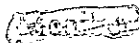



04.12.2018

Appellant/appellant in person present.

This is an application for withdrawal of appeal No. 932/2018 which is fixed for hearing on 17.12.2018. The appellant/applicant states that his grievance has been redressed by the respondents vide order dated 03.12.2018 and, as such, he has to proceed on a three months course at PTC Hangu tomorrow.

Application is allowed and the appeal is dismissed as withdrawn. File be consigned to the record room.



  
Chairman

Announced:  
04.12.2018

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,  
PESHAWAR.

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No. 932 - /2018

Diary No. 2201

Dated 4-12-2018

Put up to the court with  
relevant appeal.

Khizzar Hayat

V/S

Police Department.

*[Handwritten signature]*

4/12/18.

APPLICATION FOR WITHDRAWAL OF APPEAL.

RESPECTFULLY SHEWETH:

- 1) That the above captioned appeal <sup>is fixed</sup> for hearing before this Hon'ble Tribunal on 17.12.2018.
- 2) That during the pendency of the appeal, the grievance of the appellant was redressed by the department vide order dated 3-12-2018. Therefore, the petitioner does not want to further press his above captioned service appeal. (Copy of the order is attached as annexure-A.

It is therefore humbly prayed that the above titled appeal of the appellant may kindly be withdrawn on the request of the appellant.

*[Handwritten signature]*  
Appellant  
Khizzar Hayat

THROUGH:

*[Handwritten signature]*  
(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT

Peshawar, Dated  
04 /December, 2018.

**AFFIDAVIT:**

I, the appellant state on oath that the contents of the above application is true and correct to the best of knowledge and belief, and nothing has been withheld or concealed from the Honorable Tribunal.

*[Handwritten Signature]*  
Deponent

~~ATTESTED~~  
4  
*[Handwritten Signature]*  
ADVOCATE  
Notary Public/Oath Commissioner  
Peshawar High Court Peshawar



OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
**PESHAWAR**

Phone No. 091-9210989

Fax No. 091-9212597

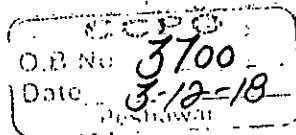
**ORDER.**

This order will dispose off the departmental appeal preferred by SI Khizar Hayat No. 1198 who was awarded the major punishment of "Reduction in time scale of pay by 02 years" by SSP/Operations Peshawar vide order No. 427-33, dated 30-03-2018.

2- The allegations leveled against him were that he while posted as SI/SHO Police Station Pishtakhara established links with criminals and antisocial elements. He has been given a residential house at Pawaki. There were also allegations against him of receiving illegal gratification and contacts with car lifters.

3- A denovo departmental enquiry was conducted through an enquiry committee comprising of SSP/Coordination and SP/HQrs Peshawar on the direction of Honorable Court conveyed through CPO. He was issued proper charge sheet and summary of allegations by SSP/Ops Peshawar. The enquiry committee after conducting proper departmental enquiry submitted their findings that no concrete evidence could be established against him during denovo enquiry and recommended that he needs to improve his general image and act as per law in future. The competent authority after personal hearing awarded him the major punishment of reduction in time scale of pay for two years and the intervening period was treated as leave without pay.

4- He was heard in person in O.R. The relevant record perused along with his explanation. The enquiry committee in its findings submitted that the charges could not be proved, therefore the punishment could not be awarded. Therefore the punishment awarded to the appellant by SSP/Operations Operations Peshawar vide order No.427-33, dated 30-03-2018 is hereby set aside. Moreover, accepting the recommendation of the enquiry committee the officer is nominated for 03 months ethics training in PTC Hangu.



(QAZI JAMIL UR REHMAN)PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 1386-94 /PA dated Peshawar the 03-12-2018

Copies for information and n/a to the:-

1. Commandant PTC Hangu.
2. SSP/Operation for necessary action vide Para-4 above.
3. BO/OS/AS/EC-I& EC-II/CRC.
4. FMC along with FM
5. Official concerned.

23.11.2018

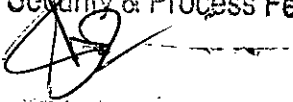
Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Raziq, Head Constable for the respondents present. Written reply not submitted. Learned Additional AG requested for adjournment. Adjourned. To come up for written reply/comments on 17.12.2018 before S.B.

  
Muhammad Amin Khan Kundi  
Member

29.08.2018

Counsel for the appellant Khizar Hayat present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department and during service he was removed from service on the allegation that he has link with criminal professionals. It was further contended that the appellant filed service appeal 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 the appellant was not found guilty. It was further contended that despite de-novo inquiry in favour of the appellant the competent authority has imposed major penalty of reduction in time scale pay for two years and the intervening period was treated as leave without pay, therefore, the impugned order is illegal and liable to be set-aside.

Appellant Deposited  
Security & Process Fee



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 26.10.2018 before S.B.

*MA*  
(Muhammad Amin Khan Kundi)  
Member

26-10-2018



*Due to Retirement of Honorable  
Chairman the Tribunal is nonfunctional  
Therefore the case is adjourned to come  
up for the same on 23-10-2018*

*Reader*

Form- A  
FORM OF ORDER SHEET

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

Case No. 932/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/07/2018	<p>The appeal of Mr. Khizar Hayat presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p>
2-	24-7-2018	<p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29-8-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR

Appeal No. 932/2018

Khizar Hayat

VS


Police Deptt:

INDEX

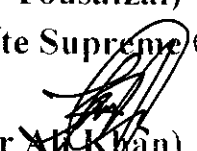
S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-05
2.	Copies of the complaint and letter dated 21.04.2015	A & B	06-08
3.	Copy of the 2 <sup>nd</sup> Complaint	C	09-10
4.	Copies of the Charge Sheet and reply to the charge sheet	D & E	11-13
5.	Copies of the inquiry report, show cause notice, reply to show cause notice	F, G & H	14-21
6.	Copy of the dismissal order dated 07.09.2015	I	22
7.	Copies of the departmental appeal and rejection order dated 02.11.2015,	J & K	23-29.
8.	Copy of Judgment dated 26.12.2017	L	30-33
9.	Copies of reinstatement order, charge sheet, statement of allegation and Reply to charge sheet	M, N & O	34-39
10.	Copy of Denovo Inquiry	P	40
11.	Copies of order dated 30.03.2018 and departmental appeal	Q, R	41-44
12.	Vakalatnama	-----	45

  
APPELLANT

Through

  
(M. Asif Yousafzai)  
Advocate Supreme Court

Asad Mahmood  
Advocate High Court

  
(Taimur Ali Khan)  
Advocate High Court



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Appeal No.

932/2018

Khizar Hayat,  
Police Line CCP Peshawar

.....APEPELLANT

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 1198

Dated 24/7/18

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Capital City Police officer, Peshawar.
3. The Senior Superintendent of Police, Operation, Peshawar.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974,  
AGAINST THE IMPUGNED ORDER DATED 30.03.2018  
WHEREBY THE APPELLANT HAS BEEN AWARDED  
THE MAJOR PENALTY OF REDUCTION IN TIME  
SCALE OF PAY BY TWO YEARS AND AGAINST NOT  
TAKING ACTION ON THE DEPARTMENT APPEAL  
OF THE APPELLANT WITHIN A STATUTORY  
PERIOD OF NINETY DAYS.

Filed to-day

Registrar

24/7/18 PRAYER

ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED  
ORDER DATED 30.03.2018 MAY GRACIOUSLY BE  
SET ASIDE AND THE APPELLANT MAY KINDLY BE  
RESTORE TO ITS PREVIOUS STATUS PRIOR TO  
THE IMPOSITION OF PENALTY. ANY OTHER  
REMEDY WHICH THIS AUGUST COURT DEEMS FIT  
AND APPROPRIATE MAY ALSO BE AWARDED IN  
THE FAVOUR OF THE APPELLANT.

**Respectfully Sheweth,**

**FACTS:**

1. That the appellant was initially appointed as Constable in the year 1995. During the course of his service the appellant also gained promotion to the rank of Head Constable, Assistant Sub Inspector and lastly to the rank of Sub Inspector in the year 2012.
2. That ever since his appointment, the appellant had performed his duties as assigned with zeal and devotion and there was no complaint whatsoever regarding his performance. It is pertinent to mention here that during the entire service the performance of the appellant remained commendable, he traced and arrested many criminals who were required to the police in some high profile cases, besides this during the roar of militancy, the appellant always remained in the front line against the militants and demonstrated exceptional performance, gallantry and devotion beyond the call of his duty. It was due to his satisfactory performance that the appellant was posted as SHO in different sensitive Police Stations. His performance was also appreciated by the High ups and he was awarded Commendation Certificates and Cash awards on number of occasions.
3. That while serving in the said capacity, some ill wishers of the appellant moved a baseless allegations regarding association of the appellant with criminals and terrorist groups, besides certain other false and baseless allegation. The complaint so moved was duly inquired/probed by the Counter Terrorism Department (CTD), the CTD while submitting its report dated 21.04.2015, clearly stated that nothing was found regarding association of the appellant with the said group and allegations contained in the application/complaint seems to be baseless. **(Copies of the complaint and letter dated 21.04.2015 is attached as Annexure A & B)**
4. That in February, 2015, i.e just after one month of the first complaint, again another complaint was filed against the appellant from fake identity, containing the same baseless allegations. **(Copy of the 2<sup>nd</sup> Complaint is attached as Annexure C).**
5. That on the basis of the said baseless complaint the appellant was served with a charge sheet and statement of allegations dated 21.04.2015, containing the same unfounded allegations as contained in the complaint. The appellant duly replied the charge sheet and refuted the allegations so

leveled in the charge sheet. **(Copies of the Charge Sheet and reply to the charge sheet are attached as Annexure D & E).**

