

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No.964/2018

Date of Institution ... 03.08.2018

Date of Decision ... 02.12.2020

Karam Ilahi Assistant Sub Inspector Police, Presently C/O  
Superintendent Police (Investigation) Dera Ismail Khan.

... (Appellant)

VERSUS

1. The Provincial Police Officer (IGP) Khyber Pakhtunkhwa, Central Police Office, Peshawar and two others.

... (Respondents)

Muhammad Ismail Alizai,  
Advocate

... For appellant.

Muhammad Jan,  
Deputy District Attorney

... For respondents.

ROZINA REHMAN

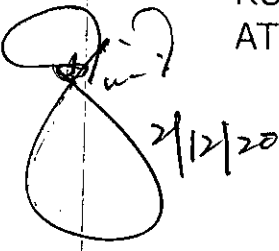
... MEMBER (J)

ATIQU-UR-REHMAN WAZIR

... MEMBER (E)

JUDGMENT

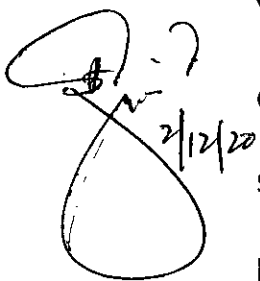
ROZINA REHMAN, MEMBER : Appellant Karam Ilahi is Assistant Sub  
Inspector in the respondents' department. He was awarded punishment of

  
2/12/20

stoppage of two increments with cumulative effect vide order dated 30.11.2018. It is the legality and validity of this order which has been challenged by him in the present service appeal filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

2. Brief facts of the case are that appellant was enrolled as Constable in the Police Department who earned promotion to the rank of Sub Inspector. It was on 19.02.2018 when he was awarded punishment of reduction to lower rank of A.S.I. He moved an appeal to RPO D.I.Khan which was dismissed vide order dated 18.07.2018. Being aggrieved of the said order, a petition for revision was moved with respondent No.1 (IGP) in terms of Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 and vide order dated 30.11.2018 the punishment of reduction to lower rank was converted into stoppage of two increments with cumulative effect. Being aggrieved of the same order, instant service appeal was filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

3. Learned counsel for appellant contends that order of D.P.O whereby punishment in terms of reduction in rank, besides consequential order of R.P.O as well as the final order are not only against law, facts but also against the principles of justice and equity. He submitted that the appellant was condemned unheard and subjected to a punishment of the kind "stoppage of two increments" without being provided with an appropriate opportunity to defend his cause beyond any encumbrance. It was submitted that there is nothing on record to prove any complicity on the part of appellant in frivolous involvement of the accused charged in FIR No.484 dated 19.11.2017. He argued that recommendation of inquiry officer was that of reprimand/censure but the authority chose to inflict

 2/12/20

punishment of reduction in rank instead (later converted to stoppage of two increments with cumulative effect) and lastly, he submitted that appellant is innocent and has been subjected to penalty for no fault of the appellant.

4. Conversely, learned D.D.A contended that the authority passed an order in the light of inquiry conducted by senior officer and he was recommended for major punishment, therefore, the authority awarded punishment of reduction to the rank of A.S.I. He submitted that his punishment was reviewed by the board vide order dated 30.11.2018 and thus a lenient view was taken by the Review Board by modifying punishment of reduction in rank into stoppage of increments and lastly, he submitted that all the proceedings and orders were passed by the respondents in accordance with law and rules in the light of inquiry conducted by a senior officer as the allegations leveled against him stood proved in the light of evidence. The allegations were highly condemnable by conducting unfair investigation and taking bribe from accused and his brother in FIR No.484 dated 19.11.2017 and that the misuse of power and taking illegal gratification can never be compromised on the pretext that one has long service.

5. We have heard learned counsel for the parties and perused the record carefully with their valuable assistance.

6. We have observed that the present appellant Karam Ilahi was posted as Officer of Investigation at P.S Paroa D.I.Khan; a case registered vide FIR No.484 dated 19.11.2017 U/S 15-AA/5 Exp Act P.S Paroa was entrusted to him for investigation. As per record, purported accused Muhammad Ashiq

was arrested in the above mentioned case FIR No.484 and investigation was entrusted to the present appellant and complete Challan was submitted in the mentioned case. Accused Muhammad Ashiq submitted a complaint regarding registration of false case against him and R.P.O was directed by I.G.P for conducting an inquiry into the matter, who directed the D.P.O for compliance of the directives of the I.G.P/P.P.O. Inquiry was marked to S.P Saddar, who conducted a preliminary inquiry and submitted report to D.P.O. On the recommendation of inquiry officer, D.P.O issued charge sheet and statement of allegations to the present appellant, S.H.O and Constable Ghulam Rasool. An inquiry was conducted and appellant was recommended for major punishment.

