene. The arms/ammunitions were brought in two vehicles under your supervision to the Police Station.
  - ii. That while you reached the Police Station, you took 02 Kalashnikovs, 02 Pistols and boxes of live rounds for yourself. Later, during counting again you took another 5/6 Kalashnikovs alongwith boxes of live rounds and distributed pistols amongst the police officers, who participated in the raid.
  - iii. That reportedly, you tried to sell official trees through your subordinate staff on Mandan Road near Police Post "Yak Qabar".
  - iv. That being a supervisory officer, your above acts has degraded the image of police in the eyes of Police as well as general public.
  - v. That reportedly you bear stinking reputation.
- 1.3) For scrutinizing the conduct of ex-DSP Rural Said Khan Bangash, the Inspector General of Police Khyber Pakhtunkhwa constituted an inquiry committee vide his office No. 1551-54/18, dated 25.04.2018 comprising the following members, in order to ascertain the factuality and fix responsibility, in to the charges against alleged police official.
- a. Mr. Sher Akbar Khan (DIG HQrs)
  - b. Mr. Irfan Ullah (AIG Establishment) \_\_\_\_\_
  - c. Mr. Waseem Riaz Khan (SP Cantt)

**ATTESTED**  


1.4) On 23.5.2018, Said Khan Bangash, Ex-DSP Rural objected and submitted an application for removal of one member of inquiry committee (Mr.Irfanullah, AIG Establishment).

Mr Irfanullah, AIG Establishment was subsequently replaced with Mr. Waseem Khalil, (SP HQs CCP) in the inquiry committee on the order of Worthy Inspector General of Police Khyber Pakhtunkhwa vide Order No.S/2081-83/18, dated Peshawar the 29/05/2018.

1.5) It is worth mentioning that the aforementioned inquiry was a de-novo inquiry which was conducted on the direction of Service Tribunal vide order dated 02.03.2018.

## 2) ENQUIRY PROCEEDINGS:

2.1) Said Khan Bangash ex-DSP Rural had been given the copies of charge sheet and statement of allegations vide CPO memo reference No. 1551-54/18, dated 25.04.2018. He had been directed to submit his written reply and any other evidence to the inquiry committee within 7 days of the receipt of charge sheet and statement of allegations. He submitted his written reply to the inquiry committee on 03.05.2018. (Annex-A)

2.2) The Inquiry committee also examined the following witnesses who were acquainted with the facts of the inquiry.

- i. Haji Ghulam Raziq (Then SHO Police Station Ghoriwala)
- ii. Jamshed Ali ASI (witness of recovery memo)
- iii. Feroz Khan (Then Muharrir PS Ghoriwala)

The statements of the aforementioned police officials is attached as Annex-B.

2.3) Inquiry committee examined ex-DSP Rural Bannu Said Khan Bangash as well as other police officials individually and gave them opportunity to cross examine each other in detail.

2.4) Each allegation was separately inquired and delinquent police officer was given opportunity to defend himself in view of the allegations.

ATTESTED

### 3) BRIEF FACTS OF THE INQUIRY:

- 3.1) The brief facts leading to the instant inquiry are that on a tip of information, SHO PS Ghoriwala raided the house of Khuda Dad at Toro Balo Michan Khel on 07.04.2016 and recovered a huge quantity of arms/ammunitions. He informed the then DPO/Bannu who had sent ex-DSP Rural Bannu Said Khan Bangash (delinquent police officer) to the scene. When ex-DSP Rural Bannu Said Khan Bangash reached the spot, he took 2 pistols and 2 SMGs for his personal use and kept the same in his vehicle.
- 3.2) Haji Ghulam Raziq, the then SHO PS Ghoriwala who had received the information about the illegal weapons was examined in detail. He stated that he had received information about illegal arms/ammunitions stored in the house of Khuda Dad at Toro Balo Michan Khel. After he reached the spot, he called DPO Bannu who deputed the then ex-DSP Rural Said Khan Bangash to reach the spot. After some time, Ex-DSP Rural Said Khan Bangash reached the spot. As per the statement of the then SHO Ghulam Raziq, when arms/ammunitions were being shifted from the house to the police vehicle, Said Khan Bangash took 2 pistols and 2 SMGs for his personal use and kept the same in his official vehicle. Ghulam Raziq the then SHO PS Ghoriwala stated that ex-DSP Rural Said Khan Bangash also suggested him to take some arms/ammunitions for personal use but he didn't do that.
- 3.3) Haji Ghulam Raziq, the then SHO PS Ghoriwala, stated that arms/ammunitions were then taken to Police Station Ghoriwala where they were counted and it turned out that total 430 pistols, 99 SMGs and around 47000 live rounds had been recovered. He stated that these weapons were exclusive of the weapons already taken by ex-DSP rural Said Khan Bangash. He stated that on the same day, he had informed DPO Bannu about the fact that ex-DSP Said Khan Bangash had taken some weapons for his personal use.
- 3.4) During the course of inquiry Haji Ghulam Raziq was asked if any other police officer at the spot had seen the delinquent police officer taking weapons? Ghulam Raziq the then SHO PS Ghoriwala replied that there was no other police official present in the house as all police officials had surrounded the house and only Jamshed Ali (who was

ATTESTED

inside the room handing over the weapons to SHO) and ex-DSP Said Khan Bangash were present along with him.

- 3.5) Ghulam Raziq was further asked if there was previous history of enmity between him and ex-DSP Rural Said Khan Bangash to which he replied in negative.
- 3.6) Ghulam Raziq the then SHO PS Ghoriwala was asked if ex-DSP Said Khan picked up the weapons randomly or he selected some special ones. He replied that though ex-DSP Said Khan Bangash had tried to select good weapons but since all were locally made, it did not help much.
- 3.7) During inquiry ex-DSP Rural Said Khan Bangash was examined in detail. He stated that on 7.4.2016, he received a call from DPO Bannu who directed him to reach the spot where huge number of arms/ammunitions had been recovered. When he reached the spot, he saw SHO Ghulam Raziq had already counted the arms/ammunitions and loaded the same in the police vehicle. He brushed aside the allegation stating that when he reached the spot, SHO Raziq Khan had already counted the arms/ammunitions and that as per statement of the SHO in the court, recovery memo was prepared at the spot and report (Murasla) was sent from there.
- 3.8) Ex DSP Said Khan Bangash further contended that there were contradictions in the statements of the SHO and he concocted the story to give benefit to the accused of the case.
- 3.9) Ex-Dsp Said Khan Bangash further stated that from recovery memo at the spot to lodging of FIR, the weapons recovered have been mentioned as 430 pistols, 99 SMGs and 47000 of rounds. Had he taken some weapons for his use, the number of recovered weapons would have been higher than those mentioned in FIR.
- 3.10) Ex-DSP Rural Said Khan Bangash in his defence stated that there were many police officers present at the spot but no one has supported the allegations of SHO. Inquiry committee asked from Ex-DSP Rural Said Khan Bangash if anyone have denied the same in his favour to which he replied in negative.

ATTESTED

3.11) Throughout the inquiry proceedings, ex-DSP Rural Said Khan Bangash extensively relied upon the contradiction in the statements of the then SHO PS Ghoriwala Ghulam Raziq in front of court and in front of inquiry committee.

3.12) During inquiry, other relevant police officials were also examined. In this regard Jamsed Ali, recovery memo witness and Feroz Khan Moharrar were summoned.

Both officials narrated that the weapons were recovered and later shifted to police station. And it was at the police station where murasla and recovery memo were prepared. They neither supported the allegation against the ex-DSP Rural Said Khan Bangash nor denied showing complete ignorance about the issue.

3.13) As far as the allegation of selling the officials trees is concerned, Inquiry Committee tried to gather evidence and record statements of relevant police officials but couldn't find any.

#### 4. FINDINGS OF THE INQUIRY

4.1) From the perusal of statements and cross examination of the delinquent officer and other police officers acquainted with the facts of the inquiry and contents of the case file of FIR no.148 dated 07.04.2016 u.s 15AA/7ATA, it is established that ex-DSP Rural Said Khan Bangash reached the spot in compliance with a lawful order of DPO Bannu who had been informed by SHO PS Ghoriwala about the recovery of the weapons on 07.04.2016.

4.2) During the course of inquiry, it is established beyond any doubt that when ex-DSP Rural Said Khan Bangash reached the spot, he took 2 SMGs and 2 Pistols for himself. Hence the second allegation is proved to the extent that he took 2 pistols and 2 SMGs from the spot and inquiry committee could not find any evidence/proof of him taking more weapons and live rounds in the PS.

4.3) It is worth mentioning that an SHO of a police station hardly dares maligning his immediate supervisory officer until and unless there exists irrefutable evidence. The allegation of ex-DSP Rural Said Khan Bangash that SHO concocted the whole story and there were contradictions in his statements in order to give benefit to the accused doesn't hold water because had SHO been in favor of giving benefit to

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the accused, why would he raid him in the first place? Moreover, if there was any contradiction in the statements of SHO why the delinquent police officer didn't take action against him and why being a supervisory officer he failed to stop SHO from doing the same. To these questions, the answers of ex-DSP Rural Said Khan Bangash were not found satisfactory.

- 4.3) The third allegation against ex-DSP Rural Said Khan Bangash related to selling of official trees could not be proved beyond a shadow of doubt.
- 4.4) The fourth allegation that the acts of ex-DSP Rural Said Khan Bangash have degraded the image of police is proved as taking weapons for personal use from recovered case property indeed brings bad name to police deptt.
- 4.5) The fifth allegation against ex-DSP Rural Said Khan Bangash of bearing stinking reputation was inquired and from the scrutiny of his character roll, it transpired that he was issued two displeasure notices vide letter no.1047/PA dated 15.6.2004 and 1704-41/PA dated 18.04.2014 and there were adverse remarks in his two ACRs for the years 2004 and 2008. From the remarks of senior police officers jotted down in displeasure notices and ACRs, the said allegation of bearing stinking reputation is substantiated, hence proved.

## 5. RECOMMENDATIONS

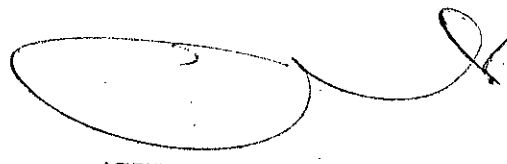
- 5.1) After examining the delinquent police officer and other police officers related to the inquiry, Committee has come to the considered opinion that ex-DSP Rural Said Khan Bangash has been found guilty of taking 2 SMGs and 2 Pistols for his personal use from the recovery made by the then SHO PS Ghoriwala Ghulam Raziq thus bringing bad name to the police department and of bearing stinking reputation.

**ATTESTED**



5.2) Based on the aforementioned findings, the inquiry committee, therefore recommends, ex-DSP Rural Said Khan Bangash for major punishment under the Police Efficiency & Disciplinary Rules 1975 (amended 2014).

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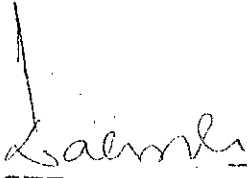
**(SHER AKBAR)**

**PSP, S.St**

DIG HQrs

Khyber Pakhtunkhwa

Police, Peshawar



**(WASEEM RIAZ KHAN)PSP**

SP Cantt: CCP Peshawar

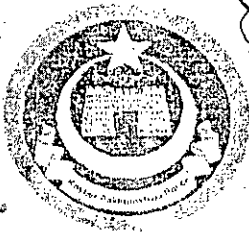


**(WASEEM KHALIL)**

SP HQrs CCP Peshawar

**ATTESTED**





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

No. S/ 2480 /18. Dated Peshawar the 25/06/2018.

FINAL SHOW CAUSE NOTICE

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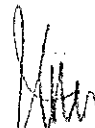
1. WHEREAS, you Said Khan Bangash DSP, while posted as DSP Rural Circle Bannu, committed gross misconduct as defined in Police Rules 1975 (amended 2014). You were issued Charge Sheet alongwith the Statement of Allegations and the departmental proceedings culminated in your compulsory retirement from service. You filed Service Appeal No. 1236/2016 was disposed of by court order dated 02.03.2018 and case was remanded to respondent department for De-novo proceedings. An enquiry committee was constituted under Police Rules 1975 comprising of DIG/HQrs., SP Cantt. Peshawar and SP/Headquarters Peshawar for conducting De-novo proceedings.

2. WHEREAS, the enquiry committee conducted de-novo enquiry proceedings and full opportunity of defence was provided to you. You were associated with the enquiry proceedings and were personally heard. The committee reported that the allegations leveled in the charge sheet are established and recommended you for major punishment under the Police Efficiency & Disciplinary Rules 1975 (amended 2014).

3. AND WHEREAS, on going through the findings and recommendations of Enquiry Committee, the material placed on record and other connected papers including your defence before the said Enquiry Committee. I am satisfied that you have committed gross misconduct and are guilty of the charges leveled against you as per Charge Sheet/Statement of Allegations conveyed to you vide S/1551-54/18, dated 31.05.2018.

4. NOW THEREFORE, I, Muhammad Tahir, Inspector General of Police, as Competent Authority have tentatively decided to impose upon you, one or more major penalties including the penalty of "Dismissal from Service" under Police Rules-1975 (amended in 2014).

You are therefore, required to Show Cause within seven (07) days of the receipt of this Notice, as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defence to offer and ex-parte action shall be taken against you. Meanwhile also intimate whether you desire to be heard in person or otherwise. Copy of enquiry report is enclosed.

  
(MUHAMMAD TAHIR) PSP  
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

MR. SAID KHAN BANGASH,  
Deputy Superintendent of Police  
(The then DSP Rural Circle Bannu)

ATTESTED

Before the worthy Inspector General of Police KPK, Peshawar

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4.	Copies of Letter No. 621/S alongwith Dak Book Receipt	C	29-30
5.	Copies of Recommendation Certificate Clause A, B, C alongwith Cash Award Certificate	D	31-38
6.	Copies of application for summoning the Witnesses Rehmat Ullah etc.	E	39
7.	Copies of Application for summoning the witness of Raiding party alongwith DD No. 5/7 dated 07.04.2016	F	40-42
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10.	Copies of Implementation Application before the Tribunal alongwith Interim Application and Notice	I	47-75

Dated 01/07/2018 (Sunday)

Said Khan Bangash DSP CPO Peshawar

01-07-2018

Sunday

0333 5011001

ATTACHED

RECEIVED  
25/6/2018

1) That previously the applicant was compulsorily retired from services by your good office on 15.8.2016, on the basis of so called allegation, the applicant was subsequently reinstated in service by the august service tribunal on 2.3.2016 with the direction to your good office to conduct the De-Novo inquiry within the period of ninety days similarly it was further held in the judgment dated 2/3/2016 that the issue of back benefit shall be subject to the outcome of the De-Novo proceeding and rules on the subject it was further held that in case the de-Novo

That I have been rendering my services in the police department from last 40/41 year my initial recruitment in the department was made as a constable in the year 1978 but due to my passion hard work, excellent and remarkable performance with the grace of Al-Might Allah SWT, promoted as DSP in the year 2014. I have painstakingly, indefatigable, sincerely and meticulously rendered my services for the sake of my mother land and public. I also remained the station House officer of various police station, during my posting as SHO at District Hangu, Kohat, Karak D.I Khan, I diligently performed my duties and received cash prizes and commendation certificates from my high ups for my gallantry performance, my good performance was categorically appreciated by my high ups for arresting and nabbing the malfassants and notorious criminals. (copies of commendation certificates are attached) I have also maintained an unblemished record during my service, the ACR's enclosed with the reply pertaining from the year 2002 to 2016 is the vivid example of unblemished service track record and it also transpires that I discharged my duties sincerely and diligently and never bowed my head before any political and non-political entity. But unfortunately I never have been facing humiliation from my high ups for a sin which I never committed. I have been facing discrimination, biasness, rough and tough attitude from my high ups on the every step of the proceeding, I am simply wonder that as to why I am facing such discrimination from the department, in spite of appreciating and acknowledging my long term remarkable performance, the members of inquiry committee are bent on to pass a major punishment even without giving me the opportunity to defend myself and without giving me to opportunity to adduce any evidence in my favour.

Your Excellency,

No S/2480 Dated 25/6/2018

Exhaustive and comprehensive reply to the final Show Cause Notice

The worthy,  
Inspector General of police Khyber Pakhtunkhwa,  
Central police office Peshawar

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proceedings are not conducted within the said period then the issue of back benefits shall be decided by the department in accordance with the rules.

- 2) The De-Novo inquiry has not yet been completed despite passing more than 90 days. It is also a matter of record that the judgment of the August tribunal was communicated to your good office on 26/6/2018 (copy of the letter No    dispatch Receipt is attached)
- 3) That the execution petition against your good office has been filed by me coupled with the application for granting interim relief mainly on two grounds, No 1 is to grant all the back benefits and secondly for giving direction to your good office to provide me the opportunity to adduce my evidence to discard the so called allegation against me. It has also been prayed in the application that the members of inquiry committee has refused from giving me the opportunity to cross examining the witnesses if any. Your good office is put to notice and submission of reply on date fixed. (copy of execution petition before the august service tribunal and interim application is attached)
- 4) That with at most respect and veneration it is stated the de-novo proceedings were initiated and i was charge sheeted, the reply of which was timely submitted by me, during the pendency of the de-novo proceeding i through written application requested the members of the inquiry committee to summon some of the material witness i.e. investigating officer of the criminal case and ASI Rahmatullah witness of the recovery memo, beside the written application the esteem members of the inquiry committee were also requested through another application to summon the police officials which were the member of the raiding party. It was also requested that the applicant must be given the opportunity of cross examining the above witness as it this right is conferred by the constitution of Islamic Republic of Pakistan (copy of application is attached) All the allegation has been vehemently denied by me in reply of the charge sheet and statement of allegation
- 5) That an application to the members of inquiry committee was submitted by me on 7/5/2018 for summoning the material witnesses and for giving the opportunity to cross examined the witnesses if any, but the request was turn down as the same was not entertained because neither the statement of any witness was recorded on oath in me presence, nor the opportunity of cross examination was given to me accordingly accordingly. In spite of conducting the fresh inquiry according to the directives of the August service tribunal reliance is place on the previous inquiry.

REGISTERED

concern quarter has also been given for providing me the attested copies of the note sheets of the inquiry, statement of witnesses and cross examination of witnesses if any? Your good office is not only humiliating me without just cause but also making the will full disobedience of the orders of the August tribunal.

10) That the members of inquiry committee have prepared their mind to pass a major punishment even without giving me the opportunity to defend myself by producing evidence.

11) That the opportunity of the cross examination is malafildy and purposely avoided by the inquiry committee because some of the material witnesses of the case have recorded their statement in the court of law and they have been crossed examined before the court of anti-terrorism, their statement in the court are self-contradictory, and all those statement are also in glare contradiction with the charge sheet too, which are in no way supporting their stance and obviously their statements are favoring the applicant, therefore the inquiry committee is constantly refusing to accept any evidence on my part.

12) That the inquiry committee is intentionally and deliberately not observing the law of the land and the pre-requisite formalities which the inquiry committee must observe under the E&D and police rules rather they seem more interested to pass a major punishment against the applicant without giving the applicant to even defend himself.

13) That it has been categorically held in the inquiry report that witnesses namely. Ghulam Razaq SHO, Jamshed Khan ASI, and feroz Khan MHC were called and examined and opportunity of defence was also provided to the applicant, this contention of the inquiry officers is totally wrong, incorrect and vehemently denied, in fact no statement of any was ever recorded on oath by the inquiry officers in the presence I my. Similarly the applicant was also deprived from providing the opportunity to cross examined any witness.

14) It is my basic fundamental right that the opportunity of cross examination and self-defense must be provided, the police rules as well as E&D rules also confer this right to me that I must be treated in accordance with law. The act of the inquiry officers is highly contrary to the law, in fact the inquiry officers are committing gross misconduct by denying my basic fundamental, because being the high ups of the department a huge responsibility lies upon the shoulders of members of

ATTESTED


inquiry officer and they are under the statutory obligation to strictly observe the rule of law.

- 15) That if any adverse order is passed against me without giving me the chance to defend my case it will badly deteriorate the image of my the entire department in the eye of masses, and it will also amount to curbing and suffocating the rule of law, the inquiry officers are in way authorize to decide my case according to their vims and wishes. Being a citizen and public servant of the state it is my basic right to be treated accordingly. I have served in the department for about 40/41 years and have render sacrifices for my motherland and for the department too, no one is authorized to snatch my bread and butter and punish me for the offence which I never did, nor proved.
- 16 With at most respect and veneration it is stated in reply of the first paragraph of the final show cause notice that I never ever committed anything wrong, even there is not a single complaint against me during my long term service, the instant proceeding were initiated on the basis of anonymous complaint, and previously I was illegally and without any legal justification compulsorily retired from service, like the current inquiry my previous inquiry was also conducted in the hypotactic way, further more the members of the inquiry committee were biased from the day first of the inquiry there for one of the inquiry member was removed from conducting the proceeding against me by your good office.
- 17 That with at most respect and veneration it is stated that no proper inquiry was conducted neither any oppotunity to cross examining the witness was given nor any evidence which I was willing to produce before the members of inquiry committee were allowed to be produce and it is well settled law that the major punishment could not be recommended unless and until the proper inquiry is conducted. The members of the inquiry committee exaggerated each and every word in the inquiry report which the evident bais on the part of inquiry committee.
- 18 I have provided the entire necessary document to the members of inquiry committee in reply of the charge sheet which was earlier issued to the me by the inquiry committee but nothing is taken in to account by the members of inquiry officer.
- 19 That I will once again humbly request that full oppotunity of defending my case may kindly be given to me.

It is therefore prayed that on acceptance of instant reply to the show cause notice I may kindly be exonerated from the charges and in compliance of the order of august service tribunal the back benefits may also be provided.

Dated 01/07/2018 (Sunday)

Said khan Bangash DSP CPO Peshawar

**ATTESTED**  




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

No. S/ 2960-72/18, Dated Peshawar the 17/07/2018.

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ORDER

This order will dispose of the Denovo departmental enquiry proceedings initiated against Ex-DSP Said Khan Bangash in compliance with the judgment dated 02.03.2018 in Service Appeal 1236/2016. >

The brief, yet relevant, facts are that Mr. Said Khan Bangash DSP while posted as SDPO Rural Bannu was issued Show Cause Notice bearing No. S/4590/17, dated 14.06.2016 with Grounds of action. He was closed to CPO Peshawar. Later on Charge Sheet alongwith Statement of Allegations were issued and enquiry committee comprising of RPO Kohat and DPO Karak was constituted to conduct enquiry. During enquiry delinquent officer was held guilty of the charges and was awarded major punishment of compulsory retirement from service vide order No. S/5545-60/16, dated 15.08.2016.

The impugned order of compulsory retirement was challenged in service appeal No. 1236/2016 which was accepted and Denovo enquiry was allowed.

In compliance with the judgment dated 02.03.2018, the delinquent officer Said Khan Bangash was reinstated into service and enquiry Committee comprising of DIG/HQrs., SP Cantt: Peshawar and SP/HQrs: Peshawar was constituted to conduct Denovo enquiry. Fresh Charge Sheet alongwith Statement of Allegations was issued with following charges:-

- i. That on a tip of information, SHO PS Ghoriwala raided the house of Khuda. Dat at Toro Balo Michan Khel on 07:04.2016 and recovered a huge quantity of arms/ammunition. He informed the then DPO/Bannu who sent you to the scene. The arms/ammunitions were brought in two vehicles under your supervision to the Police Station.
- ii. That while you reached the Police Station, you took 02 Kalashnikovs, 02 pistols and boxes of live rounds for yourself. Later during counting again you took another 5/6 Kalashnikovs alongwith boxes of live rounds and distributed pistols amongst the police officers, who participated in the raid.
- iii. That reportedly you tried to sell official trees through your subordinate staff on Mandan Road near Police Post "Yak Qabar".
- iv. That being a supervisory officer, your above acts has degraded the image of police in the eyes of police as well as general public.
- v. That reportedly you bear stinking reputations.

During Denovo enquiry proceedings, stood established against him and he was recommended for major punishment. He was issued Final Show Cause Notice. He was heard in person in Orderly Room on 12.07.2018.

ATTESTED



In view of picture painted above I, **Muhammad Tahir, Inspector General of Police, Khyber Pakhtunkhwa, Peshawar** being Competent Authority, am of the considered opinion that the allegations stand fully established. However the major punishment of Compulsory Retirement from service awarded to Ex-DSP Said Khan Bangash is converted into major penalty of Reduction in Rank from the DSP to the Rank of Inspector. The period he remained out of service is to be treated leave of the kind due to him.

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Sd/-

**Muhammad Tahir, PSP**  
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & date even.

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

1. Regional Police Officer, Kohat Region, Kohat.
2. Regional Police Officer, Bannu Region, Bannu
3. Accountant General Khyber Pakhtunkhwa, Peshawar.
4. PSO to IGP/Khyber Pakhtunkhwa, Peshawar.
5. PRO to IGP/Khyber Pakhtunkhwa, Peshawar.
6. District Police Officer, Kohat.
7. Office Supdt: Secret Branch, CPO, Peshawar.
8. Office Supdt: E-I, CPO Peshawar.
9. Accountant CPO Peshawar.
10. PA to Addl: IGP/HQrs: PA to DIG/HQrs: & PA to AIG/Estab: CPO Peshawar.



(SHER AKBAR)

PSP, S.St

DIG/HQrs:

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar

ATTACHED

THE HONORABLE INSPECTOR GENERAL OF POLICE KHYBER  
PAKHTUNKHWA PESHAWAR.

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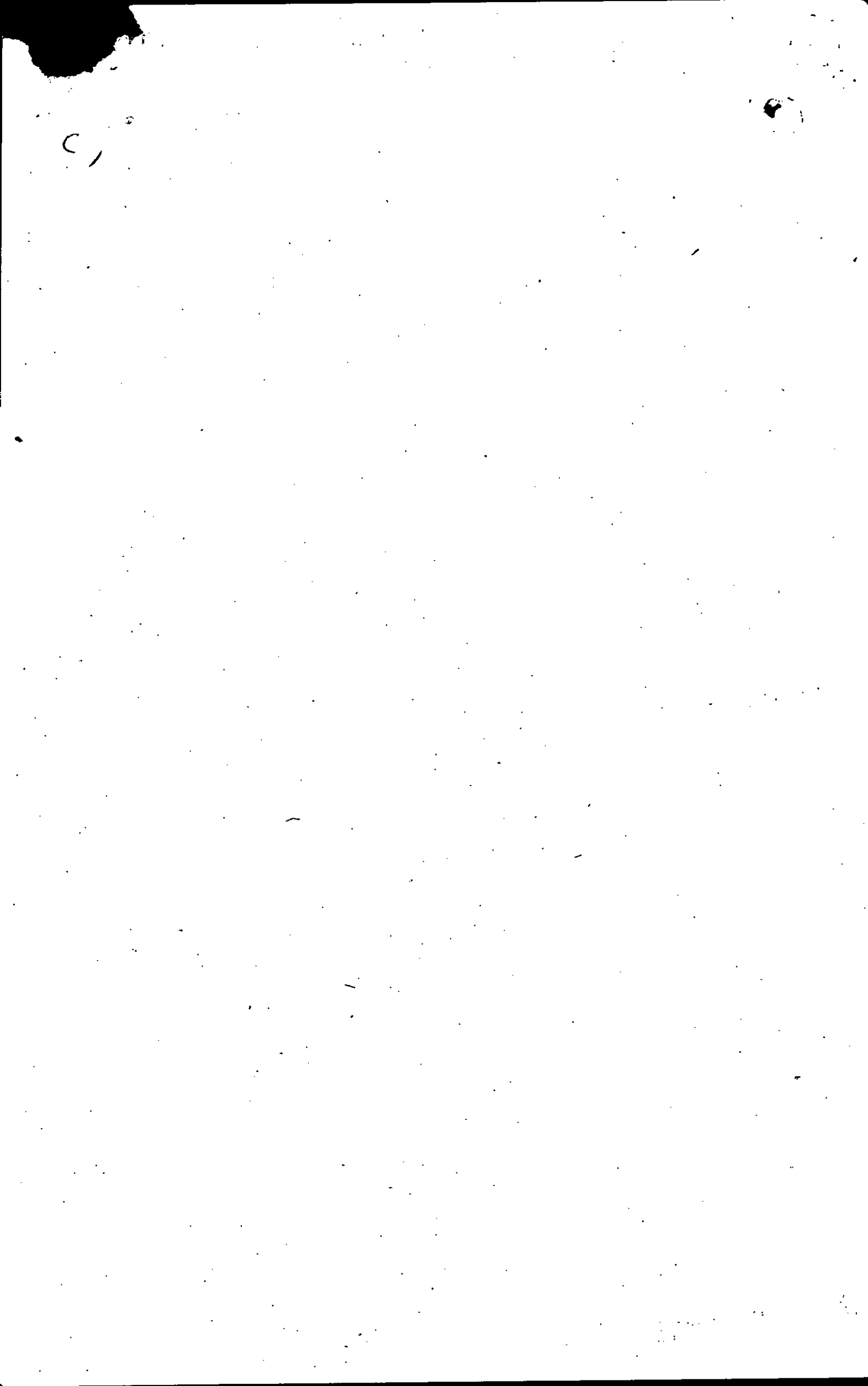
Subject: REVIEW PETITION AGAINST THE IMPUGNED ORDER OF THE WORTHY INSPECTOR GENERAL POLICE KHYBER PAKHTUNKHWA NO. S/ 2960-72/18 DATED 17-7-2018 UPON THE FINDING OF DENOVO INQUIRY VIDE WHICH THE PETITIONER WAS AWARDED MAJOR PUNISHMENT OF COMPULSORY RETIREMENT FORM SERVICE CONVERTED IN TO MAJOR PENALTY OF REDUCTION FORM THE DSP TO THE RANK OF INSPECTOR.