6. That a partial inquiry was conducted and the inquiry officer submitted his findings wherein he recommended the appellant for major punishment. Thereafter the appellant was served with show cause notice dated 24.08.2015. That the appellant duly submitted his reply to the show cause notice and refuted the allegations leveled against him. **(Copies of the inquiry report, show cause notice and reply to show cause notice are attached as Annexure F,G & H).**
7. That without considering his defense reply, quite illegally the Appellant have been awarded the major penalty of dismissal from service vide order dated 07.09.2015.**(Copy of the dismissal order dated 07.09.2015 is attached as Annexure-I)**
8. That aggrieved from the order of dismissal from service, the appellant also submitted his departmental appeal dated 11.09.2015, however the appeal has also been rejected vide the order dated 02.11.2015. **(Copies of the departmental appeal and rejection order dated 02.11.2015, are attached as Annexure J & K)**
9. That appellant filed service appeal no. 1300/2015 for reinstatement into service which was decided on 26.12.2017 in which august Service Tribunal accepted the appeal and directed to conduct denovo proceedings within a period of ninety days. **(Copy of Judgment dated 26.12.2017 is attached as Annexure L).**
10. That on the basis of judgment dated 26.12.2017, the appellant was reinstated into service for the purpose of denovo departmental proceedings followed by charge sheet along with statement of allegations of the same charges was served to appellant which was duly replied by appellant and denied all the allegations. **(Copies of reinstatement order, charge sheet, statement of allegation and Reply to charge sheet are attached as Annexure-M, N & O)**
11. That denovo inquiry was conducted against the appellant by the inquiry committee in which the inquiry committee gives its recommendations that inquiry committee reached the conclusion that appellant (SI Khizar Hayat) the then SHO PS Pishtakhara has not been found guilty of misconduct. **(Copy of Denovo Inquiry is attached as Annexure P)**

12. That although the inquiry committee has not found appellant guilty of misconduct but respondent no. 3 passed an order on 30.03.2018 whereby punishment of reduction in time scale by two years has been imposed upon the appellant and the intervening period treated as without pay. The appellant preferred departmental appeal against the impugned order dated 30.03.2018, on 30.03.2018 which was not responded with a statutory period of ninety days **(Copies of order dated 30.03.2018 and departmental appeal are attached as Annexure- Q & R)**
13. That penalty imposed upon appellant is illegal and unlawful, hence liable to be set aside on the following grounds amongst others.

**GROUND:**

- A. That not taking action on the departmental appeal of the appellant within a statutory period and the order dated 30.03.2018 is against the law, rules, facts, norms of justice. Therefore, not maintainable and liable to be set aside.
- B. That although the inquiry committee not found appellant guilty of misconduct but despite that major punishment of reduction in lower time scale of pay by two years has been imposed upon appellant which is against the norms of justice and fair play. Therefore, impugned order is liable to be set aside on this score alone.
- C. That Denovo Inquiry Committee clearly mentioned in its report that confidential report though secret agencies sought which revealed that the allegation leveled against the appellant are hearsay as no warning/previous proceedings against the appellant were found on record. The inquiry Committee further mentioned in its inquiry report that so far as his relation with criminals is concerned, the allegation also has not been supported with any evidence, CDR, audio, video recording and gave its recommendations that appellant has not been found guilty of misconduct. Therefore, there remain no ground to penalize the appellant but the respondent no. 3 punished the appellant without observing the denovo inquiry report. Therefore, the order dated 30.03.2018 is liable to be set aside to meet the end of justice and fair play.

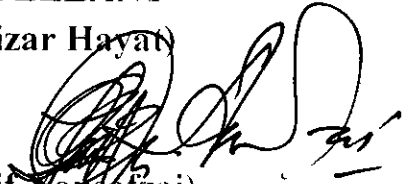
- D. That respondent no. 3 passed the order dated 30.03.2018 without giving any reason for not agreeing with the recommendation of inquiry report which is violation of superior court judgments as well as law and rules.
- E. That show cause notice was not issued to appellant before passing impugned order in violation of law and rules.
- F. That the appellant was not treated according to law and rules and has been punished for no fault on his part.
- G. That the appellant has not been treated in accordance with law and rules hence his rights secured and guaranteed under the law are badly violated.
- H. That appellant seeks permission to advance other grounds and proof before this honourable Tribunal at the time of hearing.

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

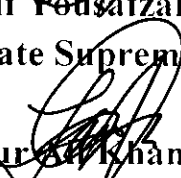


APPELLANT  
(Khizar Hayat)

Through



(M. Asif Fousafzai)  
Advocate Supreme Court



(Taimur Ali Khan)  
Advocate High Court

Asad Mahmood  
Advocate High Court

خدمت جناب انسیر جنرل آف پولیس نومبر پشترہ مختصر و آہ کی پی او

مؤربانہ گزارش یہ ہے آپ کی خدمت میں ڈی ایس پی راجہ شاہ اور ان کے  
تھانہ پشترہ خضر حیات کے بارے میں شکایات نامہ کی جانچ اور ان کے  
جاتی ہے کہ ان کے خلاف سنگین ترین کارروائی کی جائے گی

پشترہ پولیس سٹیشن کے موجود ہیں ایک زمانہ بڑا گروپ مرکز میں  
قبضہ گروپ - سنگروں کا لیگ - ڈاکو - دہیزوں کا ٹولہ - اجرتی قاتل - انوکھ  
نادان - کار فٹنگ - شراب کباب وغیرہ وغیرہ

جکا اکاڑہ - میدان پشاور مرکز ہے اور اسکی جڑیں - بارہ پشترہ جنسی  
تک پھیلی ہوئی ہیں - خیر اجنسی کے دشت گرد لشکر اسلام تنظیم سے اسکا  
رابطہ ہوتا ہے - اس تنظیم کے ارکان سے منشیات کی سپلائی کی شراکت داری  
بارہ اپریش سے قبل - پیسوں کے لین دین چھوڑا ہوا - اور یہ ڈھونڈ ڈھونڈ کر

کا امیر منگل باغ قبضہ گروپ کا سرغنہ ظاہر شاہ پشترہ خڑہ کانٹائی کا جانی دشمن  
اور اسکا جان لینے کا در پے ہے - لہذا زمانہ بڑا سماج دشمن عناصر ظاہر شاہ کو خرد  
کی مدد کی ضرورت پڑ گئی ہے - لہذا رحیم شاہ ڈی ایس پی ظاہر شاہ برصا پور کی مدد  
پر مامور کیا گیا - حقیقت یہ ہے رحیم شاہ ڈی ایس پی اور ظاہر شاہ کی

سنا اور کاروبار میں نفسی نفسی کے پارٹنر بنے - ظاہر شاہ ولد محمد زمان گاؤں پشترہ  
بیان ضلع پشاور ③ قمر خان عرف قمرے ولد عزیز خان ③ میر شہر وار  
پشترہ بالا پشاور ④ اولس خان وار گل احمد گاؤں باؤرک پشاور ⑤ سجاد  
ولد سید خان گاؤں تودیہ بیان پشاور ⑥ زاہد حسین ولد فقیر حسین گاؤں  
ضلع پشاور - ساہے ریلنگ روڈ پشترہ جوگ پشترہ پشاور

Ate

ATTESTED

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ایس زیر سماعت ہے۔ لایبر سے جو ری گاڈریں آئی ہیں اور ان کے بارے میں  
 لایبر کو مشایات پہنچایا جاتا ہے۔ جناب والا ایس ایچ او حضور میاں صاحب سے  
 کہ ان کی موجودہ سائٹس جگہ کوئی ہے گاؤں یا کوئی کینال روٹی جاپان سپر مارکیٹ  
 ریٹین اختیار کر رکھا ہے۔ یہ بھی ایس گروپ کے اوسر خان ولد گڑھ پور نے  
 تاکہ ظاہر شاہ گروپ کو اس علاقے میں اپنا دھندہ کرنے کا مکمل اختیار  
 والا۔ آپ اپنے طرف سے خضر حیات کے گروپ سے سائٹس کی انکوائری کریں  
 یہ گروپ پچھلے سال پشاور اور روتھ ریل کے Facilitators کے مشورے پر  
 برسی سائٹس کے علاقے اس جگہ ان کے Meetings ہوتے رہتے ہیں اور ان کے  
 کے معنی بیان کرتے ہیں اور دہشت گردوں کو پناہ دینے کا فرض ہے (پشاور کے  
 آری ہیک کول پر عمل کرنے والے دہشت گردوں کو بیان کیجئے۔ قیام گھر سے  
 رنگ روٹ پر واردات کرنے کے بعد اور پولیس پر فائرنگ کرنے بعد اس جگہ  
 انہوں نے رنگ روٹ پر سے شہر میں رتیلے رتیلی گاؤں اور ڈاکے ڈالے اور مختلف  
 گیا اور بعض شراروں کو لگا لگا لگا۔ آپ کو خدمت میں اصل کا جاننا ہے کہ ان کا  
 اہلکار اس گروپ کو نیت دیا ہو دیکھا جائے اور ہم شاہ ڈی ایس ایچ او  
 حیات کو نری سے بہت سے گروپوں کو لڑایا ہے اور دیکھا  
 (عارضی) رہائے میرہ فی میرا نام سے عارضی رہائے  
 اعظم خان ٹوریز پیمانہ فتح پشاور رہائے میرا نام سے عارضی رہائے  
 ان سے اجازت سے غاصب کا قصور اور اس سے مدد ملے

**پشاور پیرا پرائی ایجنڈ بلڈرز**  
 Ring Road Chowk Bara Road Pishakhra Payan Peshawar.  
 Chief Executive: Zahir Shah (Advocate) (PHAS) 523  
 1. Ehsan Ullah 0345 9414550  
 2. Irfan Khan 0300 5063361  
 3. Anas Khan 0333 9267441  
 4. Sajad Khan 0333 9267327

AGRICULTURAL LAND BANGLOWS SHOPS  
 PURCHASE OF RESIDENTIAL PLOTS COMMERCIAL PLOTS BUILDINGS  
 چیف ایگزیکٹو ظاہر شاہ خان ایڈووکیٹ  
 آفس فون: 5230538  
 ہر قسم کی جائیداد اور خرید و فروخت کا بااقتدار ادارہ اشار پرائی

Ate  
 40

ATTESTED

ANNEXURE B (8)

OFFICE OF THE  
DY: INSPECTOR GENERAL OF POLICE,  
COUNTER TERRORISM DEPARTMENT,  
KHYBER PAKHUNKHWA, PESHAWAR.

No. 4137 /PSO

Ph # 091-9216748.

Dated 21/04/2015.

Fax # 091-9216531.