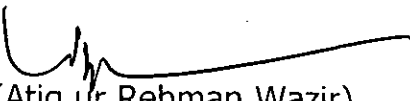
7. We have observed that the appellant was properly proceeded against under the relevant law after observance of all the codal formalities and the charges leveled against him duly proved. He was provided every opportunity of defense including personal hearing as well as opportunity to cross-examine witnesses but he badly failed to defend his case. He was awarded major punishment of reduction to the rank of A.S.I. The appellate authority also endorsed the punishment awarded to him. It was noted at the level of Review Petition preferred before the Provincial Police Officer that the appellant was serving as Officiating Sub Inspector and was reverted from Officiating Sub Inspector to substantive rank of Assistant Sub Inspector, which according to Police Rules, is not a punishment, hence, that punishment was converted into stoppage of two increments with cumulative effect.

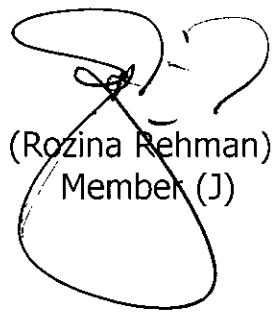
8. We did not notice any violation of law and rules in the instant case and can safely infer from the above noted situation that the instant appeal is

devoid of merits. Hence the instant appeal is dismissed. With no order as to costs. File be consigned to record room.

ANNOUNCED.

02.12.2020

  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

02.12.2020

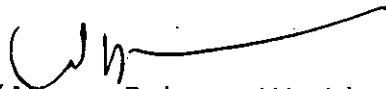
Appellant present through representative.

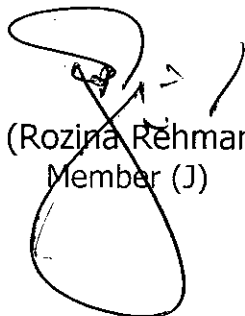
Mr. Muhammad Jan learned Deputy District Attorney  
alongwith Khalid Nawaz Inspector for respondents present.

Vide detailed judgment of today of this Tribunal placed on  
file, instant service appeal is dismissed. With no order as to  
costs. File be consigned to the record room.

ANNOUNCED.

02.12.2020

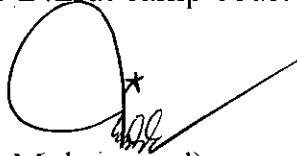
  
(Atiq-ur-Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

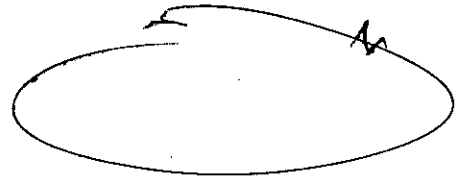
26.10.2020

Appellant is present in person. Mr. Usman Ghani, District Attorney alongwith Mr. Khalid Nawaz, Inspector (Legal) for respondents present.

Since the Members of the High Court as well as of the District Bar Association D.I.Khan are observing strike today, therefore, the case is adjourned to 24.11.2020 for arguments before D.B at camp court D.I.Khan.



(Mian Muhammad)  
Member(E)



(Muhammad Jamal Khan)  
Member(J)  
Camp Court D.I Khan

24.11.2020

Appellant with counsel present.

Muhammad Jan learned Deputy District Attorney alongwith Khalid Nawaz Inspector for respondents present.

Arguments heard. To come up for consideration at Principal Seat Peshawar on 02.12.2020 before this D.B.