RESPECTED SIR,

With great respect and veneration the petitioner in connection with the review petition against the major penalty of reduction in rank from the DSP to the rank of inspector awarded by your goodself to the petitioner vide order dated 17-7-2018, submits the following for your kind and sympathetic consideration-

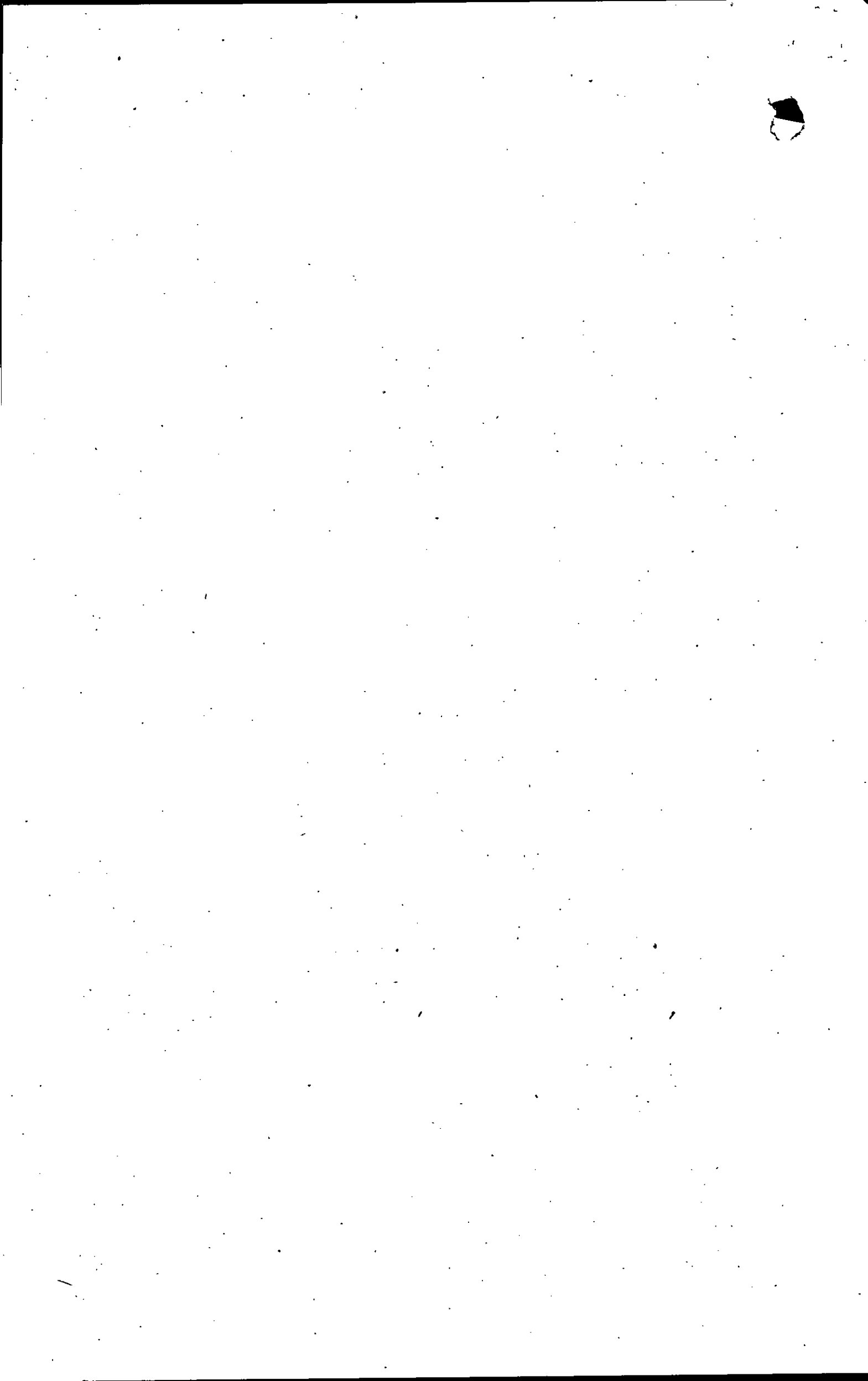
**FACTS:-**

1. That the petitioner was enrolled as **constable** in the police department on **31-1-1978** and due to his good work, devotion, excellent and remarkable performance promoted to the rank of **DSP in the year 2014**.
2. That during service the petitioner led and participated a number of encounters and campaigns against Pos Narcotics/arms smugglers and Anti Social Elements.
3. That the petitioner at the risk of his life displayed valor and unmatched bravery on account of which he earned a number of commendation certificates and cash rewards from his seniors.  
(Copies already enclosed with the reply of final show cause notice)
4. That with the grace of Almighty Allah the petitioner during his more or less 41 years service in police department did not face any departmental enquiry nor was awarded any punishment. Moreover the petitioner is recipient of outstanding ACRs during his service career. ( Copies of A,A1 ACRs from the year 2002 to 2016 are enclosed with the reply of final show cause notice ).
5. That from 21-6-2014 to 3-6-2016 the petitioner was posted as DSP Rural Bannu.
6. That on 7-4-2016 on a tip of information Ghulam Razaq SHO P.S Ghuriwala Bannu conducted raid on the Baitak of one Khudadad, falling with in the jurisdiction of P.S Ghuriwala and recovered huge quantity of arms /ammunition.
7. That the said SHO informed the district police officer Bannu about the recovery of illicit arms/ammunition.
8. That the W/DPO Bannu directed the petitioner to rush to the spot. The petitioner complied with the direction with out any loss of time.



9. That the petitioner when reached the spot, he found that the SHO had already recovered local made 95 klashincove, 4 Kalacove, 430 different bore pistols and 47000 different bore live rounds.
10. Regarding the recovery of the above arms/ammunition the SHO before arrival of the petitioner **had drafted murasila and recovery memo and sent both to the police station Ghuriwala for registration of the case.**
11. That **on the spot** the petitioner checked the copy of recovery memo arms/ammunition and also inspected the room from where the recovery was affected.
12. That while the **SHO alongwith 14 police contingent raiding party** was present on the spot the investigation officer Hidayat Ur Rehman Inspector arrived at the spot and the SHO handed him over all the case property according to the recovery memo prepared on the spot.
13. The I.O took in to possession all the case property and prepared a separate recovery memo on the spot ( copies of the both recovery memos are already enclosed with the reply of charge sheet ) **and the I.O sealed all the case property on the spot and thereafter the case property was handed over to the Moharrir in P.S Ghuriwala for safe custody.**
14. That regarding to the recovery of contraband arms/ammunition proper case vide FIR No,148 dated 7-4-2016 u/s 15AA/7ATA was registered in P.S Ghuriwala. Before the arrival of the SHO to PS from the spot the case was already registered.
15. That on 28-4-2016 complete challan was submitted by the SHO and trial of the case was commenced in the Anti Terrorism Court Bannu.
16. That to the utter surprise of the petitioner after the above occurrence the petitioner on 03-6-2016 was transferred to the CPO.
17. That after 67 days of the occurrence on 14-06-2016 the petitioner was charge sheeted on the based of anonymous complaint five charges were leveled against the petitioner.
18. That the charges against the petitioner were as follows.
  - i. That on a tip of information, SHO PS Ghoriwala raided the house of Khudadad at Toro Balo Michan Khel on 07-04-2016 and recovered a huge quantity of arms/ammunition. He informed DPO/Bannu who sent defaulter DSP to the scene. The arms/ammunitions were brought in two vehicles under his supervision to the Police Station.
  - ii. That while he (defaulter) reached the Police Station took 02 Kalashnikovs. 02 Pistols and boxes of live rounds for himself. Later during counting again he (defaulter) took another 5/6 Kalashnikovs alongwith boxes of live rounds and distributed pistols amongst the Police Officers, who participated in the raid.
  - iii. That reportedly he (defaulter) tried to sell official trees through his subordinate staff on Mandan Road near Police Post "Yak Qabar".





- iv. That being a supervisory officer, his above acts has degraded the image of Police in the eyes of Police as well as general public.
- v. That reportedly he bears stinking reputations.
- 19. That the petitioner was proceeded against departmentally, inspite of denial of charges the then inquiry committee without affording opportunity of defence and final show cause notice recommended major punishment and the competent authority accordingly awarded punishment of **compulsory retirement** from service vide order Nos/5545-60 dated **15-8-2016**.
- 20. That aggrieved from the order and after exhausting departmental remedy the petitioner moved service appeal No.1236/16 in the Honorable KPK Service Tribunal against the punishment order.
- 21. That vide judgment dated 02-03-2018 the Honourable KPK Service Tribunal was pleased to accept appeal and consequently the petitioner was reinstated in service and denove inquiry was directed to be conducted which shall be completed within **90 days** failing which the petitioner will be entitled for all back benefits. (Copy is enclosed)
- 22. That the case was remanded by the KPK Service Tribunal because the principles of justice were not satisfied by the inquiry committee.
- 23. That in compliance with the direction of the Honorable Service Tribunal the petitioner was reinstated in service as DSP and kept at the strength of the central police office KPK Peshawar.
- 24. That De-Novo inquiry against the petitioner was ordered on dated 20-4-2018 by the department. It is also worth mentioning here that the petitioner appeal was accepted on the basis of innocence of the petitioner by honorable provincial service tribunal.
- 25. That the petitioner on 25-04-2018 made arrival report in the CPO and received the charge sheet on 27-04-2018.
- 26. That after the expiry of the 90 days stipulated period fixed by the service Tribunal the fate of the instant enquiry was decided after 112 days.
- 27. That as a result of the De-Novo inquiry the petitioner was awarded major punishment of the reduction in rank from the DSP to the rank of inspector vide order bearing Nos/2960-72/18 dated 17-7-2018 Peshawar . **(Copy enclosed)**.
- 28. That the impugned order dated 17-7-2018 aggrieved the petitioner to which following are some of the grounds of the review petition:-

**GROUNDS:-**

- A. That the impugned order is against law, facts on record and being not in accordance with the principle of justice is liable to be set aside.
- B. That during pendency of the De-Novo inquiry. That the petitioner felt that one of the member of the inquiry committee namely Irfanullah AIG / Establish was

*[Handwritten signature]*

biased, partial and one sided. Hence the petitioner vide his written application requested for his substitution with the officer who is impartial and well behaved. The competent authority was pleased to replace Mr.Wasim Khalil SP HQr as member in place of Mr.Irfanullah however the petitioner during inquiry did not see him participating the inquiry proceedings. Hence the alleged replacement of member of the inquiry committee was for the name sake and nothing else. Hence infact the inquiry committee consisted of two member instead of the three. Hence the inquiry was Quoram non judice for all practical purposes and it could not legally recommend anything to the competent authority.

- C. That in view of the above legal flaw, recommendation of punishment by the inquiry committee was illegal and incompetent. Thus its recommendation against the petitioner has got no legal value.
- D. That in the De-Novo inquiry irregularities in the earlier inquiry were again repeated on the basis of which the service tribunal directed to conduct De-Novo inquiry.
- E. That in the inquiry proceedings at **para 2-2**, the inquiry committee has incorrectly stated that Haji Ghulam Razaq the then SHO Ghuriwala Jamshad Ali ASI, Feroze Khan MHC were examined. In presence of the petitioner during the De-Novo inquiry proceeding not a single witness appeared to record his statement in the presence of petitioner. Thus under circumstances when a person is not present how can be he examined and cross examined. Thus this para is frivolous, misleading and baseless/ concocted.
- F. That in fact the petitioner through written application requested members of the inquiry committee to summon some of the material witnesses i.e investigation officer and ASI Rehmatullah who were present on the spot and as well as witness to the recovery memo. That through another application the petitioner requested the inquiry committee to summon the police officers who were members of the raiding police party and the petitioner may be allowed to cross examine them but both the applications were turned down. (copies are already enclosed with the reply of final show cause notice) Thus the petitioner has been deprived of his right of defense which is a sheer violation of law and justice.
- G. That the De-Novo inquiry is a mere repetition of the former inquiry. The Honorable Service Tribunal directed initiate De-Novo inquiry so that to rectify the loopholes left in the former inquiry committee but the present / later inquiry committee not pay attention to the directions of the Honorable Service Tribunal and finalized the inquiry in accordance with their whims and wishes.
- H. That the inquiry committee became bias, one sided and arbitrary when the petitioner submitted application for replacement of one of the members of the inquiry committee.
- I. That the inquiry committee by all means was bent upon to recommend the petitioner for major punishment.
- J. That amongst the five charges against the petitioner the inquiry committee opined in **para No.4-1** that the **1st charge** could not be proved because the petitioner in compliance with the lawful orders of the DPO Bannu had reached the place of

ATTORNEY

occurrence. Similarly the third allegation relating to selling of official trees could not be proved according to the para No.3-13, 4-1, 4-3 de-novo inquiry report against the petitioner

K. That one sidedness of the inquiry committee is reflected from the fact that in the findings at para 4-2 it is stated that the petitioner took 2 kalashincove, 2 pistols from the spot. The inquiry committee further added that no proof/evidence find for taking of weapons and live rounds by the petitioner in the PS. Conversely to the above fact the charge sheet, statement of allegation, final show cause notice and the impugned order have given quite opposite picture stated that the petitioner took 2 SMGS and 2 pistols in PS Ghuriwala. In view of the material contradictions question arise that which of the two versions is true? Whether taking 2 pistols and 2 SMGS from the spot by the petitioner are true or 2 pistols 2 SMGS from the PS is true.

The above facts depicts that there is glaring and significant contradiction between the charge sheet and impugned order and the findings. On the basis of the said contradiction neither any punishment can be awarded nor the punishment can sustain on this sole ground.

As stated earlier, in para No. 3-7 it has been established beyond any doubt that when the petitioner reached the spot murasila was already sent to P.S Ghuriwala for registration of the case, weapons were already counted and detailed accordingly in the recovery memo. Under such circumstances there was no opportunity for the petitioner to take pistols and SMGS for himself. Hence the allegation of taking away 2 pistols and 2 SMGS could not be established. The case property was safe and secure and there was no misappropriation of the same by the petitioner or anybody else.

It is a matter of concern that service career of an officer is at stake but the inquiry committee has taken the matter very lightly such an attitude is disapproved by the Honorable Courts, law & rules.

L. That according to the findings of the inquiry committee that " the fourth allegation that the acts of Ex-DSP Rural Said Khan Bangash have degraded image of police is proved as taking weapons for personal use from recovered case property indeed brings bad name to police department".

It is very astonishing that without recording evidence and affording opportunity of cross examination the inquiry committee reached at such a conclusion.

M. That according to the inquiry committee findings at para 4-5 it has been mentioned that " the fifth allegation against Ex-DSP Rural Said Khan Bangash of bearing stinking reputation was inquired and from the consulting of his character roll, it transpired that he was issued two displeasure notices vide letter No.1047/PA dated 15-6-2004 and 1704-41/PA dated 18-4-2014 and there were adverse remarks in his two Acrs for the year 2004 and 2008. From the remarks of senior police officers jotted down in displeasure notices and ACR,s, the said allegation of bearing stinking reputation is substantiated, hence proved"

The inquiry committee holding the above allegations against the petitioner has displayed its bias and partiality against the petitioner. As far as displeasure notices are concerned they are very old and cannot be used as a material for awarding punishment to the petitioner. Moreover, the two adverse Acrs referred by the

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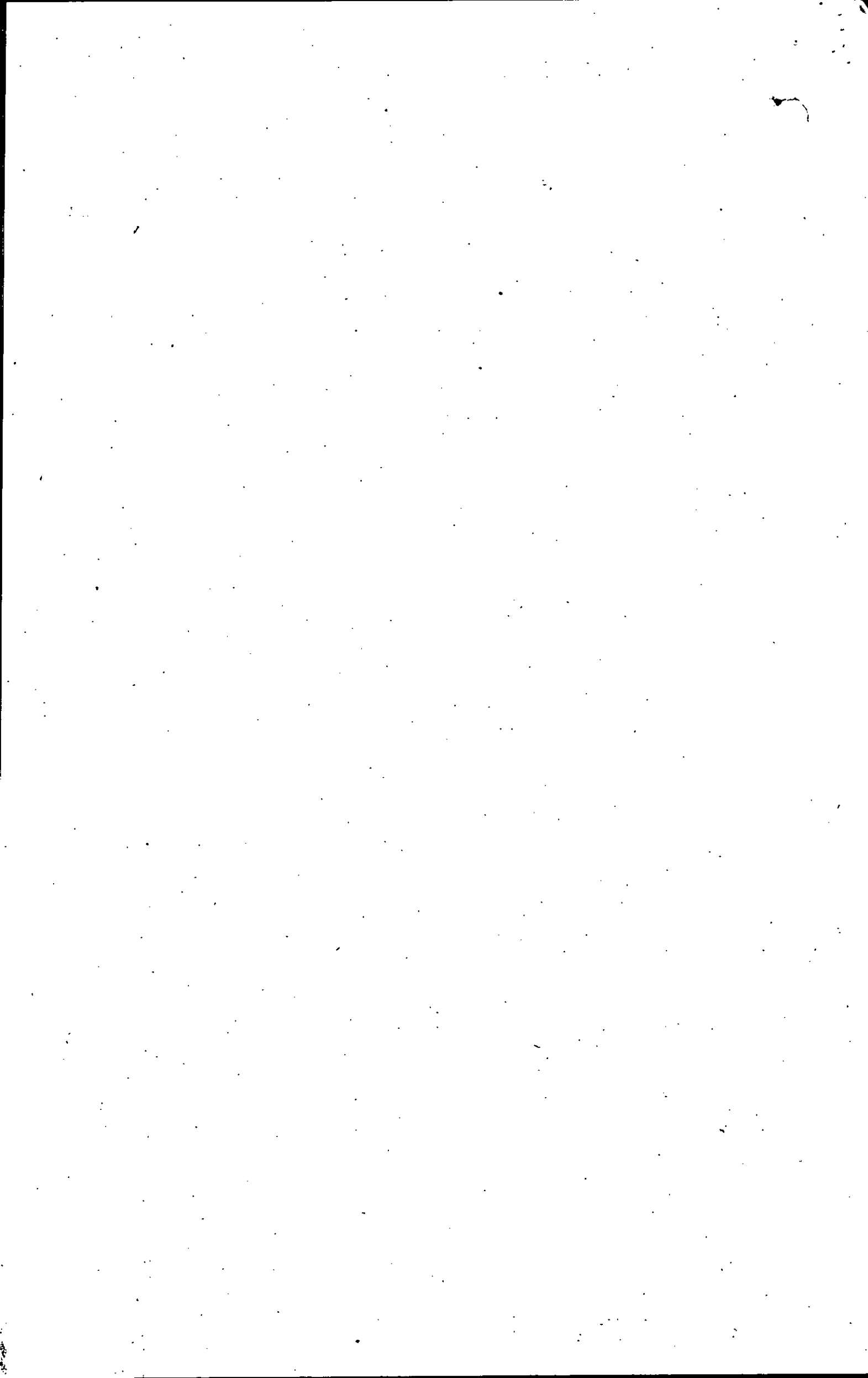




committee pertain to the year 2004 &2008. Both the Acrs are less then three months hence on the bases of such material no adverse opinion can be formed against the petitioner. By holding adverse opinion by the inquiry committee on the bases of such a doubtful material the inquiry committee has committed a glaring mistake of law & fact. Thus it is not legally a valid ground for awarding punishment to the petitioner. (copies of the both ACR,s less then 3 months and had been expunged by the service tribunal are enclosed)

- N. That the order of the punishment is legally defective because in the concluding paragraph, the competent authority has stated that the major punishment of compulsory retirement from service awarded to Ex-DSP Said Khan is converted into major penalty of reduction in rank form the DSP to the rank of Inspector. In fact, by virtue of the order of the service tribunal the petitioner was in the rank of DSP and the De-Noyo inquiry was initiated against the petitioner afresh. In view of the above, it is incorrect to refer the previous inquiry. Infact the punishment was not conversion from one punishment to another punishment but reduction in rank was the fresh instead of conversion of the punishment. Hence the order of punishment at this score has become legally defective and of no legal consequence.
- O. That under the **fundamental Rules, Rule 29**, it has been specifically envisaged that in case of awarding punishment of reduction in rank, the authority is required to mention period during which the punishment shall be effective but in case of the petitioner, the authority has not mentioned the period during which the punishment shall remain effective. Hence the order of punishment has become legally defective/incompetent and of no legal consequence, hence the impugned order is liable to be set aside.(Copy enclosed)
- P. That the petitioner is totally innocent. There is no evidence against the petitioner. The inquiry committee did not record fresh evidence and relied upon the previously recorded evidence in connection with the former inquiry which was discarded by the KPK Service Tribunal.
- Q. That the KPK Service Tribunal remanded the case to fulfill the ends of justice and to fill the lacuna left by the previous inquiry but the De-Novo inquiry committee failed to follow the directions of the KPK Service Tribunal and thus still the inquiry suffer a number of legal and factual lacunas which have vitiated the entire departmental proceedings.
- R. That on 29-5-2018 Mr.Waseem Khalil SP HQ was appointed as a member of inquiry committee but did not participated the inquiry proceedings. Wasim Khalil SP/HQ member of the inquiry committee. Moreover the petitioner has never seen Wasim Khalil SP HQ attending the inquiry proceedings nor the petitioner can identify Wasim Khalil SP HQ.
- S. That after 29-5-2018 and before in the presence of the petitioner no statement of any witnesses was recorded. Thus the finding of the inquiry committee are misleading and fabricated. The stance taken by the petitioner is valid and genuine because record shows no cross examination by the petitioner during the inquiry proceedings on or before and after 29-5-2018 the petitioner had moved applications on 26-6-2018 and 2-7-2018 for provision of the copies of the statements of the witnesses but no copy was delivered to the petitioner which is

ATTACHED



violation of chapter 11 rule 63 (2) and chepter 16 rules 24 (1) of the Police Rules 1934.

- T. That the petitioner had requested through written applications on 7-5-2018 the inquiry committee to **summon 13 police officials** who were present with the SHO Ghulam Razaq PS Ghuriwala during the raid for their summoning **detail reason** were furnished to inquiry committee according to the police rules, 16-24(V) but even then the said witnesses were not summoned which speaks of the malafide and biased attitude of the inquiry committee.(Copies of the both applications alongwith the names of witnesses mentioned in D.D No. 5-7-15 dated 7-4-2016 PS Ghuriwala )
- U. That the petitioner submitted copies of the on oath statements of the police officers / officials recorded in the **ATC Bannu** which were annexed with the reply of charge sheet and final show cause notice but the inquiry committee in sheer violation of the rules ignored the statements and request of the petitioner.
- V. That in view of a para No.3-12 of the finding of the inquiry committee coupled with statement of Jamshid Khan ASI witness to the recovery memo and Feroz Khan MHC no case against the petitioner has been established / proved. In fact the statement of Jamshad ASI witness of the spot and recovery memo and Feroz Khan MHC witness of the police station negated the allegation leveled against the petitioner, rather supported the version of the petitioner regarding his innocence.
- W. That the petitioner has rendered more or less 41 years service in the police department. During service the petitioner did not come across with such an ugly situation.
- X. That the De-Novo inquiry committee also failed to evaluate the personal character of Ghulam Raziq the then SHO P.S Ghuriwala who during his service on account of gross misconduct was awarded major and minor punishments. In fact he hatched a conspiracy against the petitioner but the inquiry committee without verification of his personal character followed him in Toto. Thus a significant error of law has occesioned and punishment order has become legally defective.  
 Moreover the accused involved /arrested in the terrorism case, got acquitted during trial due to the contradictory statements of Ghulam Razaq SHO PS Ghuriwala. However the inquiry committee did not took notice of the same during the de-novo inquiry. The committee also did not consider my defence version at para 3-8, 3-11,3-5,3-4,4-3. Instead of recommending the said SHO to be dealt with departmentally, the petitioner was held responsible according to para No. 4-3 for the contradictory statement of the said SHO whereas the petitioner was transferred to CPO from Bannu during the appearance and examination of the SHO as per before the court. According to law, a witness himself could be held responsible for his contradictory statements and none else.
- Y. That the finding of inquiry committee mentioned at para No.3-10 is totally false and frivolous as non of the member of the inquiry committee had even asked the petitioner for producing any defense in fact the petitioner had submitted applications to examine the investigation officer and Rehamatullah ASI and other police official/officer who were the member of the raiding party but non of them was examined which is clear violation of the rules. The inquiry committee was bound to examined the concerned witnesses to reach the fair conclusion. But

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instead of examining the witnesses, the inquiry committee incorrectly shifted the burden on the shoulder of the petitioner.

- AA. That the De-Novo inquiry consists of a number of legal and factual contradictions. In presence of such contradiction the impugned order does not hold good under the law.
- AB. That the petitioner is at the verge of superannuation. He will retire in January 2020 on attaining the age of 60 years. At this stage the petitioner deserve mercy of his seniors so that he may lead the rest of his life comfortably and without any tension.

**Prayer:**

It is therefore, humbly prayed that the impugned order No. S / 2960-72 / 18 dated 17-7-2018 being legally defective, one sided and arbitrary in nature, does not satisfy the ends of justice, combination of legal and factual contradictions may be set aside and all back benefits may be also be allowed in the great interest of law & justice. The petitioner will be highly obliged for this act of kindness and anticipation

Dated 01-08-2018

(Petitioner)

**Said Khan Bangash**  
( Ex-DSP CPO Peshawar )  
Cell.0333-5011001

*Inspector*

**ACCEPTED**





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

No. S/ 3343

/18, Dated Peshawar the 16/08/2018.

M  
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ORDER

This order is hereby passed to dispose of review petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by **Inspector Said Khan Bangash (the then DSP)** against the order of his reduction in the rank from DSP to the rank of Inspector passed by IGP, Khyber Pakhtunkhwa, Peshawar vide order No. S/2960-72/18, dated 17.07.2018.

The brief, yet relevant, facts, of the case are that the petitioner was compulsory retired from service vide IGP/Khyber Pakhtunkhwa, Peshawar order No. S/5545-60/16, dated 15.08.2016 on the following allegation:-

- i. That on a tip of information, SHO PS Ghoriwala raided the house of Khuda Dad at Toro Balo Michan Khel on 07.04.2016 and recovered a huge quantity of arms/ammunitions. SHO informed the then DPO/Bannu who sent the petitioner to the scene. The arms/ammunition were brought in two vehicles under the supervision of petitioner to the police station.
- ii. That while the petitioner reached the police station, he took 02 Kalashinkovs, 02 pistols and boxes of live rounds for himself. Later during counting again the petitioner took another 05/06 Kalashinkovs alongwith boxes of live rounds and distributed pistols amongst the police officers, who participated in the raid.
- iii. That reportedly he tried to sell official trees through his subordinates staff on Mandan road near Police Post "Yak Qabar".
- iv. That being a supervisory officer, his above acts degraded the image of police in the eyes of police as well as general public.
- iv. That reportedly he bear stinking reputation.

He preferred review petition which was discussed in the Review Board meeting held on 05.06.2017 and rejected vide CPO order No. S/3989-4000/17, dated 05.07.2017.

The petitioner approached Khyber Pakhtunkhwa Service Tribunal, Peshawar vide service appeal No. 1236/2016. Khyber Pakhtunkhwa Service Tribunal, Peshawar vide judgment dated 02.03.2018 accepted his appeal and reinstate the petitioner and the department was directed to hold de-novo proceedings within a period of 90 days and the issue of back benefits was ordered to be subjected to the outcome of the de-novo proceedings.

In the light of decision of Service Tribunal, de-novo enquiry was conducted against him and he was awarded penalty of reduction in the rank from DSP to the rank of Inspector vide IGP/Khyber Pakhtunkhwa, Peshawar order No. S/2960-72/18, dated 17.07.2018.

Inspector Said Khan Bangash (the then DSP) has filed review petition against order dated 17.07.2018, passed by IGP whereby he was awarded penalty of reduction in the rank from DSP to the rank of Inspector.

Meeting of the Review Board was held on 15.08.2018, wherein the petitioner was present and heard in person.

ATTESTED

Enquiry papers were perused which revealed that the petitioner was held guilty in earlier enquiry as well as denovo enquiry. The petitioner failed to advance any cogent reasons to rebut the finding of enquiry. Therefore, his petition is hereby rejected.

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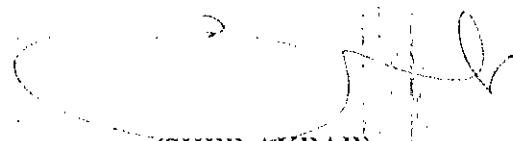
-Sd-

(MUHAMMAD TAHIR)  
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar

No. S/3344-60/18.

Copy of the above is forwarded to the:

1. Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Home & T.A's Department, Khyber Pakhtunkhwa, Peshawar.
3. All Addl: IGsP in Khyber Pakhtunkhwa.
4. Regional Police Officer, Bannu.
5. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
6. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. District Police Officer, Bannu.
8. Office Supdt: E-I, CPO, Peshawar.
9. Office Supdt: E-II, CPO, Peshawar.
10. Asstt: Secret CPO.
11. UOP file.
12. Officer concerned.



(SHER AKBAR)

PSP, S.S.