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

Subject: APPLICATION/COMPLAINT.

Memo:

Please refer to your office letter No.141-42/C.Cell dated 12.1.2015

The matter was enquired through SSP Operations CTD Centra.  
Zone Khyber Pakhtunkhwa, Peshawar who reported that nothing was proved  
regarding association of SHO Khizar Hayat with said group allegations  
contained in the application/complaint seem to be baseless.

Deputy Inspector General of Police  
CTD Khyber Pakhtunkhwa,  
Peshawar.

ATC  
D

ATTACHED



خدمت جناب انجمن جنرل آف پولیس صاحب صوبہ پشاور محترم خواجہ

موردبانہ گزارش لیا ہے کہ پچھلے روز قبل آپکی خدمت میں ایک درخواست

پہنچی گئی تھی۔ جس میں ڈی ایچ ایس پی رحیم شاہ اور ایس ایچ او اٹھانہ پشاور نے حضرت حیات  
 بابر کے میں شکایت درج کی ہے۔ ان دونوں پولیس افسران کے خلاف تاحال کوئی ایسی  
 کی کارروائی سامنے نہیں آئی۔ ان کے متعلقہ علاقے کے جبرائیم پیشہ۔ سماج دشمن  
 عناصر کے ساتھ ہوتی ہے۔ اور ان سے مایانہ وصولی کرتے ہیں۔ یہاں تک کہ  
 حیات کو موقع پاؤ کہ میں ریٹائرمنٹ کیلئے مفت گھر دیا گیا ہے۔ پشاور ریگ  
 پر جتنے بھی واقعات ہوتے ہیں ان جبرائیم پیشہ افراد کو کھلی ہتھی دت رہتی  
 رحیم شاہ تو ان کے سرغنہ ظاہر شاہ کے گھر پر ملاقاتیں کرتا ہے ان کی ایسی  
 میں بڑی یاری ہے۔ ظاہر شاہ پشاورہ پایاں کاروائی ہے۔ بڑا مخدوم اور بد  
 زمانہ بنام سنگھروں وارداتوں میں ملوث رہا ہے۔ اجرتی قائل ہے۔ اعوان ہر  
 تاوان کا ماہر ہے رنگ روڈ کے قریب زمینوں پر ناجائز قبضے کر چکا ہے۔  
 کہ میں نے ایل ایل بی کیا ہے اس کے پاس کھلی ڈگری ہے۔ اگر اصلی ڈگری ہے تو  
 کچھری میں وکالت کیوں نہیں کرتا۔ اسکا کہنا ہے کہ منگل باغ میرا جائی دشمن ہے  
 لہذا مجھے منگل باغ سے حکومت پاکستان بچائے۔ منگل باغ کے لوگوں سے اس نے  
 روڈ پیر زمین پر ناجائز قبضہ کیا۔ اور منگل باغ کے پیر زرار کو اس نے  
 منگل باغ کے لوگ اسکورڈرہ بس چھوڑیں گے۔ بد ضروریں گے۔ اسے دیگر ساتھی فرے اور  
 بیٹے اور دانش۔ رفاقت دونوں بھائی ان کا علاقہ لنڈی اٹون احمد علی  
 درجنوں قتل کر چکے ہیں اب بھی یہ دونوں بھائی مفروضہ ہیں پشاورہ پولیس انکو پکڑ  
 میں ناکام ہو چکی ہے۔ یہ دونوں بھائی اپنے ذاتی گرنڈی اٹون احمد علی چپے  
 حضرت حیات ایس ایچ او ان سے مایانہ وصولی کرتا ہے۔ اُولس خان ولد گل احمد  
 پاؤ کہ انٹرنیشنل کارپورے۔ چوری کی گاڑیوں کا کاروبار کرتا ہے حضرت حیات کو  
 کیلئے مفت گھر دے رکھا ہے اور مایانہ بھتہ بھی دیتا ہے۔ اس گروپ کا ہیڈ کوارٹر

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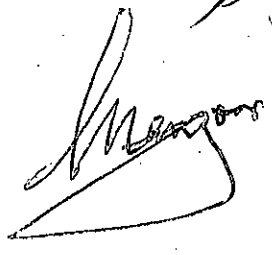
Star Property سے جو رنگ اوڈ بارہ روڈ پشاورہ کے مقام ایک ہوک ہے

ANNEXURE C

ضلع شیخوپورہ۔ میر لسٹر ولد نواز خان موضع پشتہ خڑہ بالا سرائے شاہ پورہ  
 اس زمانہ بزنام۔ سماج دشمن عناصر کے خلاف متحد پولیس نے کوئی کارروائی  
 کی۔ یہ جرائم پیشہ افراد دن دہارے دندناتے پھرتے ہیں۔ عوام کو  
 اور کوئی پوچھنے والا نہیں ہے۔ یہاں کے عوام کا جینا انہوں نے حرام کر رکھا ہے  
 بہتر ہوگا کہ یہاں سے یہ پشتہ خڑہ پولیس سٹیشن ہٹایا جائے۔ پھر یہاں  
 کے عوام اپنی حفاظت خود جانتی ہے۔ یہاں پولیس کا فستردہ گردی ہو رہی ہے  
 یہاں کے عوام کا فریاد سنتے والا نہیں ہے۔ ہم نے جس درخواستیں آپ کی طرف  
 میں بھیجی ہیں انکی فولڈ کا یہاں وزیر اعظم میاں نواز شریف صاحب صدر پاکستان  
 ممنون حسین صاحب اور پی ٹی آئی کے چیئر مین عمران صاحب کو روانہ کر دیا  
 اور آخر کار پاکستانی میڈیا کو آگاہ کر لیں گے۔ تاکہ ہمارے کوششوں کو  
 آخری انجام تک پہنچایا جاسکے۔

العارض

منظور حسین ایڈووکیٹ چیئر مین اصلاحی مجلس شیخوپورہ  
 موضع پانوکہ تحصیل ضلع شیخوپورہ



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ANNEX D  
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DISCIPLINARY ACTION


I Dr. Mian Saeed Ahmad, Senior Superintendent of Police Operations, Peshawar as competent authority, am of the opinion that SI Hizar Hayat SHO PS Pishtakhra Peshawar has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules 1975

STATEMENT OF ALLEGATIONS

It is alleged that a complaint against SI Hizar Hayat SHO PS Pishtakhra have been received from W/IGP through CCPO Peshawar which transpires that SI Hizar Hayat SHO PS Pishtakhra have links with criminal professionals and antisocial elements. He has been given a residential house at Pawant and also receiving illegal gratification. He has also contacts with car lifters. Therefore, he has been suspended and closed to Police Lines Peshawar.

For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations Mr. Raza Umer S P Cantt is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

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

  
SR SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR.

No. 306 E/PA, dated Peshawar the 11/04/2015.  
Copy to the above is forwarded to the Enquiry Officer for initiating proceeding against the accused under the provision of Police Rules 1975

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بیان اولیٰ حضرت اس کے ساتھ SHD شیخوہ

خط ابلی

306-E/PA کے لئے جس کا  
21.4.15

- (1) کریمیل دھشت گرد کے ساتھ تعلق
- (2) کارکن لکھنؤ
- (3) حضرت محمد دیا ہے

خط ابلی:

(1) درحقیقت اصل بات یہ ہے کہ جس سائل شریعتی مسائل کے بارے میں  
کئی سرگرم کارروائیاں کی گئیں۔ جس پر شریعتی مسائل کے بارے میں  
اور بنیاد درخواست بازی پر اثر آئے ہیں۔ جنکے خلاف کارروائیاں کی گئیں  
بدعنوان پیشی پیشی کر سکتا ہوں

مقبول اثری میں شریعتی مسائل کے خلاف خط ابلی کے بارے میں  
ان کے قسم کی ایک تمام درخواست دی تھی۔ جس پر 16-P-16 کے  
D16/ETD میں ڈیکوری کر کے خط ابلی کے لئے ڈیکوری ڈیکوری  
کو بنیاد اور تمام خط ابلی کے بارے میں 4137/PSO کے بارے میں  
21.4.15 کے خلاف بیان دیا ہے

خط ابلی:

خط ابلی کے بارے میں 78 خط ابلی کے بارے میں  
دھشت گرد - جو حلقہ کاروں کی آواز ہے۔ جس کے لئے  
دھشت گرد کے بارے میں خط ابلی کے بارے میں  
(2) کہیں کارکن لکھنؤ کے لئے ہے نہ رکھنا ہوں۔ البتہ لکھنؤ کے لئے  
آواز دے کر جنکے خط ابلی کے بارے میں لکھنؤ کے لئے  
بیڈا کے لئے خط ابلی کے بارے میں لکھنؤ کے لئے  
(3) جس کے لئے خط ابلی کے بارے میں لکھنؤ کے لئے

خط ابلی:

خط ابلی کے بارے میں لکھنؤ کے لئے خط ابلی کے لئے  
اور اس کے لئے خط ابلی کے لئے خط ابلی کے لئے

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کے سبب بنتے ہیں۔ اس قدر کی رُو سے استغناء نہ کرے  
مگر خلاف کئی وجوہ اس حال کرتے ہیں جس سے اس سے  
اور جانوں کو خطرہ لاحق ہے۔

استغناء ہے کہ جو خواہش کشیدہ کو میرا زور نہ کرے اور  
کرنے کا موقع دیا جائے۔ تاہم اصل حالات واقعات منظور ہونے  
اور میرے جانوں کو اس سے خطرہ نہ ہو  
عالمی جان

بے سیاد اور جس شخصیت الزامات سے اس سائل کو بچے  
قرار دیکر جان بچوٹ حاصل کر کے اس کے ہمارے فرائض

حضرت  
Sto حکام کے لئے فرستے

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OFFICE OF THE  
SUPERINTENDENT OF POLICE  
CANTT: PESHAWAR



No. 2636 /PA dated 20/8 /2015.

ANNEX F

19

SSP Operations, Peshawar

Subject: DEPARTMENTAL ENQUIRY AGAINST SI KHIZAR HAYAT, THE  
THEN SHO PS, PISHTAKHARA.

Memo

Please refer to your office endorsement No. 306/E/PA dated 21.04.2015.