(Atiq-ur-Rehman Wazir)  
Member (E)  
Camp Court, D.I Khan

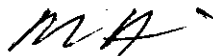


(Rozina Rehman)  
Member (J)  
Camp Court, D.I Khan

Service Appeal No. 964/2018


26.11.2019


Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Saleem, S.I (Legal) for the respondents present. Representative of the department submitted para-wise comments on behalf of respondents No. 1 to 3 which is placed on record. Case to come up for rejoinder and arguments on 29.01.2020 before D.B at Camp Court D.I.Khan.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

29.01.2020

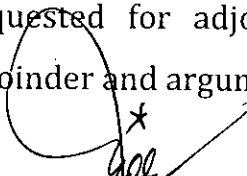
Appellant in person and Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Khalil, S.I (Legal) for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 26.02.2020 for rejoinder and arguments before D.B at Camp Court D.I.Khan.


  
(Hussain Shah)  
Member  
Camp Court D.I.Khan

  
(M. Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

26.02.2020

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Khalil, S.I (Legal) for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 20.04.2020 for rejoinder and arguments before D.B at Camp Court D.I.Khan.

  
(Mian Mohammad)  
Member  
Camp Court D.I.Khan

  
(M. Amin Khan Kundi)  
Member  
Camp Court D.I.Khan



26.10.2020

Appellant is present in person. Mr. Usman Ghani,  
District Attorney for respondents present.

Since the Members of the High Court as well as of the  
District Bar Association D.I.Khan are observing strike today,  
therefore, the case is adjourned to 24.11.2020 for arguments  
before D.B at camp court D.I.Khan.

(Mian Muhammad)  
Member(E)

(Muhammad Jamal Khan)  
Member(J)  
Camp Court E

25.06.2019

Learned counsel for the appellant and Mr. Farhaj Sikandar learned District Attorney alongwith Mr. Atta Ullah SI (legal) for the respondents present. Learned counsel for the appellant stated that the impugned order has been modified by the appellate authority and requested for adjournment to submit amended appeal. Adjourned. To come up for amended appeal on 27.08.2019 before S.B at Camp Court, D.I. Khan.

  
(M. Amin Khan Kundi)

Member

At Camp Court, D.I. Khan

27.08.2019

Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Khalil Ahmad, S.I (Legal) for the respondents present. Learned counsel for the appellant submitted amended appeal, which is placed on file. Copy of the same also handed over to representative of the department. Case to come up for written reply/comments on amended appeal on 22.10.2019 before S.B at Camp Court D.I.Khan.


  
(Muhammad Amin Khan Kundi)

Member

Camp Court D.I.Khan

22/10/2019

Since tour to D.I.Khan has been cancelled .To come for the same on 26/11/2019.

  
Reader

964/18

27.03.2019

Counsel for the appellant present.

Learned counsel for the appellant states that order of modification of penalty awarded to the appellant could not be made available to him. He, therefore, requests for more time to do the needful as noted in the previous order.

Adjourned to 24.04.2019 for the needful before S.B at camp court, D.I.Khan.

Chairman  
Camp Court, D.I.Khan

24.04.2019

Learned counsel for the appellant present. Preliminary arguments heard. The appellant has not opted to file amended appeal.

The appellant has filed the present service appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 19.02.2018 whereby major punishment of reduction from the rank of Sub Inspector to the rank of ASI was imposed upon the appellant. The appellant has also assailed the order dated 18.07.2018 through which his departmental appeal against the punishment order dated 19.02.2018 was rejected.

Points urged need consideration. The appeal is admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 25.06.2019 before S.B at Camp Court, D.I.Khan.

~~Appellant Deposited  
Security & Process Fee~~

Member  
Camp Court, D.I.Khan


19.12.2018

As per direction of the worthy Chairman Khyber Pakhtunkhwa Service Tribunal, D.I.Khan tour dated 19.12.2018 has been rescheduled and the case is re-fixed for 28.12.2018.

Reader

28.12.2018


Clerk of counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing on 23.01.2019 before S.B at Camp Court D.I.Khan.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I. Khan

23.01.2019

Counsel for the appellant present.




It is stated by learned counsel that the impugned order dated 19.02.2018 has been modified through a subsequent order passed by departmental authority, at present, is not in possession of the appellant. He, therefore, requests for adjournment in order to further document the appeal and also submit an amended appeal in view of the said developments. Adjourned to 27.03.2019 before S.B at camp court, D.I.Khan.