Deputy Inspector General of Police, HQrs:  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

ATTACHED



خدمت جناب ڈی جی فو انکوائری آفس صاحب KPS

دفتر سہت برادہ بائزر مین و سرورس علی لاکھا

جناب صاحب  
 ہذا در ذمہ سہت مین کے پیش کے خلاف جو ڈی جی فو انکوائری آفس کے  
 صاحب، مقدمہ نمبر انکوائری کے مسلح علیہ سابقہ انکوائری کمیٹی آفس کے  
 قسیمی آفس انٹیکمپ ہمدان الہی جرح وقوع وارڈ ۱۱ ایٹا ایچ ڈی کے  
 بعد اس کے علاوہ راجن انکوائری کے ۵۵۵ نمبر انکوائری جرح ڈی جی فو کے  
 سے کہ بیانات میں پیش کیا گیا۔ ۱۱ وارڈ کے بیان علیہ انکوائری  
 مقدمہ ہمدان آئی بی میں قبیلہ کے لئے علیہ جو کہ بیانات مقدمہ  
 جرح وارڈ کے ساتھ مذکورہ کے لئے علیہ ۱۱ وارڈ کے بیانات مقدمہ  
 کے ساتھ ہیں۔

ہذا دستاویز ۱۱ وارڈ کے ساتھ پیش کیا گیا ہے۔  
 جن سے بیانات قبیلہ کے لئے مقدمہ کے لئے پیش کر کے  
 جرح کے لئے موقع دیا جاوے۔

کریس 7/18

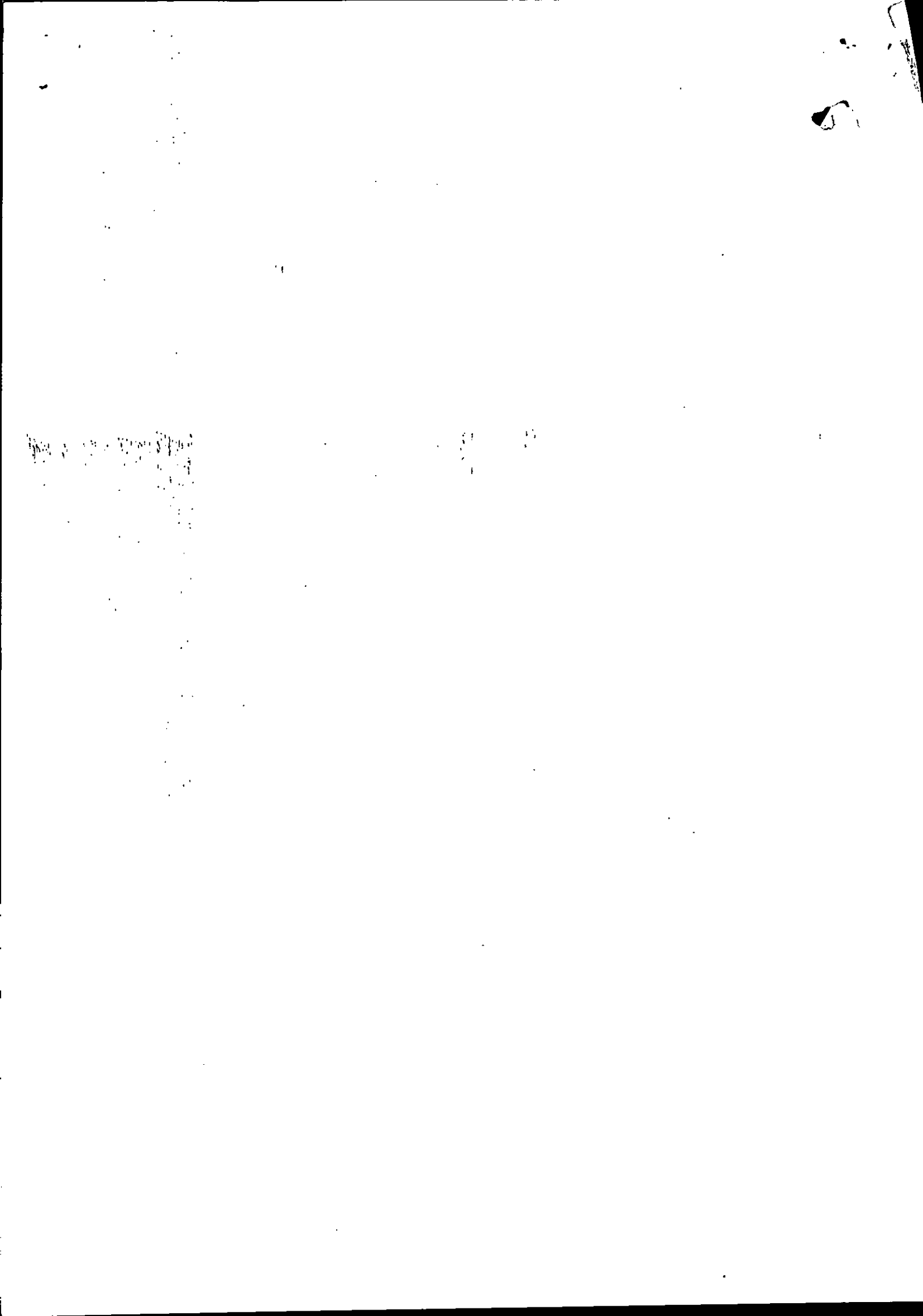
الکھن  
 رضن لکھنوی

Received  
 7/18




AL TESTED







47568

قیمت 50 روپے	  
ایڈریس:	پشاور بار ایسوسی ایشن، خیبر پختونخوا
بار کونسل ایسوسی ایشن نمبر:	
رابطہ نمبر:	

بعدالت جناب: سرسید محمد علی شاہ

مخاطب: سید خان بنکس	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

سید خان بنکس بنام پوسٹ ڈیپارٹمنٹ

بامث تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کارروائی متعلقہ  
آن مقام۔ سرسید محمد علی شاہ کو وکیل کے طور پر مقرر کیا گیا ہے۔

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقررات و فیصلے برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز  
دائرہ کرنے اپیل نگرانی و نظرتانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے  
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم:

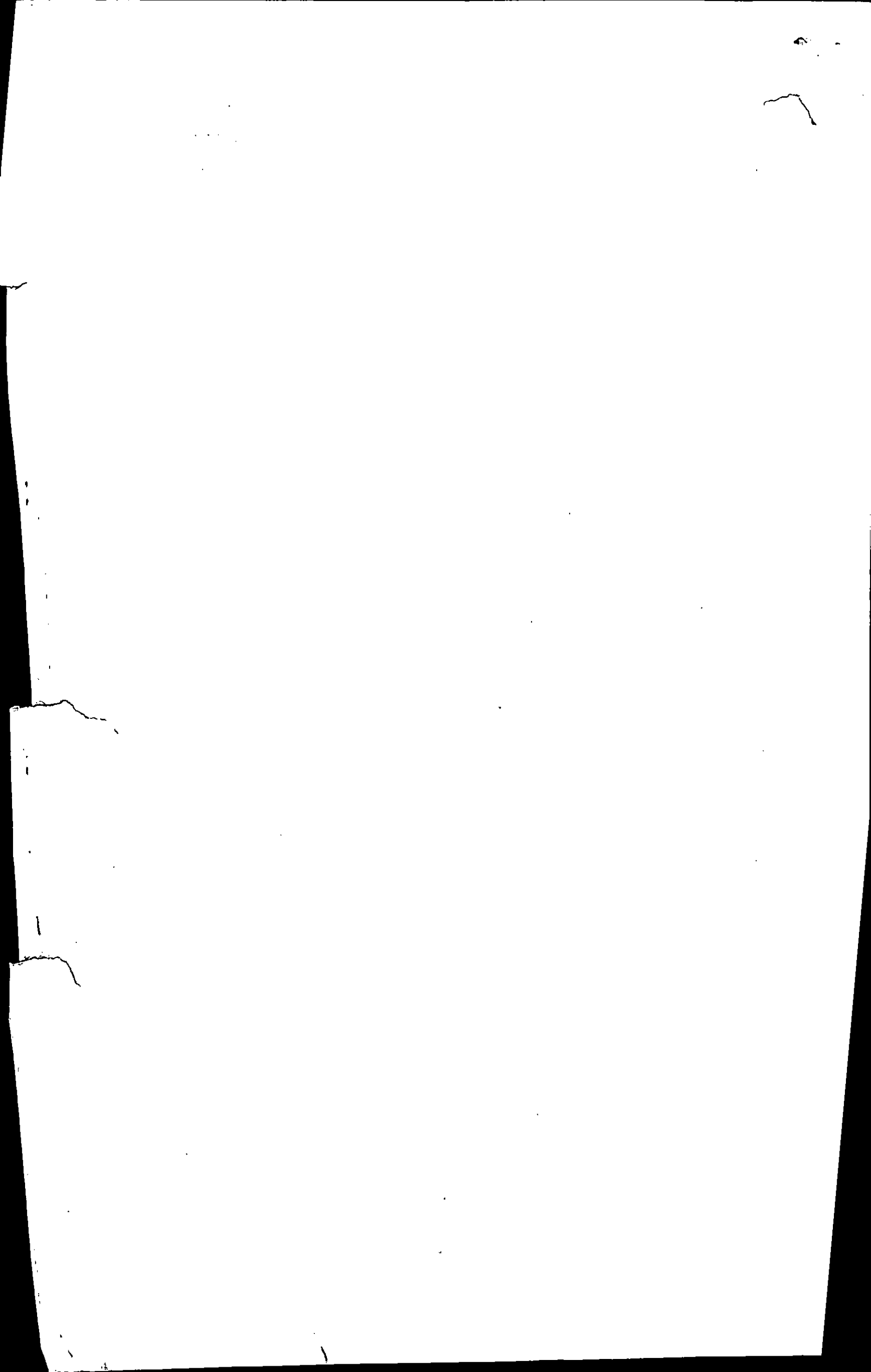
JESHAWAR BAR ASSOCIATION  
KHYBER PAKHTUNKHWA

Accepted

Attested  
[Signature]

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

سید



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

Service Appeal No.1064/2018

Said Khan Bangash.....(Appellant)

Versus

PPO Khyber Pakhtunkhwa & others.....(Respondents)

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

**PRELIMINARY OBJECTIONS:-**

- a) The appeal has not been based on facts.
- b) The appeal is not maintainable in the present form.
- c) The appeal is bad for mis-joinder and non-joinder of necessary parties.
- d) The appellant is stopped to file the appeal.
- e) The appeal is barred by law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

**FACTS:-**

1. Incorrect, according to departmental file appellant along with SHO was present during raid on the house of Khudadad where from huge quantity of arms and ammunition was recovered. Appellant took away two Kalashnikov and Two Pistols out of the case property for his personal use. The enquiry committee has further reported that appellant was bearing stinking reputation and he tarnished the image of Police.
2. Correct, to the extent of issuance of charge sheet, statement of allegation and show cause notice to appellant but the reply of appellant submitted in response to the charge sheet was found unsatisfactory and the enquiry committee reported that the charges leveled against appellant were proved. Therefore, the impugned order was correctly passed.
3. Incorrect. The committee conducted an enquiry against the appellant purely on merits and in accordance with law and rules in which all the lawful opportunities of defence including cross examination of witness were extended to him. The allegation leveled against him have been proved and appellant was held guilty.
4. Correct to the extent that service appeal No.1236/16 of the appellant was accepted by Honorable Service Tribunal Peshawar vide judgment dated 02.03.2018, reinstated the appellant in service and directed the department to hold de-novo proceedings within a period of 90 days of the receipt of the judgment. The issue of back benefits shall be subject to outcome of the de-novo enquiry and rules on the subject. Therefore in compliance with the order of Tribunal, de-novo enquiry was conducted through enquiry committee. The enquiry committee has conducted de-novo proceedings in accordance with law and rules. The appellant was afforded all the lawful opportunities of defence, and he was held guilty. In the light of

recommendation of enquiry committee, the Competent Authority has converted the major punishment of compulsory retirement of the appellant into major penalty of reduction in rank from the DSP to the rank of Inspector vide order No. S/2960-72/18 dated 17.07.2018. (Copy of order enclosed as annexure "A".)

5. Pertains to record. As stated in Para No. 04 above.
6. Incorrect. The de-novo proceedings were initiated by the enquiry committee purely on merit and in accordance with law and rules. The appellant was afforded all the lawful opportunities of defence including cross examination of the witnesses. The appellant was held guilty of the charges. Therefore a final show cause notice was issued by the Competent Authority. Copy of enquiry report is annexure "B".
7. Pertains to record.
8. The appellant has not come to this Honorable Tribunal with clean hands. All the proceedings were conducted in accordance with law/rules and codal formalities full filed.

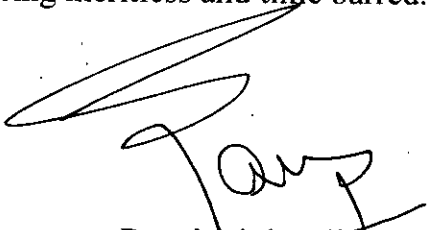
**GROUND:-**


- A. Incorrect. The impugned orders were passed by the Competent Authority in accordance with law and rules. .
- B. Incorrect. The Police Rules 1975 (amendment 2014) is applicable upto the rank of Deputy Superintendent of Police The de-novo enquiry was conducted in accordance with law and rules applicable to Police Force being special law. All the legal and procedural formalities were adopted by the enquiry Committees. The rulings referred in this Para are of the year 1984 whereas, amendment in Police Rules 1975 was made in the year 2014.
- C. Incorrect. The enquiry committee has conducted impartial, fair and transparent enquiry and has based finding report on solid reasons and grounds. The appellant was associated with enquiry proceedings, witnesses were examined in his presence and he was afforded an opportunities of cross examination.
- D. Correct to the extent that appellant has filed application against one of the member of enquiry committee, namely Irfan Ullah AIG Establishment Khyber Pakhtunkhwa which was accepted by the authority and he was replaced by Waseem Khalil SP HQrs: CCP. The remaining portion of the Para is incorrect. The enquiry committee has conducted impartial, fair and transparent enquiry in which he was held guilty.
- E. Incorrect. According to enquiry report, all the relevant witnesses including the witness of recovery memo were examined in the presence of appellant and he was given an opportunity of defence.

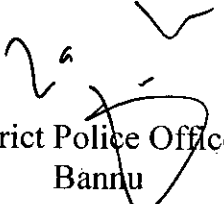


- F. Incorrect. The appellant was given an opportunity to produce defence in his favour if he has but he replied in negative and not produced a single witness in his favour.
- G. Incorrect. The enquiry committee, referred displeasure notice and adverse remarks issued by the authority in wake of allegation of his stinking reputation.
- H. Incorrect. The de-novo proceedings were conducted in accordance with law and rules in which all the legal and procedural formulates were adopted by the enquiry committee.
- I. Incorrect. All the allegation leveled against him have been proved in de-novo proceedings conducted by enquiry committee purely on merit and in accordance with law and rules.
- J. Incorrect. The appellant was found guilty in de-novo proceedings conducted by the enquiry committee in accordance with law and rules.
- K. Incorrect. An opportunity of personal hearing was given to the appellant by the Competent Authority
- L. Incorrect. The de-novo enquiry was conducted by the enquiry committee purely on merits and in accordance with law and rules.
- M. Incorrect. The penalty of reduction in rank was imposed by the authority in accordance with law and rules.
- N. The respondent may also allowed to advance additional grounds at the time of hearing.

In view of above, it is humbly prayed that on acceptance of Para-wise comments, the instant Service Appeal may kindly be dismissed being meritless and time barred.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondents No.01)

  
Regional Police Officer,  
Bannu  
(Respondents No.02)

2<sup>a</sup>  
  
District Police Officer,  
Bannu  
(Respondents No.03)

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER  
PAKHTUNAKHWA PESHAWAR

Service Appeal No. 1064/2018

Said Khan Bangash.....(Appellant)

Versus

PPO Khyber Pakhtunkhwa & others ..... (Respondents)

AFFIDAVIT

I, Abdur Rehman DSP Legal CPO, Peshawar do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of Respondents 01; to 03 are correct to the best my knowledge and belief. Nothing has been concealed from this Honorable Service Tribunal.

DEPONENT



Abdur Rehman,  
DSP/Legal  
17102-1175519-9

17  
~~30~~-1-19

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

**Service Appeal No. 1064/2018**

**Sajid Khan Bangash**

**VS**

**Police Department**

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

- (a-f) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1 Incorrect. The SHO P.S Gori Wala informed the DPO Bannu about raided on the houses of khudada and on information the DPO concerned directed the appellant to go to the spot and when the appellant reached the spot, the SHO has already prepared recovery memo sealed the arms/ammunitions and loaded the arms of ammunition in the two officials vehicles which were only brought under the supervision of the appellant to the concerned Police Station. Moreover as per sticking reputation, the inquiry committee did not give any specification about that sticking reputation and no one can be punished on the basis of presumption as per Superior Courts Judgments.
- 2 Incorrect. In the reply to charge sheet and show cause notice the appellant denied the entire allegations and the impugned orders were not passed in accordance with law and procedures.
- 3 Incorrect. No regular inquiry was conducted by the inquiry committee against the appellant and no proper procedure was adopted under the proper law, therefore the Honorable Tribunal has directed de-novo inquiry in the service appeal No. 1236/2016.
- 4 First portion of Para-4 of the appeal is correct, hence no comments. While the rest of Para is incorrect as the de-novo inquiry was also not conducted according to the prescribe procedure as no

opportunity of defense was provided to the appellant as neither the statement of witnesses were recorded in the presence of appellant nor give him opportunity of cross examination of witnesses. But despite that the inquiry committee held responsible the appellant.

- 5 Admitted correct by the respondent as service record of the appellant is present in the respondent department. Moreover as reply in Para-4 above.
- 6 Incorrect. The de-novo inquiry was not conducted according to the prescribe procedure as neither the statement of witnesses were recorded in the presence of appellant nor give him opportunity of cross examination of the witnesses which is violation of the law and rules and hence the impugned orders are not maintainable and liable to be set aside.
- 7 No comments.
- 8 Incorrect. The appellant come to this Honorable Tribunal with clean hands. No proper procedure was adopted by the respondent department before passing the impugned orders, therefore the appellant has good cause of action to filed the instant appeal.

**GROUND:**

- A) Incorrect. While Para-A of the appeal is correct.
- B) Incorrect. it was clearly mentioned in the High Court Judgment reported as PLJ 1984 Peshawar 124, the appellant being DSP should be dealt by E&D Rules, 2011 and not by Police Rules, 1975 which was already declared Ultra-Vires in the said judgment as well as by this Tribunal Judgment in the service appeal No. 1236/2016 of the appellant, therefore the whole proceeding taking against the appellant is void-ab-initio, therefore the impugned order is liable to be set aside on this ground alone.
- C) Incorrect. While Para-C of the appeal is correct.
- D) First portion of Para-D is admitted correct hence no comments. While the rest of the Para is incorrect hence denied as Wasim Khalil SP Headquarter did not participate in the inquiry proceedings hence the inquiry conducted against the appellant was corum-non-judice and could not recommended anything to the competent authority which means at the whole proceeding taken against the appellant on the basis of said inquiry is void-ab-initio.
- E) Incorrect. While Para-E of the appeal is correct.
- F) Not replied according to the Para-F of the appeal moreover the Para-F of the appeal is correct.

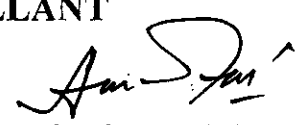
- G) Not replied according to the Para-G of the appeal moreover the Para-F of the appeal is correct. Furthermore, the inquiry committee mentioned in its report of sticking reputation of appellatant without any specification.
- H) Incorrect. While Para-H of the appeal is correct.
- I) Incorrect. While Para-I of the appeal is correct.
- J) Not replied according to the Para-J of the appeal. Moreover the Para-J of the appeal is correct.
- K) No opportunity of personal hearing was given to the appellatant by the competent authority before passing the impugned order which is violation of law and rules and norms of justice.
- L) Incorrect. While Para-L of the appeal is correct.
- M). Incorrect. The penalty imposed by the authority not accordance with law and rules as no time period was mentioned for reduction to lower scale which is violation of FR-29.
- N) Legal.

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

S  
Lw

APPELLANT

Through:-

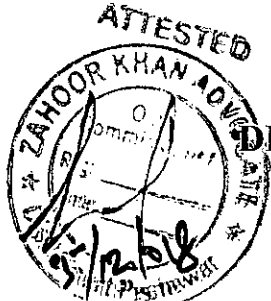
  
 (M. ASIF YOUSAFZAD)  
 ADVOCATE SUPREME COURT  
 &  
 (TAIMUR ALI KHAN)  
 ADVPCATE HIGH COURT

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able tribunal.

S  
Lw

ATTESTED


 DEPONENT

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

Service Appeal No. 1064/2018

Said Khan Bangash

VS

Police Department

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

- (a-f) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1 Incorrect. The SHO P.S Gori Wala informed the DPO Bannu about raided on the houses of khudada and on information the DPO concerned directed the appellant to go to the spot and when the appellant reached the spot, the SHO has already prepared recovery memo sealed the arms/ammunitions and loaded the arms of ammunition in the two officials vehicles which were only brought under the supervision of the appellant to the concerned Police Station. Moreover as per sticking reputation, the inquiry committee did not give any specification about that sticking reputation and no one can be punished on the basis of presumption as per Superior Courts Judgments.
- 2 Incorrect. In the reply to charge sheet and show cause notice the appellant denied the entire allegations and the impugned orders were not passed in accordance with law and procedures.
- 3 Incorrect. No regular inquiry was conducted by the inquiry committee against the appellant and no proper procedure was adopted under the proper law, therefore the Honorable Tribunal has directed de-novo inquiry in the service appeal No. 1236/2016.
- 4 First portion of Para-4 of the appeal is correct, hence no comments. While the rest of Para is incorrect as the de-novo inquiry was also not conducted according to the prescribe procedure as no

opportunity of defense was provided to the appellant as neither the statement of witnesses were recorded in the presence of appellant nor give him opportunity of cross examination of witnesses. But despite that the inquiry committee held responsible the appellant.

- 5 Admitted correct by the respondent as service record of the appellant is present in the respondent department. Moreover as reply in Para-4 above.
- 6 Incorrect. The de-novo inquiry was not conducted according to the prescribe procedure as neither the statement of witnesses were recorded in the presence of appellant nor give him opportunity of cross examination of the witnesses which is violation of the law and rules and hence the impugned orders are not maintainable and liable to be set aside.
- 7 No comments.
- 8 Incorrect. The appellant come to this Honorable Tribunal with clean hands. No proper procedure was adopted by the respondent department before passing the impugned orders, therefore the appellant has good cause of action to filed the instant appeal.

**GROUND:**

- A) Incorrect. While Para-A of the appeal is correct.
- B) Incorrect. it was clearly mentioned in the High Court Judgment reported as PLJ 1984 Peshawar 124, the appellant being DSP should be dealt by E&D Rules, 2011 and not by Police Rules, 1975 which was already declared Ultra-Vires in the said judgment as well as by this Tribunal Judgment in the service appeal No. 1236/2016 of the appellant, therefore the whole proceeding taking against the appellant is void-ab-initio, therefore the impugned order is liable to be set aside on this ground alone.
- C) Incorrect. While Para-C of the appeal is correct.
- D) First portion of Para-D is admitted correct hence no comments. While the rest of the Para is incorrect hence denied as Wasim Khalil SP Headquarter did not participate in the inquiry proceedings hence the inquiry conducted against the appellant was coram-non-judice and could not recommended anything to the competent authority which means at the whole proceeding taken against the appellant on the basis of said inquiry is void-ab-initio.
- E) Incorrect. While Para-E of the appeal is correct.
- F) Not replied according to the Para-F of the appeal moreover the Para-F of the appeal is correct.

- G) Not replied according to the Para-G of the appeal moreover the Para-F of the appeal is correct. Furthermore, the inquiry committee mentioned in its report of sticking reputation of appellant without any specification.
- H) Incorrect. While Para-H of the appeal is correct.
- I) Incorrect. While Para-I of the appeal is correct.
- J) Not replied according to the Para-J of the appeal. Moreover the Para-J of the appeal is correct.
- K) No opportunity of personal hearing was given to the appellant by the competent authority before passing the impugned order which is violation of law and rules and norms of justice.
- L) Incorrect. While Para-L of the appeal is correct.
- M). Incorrect. The penalty imposed by the authority not accordance with law and rules as no time period was mentioned for reduction to lower scale which is violation of FR-29.
- N) Legal.

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

*S*  
*W*  
APPELLANT

Through:-

*M. Asif Yousafzai*  
(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT  
&  
*Taimur Ali Khan*  
(TAIMUR ALI KHAN)  
ADVPCATE HIGH COURT

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able tribunal.

*S*  
*W*  
DEPONENT





KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1988 /ST

Dated 13 / 11 / 2019

To


The Provincial Police Officer,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 1064/2018, MR. SAID KHAN BANGASH.

I am directed to forward herewith a certified copy of Judgement dated 27.09.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

26 بیان ازلان شیردستان 3 سرر شوریج میل لولسین لولسین لولسین

حلقہ بیان کرنا میں کم جو عالمی اتحاد بظاہر دیکھ کر

حوالہ لیا ہے دریں طور پر جاننا میں جو جو ہے

بیان میں لیا جو درست ہے



The Police Commissioner Peshawar

26/5/08 - 336 4609153

Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

PW-1 Statement of Muhammad Feroz Khan Muhairir PS Choriwala District Bannu, on oath:-

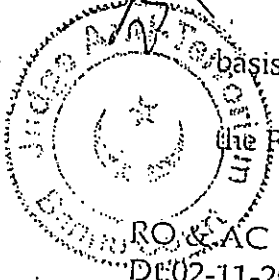
On receipt of murasila from Ghulam Razaq Khan SHO through constable Ahtesham No.5880, I incorporated its contents into FIR Ex:PA. The copy of FIR was handed over to Incharge investigation. Today I have seen the FIR which correctly bears my signature. The C.O investigation handed over to me the parcels containing recovered arms and ammunitions on same day for safe custody, which I kept in Mal Khana of the PS and thereafter I handed over the parcels to C.O investigation for onward submission to FSL Peshawar.

XX On behalf of accused Hasan Jan.

It is correct that the accused Hasan Jan is not charged in the FIR by the complainant.

XX On behalf of accused Safirullah.

The murasila was received at 18:40 hours and at once I started writing of FIR which consumed some fifty minutes. It is incorrect to suggest that the murasila was prepared inside the P.S. It is further incorrect that after drafting the murasila, I was directed for registration of the case on the basis of the said murasila. It is further incorrect that timing mentioned in the FIR is factitious.

*Ally Seal*  
*2/11/16*  
  
RO & AC  
Dt: 02-11-2016

*Mehmood*  
(Mehmood Ul Hassan Khattak)  
Judge, Anti-terrorism Court,  
Bannu.

26 بیان ازان حاجی غلام رزاق خان SFA نورالاحمال ASHA

نوٹنگ فوٹو نگریٹ

نے بد ریاضت بیان کیا کہ صوفی  $\frac{4}{16}$  کو سن سٹائی کو فیس

بدرست من الملائح ملی کہ طور پر بلوچین سٹیٹ ازان خداداد میں

کافی اہم وجود ہے۔ اسی اہلیہ پر میں نے نوری پولیس سٹیٹ

ازان خداداد کا ریکارڈ سٹیٹ کو گھر سے میں لگا اور جہاں SFA

سے لوٹن میں لگاؤں، جس نے جہاں SFA صاحبہ کو موقع پر

میں کا حکم دیا کہ جہاں میں جہاں SFA صاحبہ نے زیر ترقی

سٹیٹ خداداد کے نامے وغیرہ لکھ کر چیکنگ پر مہر لکھی حکم

وجود تھا۔ تمام حکم کو ہم اچھوٹیشن گاڑی میں ڈال لگان

نورالاحمال لکھی لیا دیاں میری طرف سے گنتی سے پہلے جہاں SFA

صاحبہ ڈیوٹی رکھنے کو اور ڈیوٹی رکھنے والے سٹیٹ لکھی لکھی

گاڑی کے فزٹ سٹیٹ میں ڈال لگا۔ اس سے بعد حکم اچھوٹیشن کی

سٹیٹ لکھی لکھی اور اس ڈیوٹی لکھی ڈیوٹی رکھنے کو اور

ڈیوٹی رکھنے کو اور SFA صاحبہ اپنی گاڑی میں آگئی تھی جہاں

کا ذکر ہم نے لکھی لکھی لکھی لکھی لکھی لکھی لکھی لکھی

میں سے لکھی لکھی لکھی لکھی لکھی لکھی لکھی لکھی

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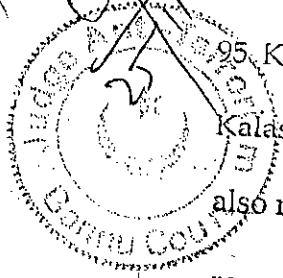
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PW-2

## Statement of Ghulam Razaq SHO Ghoriwala, on oath:-

Pursuance to the directions of high ups, on 07-04-2016, I alongwith Jamshed Khan ASI, Rahmatullah Khan ASI and other police contingent, held a Nakabandi near Sugar Mills Bannu. As election of Nazem-e-Aala was being held on the same day, therefore it was a special duty which was assigned to us for maintaining law and orders situation. In the meanwhile at about 1100 hours one Khudadad s/o Abdul Aziz R/O Toru Balu Machan Khel came there and informed me that on 05-04-2016 his brother in law Safirullah s/o Ahmadullah R/o Toru Balu Machan Khel came to him at Deger Vela alongwith an Afghan Refugee along with one minor boy of about 4/5 years and asked him that they are I.D.Ps and requested for allowing his Baitak for two days. He allowed Safirullah to use Baitak. At Khuftan Vela the above mentioned person came in a Mazda Truck to the Baitak and unloaded some luggage and kept it in his Baitak. At early morning they locked the Baitak and went outside. Khudadad Khan suspected the said commodities and informed me. On this I alongwith the police party rushed to the spot, unlocked the door of the Baitak, and recovered 14 plastic bags full of arms and ammunitions and 95 Kalashnikovs without magazines lying on the floor, out of which 18 Kalashnikovs have butts and 77 Kalashnikovs of folding butt. Besides I also recovered 04 Kalakovs without magazines and from the plastic bags, I recovered 129 Pistols of 09 MM bore alongwith fitted magazines, out of which 37 Pistols were without numbers, while others having numbers the detail mentioned in the recovery memo. Furthermore 256 Pistols of 30 bore and 45 Pistols of 32 bores were also recovered. Over and above 47000 rounds of different bores were recovered from the packets found in the

*Alexis - al*  
*4/10*



*[Handwritten signature]*

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plastic bags. The details of arms and ammunitions and other particulars have been mentioned in the recovery memo, were taken into possession by the accused Safirullah and other companions for terrorist activities. I drafted the murasila Ex:PW-2/1 and sent it to PS through constable Ahtesham No.5880 for registration of the case. Today I have seen the murasila, which correctly bears my signature.

I also seized the above mentioned arms and ammunitions vide recovery memo Ex:PW-2/2 in presence of marginal witnesses which correctly bears my signature. On arrival of the I.O to the spot, all the seized arms and ammunitions were produced before him, he took the same in possession and prepared parcels after counting of arms and ammunitions, satisfying himself to be correct as per murasila. Recovery memo Ex:PW-2/3 was prepared by the I.O in my presence and correctly bears my signature. I also pointed out the place of occurrence to the I.O and on my instance he prepared the site plan. My statement was also recorded u/s 161 Cr.P.C.

XX For accused (Safirullah).

At 1100 hours I received information by one Khudadad Khan s/o Abdul Aziz R/o Toru Balu Machen Khel about the availability of some suspected articles lying in his Baitak. The said informer accompanied us to the Baitak wherefrom the above mentioned arms and ammunitions were recovered. I have not made the said Khudadad neither as complainant nor as marginal witness to the recovery memo. We reached to the said Baitak at 11:30 am and the Baitak was locked. The said Baitak is situated in village abadhi, but I have not associated any elder or any other person from the said village during recovery proceedings. The articles which were recovered

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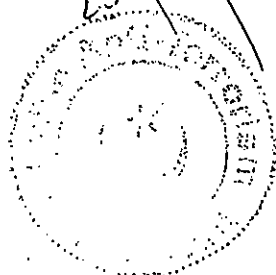
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arms and ammunitions were kept in the Baitak of Khudadad Khan R/o Toru Balu Machen Khel. Today I have seen the same which correctly bears my signature. My statement was also recorded u/s 161 Cr.P.C.

XX I was present with the SHO on Nakabandi. AT 11:00 am a person named Khudadad came there and informed the SHO. 95 Kalashnikovs, 129 of 09 MM bore Pistol, 256 of 30 bore Pistols, 45 of 32 bores, 04 Kalakovs and 47000 live rounds were recovered from the Baitak belonging to Khudadad. None was associated from the village Toru Balu Machen Khel during recovery proceedings. The said Khudadad had not accompanied us during the recovery proceedings. We the police party ourselves was already in knowledge about the location of the Baitak of Khudadad. The Baitak was already known to me as well as to the SHO Ghulam Razaq Khan. The Baitak was locked when we reached there and without asking for the keys, we broke the lock of the said Baitak. The house of said Khudadad is contiguous to the said Baitak. I along with the SHO and other nafree remained in the said Baitak till about 09:45 pm. During this period we the police party did not associate nor we ask the said Khudadad to come to his Baitak. The arms and ammunitions were not packed and sealed by the SHO but handed over the same in open condition to the I.O.