These are findings of departmental enquiry against SI Khizar Hayat, SHO PS Pishtakhara. It is alleged that a complaint against SI Khizar Hayat, SHO PS Pishtakhara was received from IGP through CCPO Peshawar which transpired that he has links with criminal professionals and anti-social elements. He has been given a residential house at Pawaki and also receiving illegal gratification. He has also contacts with car lifters. Therefore, he has been suspended and closed to Police Lines, Peshawar.

In the above allegations he was issued charge sheet/statement of allegations by the competent Authority and the undersigned was appointed under Police Rules 1975 to scrutinize the conduct of the aforesaid Police officer.

In this regard the SI Khizar Hayat was called by the undersigned and heard personally. Statement was also taken.

1. He stated that actually he had made hectic efforts against anti-social elements which annoyed them. Hence, they are submitting such like anonymous complaints against him and during his appearance in person before the officers he can produce proof regarding the same. Prior to the instant allegations, the anti-social elements had submitted anonymous complaints of the same nature to the Provincial Police Chief, where-on an enquiry was conducted through the DIG CTD and after a secret enquiry the contents /allegations could not be substantiated vide letter No: 4137/PSO, dated 21.4.2015.

During short span of time of his posting as SHO Pishtakhara he has arrested 78 terrorists, recovered 03 kidnapes and recovered narcotics on large scale followed by brought the accused to book.

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our final son  
Treat as URGENT  
[Signature]  
21/08/15

[Stamp]

2. He denied his relations with car lifters and is of the view that has recovered several stolen vehicles besides taking smuggled non-custom paid items in possession followed by making them over to the Customs Authority.

3. Regarding house he stated that he has been residing in the house of his father in law which is not liked by the anti-social elements.

He stated that mere on the unconfirmed information of anti-social elements he was suspended by the high ups followed by initiating departmental proceedings against him which has discouraged him. He is of the view that through instant manuscript he requests that anti-social elements using such like tactics against him due to which his self, children and family are in danger. At last he prayed that the applicant may be confronted with him for cross examination so that the truth could be proved and he may be acquainted with his and his family enemy. He has also requested that since the instant allegations leveled against him are baseless, therefore the charge sheet issued against him may be filed.

#### FINDINGS:

SI Khizar Hayat has remained subordinate with the undersigned. During his tenure he had made 02 important police posts i.e. Landi Akhun Ahmad and Commerce College Shaheeda Abad on self help basis. Also, effective steps were taken by him to safeguard the airport in which 01 extra mobile (Airport Mobile) was started on self help basis. On the other hand, it is true to an extent that SI Khizer Hayat had failed to curb crime in his area since the SHO who has succeeded SI Khizer Hayat has performed really well and has dealt with iron hand all the bad elements in the area. This shows that during the tenure of Khizer Hayat, the criminal elements were not taken care of which is the primary duty of an SHO. It is worth mentioning that the personal staff of SI Khizer Hayat i.e. his body guards have also remained involved in criminal activities: Usman, one of his body guards, has been charged in a murder case. In another case, Farman, one of his body guards, has also been charged in a murder case. It has been proved beyond any shadow of doubt that one of his bodyguards, nisar, had remained involved with smugglers and had been extorting money from them. He, Nisar, was doing duty in plain clothes and had gone so bold that he used to exercise autonomy of Police Posts in charges and tried to intimidate them on the name of SHO. Usman was also picked by intelligence agencies upon suspicion and during interrogation he has revealed that being gunner with SI Khizer Hayat they have taken a lot of bribe from various criminal elements and left them at large after getting hefty payments from them. The interrogation report speaks volumes about the corruption done by SI Khizar Hayat as SHO Pishtakhara. His body guard has quoted various instances whereby criminals have been left at large after taking hefty amount of money from them. Also on a number of incidents he has replaced the case property

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(narcotics) with the bogus ones. The copy of the interrogation report has not been provided with this enquiry report since the same has been obtained on condition of anonymity.

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**CONCLUSION:**

Keeping in view the aforementioned facts, it is recommended that SI Khizar Hayat may be granted Major Punishment and he may be surrendered to DI Khan Police i.e. his parent district.

*[Handwritten Signature]*

(RANA UMAR FAROOQ) PSP  
SUPERINTENDENT OF POLICE,  
CANTT: DIVISION.

Final Show Cause notice

1  
01-08-2011  
Dismissal from service  
09/10/11

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*[Handwritten Signature]*

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OFFICE OF THE  
SENIOR SUPERINTENDENT OF POLICE  
(OPERATIONS)  
PESHAWAR



17

No. 951 /PA, DATED 24/08 /2015

ANNEX-G

FINAL SHOW CAUSE NOTICE

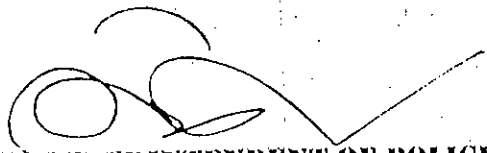
I Sr: Superintendent of Police Operation, Peshawar, as competent authority, under the Police disciplinary Rules 1975, against you SI Khizar Hayat the then SHO PS Pishtakhara as follows:-

That consequent upon the completion of departmental enquiry conducted against you by SP Cantt Peshawar and recommended for major punishment on the basis of the following allegation that:-

It is alleged that a complaint against you SI Hizar Hayat SHO PS Pishtakhra have been received from W/IGP through CCPO Peshawar which transpires that you SI Khizar Hayat SHO PS Pishtakhra have links with criminal professionals and antisocial elements. You have been given a residential house at Pawaki and also receiving illegal gratification. You also have contacts with car lifters. Therefore, you have been suspended and closed to Police Lines Peshawar.

You are, therefore, required to show cause as to why a penalty should not be imposed upon you and also intimate as to whether you desire to be heard in person.

If no reply to this notice is received within stipulated period of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

  
SR SUPERINTENDENT OF POLICE,  
(OPERATIONS),  
PESHAWAR

24-08-2015

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ANNEX "D"  
② H 18

To  
The Worthy Senior Superintendent of Police,  
(Operations) Peshawar.

Subject : Reply to the Show Cause notice dated 24.08.2015

Respected Sir,

In reply to the Show Cause notice dated received by the undersigned on 24.08.2015, I very humbly submitted my reply as under:

1. That I at the very outset deny the allegations leveled against me in the subject Show Cause Notice as unfounded and baseless.
2. That I was initially appointed as constable in the year 1995. During the course of my service I gain promotion to the ranks of Head constable, Assistant Sub Inspector and lastly to the ranks of Sub Inspector in the year 2012.
3. That ever since my appointment, I am performing my duties as assigned with zeal and devotion and there was no complaint whatsoever regarding my performance. It is pertinent to mention here that during the entire service, my performance remained commendable. I traced and arrested criminals who were required to the Police in some high profile cases, besides this during the roar of militancy, I always remained in the front line against the militants and demonstrated exceptional performance, gallantry and devotion beyond the call of my duty. It was due to my satisfactory performance that I was posted as SHO in different Police Stations. My performance was also appreciated by the High Ups and I was awarded number of Commendation Certificates and Cash awards.
4. That while serving in the said capacity, some ill wishers of the undersigned moved a baseless complaint against me containing baseless allegations regarding association of the undersigned with criminals and terrorist groups, besides certain others false and baseless allegation. The complaint so moved was duly inquired/probed by the CTD, and nothing was found regarding association of the undersigned with the said groups and thereafter the complaints was filed.
5. That in February 2015 again another complaint was filed against the appellant, containing the same baseless allegation. On the bases of the said complaints the undersigned was served with a charge sheet and statement of allegations containing certain unfounded allegations. I duly replied the charge sheet and refuted the allegations so leveled.

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6. That thereafter a partial inquiry has been conducted and it has been learnt that the undersigned has been recommended for major punishment by the inquiry officer, hence the instant show cause notice has been served upon me.
7. That in addition to my earlier reply that I submitted to the Charge Sheet I submit the following few lines. (Copy of the reply to charge sheet is attached)
8. That the authors of the complaints which was made base for the entire proceedings against the appellant are unknown and the same is moved through fake name and address, hence the complaint is anonymous. According to the Government of Khyber Pakhtunkhwa Services and General Administration Department (Regulation Wing) No. SOR-II(S&GAD)5(29)97 Vol-II dated 15.11.1999, anonymous complaint should not be entertained in any government department/officer in future. The same directives of the government has already been conveyed by the officer of the Worthy PPO, Khyber Pakhtunkhwa vide letter No. 2059-94/C.Cell dated 17.11.1999.
9. That even otherwise in the 2<sup>nd</sup> complaint dated 09.07.2015, the complainant stated that he previously too filed a complaint, meaning thereby the author of both the complaints are one and the same person, however the name and addresses of complainants/applicants mentioned in the complaints are different, thus on this score alone it can easily be established that the complaints are fake and are only moved by the ill wishers of the undersigned so as to spoil his bright and spotless service career.
10. That it cannot also be ruled out at all that the complaints filed against the undersigned may be the reactions of the operations/action against the miscreants and criminals taken by the undersigned. It is also evident from the record that the undersigned has during a short span of time as SHO PS Pishtakhra, arrested 78 heinous offenders/criminals, proclaimed offenders, terrorists besides release of abductees and recovery of large number of ammonization and Narcotic Substances.
11. That since the allegations leveled against the undersigned were already probed by the CTD and were found baseless, therefore proceedings against me on the same charges amounts to double jeopardy.
12. That the inquiry officer has not carried out the inquiry as per the prescribed rules and the findings based for imposing major penalty upon the undersigned are defective having no legal support form

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record as a single iota of evidence has not been brought on record to fix responsibility upon me of the alleged charges.