  
Chairman  
Camp Court, D.I.Khan

Form- A  
FORM OF ORDER SHEET

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

Case No. 964/2018

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1-    | 03/08/2018                | <p>The appeal of Mr. Karam Illahi presented today by Mr. Muhammad Ismail Alizai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><br/>REGISTRAR 3/8/18</p>  |
| 2-    | 20-11-18                  | <p>This case is entrusted to touring S: Bench at D.I.Khan for preliminary hearing to be put up there on <u>29-11-18</u>.</p> <p style="text-align: right;"><br/>CHAIRMAN</p>   |
|       | 29.11.2018                | <p>Neither appellant nor his counsel present therefore, notice be issued to appellant and his counsel for attendance and preliminary hearing for 19.12.2018 before S.B at Camp Court D.I.Khan.</p> <p style="text-align: right;"><br/>(Muhammad Amin Khan Kundi)<br/>Member<br/>Camp Court D.I.Khan</p> |

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 964 /2018

Karam Illahi Ex SI

Appellant.

Versus

Provincial Police Officer, KPK, and another.


Respondents.

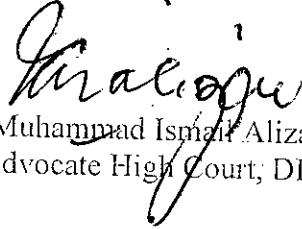
Service Appeal

I N D E X

| <u>S.No.</u> | <u>Description of Documents</u>                 | <u>Annexure</u> | <u>Page(s).</u> |
|--------------|---|-----------------|-----------------|
| 1.           | Petition with Grounds of Appeal & affidavit.    | --              | 02 — 05         |
| 2.           | Copies of Show Cause Notice etc & order of DPO. | A               | 07 — 31         |
| 3.           | Copies of Deptl: Appeal & Final Order           | B               | 32 — 35         |
| 4.           | Copy of FIR.                                    | C               | — 36            |
| 5.           | Vakalat-Nama                                    |                 | — 37            |

Dated 01/08 2018.

  
(Karam Illahi) Appellant  
Through Counsel

  
(Muhammad Ismail Alizai)  
Advocate High Court, Dikhan.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 964 /2018.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1222

Dated 07-8-2018

Karam Illahi,  
Assistant Sub Inspector Police,  
Presently, C/o Superintendent of Police (Investigation),  
Dera Ismail Khan.

(Appellant)

Versus

1. The Provincial Police Officer (IGP), Khyber Pakhtunkhwa, Central Police Office, Peshawar.
2. Regional Police Officer / Deputy Inspector General of Police, Dera Ismail Khan Region, D.I.Khan.
3. District Police Officer, Dera Ismail Khan.

(Respondents)

*Note: The address given above are sufficient for the purpose of service.*

**SERVICE APPEAL u/s 4 OF KP SERVICE TRIBUNAL ACT-1974  
AGAINST, FIRSTLY, ORDER OF DPO / D.I.KHAN DTD 19.2.2018  
WHEREBY THE APPELLANT WAS AWARDED PUNISHMENT OF  
REDUCTION TO LOWER RANK, AND LASTLY, AGAINST FINAL  
ORDER ISSUED VIDE ENDS: No: 2583-85/ES DATED 18.07.2018  
WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT WAS  
FILED AS REJECTED.**

Filed to -

Respectfully Sheweth: -

3/8/19.

The appellant very humbly submits as under: -

1. That, the appellant, enrolled as Constable in the Police Department, later earned promotion in due course to the rank of Sub Inspector. The

*iw*

appellant has well over 31 years of unblemished service to his credit, earning good will and praise from his superiors for his hard work and devotion. The appellant has always served the department with due diligence, dedication and to the utter satisfaction of his superiors thus earning numerous commendations and rewards.