RO & AC  
Dt: 12-11-2016

  
(Mehmood-Ul Hassan Khattak)  
Judge, Anti-terrorism Court.  
Bannu



بیان از ان علم بر روی کاغذ ۸۵۵  
تلفاتیان آرتا سیرن. تم میخوردین بیان ۲ جوایز  
دعای جفا سیرن.

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۰۱۱۸۱۰۱۶

جمع سوال و جواب

سوال: چه جامع شریف من سوال علم تو ۲۸/۰۶  
۲ - آتنا ما ان کتاب ربنا و کرمنا

۳ - حرف ۲۸/۰۶  
۴ - هر که در کتاب و دفتر من است

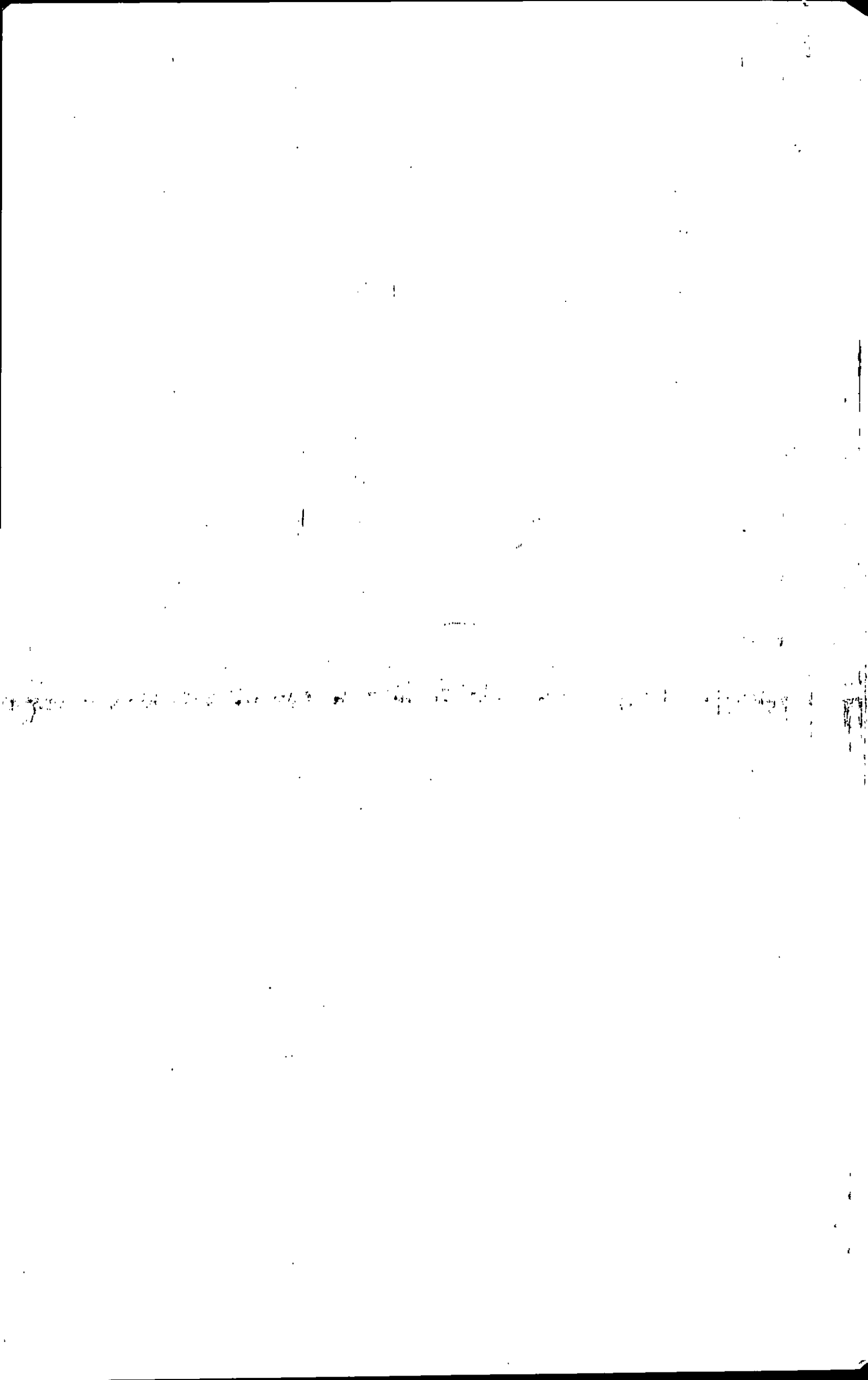
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هر که در دفتر من است  
دوستان من

سوال: کتاب و دفتر من جامع شریف من  
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دوستان من

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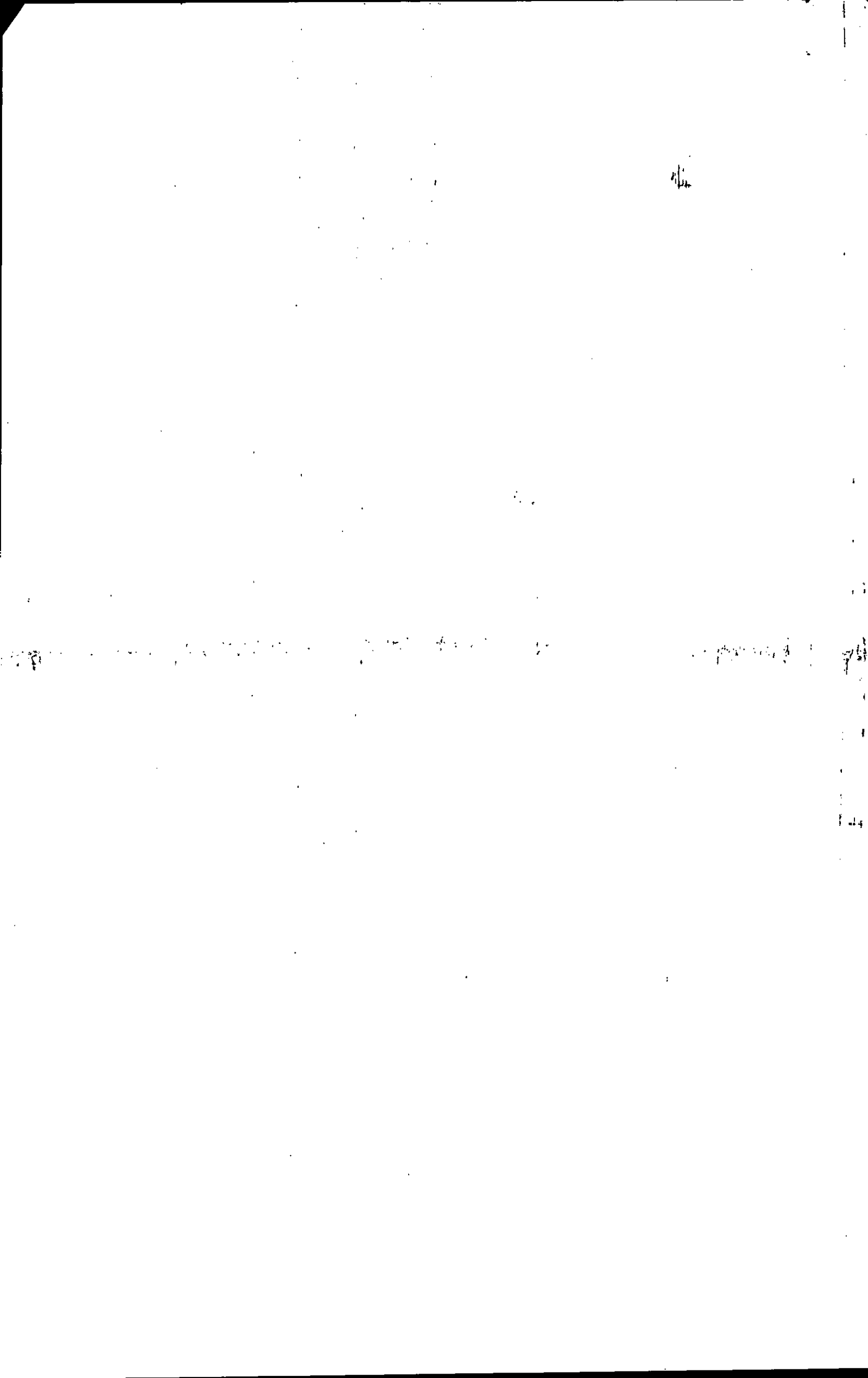
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سوال: حضرت جوئے پر جوہر کیا کرتے تھے اور وہاں کیا کرتے تھے؟  
ج: حضرت جوئے پر جوہر کرتے تھے اور وہاں بھی کرتے تھے۔

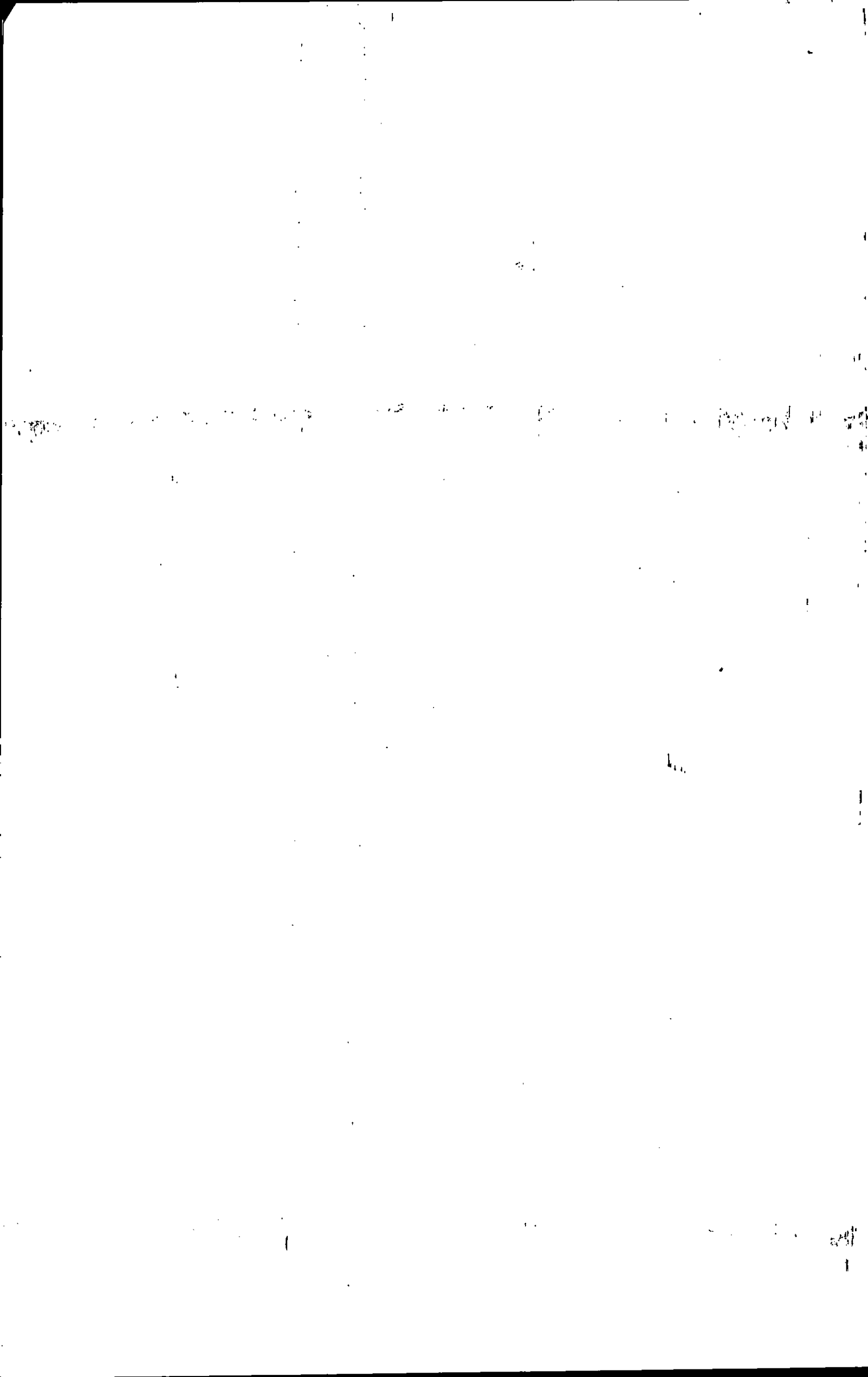
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ج: حضرت جوئے پر جوہر کرتے تھے اور وہاں بھی کرتے تھے۔

سوال: حضرت جوئے پر جوہر کیا کرتے تھے اور وہاں کیا کرتے تھے؟  
ج: حضرت جوئے پر جوہر کرتے تھے اور وہاں بھی کرتے تھے۔

سوال: حضرت جوئے پر جوہر کیا کرتے تھے اور وہاں کیا کرتے تھے؟  
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سوال: حضرت جوئے پر جوہر کیا کرتے تھے اور وہاں کیا کرتے تھے؟  
ج: حضرت جوئے پر جوہر کرتے تھے اور وہاں بھی کرتے تھے۔

سوال: حضرت جوئے پر جوہر کیا کرتے تھے اور وہاں کیا کرتے تھے؟  
ج: حضرت جوئے پر جوہر کرتے تھے اور وہاں بھی کرتے تھے۔



سوال اور 296 عد شرفاء و کتب اور کتب  
 تقدیر جو کہ ہے اور اس کے اور گنتی  
 ہاں عد شرفاء اور ہاں عد شرفاء  
 الزام لگا کر گنتی اور اس کے اور گنتی  
 عد شرفاء اور ہاں عد شرفاء

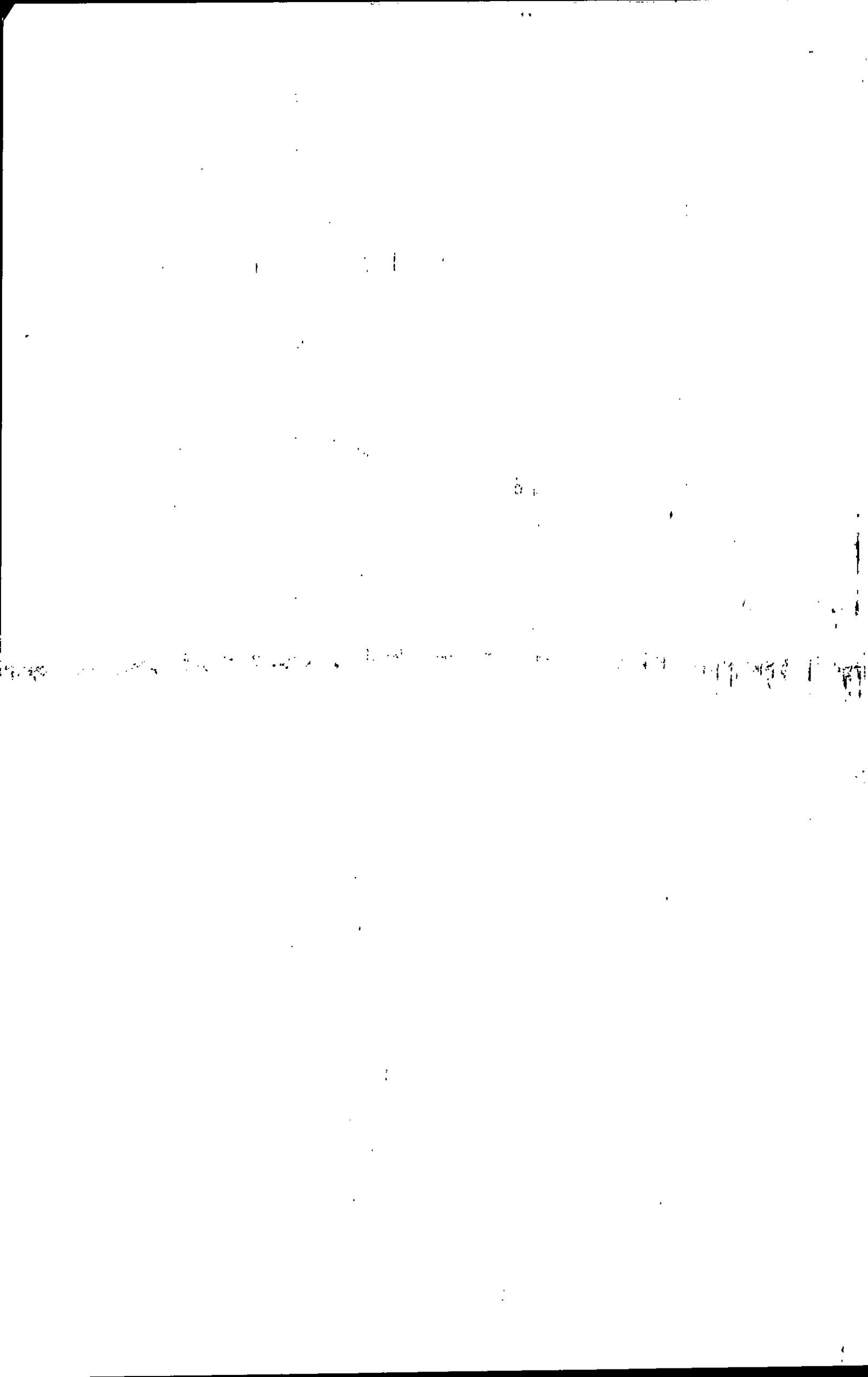
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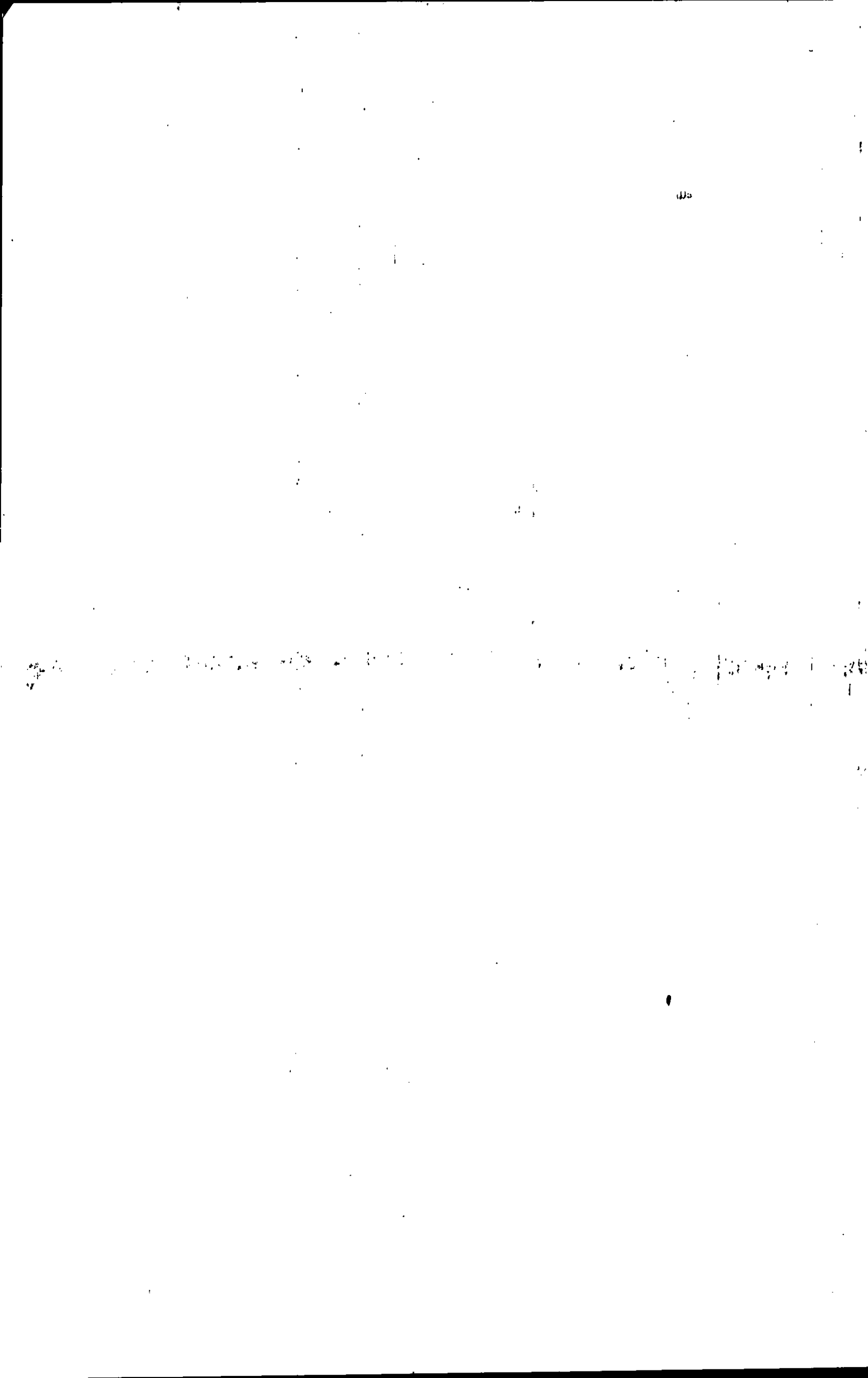
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میں آج کے دن دو گندم شادو فلام  
تاریخ 11/1/16

میں سے تمام اہل بیت یعنی باپاں گندم شادو  
میں سے سبھی 2 - خورشید ڈاکٹر میں سے  
2 - خورشید

دوسرے سال تمام خورشید

01 - 8 - 2016

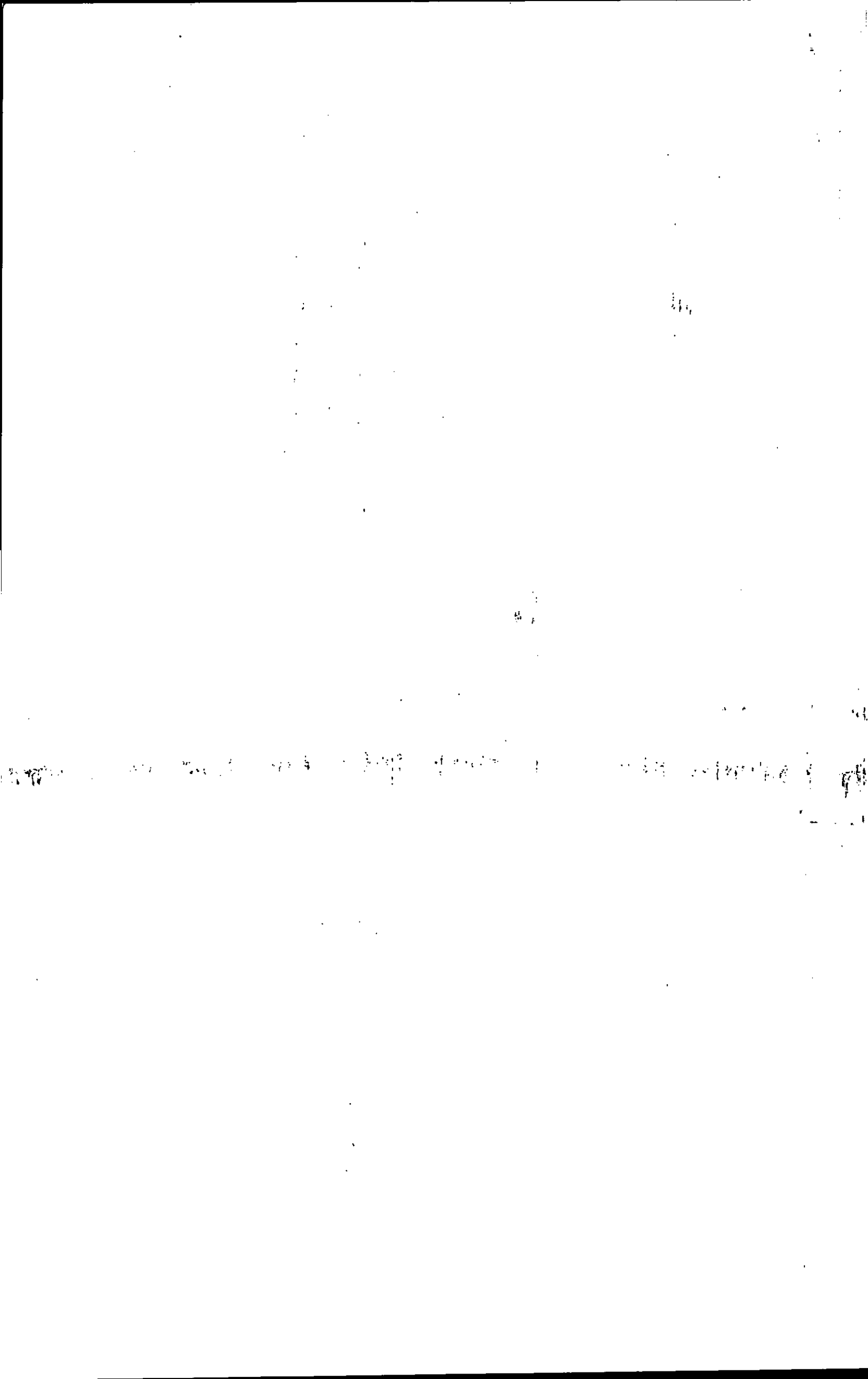
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بیان اوقات سپر خان DSP سید علی  
حال ۲۰۰۷ء تا دورہ بیانات کرتا ہوں۔ درمیان میں  
نے جو بیان شہوکار اچاریہ سے لیا  
جواب میں جمع کیا ہے۔ وہی اس پر بیان

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DSP  
1-8-16

Attested  
Munir  
D.O. / Kanke



سہ اولیٰ سپرنٹنڈنٹ

غور و خور

فلتا بیان

انہ (22) میں ہر روز رقم جمع ۷۶ ۱/۱۶

بیان موجود تھا۔ تم تحریر الملغ دے تم فراداد

دہانما دیکھ کر موجود ہے۔ اسی الملغ پر دفعہ

رقم عدقی فراداد کا خود رقم کیا۔ تم دیکھ کر

رشتہ دروں نے لگا ہے۔ ۱۱۱۱ کا کاپی لگا ہے تو

میں لگا ہے۔ کاپی بنا۔ لگا ہے۔ دفعہ پر بھی لگا ہے

کی بنا۔ لگا ہے۔ دفعہ پر کاپی لگا ہے۔ دفعہ پر کاپی

تقریر خانہ کے اندر کاپی دیکھ کر موجود تھا۔ جس وقت لگا ہے

میں نقل خانہ کے اندر نقل سوا۔ اور لگا ہے۔ اور لگا ہے۔

کے محکم میں موجود ہے۔ دیکھ کر کاپی لگا ہے۔ دفعہ پر لگا ہے

کیا۔ دفعہ پر لگا ہے۔ اور لگا ہے۔ دفعہ پر لگا ہے۔

میں لگا ہے۔ دفعہ پر لگا ہے۔ کاپی لگا ہے۔ دفعہ پر لگا ہے

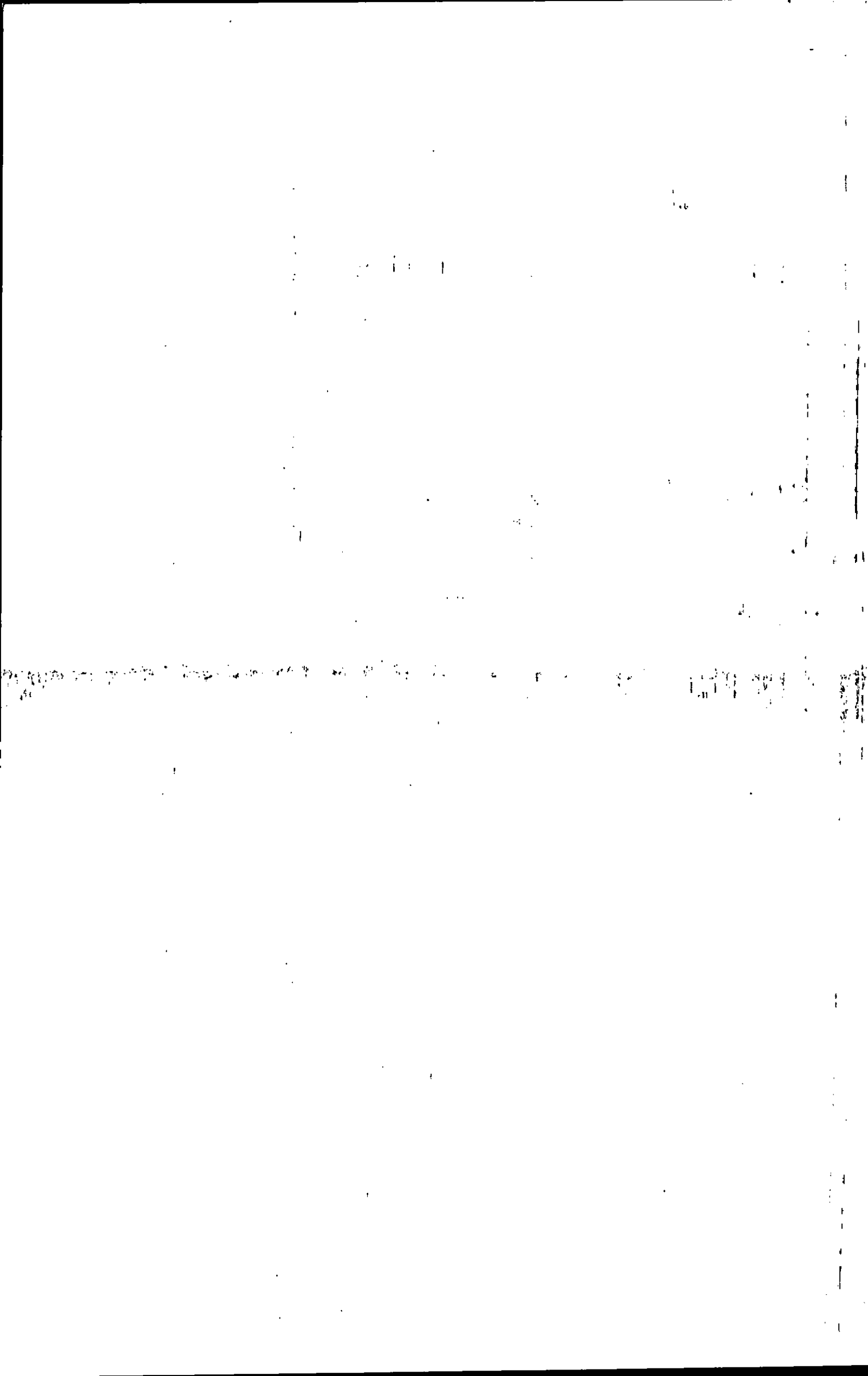
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میں لگا ہے۔ دفعہ پر لگا ہے۔ کاپی لگا ہے۔ دفعہ پر لگا ہے