13. That the inquiry officer has never conducted the inquiry in accordance with law, I have not been properly associated with the inquiry. Not a single witness has been examined during the enquiry, or if so examined, neither his statement has been recorded in my presence nor I have been given opportunity to cross examine those who may have deposed against me during the inquiry.
14. That even the statement of the complainant (if any) is not recorded during the inquiry nor any effort has been made to find out the genuineness or otherwise of the complaint.
15. That the charges leveled against the undersigned have not been proved during the inquiry, the inquiry officer gave his findings on surmises and conjectures.
16. That during the inquiry not a single evidence oral or documentary has been produced that could even remotely associate the undersigned with the charges leveled in the charge sheet. Since I have not been in possession of the inquiry report (as it has not been provided to me), therefore I am unable to know on what evidence/basis the inquiry officer has held me guilty of the charges.
17. That I have not been provided the copy of the inquiry report/findings along with the subject show cause notice, therefore I am unable to know the on what basis/ evidence the inquiry officer has held me responsible of the charges and recommended major punishment as stated in the show cause notice. It is also pertinent to mention here that the superior court has held it mandatory that in case major punishment is proposed to be imposed upon the accused civil servant, he should be provided the copy of the inquiry report along with the show cause notice.
18. That I have never committed any act or omission which could be termed as misconduct I have duly performed my duties as assigned with full devotion, zeal and loyalty, the charges leveled against me are incorrect and baseless.
19. That I have a long and spotless service career, at my credit, during my entire service career I have always performed my duties as assigned with zeal, devotion and loyalty and have never given any chance of complaint whatsoever regarding my performance. My performance has always been appreciated by the high ups. Even recently due to my excellent performance for the period 01.09.2014 to 28.02.2015 the undersigned has been recommended for Commendation Certificate-I (CC-I) and cash award by the worthy

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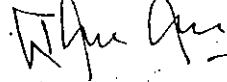
SP Cantt. Peshawar vide his letter dated 06.03.2015. (Copy of the letter dated 06.03.2015 is attached)

20. That the penalty proposed in the subject show cause is too harsh and if imposed, it would spoil the bright and spotless service career of the undersigned.

21. That the undersigned also desires to be heard in person.

*It is, therefore, humbly requested that on acceptance of this reply, the subject final show cause notice may please be dropped and I may be very kindly be exonerated of the charges.*

Yours Obediently



**KHIZAR HAYAT**

Sub Inspector

Police Lines, Peshawar.

Dated: 28/08/2015.

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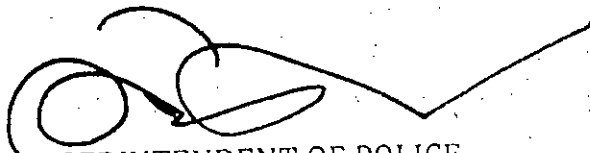
ORDER

SI Khizar Hayat, the then SHO PS Pishtakhara was Charge Sheeted vide this office No.306/E/PA, dated 21.04.2015 on the basis of following allegations;

That he has links with criminal professionals and antisocial elements. He has been given a residential house at Pawaki and also receiving illegal gratification. He also has contacts with car lifters. Therefore, he has been suspended and closed to Police Lines Peshawar.

Rana Umar Farooq, SP Cantt was nominated as Enquiry Officer, who after conducting a thorough probe into the allegations leveled against SI Khizar Hayat, sent his findings on 20.08.2015 and recommended that he may be awarded major punishment as the allegations leveled against him was proved.

He was issued final Show Cause Notice to which he replied. His reply was perused and found unsatisfactory. He was also heard in person in OR on 04.05.2015 but he failed to defend the charges leveled against him. Consequently, the undersigned agree with the recommendations of the Enquiry Officer; and he is hereby awarded major punishment of Dismissal from Service with immediate effect.

  
SR: SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR  
04-09-2015

O.B.NO. 3373 dated 07-9-2015.


No. 1057-62/PA dated Peshawar, the 07/09/2015.

Copy for information to:

1. The Capital City Police Officer, Peshawar w/r to your office diary No. 5806/OS dated 13-04.2015.
2. SP Cantt.
3. SP HQrs.
4. EC-I, EC-II, PO, AS & I/C Computer Cell
5. FMC with enquiry file





**ATTESTED**  


ANNEX "A"  
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To  
Worthy Capital City Police Officer,  
Peshawar.

Subject : Departmental appeal against the order dated 07.09.2015, whereby the undersigned has been awarded the major penalty of dismissal from service.

Prayer in appeal

On acceptance of this departmental appeal the order dated 07.09.2015, may please be set aside and the undersigned may kindly be reinstated into service with all back benefits.

Respected Sir,

The applicant very humbly submits the following few lines for your kind and sympathetic consideration.

1. That I was initially appointed as constable in the year 1995. During the course of my service I gain promotion to the rank of Head Constable, Assistant Sub Inspector and lastly to the rank of Sub Inspector in the year 2012.
2. That ever since my appointment, I had performed my duties as assigned with zeal and devotion and there was no complaint whatsoever regarding my performance. It is pertinent to mention here that during the entire service, my performance remained commendable, I traced and arrested criminals who were required to the Police in some high profile cases, besides this during the roar of militancy, I always remained in the front line against the militants and demonstrated exceptional performance, gallantry and devotion beyond the call of my duty. It was due to my satisfactory performance that I was posted as SHO in different sensitive Police Stations. My performance was also appreciated by the High Ups and I was awarded Commendation Certificates and Cash awards on number of occasions.
3. That while serving in the said capacity, some ill wishers of the undersigned moved a baseless complaint with some unknown/ fake identity against me containing baseless allegations regarding association of the undersigned with criminals and terrorist groups besides certain others false and baseless allegation. The complaint so moved was duly inquired/ probed by the CTD and nothing was

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found regarding association of the undersigned with the said groups, thereafter the complaint was filed /dropped.

- 4. That in February, 2015, i.e just after one month of the first complaint, again another complaint was filed against the appellant, containing the same baseless allegation. However, on the basis of the said complaints the undersigned was served with a charge sheet and statement of allegations dated 21.04.2015, containing the same unfounded allegations as contained in the complaint. I duly replied the charge sheet and refuted the allegations so leveled in the charge sheet.
- 5. That a partial inquiry was conducted and the inquiry officer submitted his findings. Thereafter the undersigned was served with show cause notice dated 24.08.2015, wherein it was also learnt that the undersigned has been recommended for major punishment by the inquiry officer. Though the copy of the findings of the inquiry were never communicated to me.
- 6. That I duly submitted my detailed reply to the show cause notice and refuted the allegations leveled against me.
- 7. That without considering my defense reply, quite illegally I have been awarded the major penalty of dismissal from service vide order dated 07.09.2015, hence the instant appeal.
- 8. That the penalty imposed upon me is illegal unlawful against the and facts hence liable to be set aside inter alia on the following grounds;

**GROUND OF DEPARTMENTAL APPEAL**

- A. That I have not been treated in accordance with law and rules hence my rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding me the major penalty of dismissal from Service, no proper inquiry has been conducted, I have not been properly associated with the inquiry proceedings, statements of witnesses if any were never recorded in my presence nor I have been allowed opportunity of cross examination, moreover I have not been provided copies of the inquiry report along with the show cause notice, thus the whole proceedings are defective in the eyes of law and the impugned order is thus liable to be set at naught on this score alone.

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- C. That the undersigned have not been provided proper opportunity of personal hearing thus I have been condemned unheard.
- D. That the allegations leveled against me are general in nature and no specific instance has been shown where I have been found involved in the charges leveled against me, thus the Charge Sheet in itself is ambiguous and not warranted under the law under the law.
- E. That I have not been provided copy of the inquiry report along with the show cause notice, I also made written requests for the provision of the inquiry report, however the same was only provide to me after my dismissal from service, while it has been held mandatory by the superior Courts that the accused official must be provided the findings of the inquiry along with the show cause notice in case major penalty is proposed to imposed so as to enable him to know on what basis the inquiry officer held him guilty of the charges.
- F. That after the perusal of the inquiry report it has transpired that the inquiry officer has referred to the statements of two persons namely Farman and Nisar, it has been alleged that they deposed against the undersigned, however neither the statements of those person have been recorded in my presence nor I have been given any opportunity to cross examine them. I even do don't know these person, surprisingly the inquiry officer has wrongly shown them as my guards. As far as the third person namely Usman is concerned, he though remained guard with the undersigned, but during my tenure there was no case/FIR registered against him, needless to mention that he too was not examined in my presence during the inquiry.
- G. That the inquiry report is also self contradictory as at one hand the inquiry officer has appreciated the efforts of the undersigned while on the other hand has held me guilty of the charges on the basis of no solid evidence. The charges leveled against me were never proved during the inquiry the inquiry officer gave its findings on surmises and conjunctures.

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- H. That the author of the complaints which was made base for the entire proceedings against the undersigned was unknown and the same was moved through fake name and address, hence the complaints are anonymous. According to the Government of Khyber Pakhtunkhwa Services and General Administration Department (Regulation Wing) No. SOR-II(S&GAD)5(29)97 Vol-II dated 15.11.1999, anonymous complaint should not be entertained in any government department/officer in future. The same directives of the government has already been conveyed by the officer of the Worthy PPO, Khyber Pakhtunkhwa vide letter No. 2059-94/C.Cell dated 17.11.1999.
- I. That even otherwise in the 2<sup>nd</sup> complaint dated 09.02.2015, the complainant stated that he previously too filed a complaint, meaning thereby the author of both the complaints were one and the same person, however the name and addresses of complainants/applicants mentioned in the complaints are different, thus on this score alone it can easily established that the complaints are fake and are only moved by the ill wishers of the undersigned so as to spoil his bright and spotless service career.
- J. That it cannot also be ruled out at all that the complaints filed against the undersigned may be the reactions of the operations/action against the miscreants and criminals taken by the undersigned. It is also evident from the record that the undersigned has during a short span of time as SHO PS Pishtakhra, arrested 78 heinous offenders/criminals, proclaimed offenders, terrorists besides release of abductees and recovery of large number of ammonization and Narcotic Substances.
- K. That since the allegations leveled against the undersigned were already probed by the CTD and were found baseless, therefore proceedings against me on the same charges amounts to double jeopardy.
- L. That the inquiry officer has not carried out the inquiry as per the prescribed rules and the findings based for imposing major penalty upon the undersigned are defective having no legal support form record as a single iota of evidence has not been brought on record to fix responsibility upon me of the alleged charges.

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M. That the inquiry officer has never conducted the inquiry in accordance with law, I have not been properly associated with the inquiry. Not a single witness has been examined during the enquiry, or if so examined, neither his statement has been recorded in my presence nor I have been given opportunity to cross examine those who may have deposed against me during the inquiry.


N. That even the statement of the complainant (if any) is not recorded during the inquiry nor any effort has been made to find out the genuineness or otherwise of the complaint.

O. That the charges leveled against the undersigned have not been proved during the inquiry, the inquiry officer gave his findings on surmises and conjunctures.

P. That during the inquiry not a single evidence oral or documentary has been produced that could even remotely associate the undersigned with the charges leveled in the charge sheet. Since I have not been in possession of the inquiry report (as it has not been provided to me), therefore I am unable to know on what evidence/basis the inquiry officer has held me guilty of the charges.

Q. That I have not been provided the copy of the inquiry report/findings along with the subject show cause notice, therefore I am unable to know the on what basis/ evidence the inquiry officer has held me responsible of the charges and recommended major punishment as stated in the show cause notice. It is also pertinent to mention here that the superior court has held it mandatory that in case major punishment is proposed to be imposed upon the accused civil servant, he should be provided the copy of the inquiry report along with the show cause notice.

R. That I have a long and spotless service career, at my credit, during my entire service career I have always performed my duties as assigned with zeal, devotion and loyalty and have never given any chance of complaint whatsoever regarding my performance. My performance has always been appreciated by the high ups. Even recently due to my excellent performance for the period 01.09.2014 to 28.02.2015 the undersigned has been recommended for Commendation Certificate-I (CC-I) and cash award by the worthy SP Cantt. Peshawar vide his letter dated 06.03.2015.

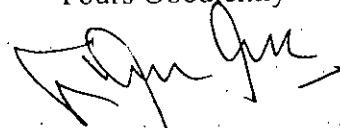
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- S. That I have never committed any act or omission which could be termed as misconduct I have duly performed my duties as assigned with full devotion, zeal and loyalty, the charges leveled against me are incorrect and baseless.
- T. That the facts and grounds mentioned in my replies to the Charge Sheet and show cause notice (attached herewith) may also be read as integral part of the instant departmental appeal.
- U. That I have at about 20 years unblemished service career at my credit, the penalty imposed upon me is harsh and liable to be set aside.
- V. That I am jobless since the imposition of illegal penalty upon me.

It is, therefore, humbly prayed that on acceptance of this departmental appeal the orders dated 07.09.2015, may please be set aside and the undersigned may be reinstated into service with all back benefits.

Yours Obediently.

  
Khizar Hayat

Ex- Sub Inspector  
Police Lines Peshawar.

Dated: // /09/2015.

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ATTACHED



OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
**PESHAWAR**

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

Handwritten notes: "A. N. Khan", "K", "29", and a circled "29".

**ORDER**

This order will dispose off departmental appeal preferred by ex-SI Khizar Hayat who was awarded the major punishment of **Dismissal** from service under P.R 1975 vide OB No. 3373 dated 7.9.2015 by SSP-Operations, Peshawar.

"The allegations levelled against him were that he while posted as SHO PS Pishtakhara from 23.9.2014 to 17.4.2015. He has links with criminals professionals and antisocial elements. He has been given a residential house at Pawaki and also receiving illegal gratification. He has also contacts with car lifters".

Proper departmental proceedings were initiated against him and Mr. Umar Farooq, SP-Cantt was appointed as the E.O. The EO in his findings mentioned that personal guard of SI/SHO PS Pishtakhara Khizar Hayat have also remained involved in criminal activities. It has been proved beyond any shadow of doubt that one of his body guard, Nisar, had remained involved with smugglers and had been extorting money from them. He, Nisar, was doing duty in plain clothes and had gone so bold that he used to exercise autonomy of Police Posts incharges and tried to intimidate them on the name of SHO. The E.O, found him guilty of the allegations levelled against him. On receipt of the findings of the EO, the SSP-Ops, Peshawar issued him FSCN to which he replied. The same was perused and found unsatisfactory by SSP-Ops: as such awarded the major punishment of dismissal vide order No.1057-62/PA dt: 7.9.2015 & OB No.3373 dt: 7.9.2015.

The appellant was called in O.R. on 30.10.2015, and heard in person. The enquiry papers were perused in detail. He was provided the opportunity to defend himself but he failed to offer any plausible explanation in his favour. The allegations levelled against him stand proved during enquiry proceedings. There is no need to interfere in the order passed by SSP-Ops, Peshawar. The appeal is, therefore, rejected/filed:

*[Signature]*  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR. 2.11.15

No. 5191-5203 PA dated Peshawar the 2/ 11 /2015.

Copies for Information and n/a to the:-

1. SSpP-Ops: & Inv: Peshawar.
2. PSO to W.IGP w/r this office memo No.1605-06/ C.Cell dt 9.4.2015.
3. SsP/City /HQRs/Security Peshawar.
4. PO/AS/CC/EC-I/EC-II/FMC/I-C Computer Cell & I/C Complaint Cell CCP, Peshawar.

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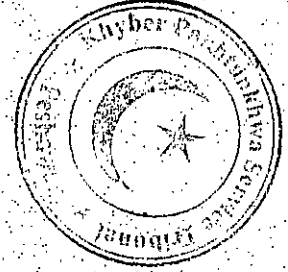
**ATTACHED**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

Appeal No. 1300/2015

Date of Institution... 19.11.2015

Date of decision... 26.12.2017



Khizar Hayat, Ex-Sub Inspector Police Lines, Peshawar. .... (Appellant)

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two others. .... (Respondents)

MR. Rizwanullah,  
Advocate.

For appellant.

MR. Kabeerullah Khattak,  
Addl. Advocate General

For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. GUL ZEB KHAN,CHAIRMAN  
MEMBER

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*(Signature)*

CHAIRMAN  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar.

JUDGMENT

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

FACTS

2. The appellant was dismissed from service on 07.09.2015, against which he filed departmental appeal on 11.09.2015 which was rejected on 02.11.2015 and thereafter he filed the present service appeal on 19.11.2015. The allegations against the appellant were his connection with criminal professionals and terrorists etc. The allegations were based on a complaint filed by one Manzoor Hussain, Advocate. Prior to this complaint another complaint was also filed by one Azam Khan. The first enquiry was conducted on the basis of a complaint filed by Azam Khan and the

same was found baseless and not proved. The second enquiry was initiated on the basis of complaint of Manzoor Hussain, Advocate which culminated into present dismissal.

### ARGUMENTS

3. The learned counsel for the appellant argued that complainant was not examined nor the appellant was given any chance of cross-examining the complainant. That the enquiry officer has not recorded the statement of any witness except the appellant. That opinion of the enquiry officer is based on the report of some Intelligence Agency. That none from the Intelligence Agency was examined by the enquiry officer. That the record and material of the report of the Intelligence Agency were not provided to the appellant, nor he was given any chance to controvert the report of the Intelligence Agency. In this regard the learned counsel for the appellant relied upon a judgment reported in 2009-SCMR-605. That no penalty can be imposed on the basis of such enquiry. The learned counsel for the appellant relied upon certain judgments on the point that whenever any charge is levelled against a civil servant that must be proved through some evidence and in case of failure to adduce legal evidence the findings of the enquiry officer was termed as perverse and of no weightage. Reliance was placed on judgments reported as 1994-SCMR-418, 2003-PLC(C.S)759. The learned counsel for the appellant further relied upon a judgment reported as 2010-PLC(C.S)-435 on the point that heinousness or gravity of the charge alone is no ground for imposing penalty unless sufficient legal evidence is brought on record. The learned counsel for the appellant further relied upon judgments reported as 1980-SCMR-850 and 2003-SCMR-1140 on the point that reports of the Intelligence Agency are not

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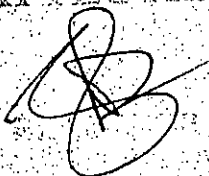
sufficient for imposition of penalty unless same are subjected to scrutiny under the law and are made part of the record by giving full right to the accused to cross examine the witnesses.

4. On the other hand, the learned Addl. Advocate General argued that the charges against the appellant are heinous in nature. That the enquiry officer in his findings had given reasons of involvement of his bodyguards in murders, extortion of money and linkage with smugglers. That all the requirements of due process were fulfilled in the enquiry proceedings.

#### CONCLUSION

5. Admittedly, the enquiry officer has recorded the statement of appellant only and nobody else. His total reliance is on the reports of some Agency which have not been supplied to the appellant nor he was given chance to controvert the same. Such enquiry reports have not been approved by the settled jurisprudence on the subject and some of the judgments pressed into service by the learned counsel for the appellant as referred to in his arguments part above. Mere examination of the appellant without any admission or confession cannot be made ground of penalty to the appellant. Mere heinousness or gravity is no ground for penalty unless it is proved as held in a judgment relied upon by the learned counsel for the appellant as discussed above. The proper course for the enquiry officer was to have had examined the complainant, other witnesses mentioned in the report of Intelligence Agency and then to have had given the chance of cross-examining those witnesses by the appellant. No copy of the enquiry report was supplied to the appellant. All these violations are of due process and the penalty cannot be sustained on the basis of such proceedings.

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6. As a sequel to the above discussion, the appeal is accepted and the department is directed to hold denovo proceedings against the appellant in accordance with law within a period of ninety days of receipt of copy of this judgment, failing which the appellant shall be reinstated in service. Parties are left to bear their own costs. File be consigned to the record room.

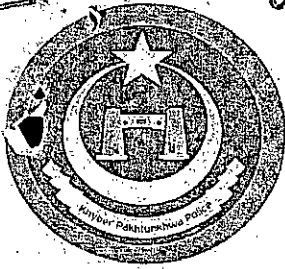
Announced  
26.12.2017 *Sd/- Niaz Muhammad Khan,*  
*Chairman*

Certified to be a true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

*Sd/- Gulzar Khan*  
*Member*

Date of Presentation of Application	10-01-2018
Number of Pages	1600
Copying Fee	10.00
Urgent	2.00
Total	12.00
Name of Court	<i>[Signature]</i>
Date of Certificate	10-01-2018
Date of Delivery	10-01-2018

*[Faint stamp and signature]*



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OFFICE OF THE  
SENIOR SUPERINTENDENT OF POLICE  
(OPERATIONS) PESHAWAR

E-mail: [sspoperations2448@gmail.com](mailto:sspoperations2448@gmail.com)


Phone. 091-9210508

Fax. 091-9213054

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**ORDER**

Subsequent upon the Judgment order dated 26.12.2017 passed by the Honorable Service Tribunal Peshawar in service appeal No. 1300/2015, Sub Inspector Khizar Hayat is hereby re-instated into service conditionally for the purpose of Denove Departmental proceedings.