میں لگا ہے۔ دفعہ پر لگا ہے۔ کاپی لگا ہے۔ دفعہ پر لگا ہے

Asi. liwala  
01/8/2016

Attested  
Ms  
DPO/Kar



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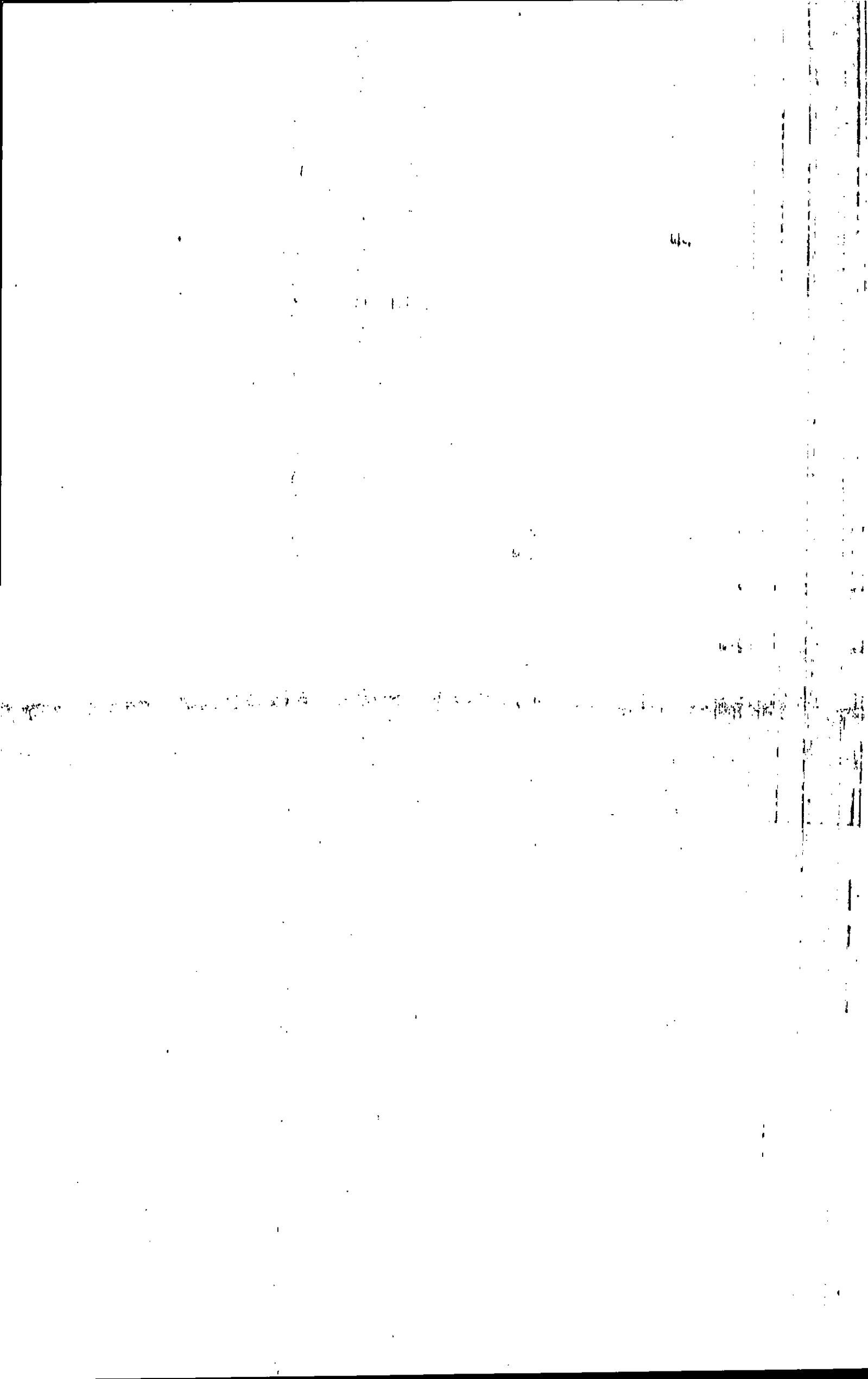
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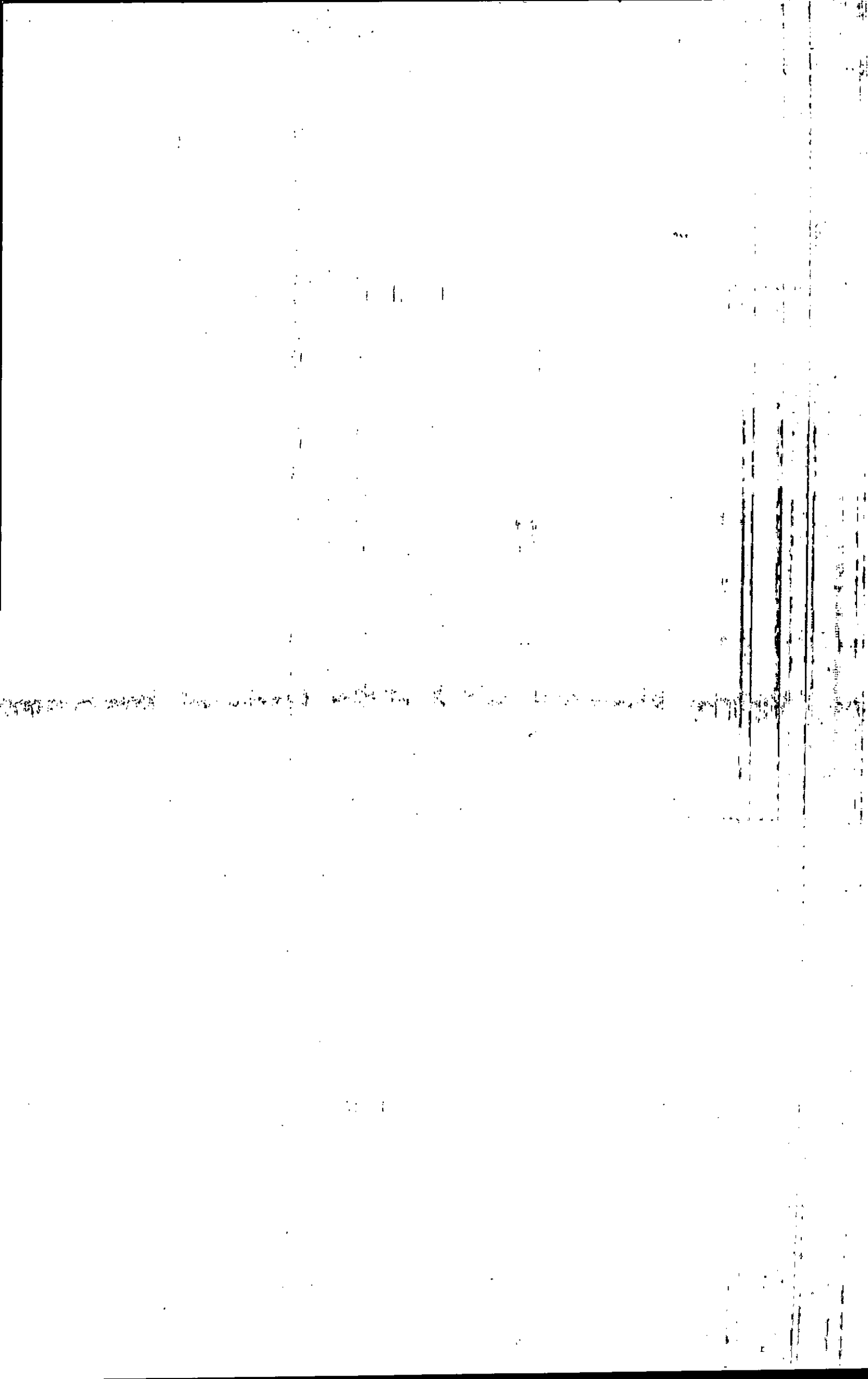
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01/11/8 2016

Attest  
D/o/Kanta



بیان ازین فیروزخان محمد خوردی

فدنا بیان آرمایون که جو فالدہ بمکاتب سردار تاج

انفرن صورت لکیر به درین صورت مافغان

سورج به بیان سنا جو کت به

M. H. Qureshi  
01/08/16

چه سید علی ایلیا

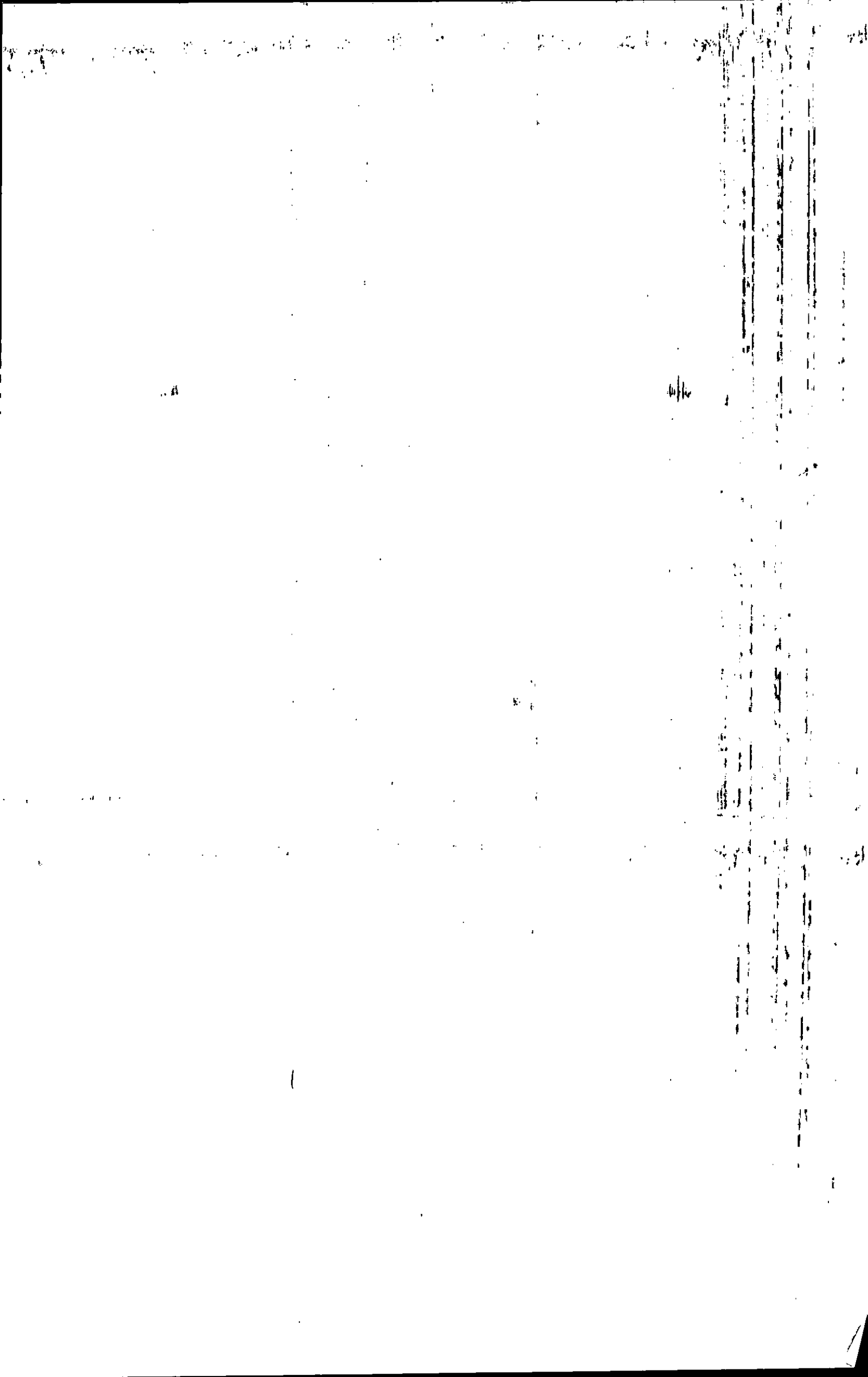
تایید (صورتی دہانہ)

سید

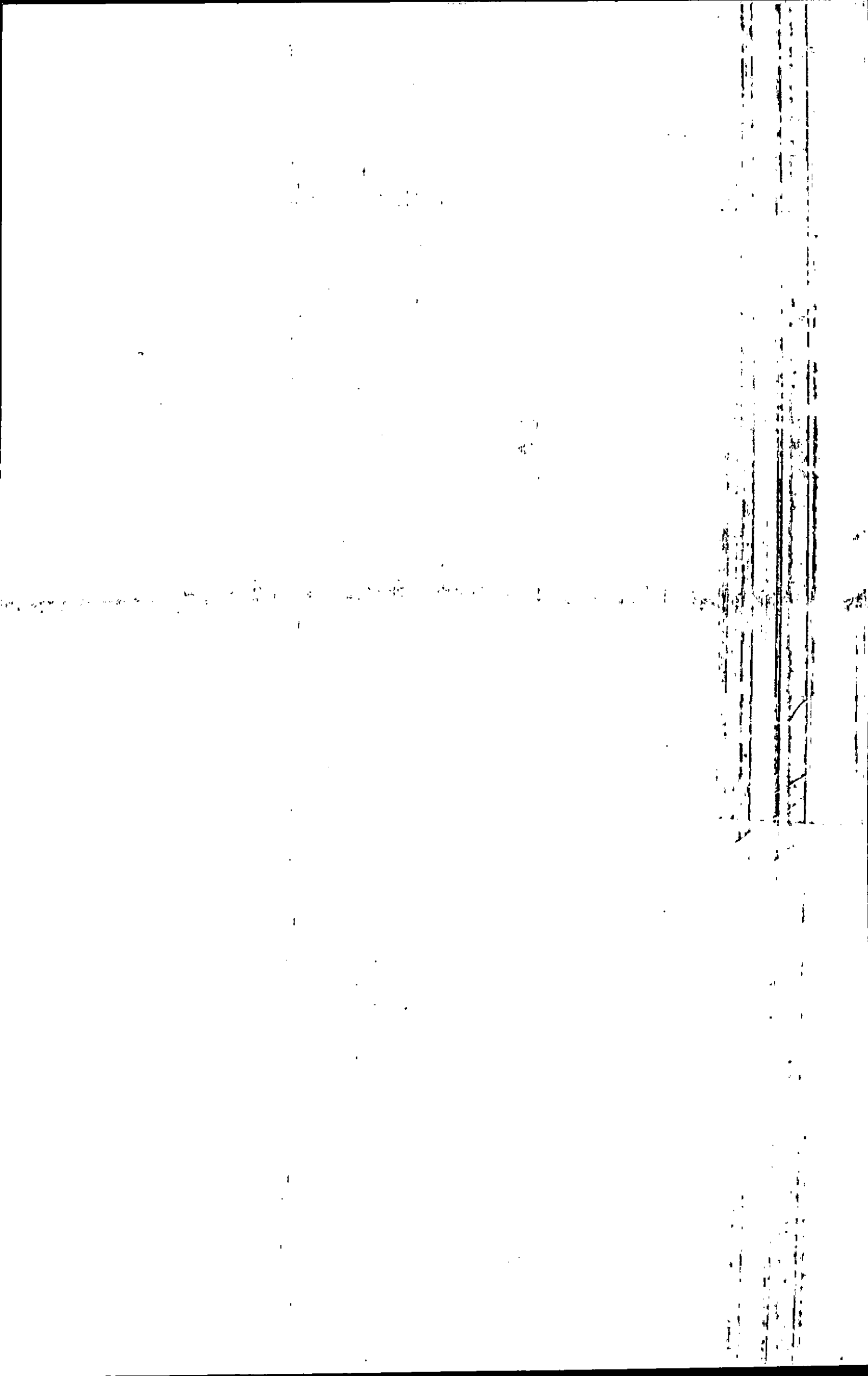
دستور سید علی ایلیا

Attested  
M.A.  
D.O. / M.A.K.

01 - 08 - 2016







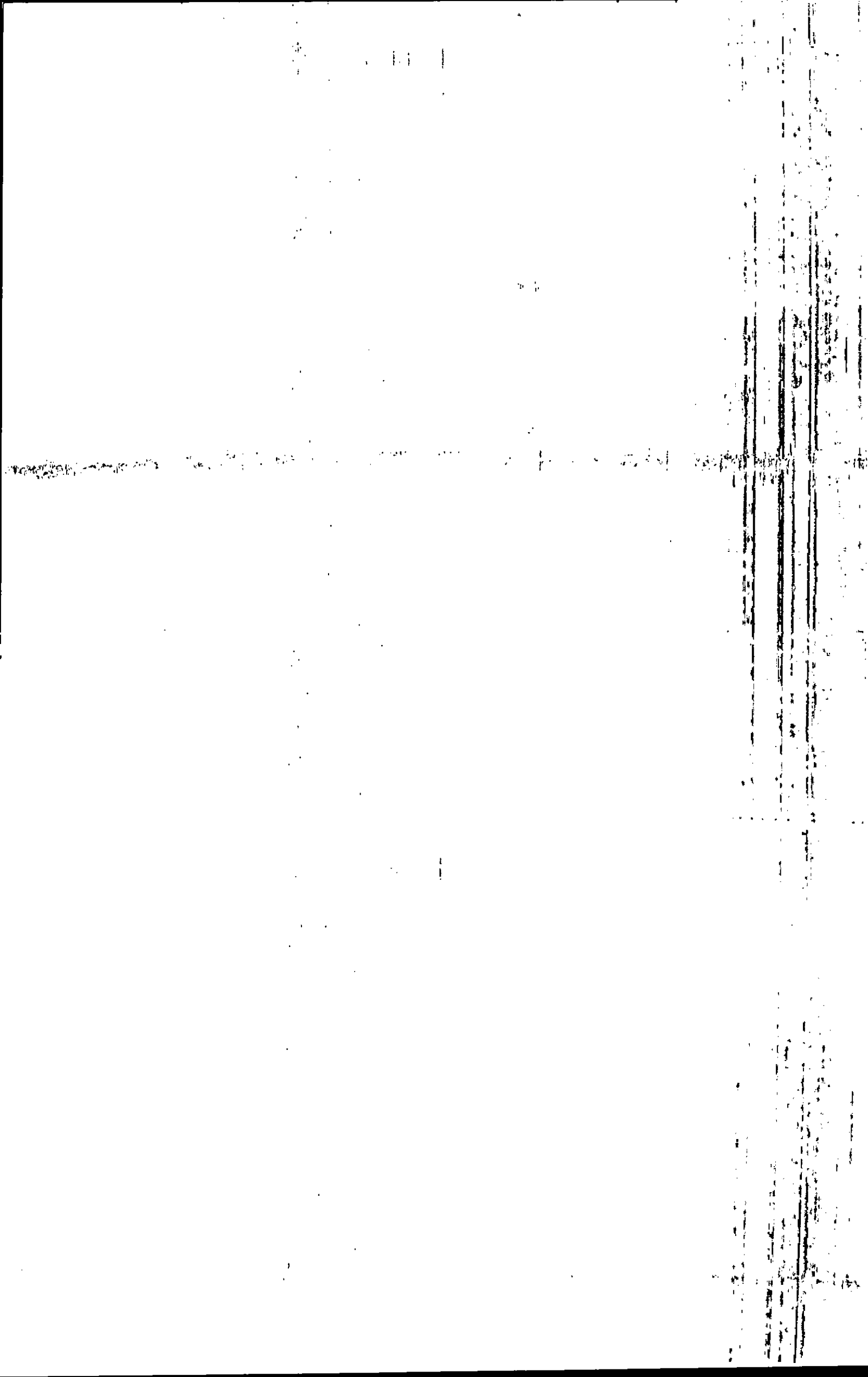
سپورک گننے پر 9mm سٹول کن 129 عدد مع صفت میگزین برقیبل ذیل

- 1) T062010H 18719
- 2) BER 870512
- 3) T062010H 18632
- 4) T062010H 8658
- 5) T062010F 66418
- 6) BER 405037
- 7) T062010H 00991
- 8) WER 2400.03
- 9) M 7657265
- 10) T062010H 18742
- 11) T062010H 18720
- 12) T062010H 18000
- 13) T062010H 18649
- 14) T062010H 18681
- 15) BER 405656
- 16) T062010H 26581
- 17) T062010F 00279
- 18) BER 405036
- 19) Rg 1155755
- 20) A2121
- 21) T062010H 18714
- 22) T062010H 18741
- 23) T062010H 60029
- 24) T062010H 16834
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- 27) T062010H 18691
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- 8) 3113156
- 9) X773X 1973
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- 14) X077X 1951
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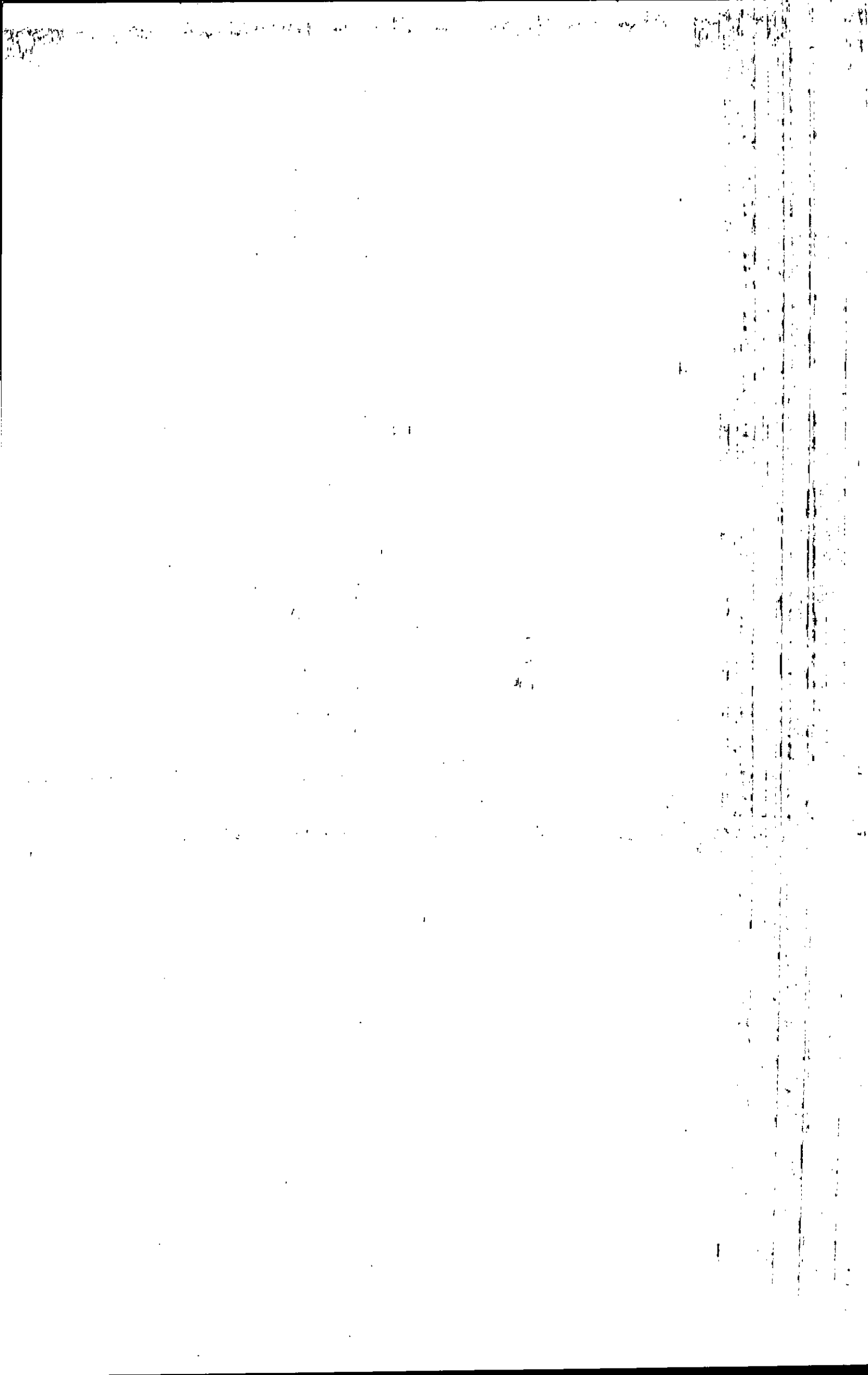


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160 عدد سیکور 30 بریل سیکور مع کشت شدن ادراس طرح سیکور 30 بریل 45  
 تفصیل 1 KH3446 2 KH3449 3 Fx5353 4 BS3885 5 BS3556 6 BS3555  
 7 KH3446 8 EK5334 9 BS3556 10 KH5343 11 Fx5335 12 EK5386  
 13 BS3886 14 KH3447 15 EK5386 16 KH3379  
 38 عدد سیکور 32 بریل سیکور ادراس طرح 32 بریل سیکور ادراس طرح  
 32 بریل سیکور ادراس طرح 32 بریل سیکور ادراس طرح  
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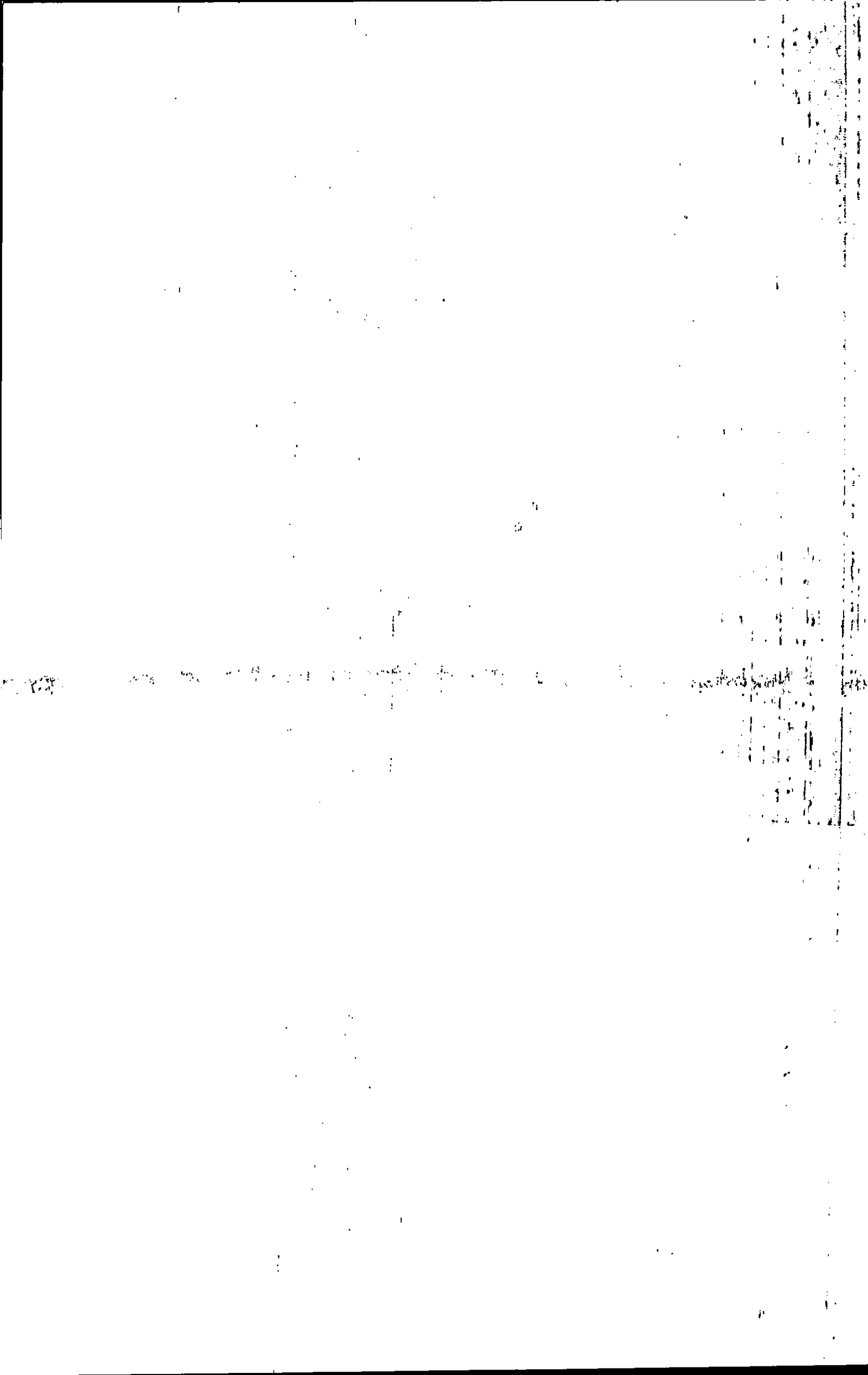
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بیان ازرائی فی حدیث علیہ نور وجودی