  
SENIOR SUPERINTENDENT OF POLICE,  
(OPERATIONS), PESHAWAR

No. 79-84 /PA, dated Peshawar the 26 / 01 /2018.

Copy to:

1. The Capital City Police Officer, Peshawar w/r to his office Dy No. 1187/OS dated 19.01.2018.
2. The Deputy Inspector of Police E&I CPO Peshawar alongwith his departmental enquiry for conducting denove enquiry w/r to W/PPO letter No. 190/Legal dated 19.01.2018.(Enclosed departmental enquiry page 57 ).
3. SP HQrs, Peshawar.
4. Pay Officer.
5. EC-II

ATTESTED

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**DE-NOVO PROCEEDINGS AGAINST SI KHIZAR HAYAT IN COMPLIANCE WITH  
THE HON'BLE SERVICES TRIBUNAL JUDGMENT ORDER DATED 26.12.2017.**

**CHARGE SHEET**

**DISCIPLINARY ACTION**

I, Senior Superintendent of Police, Operations, Peshawar as competent authority, am of the opinion that SI Khizar Hayat the then SHO PS Pishtakhra has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules 1975

**STATEMENT OF ALLEGATIONS**

That a complaint received against him from W/IGP through CCPO Peshawar which transpires that SI Khizar Hayat, the then SHO PS Pishtakhra had links with criminal professionals and antisocial elements. He has been given a residential house at Pawaki and also receiving illegal gratification. He has also contacts with car lifters.

For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations the following officers have been nominated as Enquiry Officers by CPO under Rule 5 (4) of Police Rules 1975:-

- i. Mr. Abdur Rauf Babar, SSP (Coordination), Peshawar.
- ii. Mr. Waseem Ahmad Khalil, SP HQ: Peshawar.

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

  
SR: SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR.

No. 76 E/PA, dated Peshawar the 28 / 02 / 2018.

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

**ATTESTED**

**DE-NOVO PROCEEDINGS AGAINST SI KHIZAR HAYAT IN COMPLIANCE WITH  
THE HON'BLE SERVICES TRIBUNAL JUDGMENT ORDER DATED 26.12.2017.**

**CHARGE SHEET**

Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against SI Khizar Hayat Ex-SHO PS Pishtakhra now posted at Police Lines Peshawar.

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

Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I ~~What~~ ~~Senior Superintendent of Police, Operations~~ ~~Peshawar~~ hereby charge you SI Khizar Hayat Ex-SHO PS Pishtakhra now posted at Police Lines Peshawar under Rule 5 (4) of the Police Rules 1975 on the basis of following allegations:-

That a complaint against you SI Khizar Hayat, the then SHO PS Pishtakhara has been received from W/IGP through CCPO Peshawar which transpired that you SI Khizar Hayat while posted as SHO PS Pishtakhara have links with criminal professionals and antisocial elements. You have been given a residential house at Pawaki and also receiving illegal gratification. You also have contacts with car lifters.

As by doing this you have committed gross misconduct.

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

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

  
SR SUPERINTENDENT OF POLICE,  
OPERATIONS PESHAWAR

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01/03/018 Receival

Before The Hon'ble Senior Superintendent Of Police Operations,

Peshawar

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Through : **PROPER CHANNEL**

Subject" CHARGE SHEET WITH SUMMARY OF ALLEGATIONS/DENOVO INQUIRY

Dear Sir,

I have the honor to refer to charge sheet under subject, vide endorsement No 16-E/PA dated 28/02/2018, my reply is submitted as under :-

At the very outset, I may respectfully submit that the alleged charges, vocalized in the subject charge sheet are totally false, fabricated and based on malafide, also on surmises/conjectures. The following few justifications, being un-rebuttable and require proper thrashing rather consideration to arrive at areal conclusion .

- It has become very common that when some differences between locals and local police are stirred up or relations between incharge and the subordinates become strained, complaints emerged in the shape of anonymous status with serious allegations against the incharge without any solid materials.
- The act of corruption or corrupt practices like links with criminals needs to be legally adjudged in accordance with police rules and should be sufficient incriminating or substantiating materials. Needless to say that corruption charge requires solid materials but here on record, nothing is to be corrupt or involved in corrupt practices, attract rules 16.39 r/w 16.16 PR 1934 wherein corruption record is required to be maintained on personal file, character role or Fuji missal and attested copy thereof shall be furnished to the police officer concerned, but such record is not available against me hence the charge does not carry legal footings.
- There is no an iota of evidence which cn prove the alleged charges, for collection or extorting money directly or through subordinate staff, hence being without substance and merits, thus is not considerable.

**ATTESTED**

- I have been maligned through 02 anonymous complaints by one person of the same hand writing with change of name, one in Jan 2015 and other in Dec 2015. The first one of Jan 2015 was filed, disclosed to be "baseless" whereas, the second one was inquired. The inquiry officer without tracing the applicants/ complainants of Dec 2015, submitted guilty finding award/verdict, on which I was awarded major punishment, being restricted by the provincial government/ law of the country, not to proceed or take action against officials/officers on anonymous complaints, through following notifications.

- S&GAD letter No sorII(s&GAD) 5(29)/ 97-II dated 20/07/1998
- S&GAD letter No sorII(s&GAD) 5(29)/ 97-II dated 15/11/1999
- Section 4 Federal Investigation rule 2002

- Worth mentioning, that the alleged charges through first complaint, were already enquired into by SSP Operations CTD and the same were recommended by worthy DIG CTD vide letter No 4137 dated 21/04/2015 the alleged charge was found baseless hence the inquiry was filed accordingly.

- Fresh action on the same allegation ( while the likewise complaint on the same charges has already been filed) amounts to re-opening of closed transaction, therefore double proceedings for one and same/identical charge, are being barred /restricted under article 13 of Pakistan constitution 1973, section 403 CrPc, sec 26 general Clauses Act and article 20(20 of Indian constitution, (report of worthy Dig is enclosed as ready reference)

2. there is no direct materials or evidence to substantiate the alleged charges hence if the proceedings are further continued, it would serve no purpose, being the charge devoid of evidence. Failure of first inquiry before the Hon'able services tribunal, the second inquiry is unwarranted rather unjustified in view of reported judgment 2004 SCMR 316 principle of natural justice is violated when an action is taken against a person without any incriminating or substantiating materials/ evidence

3. the findings of ex-inquiry officer were based on here say as no direct or indirect evidence could so far be brought on record to establish the alleged charge. As per reported judgment 2005 PLS (CS ) 1559 the official was reinstated and order of removal was set aside.

**ATTESTED**

4. I solemnly affirm that neither me nor any member of my family have any connection with criminal or any sort of terrorist anti social elements or insurgents nor leaving in any sort of accommodation provided by them.

5. that the persons who have complaint(manzoor Hussain) against me neither I have seen him nor I have given the chance to cross examine him.

6. since I have joined this force, I performed dedicatedly, honestly and to the entire satisfaction of my superiors. I always acted beyond the call of my duty at the risk of my life and arrested/booked various hardened/desperate criminals, fought against terrorist activists to bring writ of government as well police force. I remain posted and served under various police stations and my integrity can be verified from the officer under whom subordination, I served. I have an unblemished service record, which clearly reflects my sincerity/dedication towards my job.

7. I would be highly obliged, if I may call for Personal Hearing in order to explain and clarify the facts and circumstances before your good self, in person I also request that all evidences may be examined in my presence with a chance of cross examination .

Foregoing in view, the subject charge sheet being without force, merits and substance may very kindly be filed, without further proceedings, and I may be exonerated from the charge

Dated 07/03/2018

Sincerely yours

ذہنی طور پر  
مذکورہ

SI KHIZAR HAYAT,

POLICE LINES PESHAWAR

07/03/2018

**ATTESTED**



Subject: **DENOVO ENQUIRY AGAINST SI KHIZAR HAYAT**

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Kindly refer to the DIG (Enquiry & Inspection) Endst: No.191-93/E&I dated 29.01.2018.

A departmental enquiry file against SI Khizar Hayat the then SHO PS Pishtakhara was received with the directions to initiate denovo proceedings on the allegations that;

**ALLEGATIONS**

"A complaint received against him from Worthy IGP through CCPO which transpires that SI Khizar Hayat, the then SHO PS Pihstakhara had links with criminal professionals and anti social elements. He has been given residential house at Pawaki and receiving illegal gratification. He has also contacts with car lifters".

We both the undersigned were appointed as Enquiry Officers to dig-out the actual facts against SI Khizar Hayat.

**Following brief facts of the case:**

The departmental enquiry was conducted by Mr. Rana Umar Farooq the then SP-Cantt wherein the Enquiry Officer recommended major punishment for SI Khizar Hayat. Upon the finding of Enquiry Officer he was issued final show cause notice and after fulfilling all codel formalities, major punishment dismissal from service was ordered by the competent authority vide OB No.3373 dated 07.09.2015.

The punishment awarded to SI Khizar Hayat was upheld by the CCPO Peshawar and rejected/filed the appeal vide order No.5191-5203/PA dated 02.11.2015.

**PROCEEDINGS**

On receiving the departmental enquiry file against above named SI was issued Charge sheet & summary of allegation by SSP Operation vide No.16/PA dated 28.02.2018 to initiate denovo proceedings. The alleged official was summoned for cross examination. Confidential report through secret agencies was sought which revealed that the allegation levelled against him are hear-say as no warning/previous proceedings against the alleged officer were found on the record. He, however, does not carry a fair reputation in the department, though nothing concrete evidence appeared against him during the denovo enquiry. So far as his relation with criminals is concerned, the allegation also has not been supported with any evidence, CDR, audio, video recording.

**RECOMMENDATION**

From the above proceedings, the undersigned reached the conclusion that SI Khizar Hayat the then SHO PS Pishtakhara not been found guilty of misconduct. However, he needs to improve his general image and act as per law in future.