خلافت بیان کرتا ہے کہ میں ہر روز دو قسم سے  $\frac{1}{16}$  ۷۶

پیر سے ۵۵۵ کا وجود تھا۔ تم حسین المدیح دی تم خدا داد

تہ بیٹک سے فانی سے موجود ہے۔ اسی المدیح پر بیٹو پر

پہنچ کر تو مدھی فیروز دارن خود تلم علیہ امیر علیہ ہے

رشتہ درویش بنی رانا ہے۔ ۵۵۵ کا ہے جانے جانے لگا ہے

سودا ہے۔ ۵۵۵ کا ہے۔ ۵۵۵ کا ہے۔ دفعہ پر پہنچے لی لگا ہے

سی۔ فنا۔ ۵۵۵ کا ہے۔ دفعہ پر ہاؤ آ رہی ہے۔ دوزخ لگا ہے

تو غل خانے تہ اندر کاشی سے موجود تھا۔ جس و نقاشی میں

میں نقل خانے تہ اندر اصل ہوا۔ اور ۵۵۵ کا ہے اور لگا ہے۔

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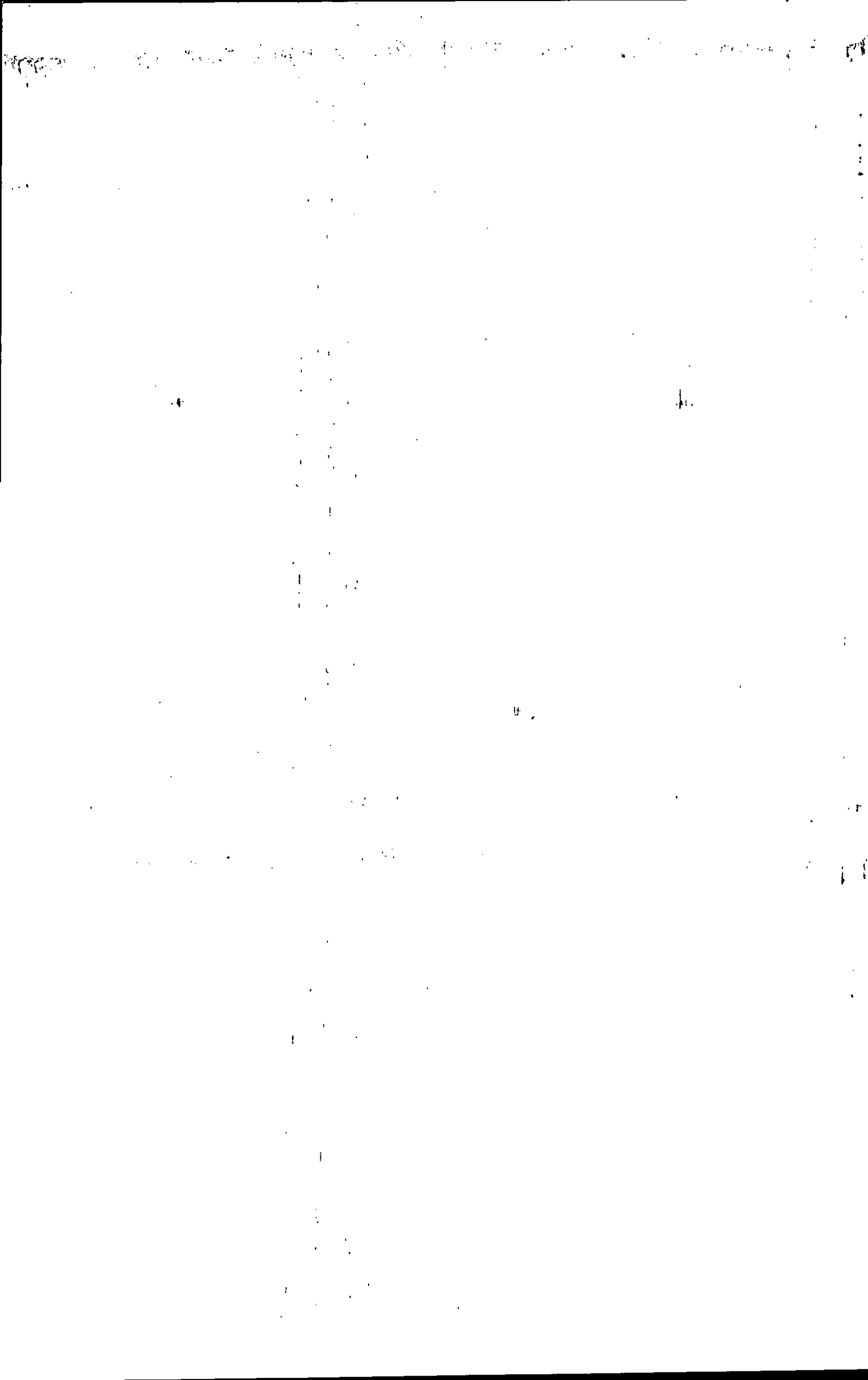
میں نے سب کچھ یاد کیا اور کائنات میں ہر دفعہ ۷۶۰۰۰ جو علم ہے

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میں میں بیان ہے۔ جو دست ہے۔

Asi. G. Wala  
01/8/2016

Attestad  
M/s  
D.P. Kak





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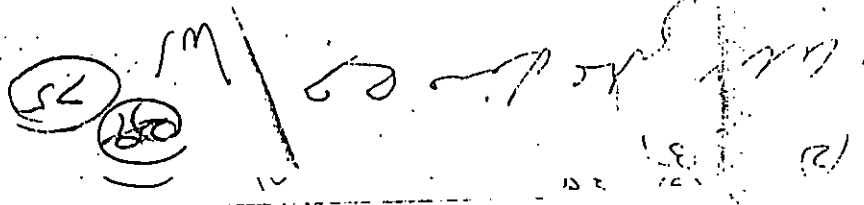
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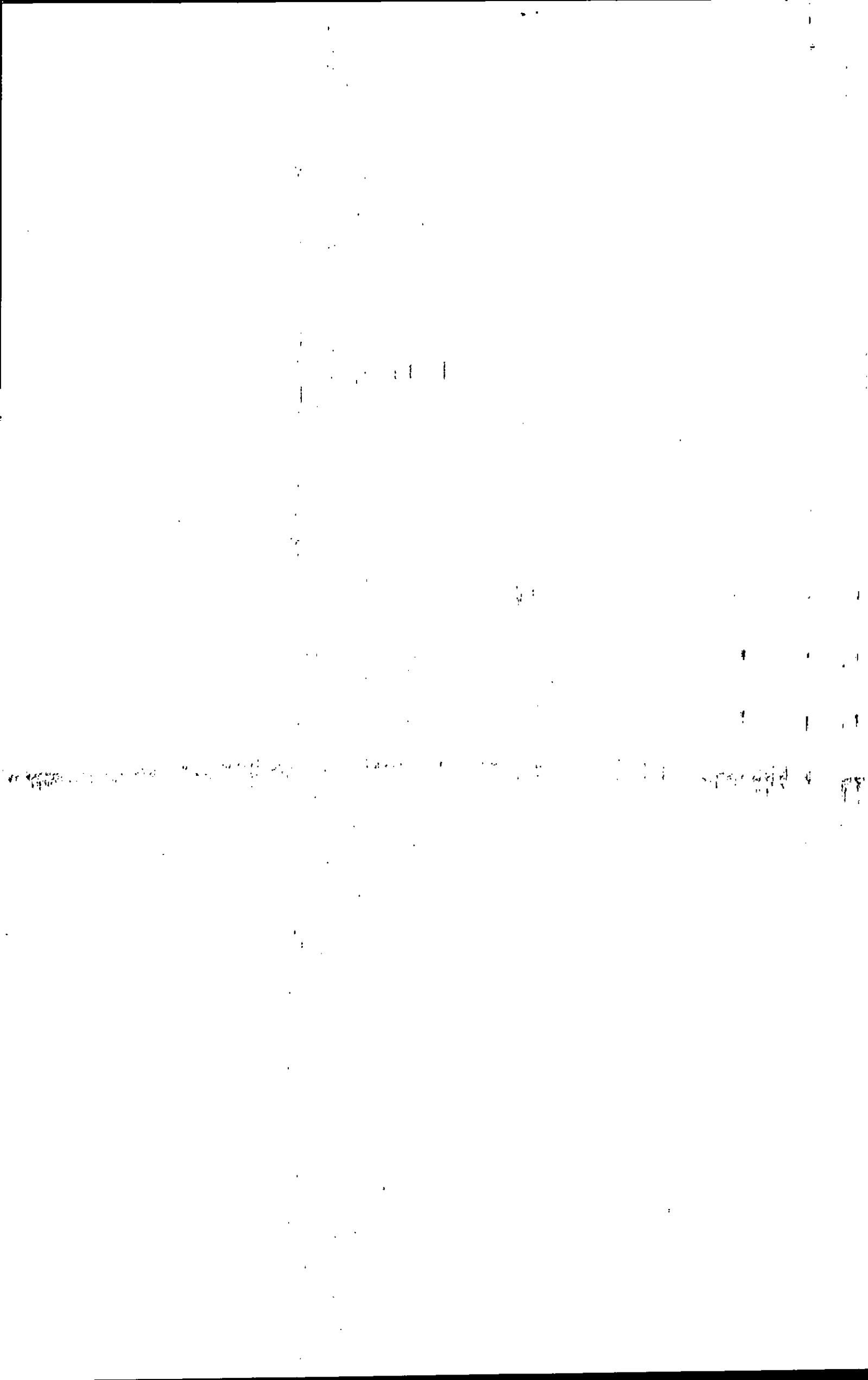
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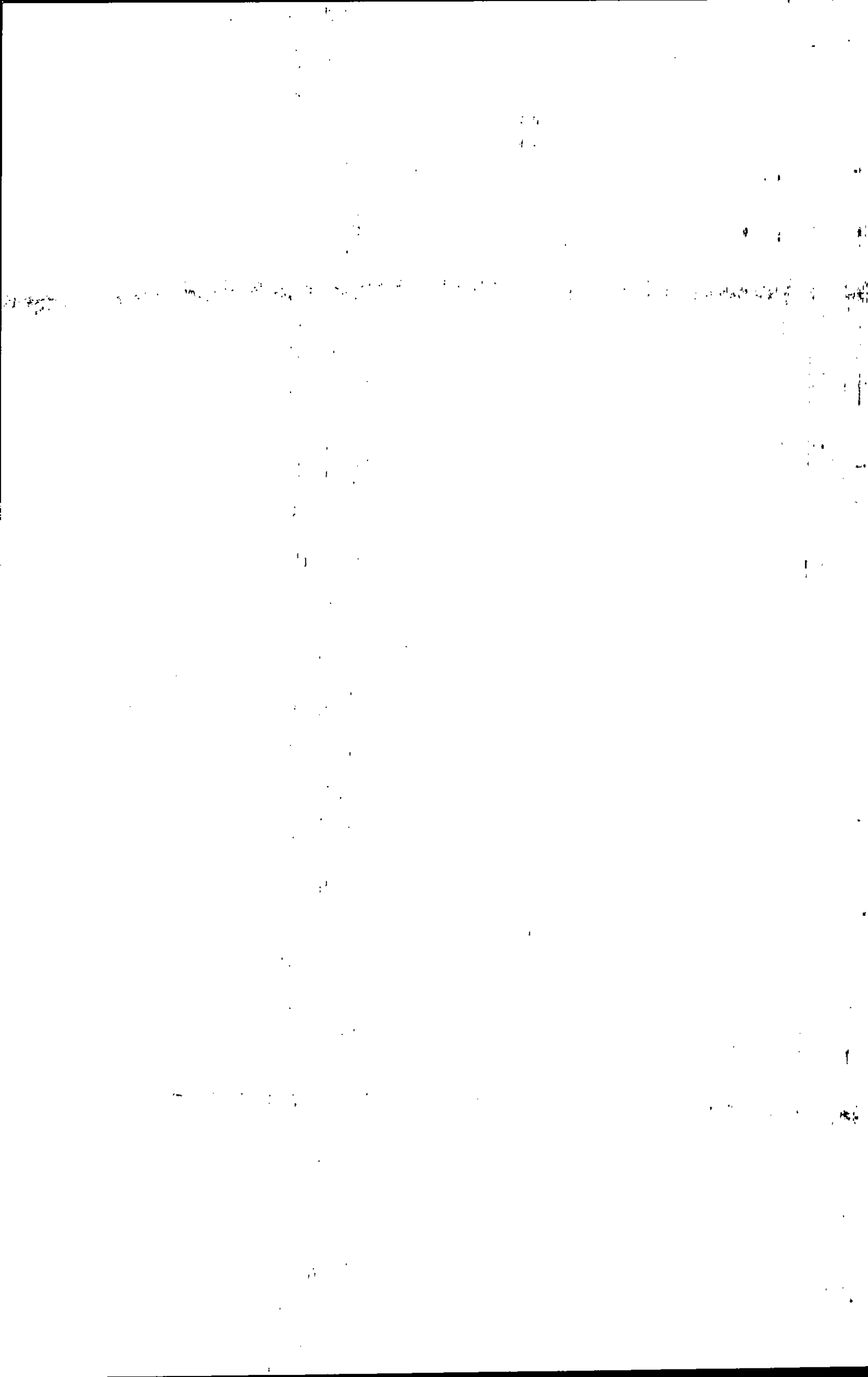
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دستخط

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بیان ازین میرزاخان میر نورالدین

فنا بیان از ما چون آرد و فائده بمطابق فرد تفسیر  
اندر صورت لکیر در دست کوریم با خان سپ  
وجود به بیان سن لکیر به

بسم الله الرحمن الرحیم  
۱۱/۸/۱۶

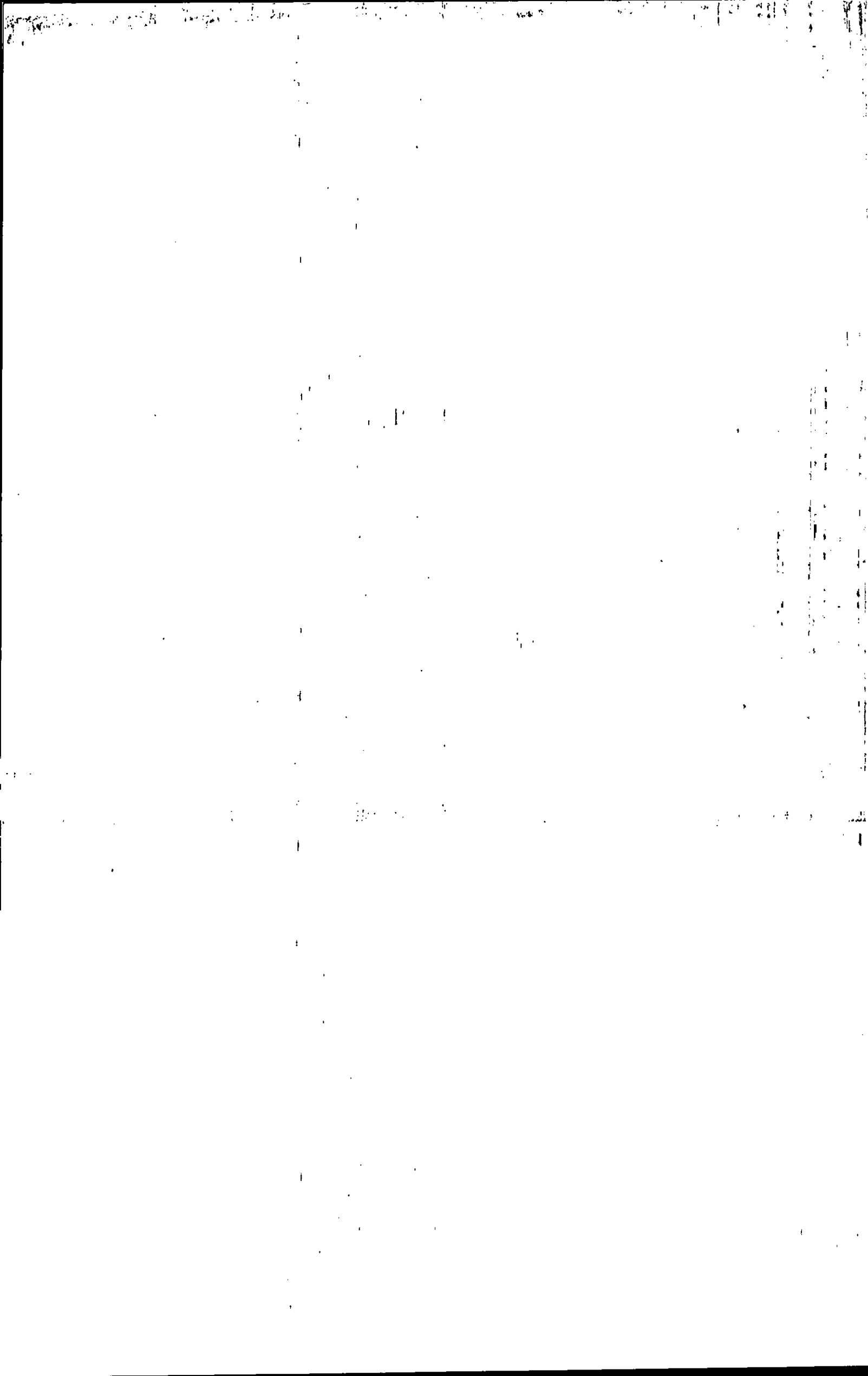
وجه فصل علی راجع

نکاد (موضوع)

مستور

Attested  
via  
DCO/Kax

08-2016



نوٹیشن چوری علی

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PW-1 Statement of Muhammad Feroz Khan, Muhairir PS Choriwala District Bannu, on oath:-

On receipt of murasila from Ghulam Razaq Khan SHO through constable Altesham No.5880, I incorporated its contents into FIR Ex:PA. The copy of FIR was handed over to Incharge investigation. Today I have seen the FIR which correctly bears my signature. The C.O investigation handed over to me the parcels containing recovered arms and ammunitions on same day for safe custody, which I kept in Mal Khana of the PS and thereafter I handed over the parcels to C.O investigation for onward submission to FSL Peshawar.

XX On behalf of accused Hasan Jan.

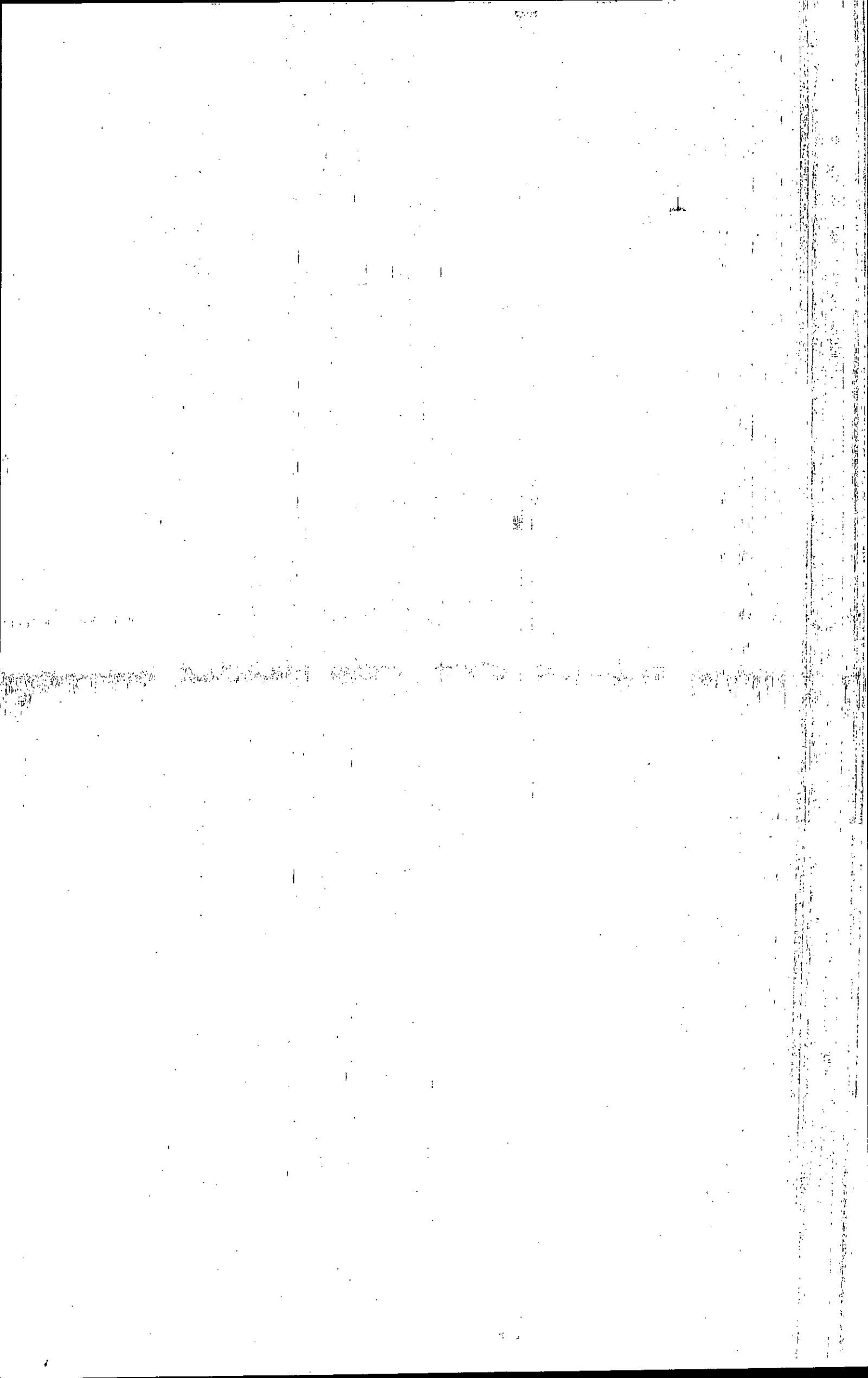
It is correct that the accused Hasan Jan is not charged in the FIR by the complainant.

XX On behalf of accused Safirullah.

The murasila was received at 18:40 hours and at once I started writing of FIR which consumed some fifty minutes. It is incorrect to suggest that the murasila was prepared inside the P.S. It is further incorrect that after drafting the murasila, I was directed for registration of the case on the basis of the said murasila. It is further incorrect that timing mentioned in the FIR is factitious.

Handwritten signature and stamp: RO & AC Dt: 02-11-2016

(Mehmood Ul Hassan Khattak)  
Judge, Anti-terrorism Court,  
Bannu.





(By accused Hassan Jan)

Nil (Opportunity given).

RO & AC  
Dt: 17-11-2016

(Mehmood Ul Hassan Khattak)  
Judge, Anti-terrorism Court,  
Bannu.

P.W-7 Statement of Hidayat ur Rehman Inspector PS Mandan  
Bannu on oath:-

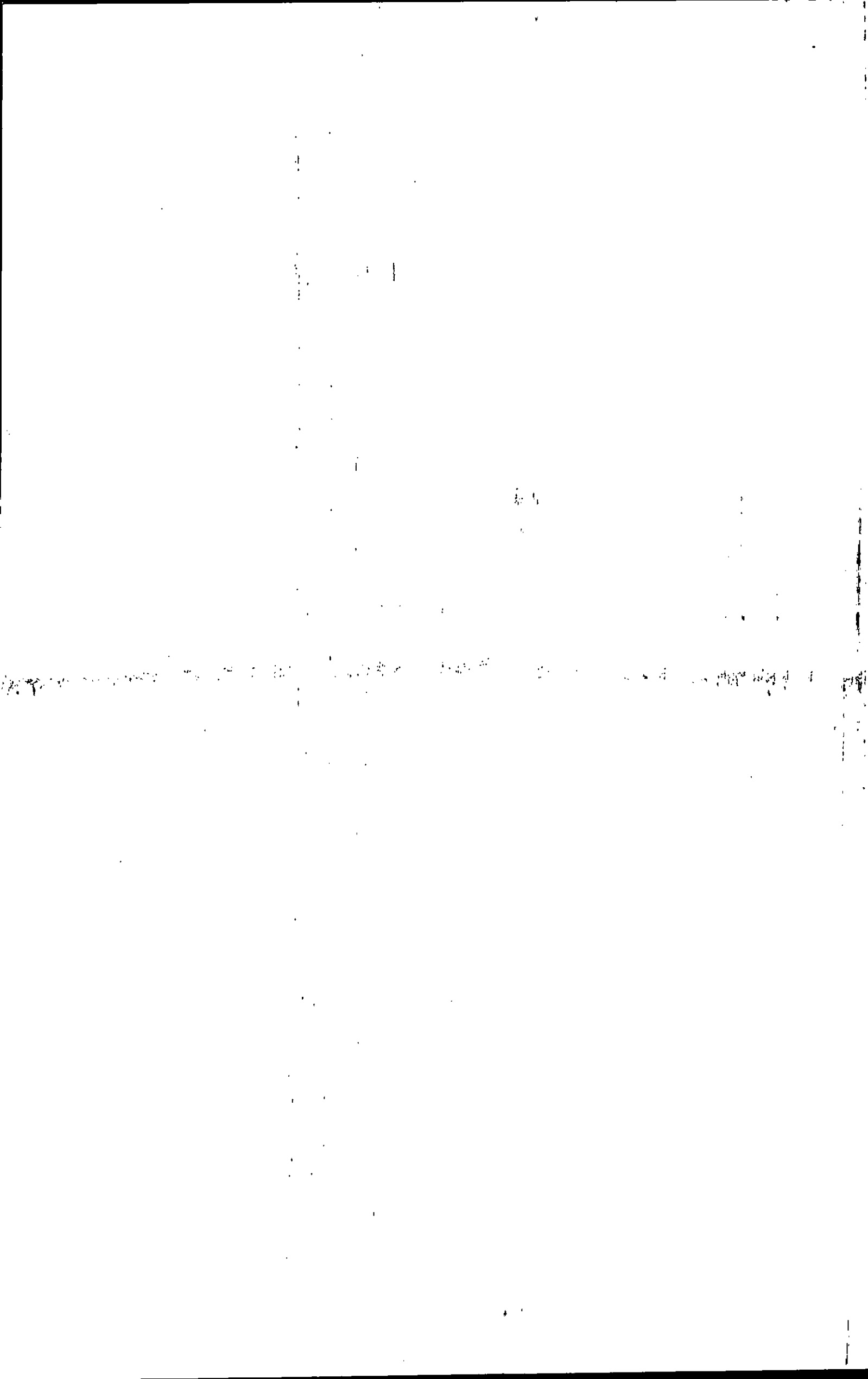
After registration of the case I went to the spot alongwith my staff for investigation. The SHO Chulana Kazaq Khan alongwith the police party already present on the spot whom had recovered the arms and ammunitions. There on the spot the SHO produced recovered 95 Kalashnikovs Ex:P-1 to P-95 without magazines out of which 18 Kalashnikovs of butt, the details and particulars are mentioned in the recovery memo already Ex:PW-2/3. Four (04) Kalakovs without magazines Ex:P-96 to Ex:P-99, the detail and numbers are mentioned in the recovery memo. 129 Pistols of 99 MM bore Ex:PZ/1 to Ex:PZ/129 alongwith fitted magazines out of which 37 Pistols were without numbers while others having, numbers, the details mentioned in the recovery memo. 256 Pistols of 30 bore Ex:PM/1 to Ex:PM/256, out of which 45 Pistols of 32 bore the details and numbers are mentioned in the recovery memo. 47000 rounds of different bore. I sealed the above mentioned arms and ammunitions in different parcels. I took into possession the above mentioned arms and ammunitions in presence of marginal witnesses.



*Handwritten signature and notes in the left margin.*

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*Handwritten marks at the top right: a circled '33', a circled '79', and some illegible scribbles.*





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

(95)

(152)

dated Peshawar the 31/05/2018

No. 472 /PA/DIG/HQrs

To The Registrar,  
CPO, Peshawar.

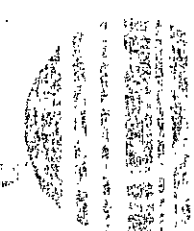
Subject:- CHARGE SHEET/STATEMENT OF ALLEGATIONS

Reference to your letter No. S/1551-54/18 dated 25.4.2018 on the subject cited  
above:  
A Denovo Enquiry conducted against DSP Said Khan Bangash by the Enquiry  
Committee is sent herewith for further necessary action.