(ABDUL RAUF BABAR)PSP  
SR: SUPERINTENDENT OF POLICE  
COORDINATION PESHAWAR

(WASEEM AHMAD KHALIL)  
SUPERINTENDENT OF POLICE  
HEADQUARTERS, CCP PESHAWAR

**ATTACHED**

*in Amusecal of P...  
Reduction  
by 02 years  
30/02/2018*



OFFICE OF THE  
SENIOR SUPERINTENDENT OF POLICE,  
(OPERATIONS),  
PESHAWAR  
Ph: 091-9210508 Fax: 091-9213054

ORDER

In compliance with the judgment of Hon'ble Services Tribunal passed in Appeal No. 1300/2015 dated 26.12.2017 conveyed to this office through CPO vide memo No.190/Legal dated 19.01.2018; de-novo proceedings were initiated against SI Khizar Hayat No1198/P who was awarded major punishment of dismissal from service by the then SSP (Operations) Peshawar Dr. Mian Saced Ahmad vide this office order Endst: No. 1057-62/PA dated 07:09.2015 on the basis of following charges:-

That he while posted as SI/SHO PS Pishtakhara has links with criminal professionals and antisocial elements. He has been given a residential house at Pawaki and also receiving illegal gratification. He has also contacts with car lifters.

2. He was conditionally re-instated in service vide this office Endst: No. 79-84/PA dated 26.01.2018 for the purpose of conducting de-novo proceedings against him and original enquiry file was sent to W/DIG Enquiry & Inspections KP for de-novo proceedings who after perusal remanded the enquiry to Capital City Police Officer, Peshawar with the remarks that de-novo departmental enquiry against Sub-Inspector Khizar Hayat may be conducted through a committee comprising of the following officers and final outcome be communicated before issuance of formal order, for the perusal of Worthy IGP.

1. Mr. Abdul Rauf, SSP (Coordination) Peshawar.
2. Mr. Waseem Ahmad Khalil, SP HQrs: Peshawar.

3. During the course of de-novo enquiry proceedings, the Enquiry Officers heard the accused official, recorded his statement and submitted findings on 15.03.2018 wherein the EOs mentioned that confidential report of secret agencies was sought which revealed that the allegation levelled against him were on hear & say basis as no warning/previous proceedings against the alleged officer were found on the record. The EOs further mentioned that the accused official does not carry a fair reputation in the department though nothing concrete evidence appeared against him during the de-novo enquiry. So far as his relation with criminals is concerned, the allegation also has not been supported with any evidence, CDR audio, video recording. The EOs recommended that the accused officer needs to improve his general image and act as per law in future.

4. On receipt of the findings, the accused official was called in orderly room on 29.03.2018 and heard in person. He was provided the opportunity to defend himself in rebuttal of the charges. Though the allegations of having links with criminal professionals have not been established during

DELIVERED

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the de-novo proceedings yet, he miserably failed to satisfy the undersigned with respect to his ill-reputation in the department, which is, beyond any shadow of doubt, established during the de-novo proceedings.

7. Since the official and his family have already suffered financially as well as mentally beside he has a lengthy service at his credit. In the circumstances, the undersigned, being Competent under law, awards him the punishment of "reduction in time scale of pay by 2-years". The intervening period is treated as without pay.

Order announced.

**JAVED IQBAL PSP**  
Senior Superintendent of Police,  
(Operations), Peshawar

No. 427-33 /PA dated Peshawar, the 30/03 /2018.

Copy for information and necessary action to the:-

1. The Capital City Police Officer, Peshawar w/r to his Dy. No. 169/PA dated 20.03.2018.
2. The SSP (Coordination) Peshawar.
3. The SP (HQrs) Peshawar.
4. DSP (Legal) CCP Peshawar.
5. EC-I/EC-II/FMC/PO.
6. Official concerned.

ATTACHED

R. 43

**Subject: APPEAL AGAINST THE ORDER ENDST: NO. 427-33/PA DATED 30.03.2018, PASSED BY THE WORTHY SSP OPERATIONS PESHAWAR UNDER WHICH THE APPELLANT HAS BEEN AWARDED THE PUNISHMENT OF REDUCTION IN TIME SCALE OF PAY BY TWO YEARS AND THE INTERVENING PERIOD HAS BEEN TREATED AS LEAVE WITHOUT PAY.**

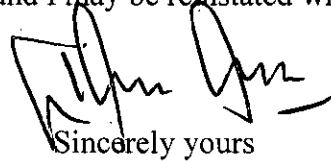
Honorable Sir,

1. That I joined the police department as constable in 1995. After passing required step by step courses, I was promoted as sub-inspector.
2. That on basis of an anonymous complaint the applicant was dismissed from service wherein the applicant filed service appeal No. 1300/2015 which was accepted vide order and judgment dated 26-12-2017. I was reinstated in service and department was directed for denovo inquiry.
3. That after the reinstatement Charge Sheet was issued to the appellant by the worthy SSP Operations Peshawar which was duly replied.
4. That the worthy SSP Operations called me on 29-03-2018 for personal hearing. Where after the appellant was awarded the punishment of reduction in time scale of pay by two years and intervening period which has been treated as leave without pay, by SSP Operation vide order No dated 30-03-2018.(Copy enclosed).
5. That the impugned order No, 427-33/PA passed by SSP Ops dated 30-03-2018 is against the law and facts and principle of justice on the following grounds:-
  - (A) The evidence was not recorded in my presence thus impugned order is not maintainable.
  - (B) That the alleged charges in the inquiry report are totally false, fabricated and based on malafide, also on surmises / conjectures the following few justification, being un-rebuttable and require proper thrashing rather consideration to arrive at a real conclusion.
    - (i) It has become very common that when some differences between locals and local police are stirred up or relations between incharge and the subordinates become strained, complaints emerged in the shape of anonymous status with serious allegations against the in charge without any solid materials.
    - (ii) I have been maligned through 2 anonymous complaints by one person of the same hand writing with change of name, one in Jan 2015 and other in Dec 2015. The first one of Jan 2015 was filed, disclosed to be baseless whereas, the second one was inquired.
    - (iii) The inquiry officer without tracing the applicants/ complainants of Dec 2015, submitted guilty finding award/verdict, on which I was awarded major punishment, being restricted by the provincial government/law of the country, not to proceed or take action against officials/officers on anonymous complaints, through following notification.
      - (a) S&GAD letter No. SOR II(S&GAD) 5(29)/97-II dated 20/07/1998
      - (b) S&GAD letter No. SOR II(S&GAD) 5(29)/97-II dated 15/11/1999
      - (c) Section 4 Federal Investigation rule 2002
    - (iv) Worth mentioning, that the alleged charges through first complaint, were already enquired by SSP Operations, CTD and the same were recommended by worthy DIG CTD vide letter No 4137, dated 21/04/2015 the alleged charge was found baseless hence the inquiry was filed accordingly.
    - (v) Fresh action on the same allegation (while the likewise complaint on the same charges has already been filed) amounts to re-opening of closed transaction, therefore double proceedings for one and same/identical charge, are being barred/restricted under Article 13 of the Constitution of Islamic Republic of Pakistan 1973, Section 403 Cr.P.C and Section 26 General Clauses (report of worthy DIG is enclosed as ready reference).
  - (C) There is no direct material or evidence to substantiate the alleged charges hence the charge devoid of evidence. Failure of first inquiry before the Honourable Service Tribunal, the second inquiry is unwarranted rather unjustified in view of reported judgment 2004 SCMR 316 principle of natural justice is violated when action is taken against a person without any incriminating or substantiating materials/evidence.
  - (D) The findings of ex-inquiry officer were based on hear-say as no direct or indirect evidence could not so far been brought on record to establish the alleged charge.
  - (E) As per reported judgment 2005 PLS (CS) 1559 the official was reinstated and order of removal was set aside.
  - (F) I solemnly affirmed that neither I nor any members of my family have any connection with criminal or any sort of terrorists anti social elements or insurgents nor living in any sort of accommodation provided by them as proved by Denovo inquiry Committee.
  - (G) That the persons who have complained (Manzoor Hussain) against me neither I have seen him nor I have given the chance to cross examine him.
  - (H) Since I have joined this force, I performed dedicatedly, honestly and to the entire satisfaction of my superiors.

ATTACHED

- (44)
- (I) That I always acted beyond the call of my duty at the risk of my life and arrested/booked various hardened / desperate criminals, fought against terrorist activists to bring writ of government as well as police force.
  - (J) I remained posted and served in various police stations and my integrity can be verified from the officers under whom subordination I served. I have an unblemished service record, which clearly reflects my sincerity/dedication towards my job.
  - (K) I would be highly obliged, I may call for personal hearing in order to explain and clarify the facts and circumstances before your good self.
  - (L) That in the findings of Denovo inquiry Committee, it has been shown that image of the appellant is not satisfactory whereas my all ACRs are clear and there is no proof to support that baseless presumption.
  - (M) That the appellant and his family have already suffered financially as well as mentally also admitted by the worthy SSP Operations in his impugned order. The appellant is now unable to tolerate further financial problems.

It is therefore, humbly prayed that on acceptance of this appeal, the impugned Edst: Oder No. 427-33/PA dated 30.03.2018, may kindly be set aside and I may be reinstated with all back-benefits.



Sincerely yours  
Sub-Inspector Khizar Hayat  
Police Lines CCP Peshawar  
Dated: 30.03.2018

ATTACHED

**VAKALAT NAMA**

NO. \_\_\_\_\_/20

IN THE COURT OF Service Tribunal Peshawar

Khizar Hayat (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

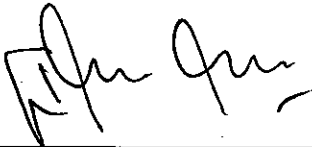
Police Deptt. (Respondent)  
(Defendant)

I/We, Khizar Hayat


Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.


I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

  
\_\_\_\_\_  
(CLIENT)

ACCEPTED

  
**M. ASIF YOUSAFZAI**  
Advocate Supreme Court  
Peshawar.

  
**TAIMURALI KHAN**  
Advocate High Court

**OFFICE:**

Room # FR-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar,  
Cantt: Peshawar  
Cell: (0333-9103240)