(SHER AKBAR)  
PSP S.St  
Deputy Inspector General of Police HQrs,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar

S. S  
For M.A. N

21/5/18



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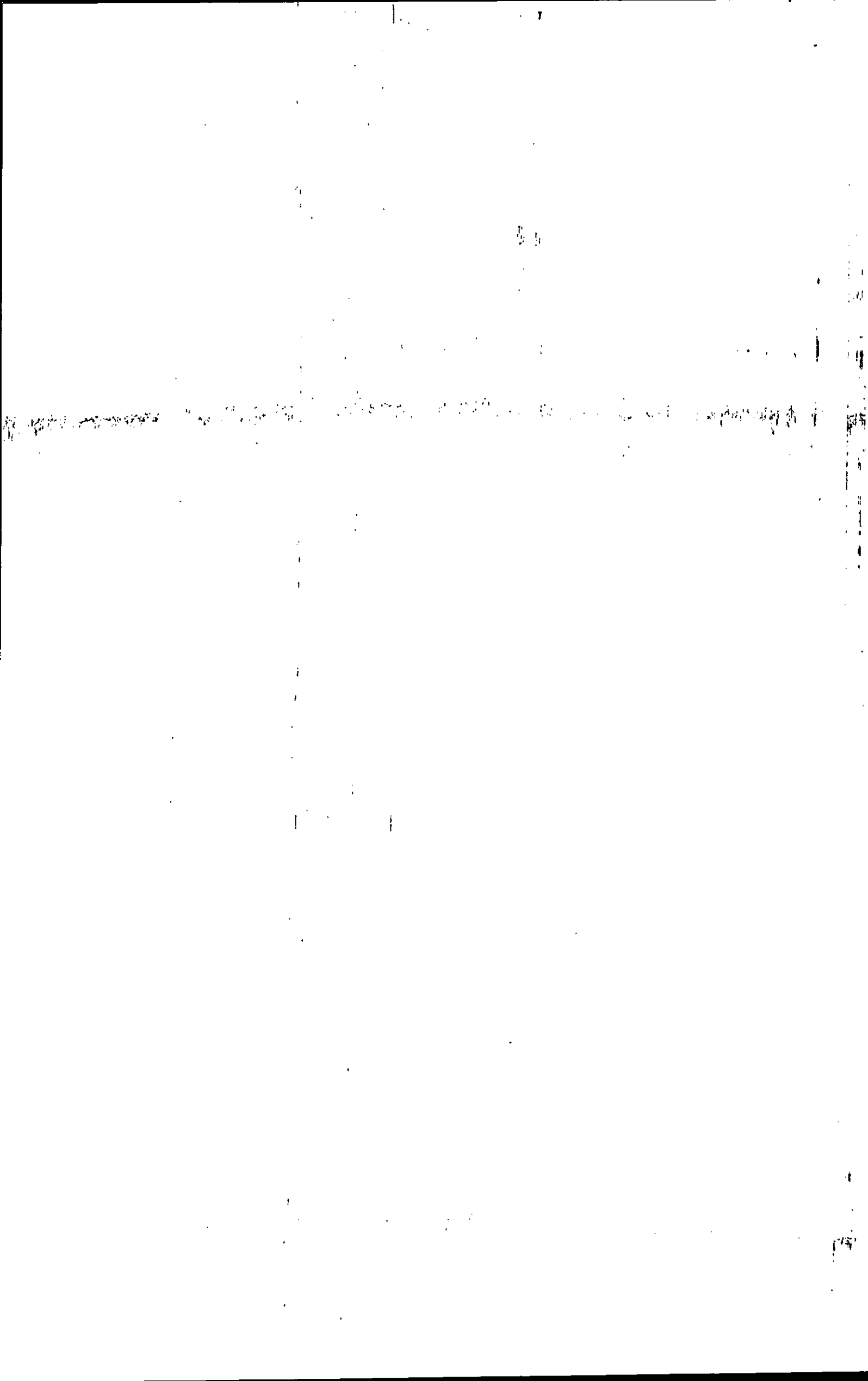
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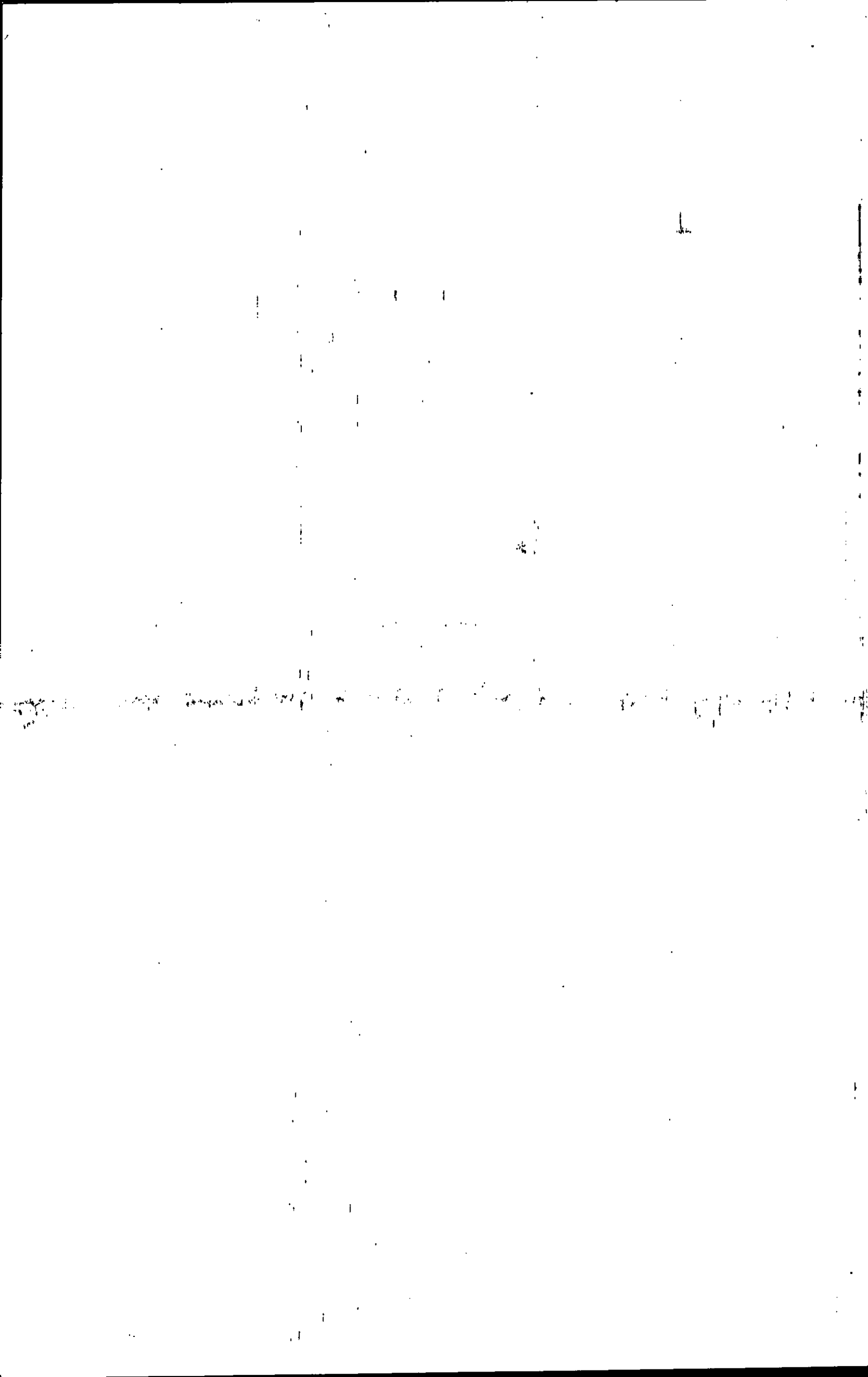
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**DE-NOVO INQUIRY PROCEEDINGS AGAINST  
DSP SAID KHAN BANGASH THE THEN DSP RURAL CIRCLE BANNU**

- 1.1) This consolidated inquiry report will dispose of the de-novo departmental inquiry proceedings initiated against DSP Said Khan Bangash the then DSP Rural Bannu proceeded against departmentally by the Inspector General of Police Khyber Pakhtunkhwa, Peshawar vide CPO Letter No. 1551-54/18, dated 25.04.2018.
- 1.2) Ex-DSP Rural Said Khan Bangash was issued charge sheet and statement of allegations vide CPO reference No. 1551-54/18, dated 25.04.2018 which contained the following allegations:
- i. That on a tip of information, SHO PS Ghoriwala raided the house of Khuda Dad at Tero Balo Michan Khel on 07.04.2016 and recovered a huge quantity of arms/ammunitions. He informed the then DPO/Bannu who sent you to the scene. The arms/ammunitions were brought in two vehicles under your supervision to the Police Station.
  - ii. That while you reached the Police Station, you took 02 Kalashnikovs, 02 Pistols and boxes of live rounds for yourself. Later, during counting again you took another 5/6 Kalashnikovs alongwith boxes of live rounds and distributed pistols amongst the police officers, who participated in the raid.
  - iii. That reportedly, you tried to sell official trees through your subordinate staff on Mandan Road near Police Post "Yak Qabar".
  - iv. That being a supervisory officer, your above acts has degraded the image of police in the eyes of Police as well as general public.
  - v. That reportedly you bear stinking reputation.
- 1.3) For scrutinizing the conduct of ex-DSP Rural Said Khan Bangash, the Inspector General of Police Khyber Pakhtunkhwa constituted an inquiry committee vide his office No. 1551-54/18, dated 25.04.2018 comprising the following members, in order to ascertain the factuality and fix responsibility, in to the charges against alleged police official.
- a. Mr. Sher Akbar Khan (DIG HQrs)
  - b. Mr. Irfan Ullah (AIG Establishment)
  - c. Mr. Waseem Riaz Khan (SP Cantt)



1.4) On 23.5.2018, Said Khan Bangash, Ex-DSP Rural objected and submitted an application for removal of one member of inquiry committee (Mr. Irfanullah, AIG Establishment).

Mr. Irfanullah, AIG Establishment was subsequently replaced with Mr. Waseem Khalil, (SP HQs CCP) in the inquiry committee on the order of Worthy Inspector General of Police Khyber Pakhtunkhwa vide Order No.S/2081-83/18, dated Peshawar the 29/05/2018.

1.5) It is worth mentioning that the aforementioned inquiry was a de-novo inquiry which was conducted on the direction of Service Tribunal vide order dated 02.03.2018.

## 2) ENQUIRY PROCEEDINGS:

2.1) Said Khan Bangash ex-DSP Rural had been given the copies of charge sheet and statement of allegations vide CPO memo reference No. 1551-54/18, dated 25.04.2018. He had been directed to submit his written reply and any other evidence to the inquiry committee within 7 days of the receipt of charge sheet and statement of allegations. He submitted his written reply to the inquiry committee on 03.05.2018. (Annex-A)

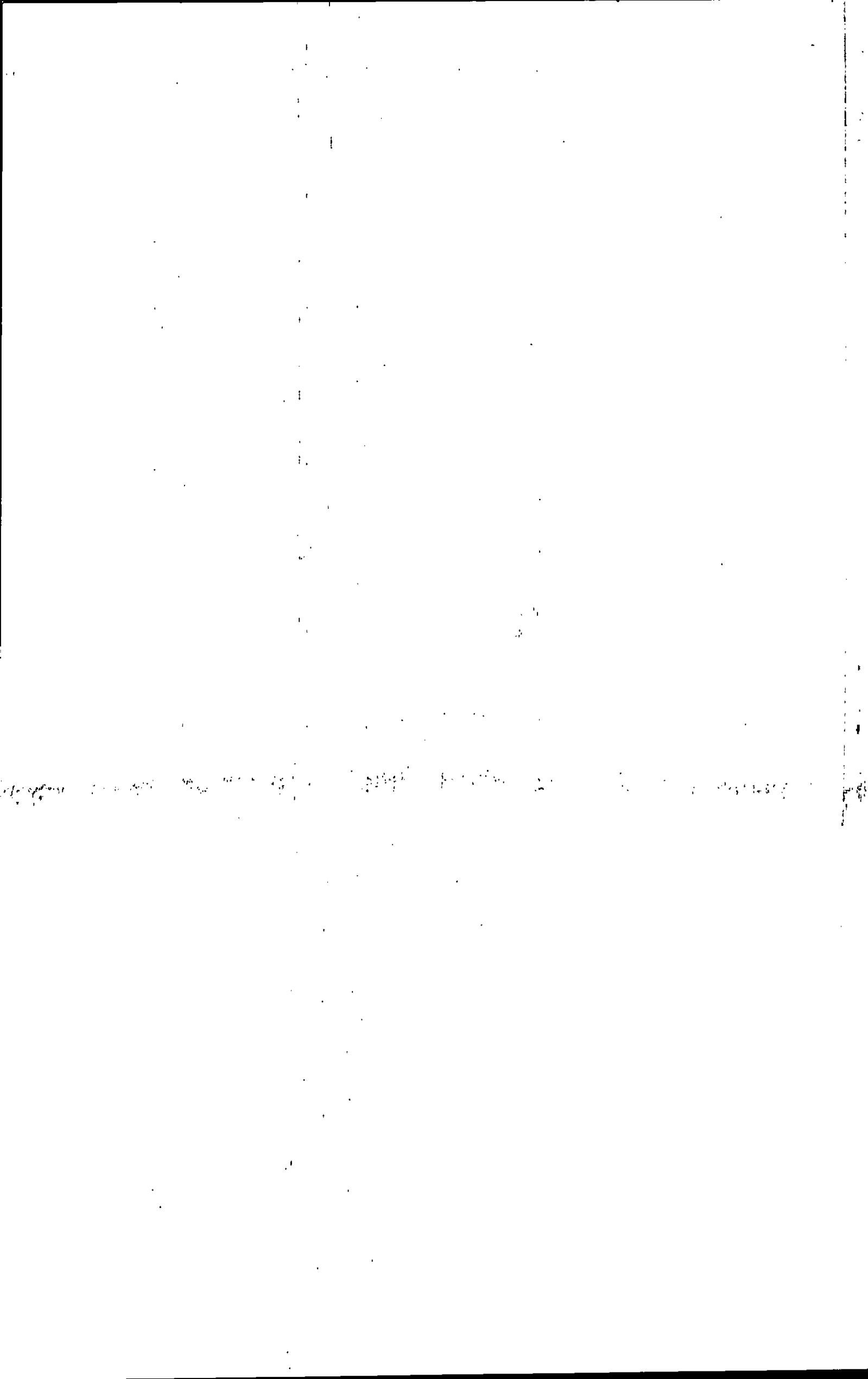
2.2) The Inquiry committee also examined the following witnesses who were acquainted with the facts of the inquiry.

- i. Haji Ghulam Raziq (Then SHO Police Station Ghoriwala)
- ii. Jamshed Ali ASI (witness of recovery memo)
- iii. Feroz Khan (Then Muharrir PS Ghoriwala)

The statements of the aforementioned police officials is attached as Annex-B.

2.3) Inquiry committee examined ex-DSP Rural Bannu Said Khan Bangash as well as other police officials individually and gave them opportunity to cross examine each other in detail.

2.4) Each allegation was separately inquired and delinquent police officer was given opportunity to defend himself in view of the allegations.





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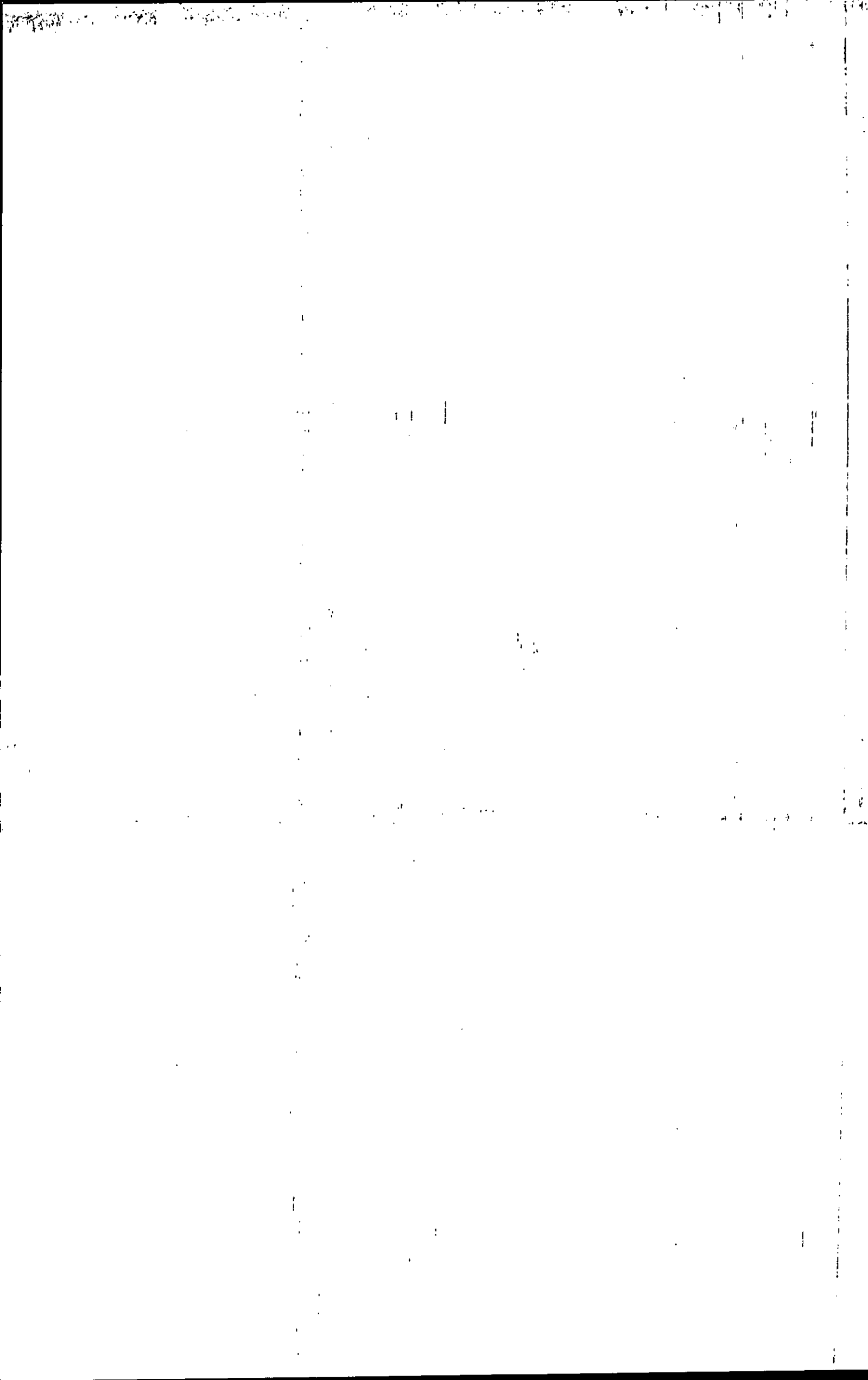
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3) BRIEF FACTS OF THE INQUIRY:

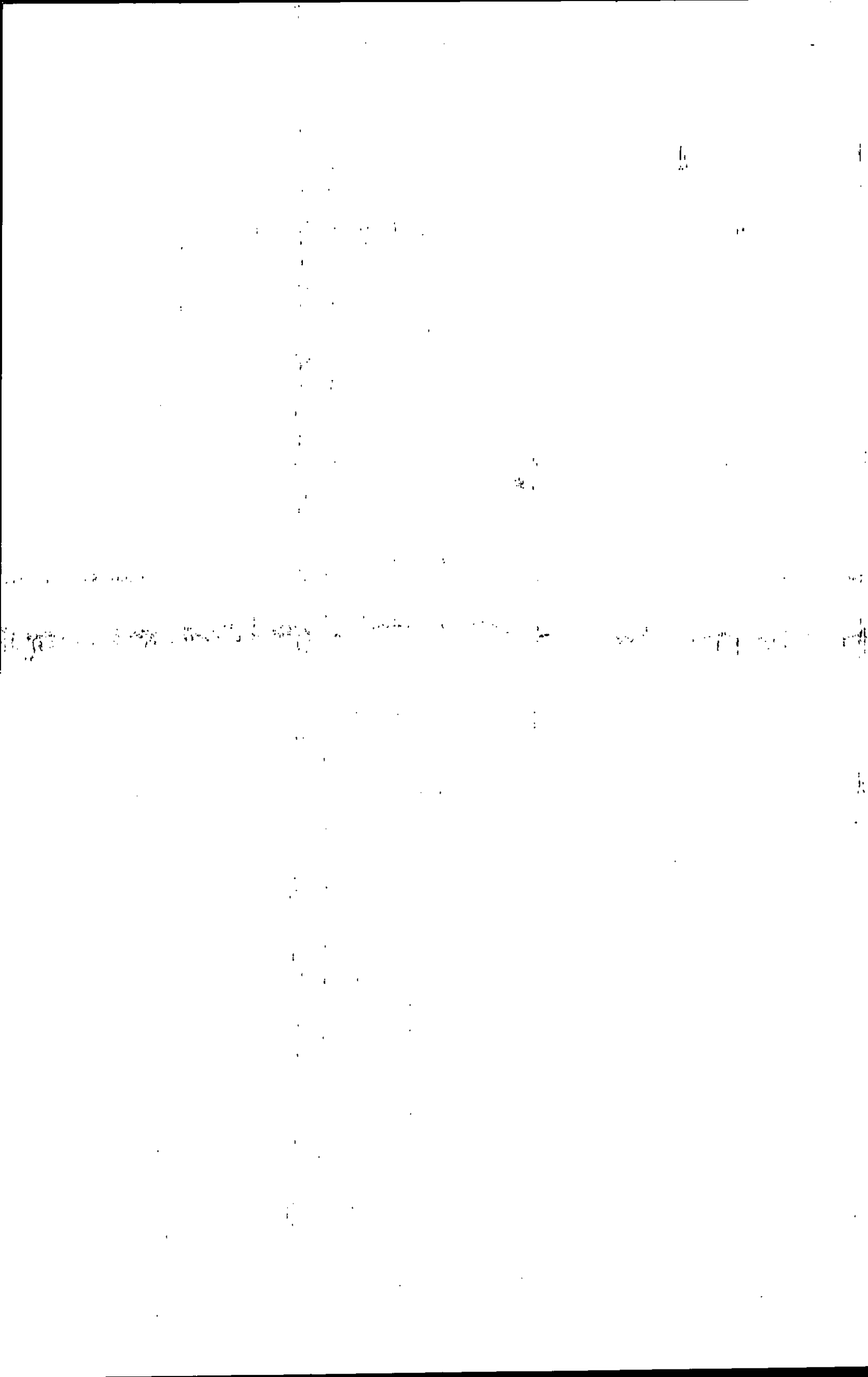
- 3.1) The brief facts leading to the instant inquiry are that on a tip of information, SHO PS Ghoriwala raided the house of Khuda Dad at Toro Balo Michan Khel on 07.04.2016 and recovered a huge quantity of arms/ammunitions. He informed the then DPO/Bannu who had sent ex-DSP Rural Bannu Said Khan Bangash (delinquent police officer) to the scene. When ex-DSP Rural Bannu Said Khan Bangash reached the spot, he took 2 pistols and 2 SMGs for his personal use and kept the same in his vehicle.
- 3.2) Haji Ghulam Raziq, the then SHO PS Ghoriwala who had received the information about the illegal weapons was examined in detail. He stated that he had received information about illegal arms/ammunitions stored in the house of Khuda Dad at Toro Balo Michan Khel. After he reached the spot, he called DPO Bannu who deputed the then ex-DSP Rural Said Khan Bangash to reach the spot. After some time, Ex-DSP Rural Said Khan Bangash reached the spot. As per the statement of the then SHO Ghulam Raziq, when arms/ammunitions were being shifted from the house to the police vehicle, Said Khan Bangash took 2 pistols and 2 SMGs for his personal use and kept the same in his official vehicle. Ghulam Raziq the then SHO PS Ghoriwala stated that ex-DSP Rural Said Khan Bangash also suggested him to take some arms/ammunitions for personal use but he didn't do that.
- 3.3) Haji Ghulam Raziq, the then SHO PS Ghoriwala, stated that arms/ammunitions were then taken to Police Station Ghoriwala where they were counted and it turned out that total 430 pistols, 99 SMGs and around 47000 live rounds had been recovered. He stated that these weapons were exclusive of the weapons already taken by ex-DSP rural Said Khan Bangash. He stated that on the same day, he had informed DPO Bannu about the fact that ex-DSP Said Khan Bangash had taken some weapons for his personal use.
- 3.4) During the course of inquiry Haji Ghulam Raziq was asked if any other police officer at the spot had seen the delinquent police officer taking weapons? Ghulam Raziq the then SHO PS Ghoriwala replied that there was no other police official present in the house as all police officials had surrounded the house and only Jamshed Ali (who was



96

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92 (104)

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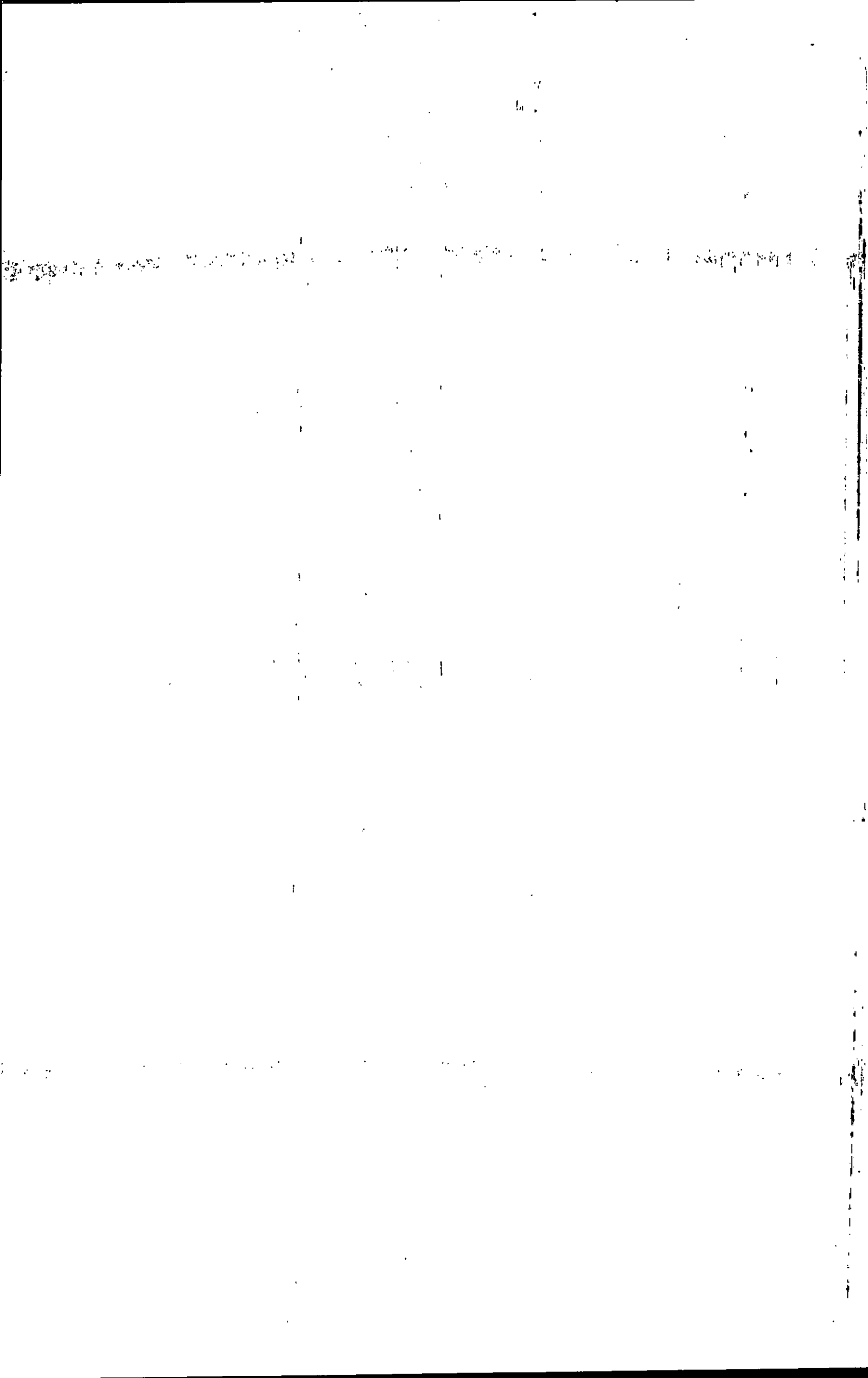
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### 3) BRIEF FACTS OF THE INQUIRY:

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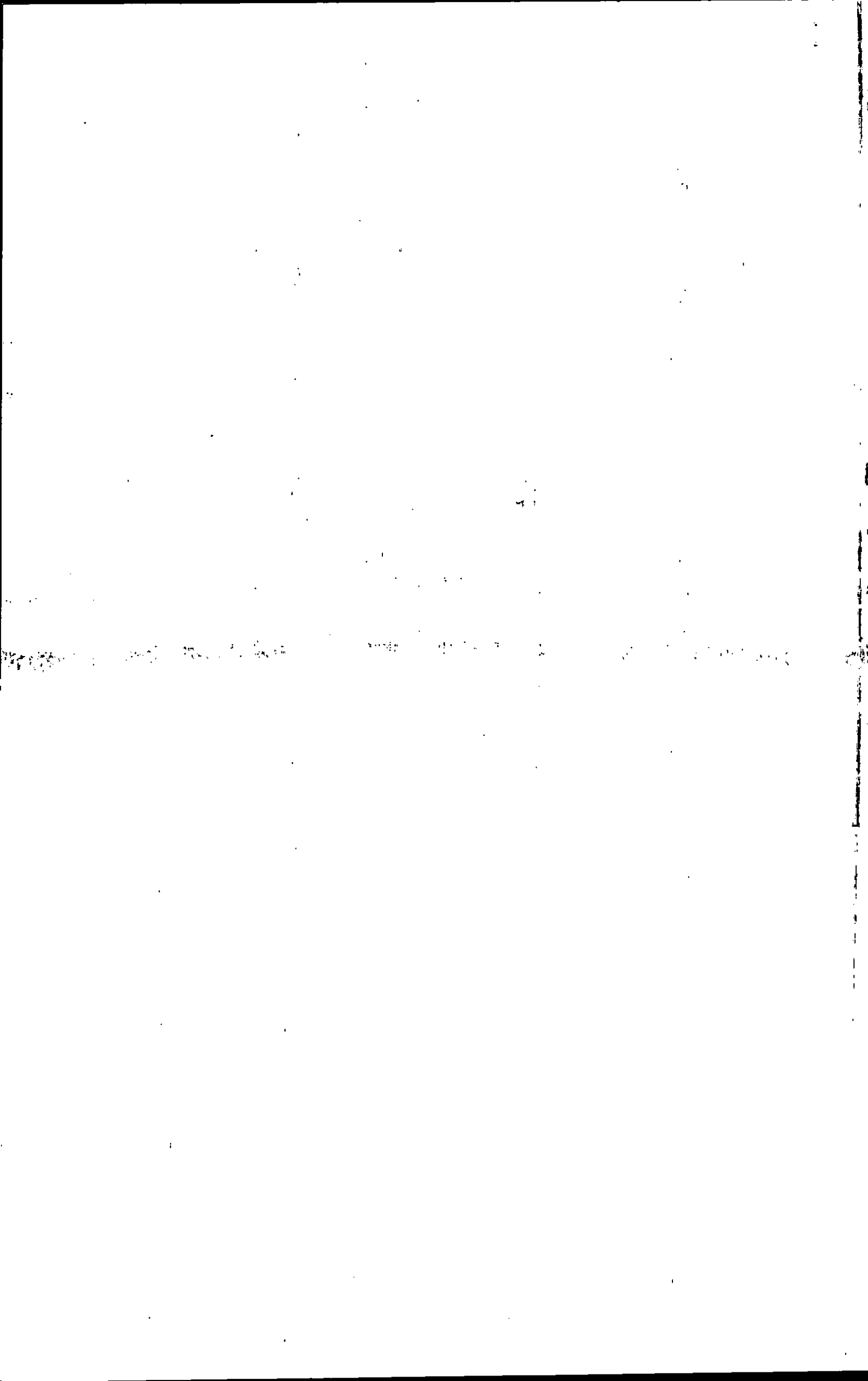


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inside the room handing over the weapons to SHO) and ex-DSP Said Khan Bangash were present along with him.

- 3.5) Ghulam Raziq was further asked if there was previous history of enmity between him and ex-DSP Rural Said Khan Bangash to which he replied in negative.
- 3.6) Ghulam Raziq the then SHO PS Ghoriwala was asked if ex-DSP Said Khan picked up the weapons randomly or he selected some special ones. He replied that though ex-DSP Said Khan Bangash had tried to select good weapons but since all were locally made, it did not help much.
- 3.7) During inquiry ex-DSP Rural Said Khan Bangash was examined in detail. He stated that on 7.4.2016, he received a call from DPO Bannu who directed him to reach the spot where huge number of arms/ammunitions had been recovered. When he reached the spot, he saw SHO Ghulam Raziq had already counted the arms/ammunitions and loaded the same in the police vehicle. He brushed aside the allegation stating that when he reached the spot, SHO Raziq Khan had already counted the arms/ammunitions and that as per statement of the SHO in the court, recovery memo was prepared at the spot and report (Murasla) was sent from there.
- 3.8) Ex DSP Said Khan Bangash further contended that there were contradictions in the statements of the SHO and he concocted the story to give benefit to the accused of the case.
- 3.9) Ex-Dsp Said Khan Bangash further stated that from recovery memo at the spot to lodging of FIR, the weapons recovered have been mentioned as 430 pistols, 99 SMGs and 47000 of rounds. Had he taken some weapons for his use, the number of recovered weapons would have been higher than those mentioned in FIR.
- 3.10) Ex-DSP Rural Said Khan Bangash in his defence stated that there were many police officers present at the spot but no one has supported the allegations of SHO. Inquiry committee asked from Ex-DSP Rural Said Khan Bangash if anyone have denied the same in his favour to which he replied in negative.





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3.11) Throughout the inquiry proceedings, ex-DSP Rural Said Khan Bangash extensively relied upon the contradiction in the statements of the then SHO PS Ghoriwala Ghulam Raziq in front of court and in front of inquiry committee.

3.12) During inquiry, other relevant police officials were also examined. In this regard Jamsed Ali, recovery memo witness and Feroz Khan Moharrar were summoned.

Both officials narrated that the weapons were recovered and later shifted to police station. And it was at the police station where murasla and recovery memo were prepared. They neither supported the allegation against the ex-DSP Rural Said Khan Bangash nor denied showing complete ignorance about the issue.

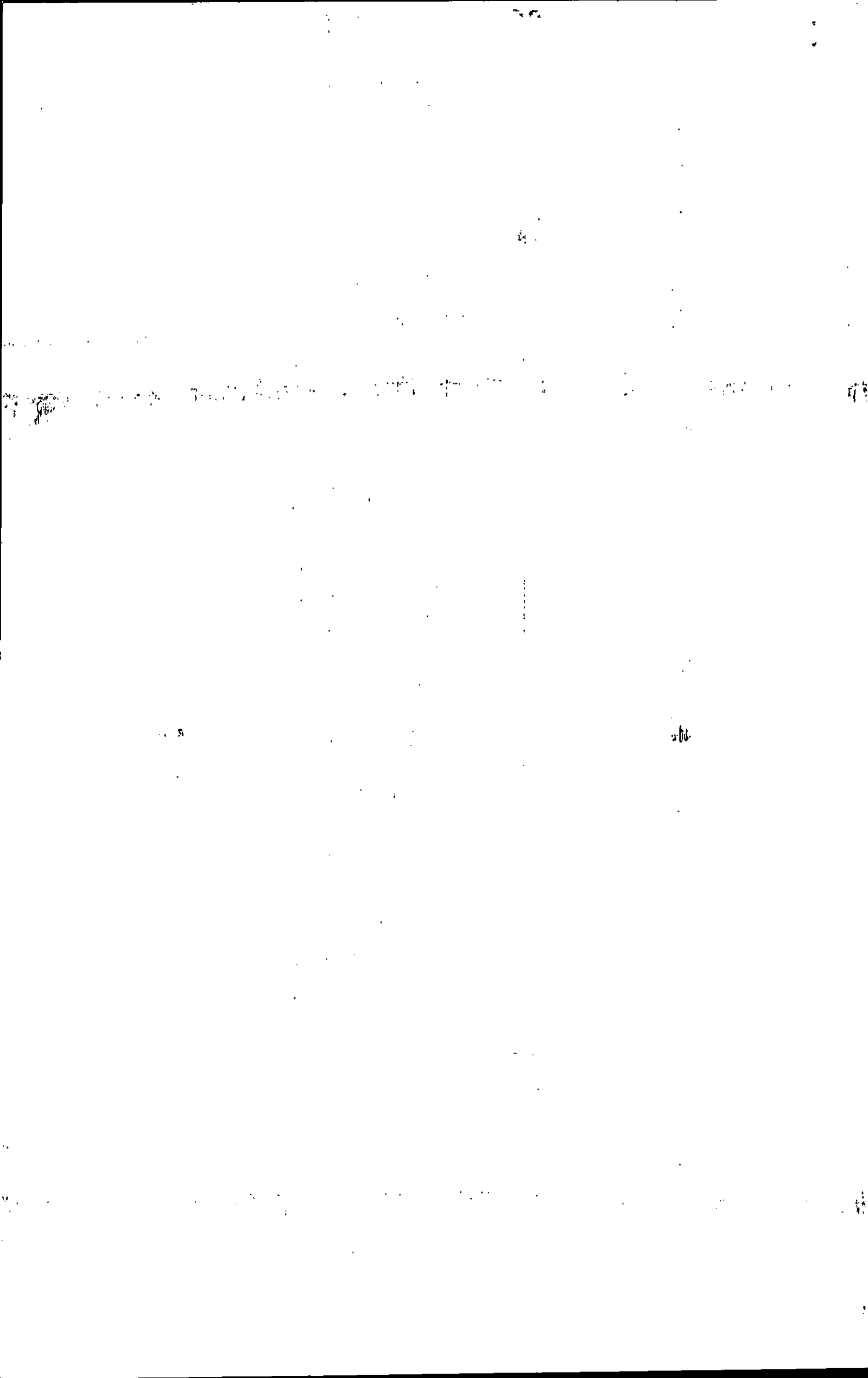
3.13) As far as the allegation of selling the officials trees is concerned, Inquiry Committee tried to gather evidence and record statements of relevant police officials but couldn't find any.

#### 4. FINDINGS OF THE INQUIRY

4.1) From the perusal of statements and cross examination of the delinquent officer and other police officers acquainted with the facts of the inquiry and contents of the case file of FIR no.148 dated 07.04.2016 u.s 15AA/7ATA, it is established that ex-DSP Rural Said Khan Bangash reached the spot in compliance with a lawful order of DFO Bannu who had been informed by SHO PS Ghoriwala about the recovery of the weapons on 07.04.2016.

4.2) During the course of inquiry, it is established beyond any doubt that when ex-DSP Rural Said Khan Bangash reached the spot, he took 2 SMGs and 2 Pistols for himself. Hence the second allegation is proved to the extent that he took 2 pistols and 2 SMGs from the spot and inquiry committee could not find any evidence/proof of him taking more weapons and live rounds in the PS.

4.3) It is worth mentioning that an SHO of a police station hardly dares maligning his immediate supervisory officer until and unless there exists irrefutable evidence. The allegation of ex-DSP Rural Said Khan Bangash that SHO concocted the whole story and there were contradictions in his statements in order to give benefit to the accused doesn't hold water because had SHO been in favor of giving benefit to



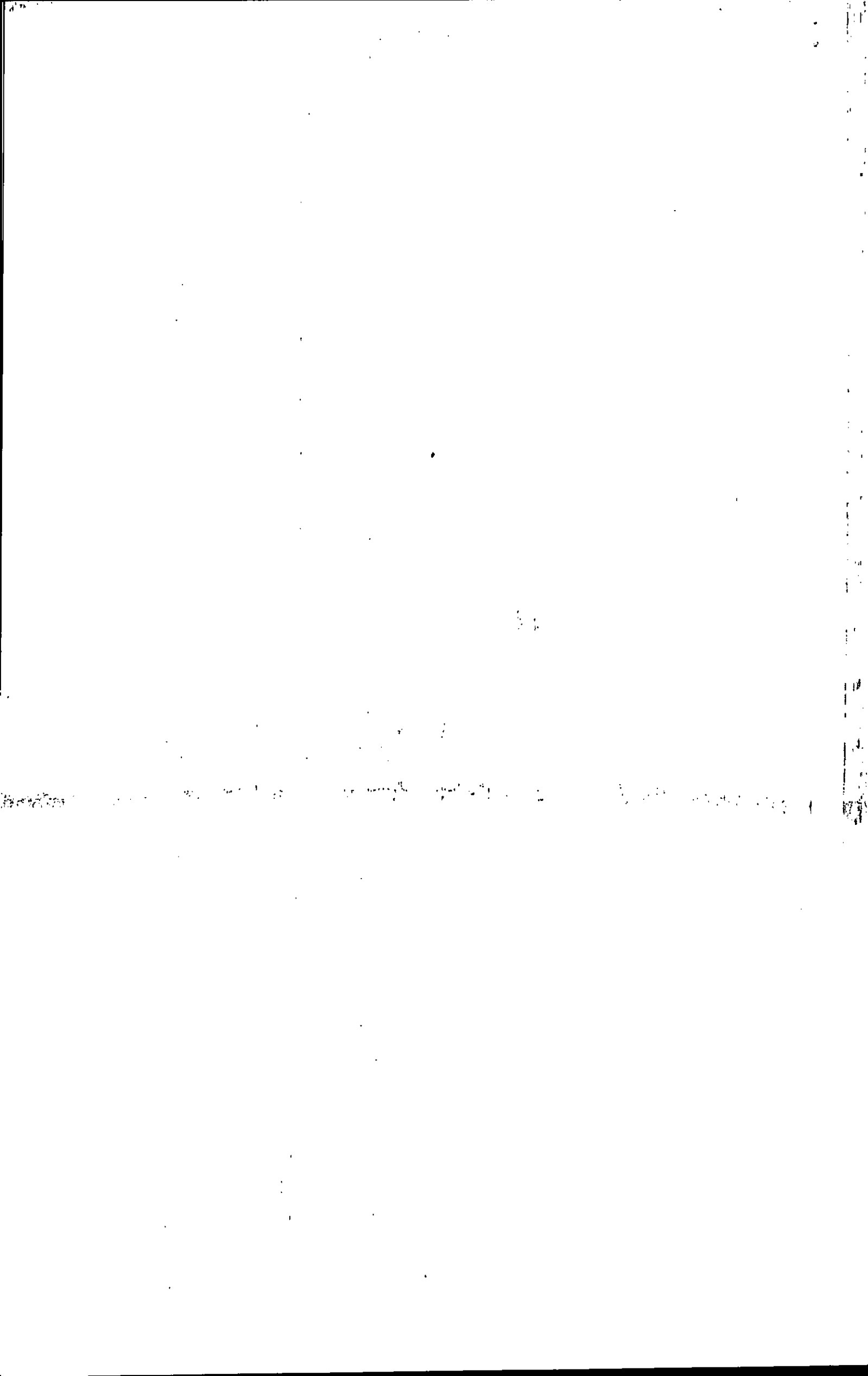
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the accused, why would he raid him in the first place? Moreover, if there was any contradiction in the statements of SHO why the delinquent police officer didn't take action against him and why being a supervisory officer he failed to stop SHO from doing the same. To these questions, the answers of ex-DSP Rural Said Khan Bangash were not found satisfactory.

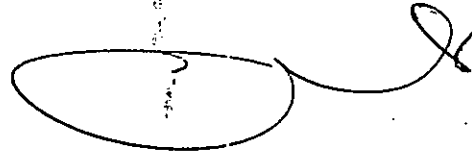
- 4.3) The third allegation against ex-DSP Rural Said Khan Bangash related to selling of official trees could not be proved beyond a shadow of doubt.
- 4.4) The fourth allegation that the acts of ex-DSP Rural Said Khan Bangash have degraded the image of police is proved as taking weapons for personal use from recovered case property indeed brings bad name to police deptt.
- 4.5) The fifth allegation against ex-DSP Rural Said Khan Bangash of bearing stinking reputation was inquired and from the scrutiny of his character roll, it transpired that he was issued two displeasure notices vide letter no.1047/PA dated 15.6.2004 and 1704-41/PA dated 18.04.2014 and there were adverse remarks in his two ACRs for the years 2004 and 2008. From the remarks of senior police officers jotted down in displeasure notices and ACRs, the said allegation of bearing stinking reputation is substantiated, hence proved.

## 5. RECOMMENDATIONS

- 5.1) After examining the delinquent police officer and other police officers related to the inquiry, Committee has come to the considered opinion that ex-DSP Rural Said Khan Bangash has been found guilty of taking 2 SMGs and 2 Pistols for his personal use from the recovery made by the then SHO PS Ghoriwala Ghulam Raziq thus bringing bad name to the police department and of bearing stinking reputation.



52) Based on the aforementioned findings, the inquiry committee, therefore recommends, ex-DSP Rural Said Khan Bangash for major punishment under the Police Efficiency & Disciplinary Rules 1975 (amended 2014).



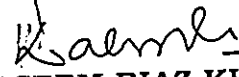
(SHER AKBAR)

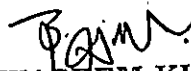
PSP, S.St

DIG HQrs

Khyber Pakhtunkhwa

Police, Peshawar

  
(WASEEM RIAZ KHAN)PSP  
SP Cantt: CCP Peshawar

  
(WASEEM KHALIL)  
SP HQrs CCP Peshawar

26/5/78 بیان اتران جی شد علی آئی آر اور جی آر سی ASI

کنیٹ

خلفاً بیان کرتا ہوں کہ میں ہرگز وقوع کوئی 4/7/57ء

ہو گیا ہے جو وجود تھا کہ شہرت اطلاع دی کہ خداداد کے

بھیٹا میں کافی رقم موجود ہے۔ اسی اطلاع پر وقوع ہوا

تو واقعی خداداد نہ خود تکمیل ہوا کہ ہر رقم سرک دست

نے لگا ہے۔ اس کے بعد وہ اس کے لئے ٹوٹ گیا

اس کے بعد نہ بنا۔ ASI صاحب وقوع پر اپنے پاس

بنا۔ ASI صاحب وقوع پر حاضر کر بھیجے کہ دروازہ کھولا

تو نکل جانے کے اندر کافی رقم موجود تھا جو حکومت کے لئے

عمل کرنے کے لئے درج ہے۔ اور اس کے بعد اس کے بعد

کچھ نہیں ہو سکتا۔ ہم اس کے لئے کارکن گئی رہی جو وقوع فرد کی تکمیل

کے لئے ہرگز نہیں تھا۔ اور اس کے بعد اس کے بعد اس کے بعد

میں لایا کہ ہم اس کے لئے کارکن گئی رہی جو وقوع فرد کی تکمیل

430 عدد اور کارٹوس ہر قسم 47000 ہے جو علم کے لئے ہرگز نہیں

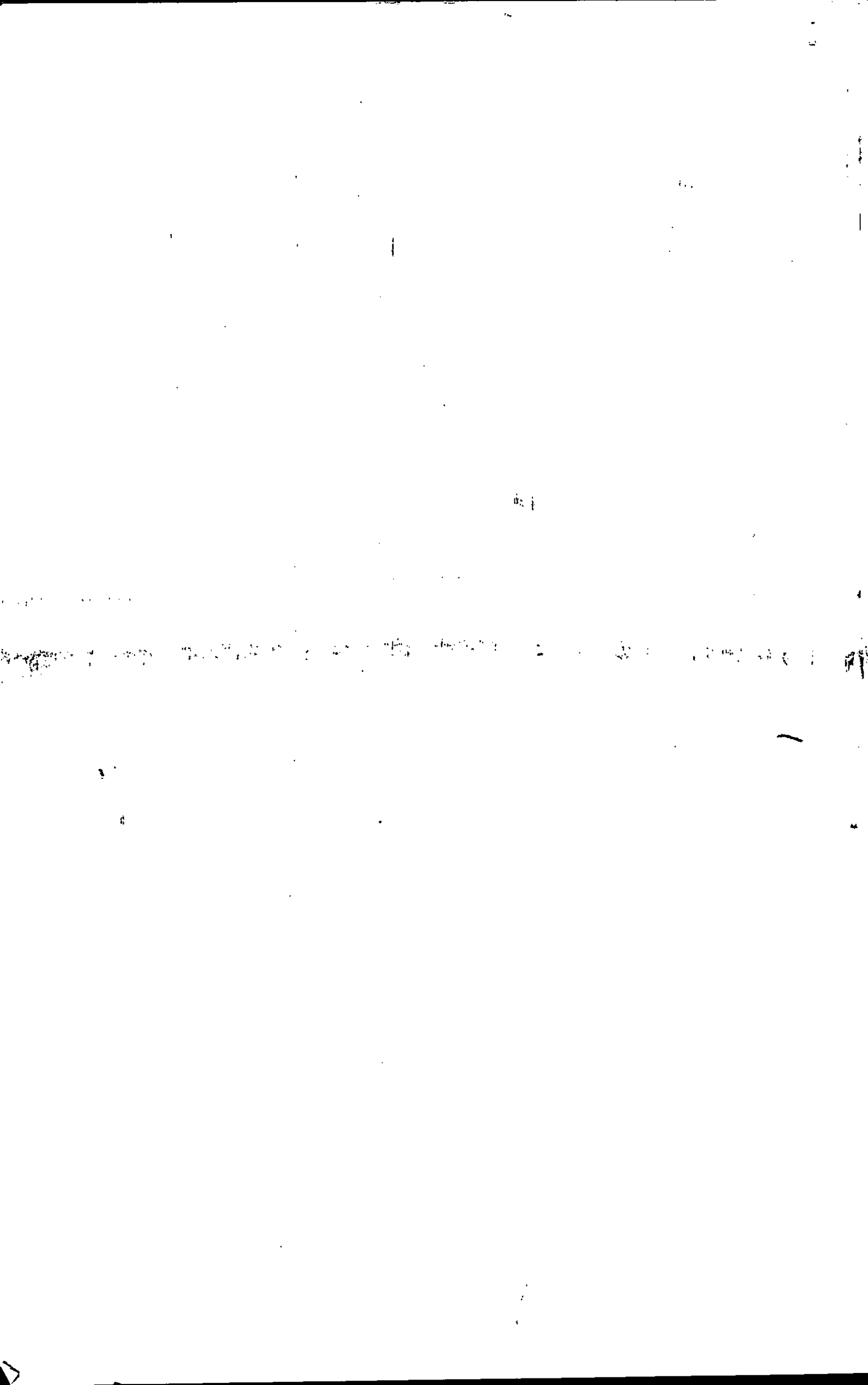
ماکانہ تھا جس میں 33000 دیگر لاء علم ہوں۔ سہرا یہی بیان ہے

درست ہے



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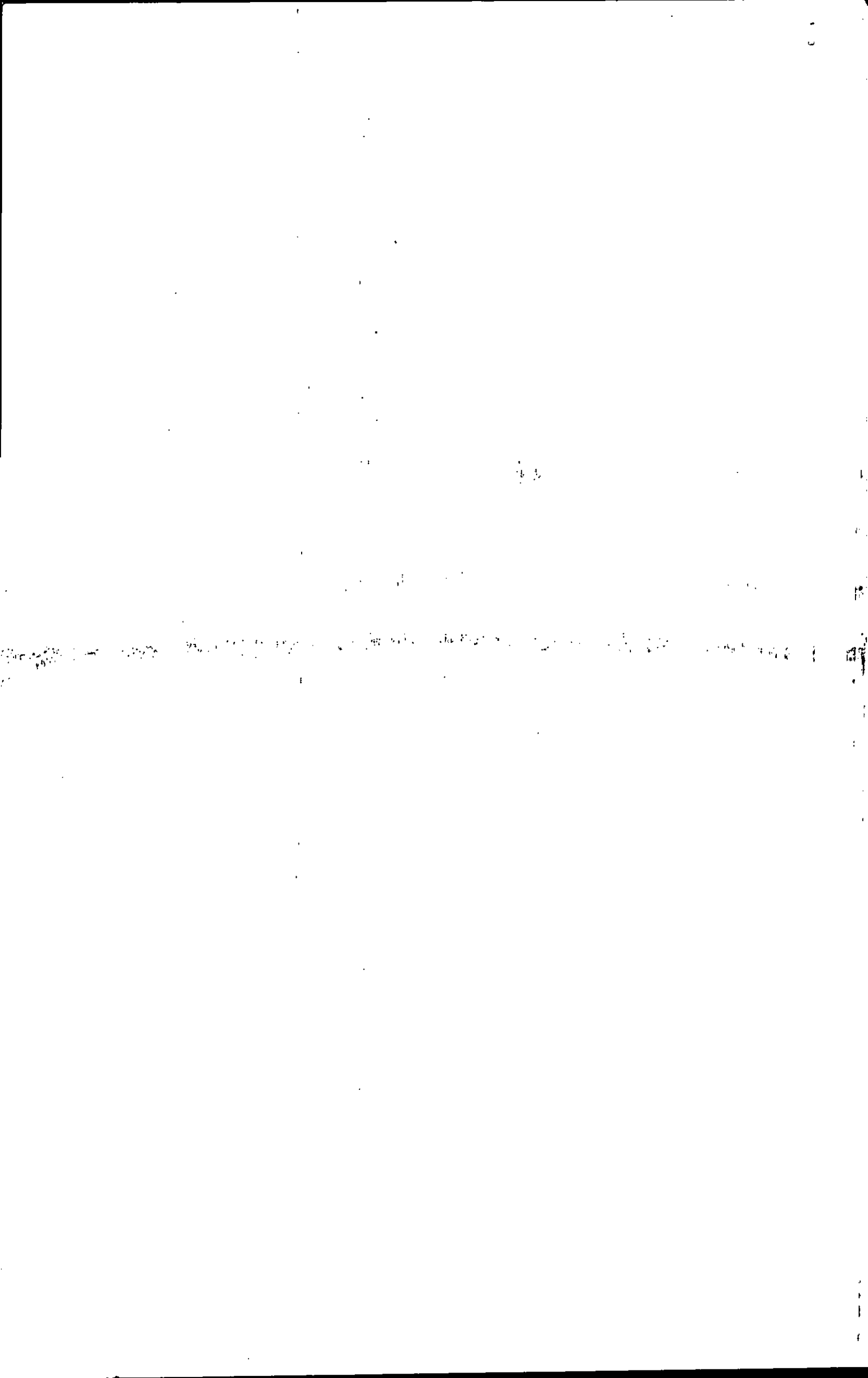




البیتہ جس سے معلق سنا ہے اور یہ ہے کہ صحت - اس کا صاحب  
 گنہگار ہے کھاٹے میں اور صحت - اس کا صاحب گنہگار  
 اس درختوں کے پھل سے کہ کوئی طریقہ کاروں کے ساتھ اس کے ساتھ  
 اس کا پھل تھا، سو اس کا پھل اس کے پھل سے کہ اس کے پھل سے  
 ① کھدیں کھدیں ۹۵ عدد ② گالہ کھدیں ۹۵ عدد ③  
لیسول ۹۵ عدد ④ کاربوس ۹۵ عدد  
 اس کا پھل تھا، سو اس کے پھل سے کہ اس کے پھل سے

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ASHO PS ۷۹.  
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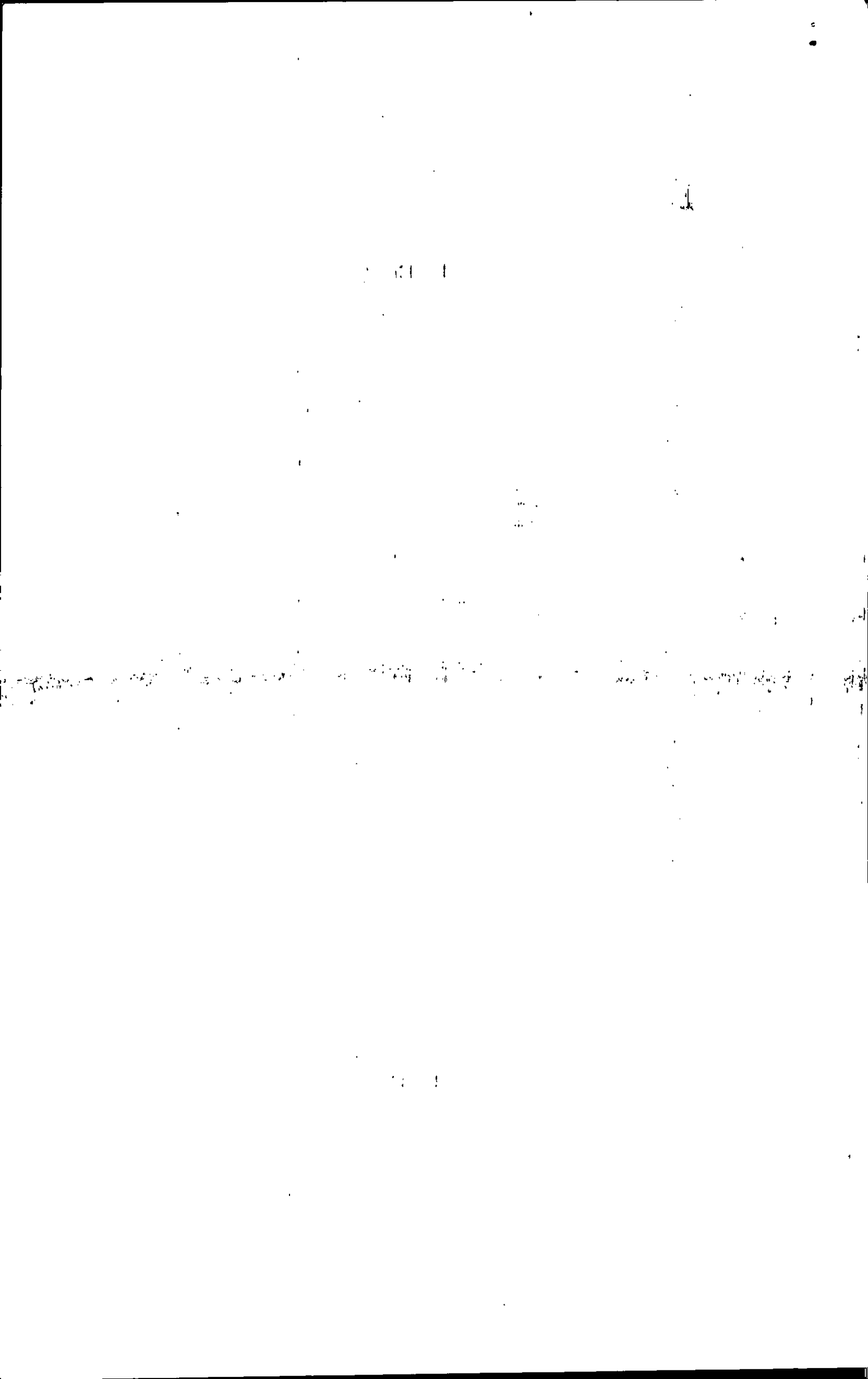


26/5/18

بیان ازلان فیروز خان شہر غوریاں حل پولیس اسٹیشن میں  
 حلفاً بیان کرنا میں کہ جو واقعہ عطا بق فرد نے بیان کیا  
 اس حوالہ کتاب سے درست طور پر جاننا میں چاہتا ہوں  
 بیان سن لیا جو درست ہے



The Police Line Banna  
 26/5/18 : 0336-9609153



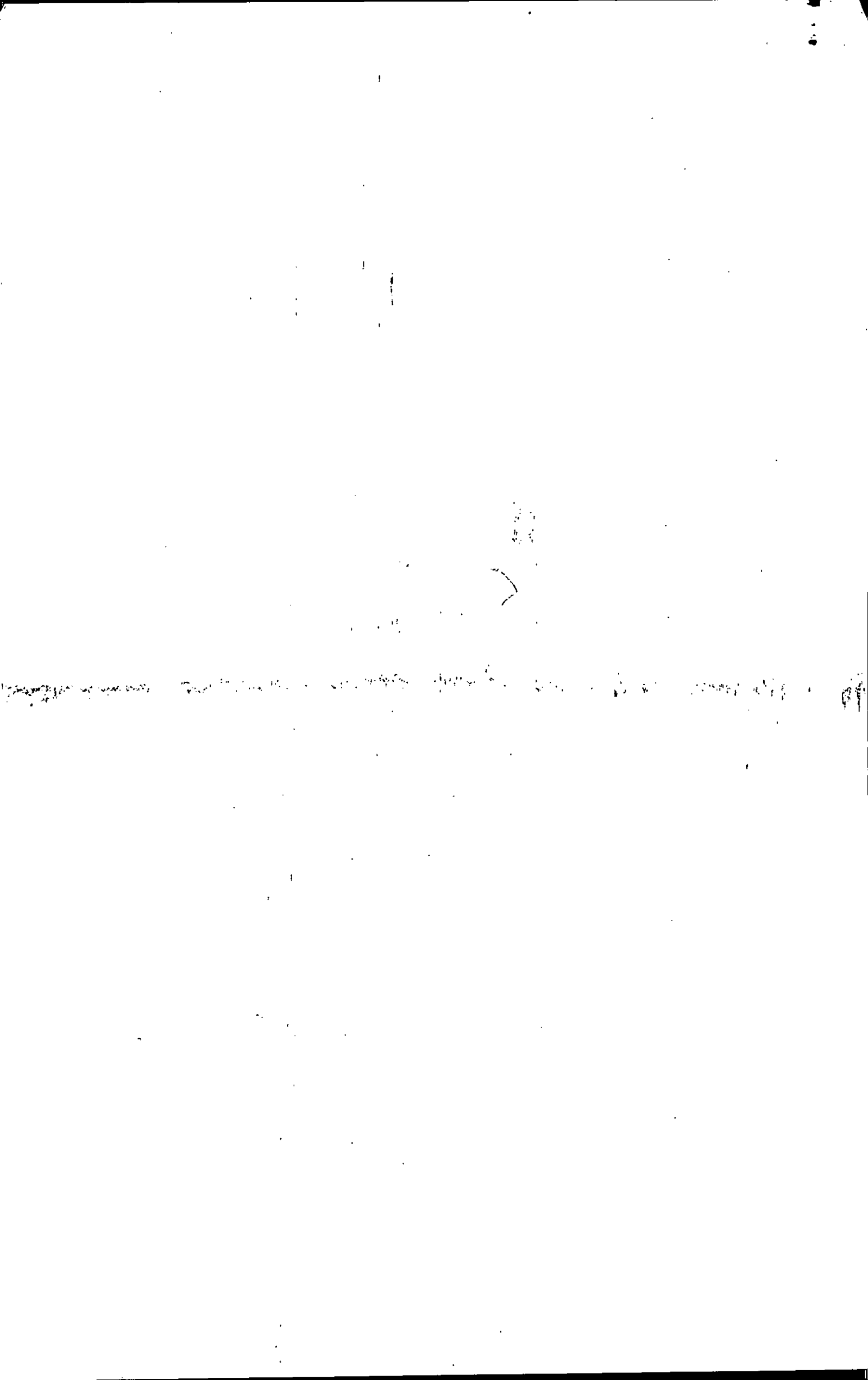
جزئیات صفات ذی کبر انکوئی افسانہ صاحبان

دورانِ حیات ہر وہ جانور کائنات میں ہے جس کا وجود ہے

صفات خاصہ ہر جانور کے ہوتے ہیں جن سے وہ جانور اپنے  
صاحب سے جدا ہو کر ایک نیا جانور بن جاتا ہے۔ مثلاً  
انسانی افسانہ صاحبان کے ہوتے ہیں جو کہ انسانی  
صفتوں سے محروم ہوتے ہیں اور ان کے ہوتے ہیں  
انسانی صفتوں سے محروم ہوتے ہیں۔ مثلاً  
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انسانی صفتوں سے محروم ہوتے ہیں۔ مثلاً



26/5/18 بیان ازان حاجی علی علیہ السلام از ان کان ASHO طور حال ASHO

نوٹنگ فلو ٹیکر

انے بدریافت بیان کیا کہ فون 4/16 کو سن ASHO کو فون

بدریافت بیان کیا کہ فون 4/16 کو سن ASHO کو فون

کافی اہم وجود ہے۔ اسی اطلاع پر سب سے فون پولیس بہت

ازان خداداد طور بہت گھر سے لگا اور صاف ہوا

انے نوٹس میں لگاؤں، صاف صاف۔ ASHO صاحب کو فون

میں ہلکے ہلکے صاف صاف۔ ASHO صاحب نے فون

بہت خداداد دے نالے وغیرہ ٹھہرا کر کھینٹ لے کر اسی اہم

وجود تھا۔ اہم کو لے کر اگوشن گاڑی سے ڈال دیا

ٹھہرا کر دیا گیا وہاں پر اسی گھر کے گنتی سے ملے صاف۔ ASHO

فون سے ڈھونڈ کر کھینٹ لے کر اگوشن لے گیا تو لکھنؤ

گاڑی نے فون سے ڈال دیا اس نے لکھنؤ اگوشن

فون سے ڈھونڈ کر کھینٹ لے کر اگوشن لے گیا اور

ASHO صاحب نے فون میں لکھی علامہ ازین جہاں تک درخت کاٹنے

کا ذکر ہے علامہ علیہ السلام نے اس وقت تک نہیں رکھا ہے جو

میرے علامہ رضی اللہ عنہما سے نام ہے۔ چارکی

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