2. During the entire stretch of his service the conduct of appellant remained unblemished. Service record of the appellant is second to none and no adverse inference was ever drawn by the superiors since nothing of the sort was ever conveyed to the appellant.
3. That, to the dismay of appellant, he was, through order dated 19.2.2018 passed by Respondent No.3 i.e. DPO/D.I.Khan, awarded punishment of Reduction to Lower Rank of ASI, albeit in sheer derogation of the law, rules and norms of natural justice. Copies of Charge Sheet etc besides impugned order are placed at Annex-A.
4. That, the petitioner moved an appeal with Respondent No.2 i.e. RPO, D.I.Khan against the above said order however, the appeal did not find any favour and stood dismissed vide order dated 18.7.2018 of RPO, D.I.Khan yet arbitrarily. Copies of Departmental appeal & order passed thereon are attached herewith as Annex-B.
5. That, in consequence of above stated situation the appellant prefers the present appeal on the following grounds,

Grounds:-

- a. That, the order of DPO/ D.I.Khan whereby the appellant was initially punished in terms of reduction in rank, besides consequential order of RPO, DIKhan, both impugned hereby, are not only against the true facts, law & rules but militate against the principles of justice, equity and good order of public service.
- b. That, the allegations contained in the Charge Sheet culminating into award of one of the punishments of most harsh in its kind were based on misconception of true facts, wrong, incorrect and misconceived.
- c. That, the appellant has been virtually condemned unheard and subjected to a punishment of the kind "Reduction in Rank" without being provided with an appropriate opportunity to defend his cause beyond any encumbrance, thus calling for interference by your good office to undo the injustice.
- d. That, the impugned order is apparently based on misconception and misconstruing of facts besides law, rules and principle of natural justice thus is liable to be set-aside. There is nothing on records to prove any

*fu*



complicity on part of the appellant in either false involvement of the accused charged in FIR No. 484 dated 19.11.2017 u/s 15-AA/5 ESA of PS Paroa nor that given the surrounding facts of the criminal case mentioned above anything to the contrary was placed before the appellant, then performing as Investigating Officer, except the verdict of Police officials including the raiding officer of the rank of SI/SHO. In such situation the appellant was obliged to have believed the police officials compared to any claim by an apparent criminal, though no claim of innocence of the arrested person was ever brought up before the appellant. Copy of FIR is placed at Annex-C.

- e. While pushing the inquiry proceedings in a slipshod manner the Inquiry Officer wrongly recommended award of punishment to the appellant as against the facts and law on the subject. The incorrect recommendation made by the Inquiry Officer ought not have been considered by the authority i.e. DPO, D. I. Khan for award of punishment but were liable to be rejected out rightly. It may be worthy of mention here that recommendation was though that of reprimand / censure yet the punishing authority chose to inflict punishment of reduction in rank instead, though beyond facts and in conflict with legal provisions.
- f. That the appellant is innocent and has been subjected to the penalty for no fault of his but for apparently politically & extraneously motivated reasons. DPO/DIKhan i.e. Respondent No.3 and RPO / DIKhan i.e. (Respondent No.2), while ignoring the law & rules on the subject, erred and failed to regulate proceedings properly besides inflicting punishment onto an innocent person i.e. the appellant.
- g. That the appellant has sufficient length of service rendered for the department. While adjudicating in the matter the departmental authorities utterly ignored not only the provisions of law on the point but the rights too, of the appellant. The appellant was neither afforded with any opportunity of personal audience nor of a fair trial, thus was discriminated being, inter-alia, condemned unheard.
- h. That the orders passed by respondents Nos.2 & 3, as impugned hereby, have infringed the rights and caused grave miscarriage of justice to the appellant without any lawful excuse.
- i. That the petition of appeal / appellant is duly supported by law and rules formulated thereunder, besides the affirmation / affidavit annexed hereto.
- j. That this Hon`ble Tribunal is competent and has ample powers to adjudge the matter under reference/appeal.
- k. That the counsel for the appellant may very graciously be allowed to add to the grounds during the course of arguments, if need be.

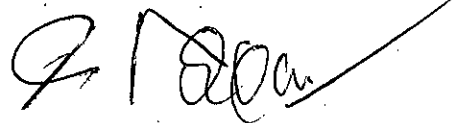
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**Prayer:-**

In view of the above made submissions, it is very earnestly requested that on gracious acceptance of the instant petition, the impugned order of DPO/D.I.Khan passed on 19.2.2018 whereby petitioner is awarded Punishment of Reduction in Rank from that of Sub Inspector to Assistant Sub Inspector besides, order dated 18.7.2018 passed by RPO, D.I.Khan whereby appeal of petitioner was dismissed / rejected may kindly be set-aside and the respondents may be required and directed to restore the appellant in the rank of Sub Inspector from due date with grant of all back benefits in the interest of justice. Any other benefit that this Hon'ble Tribunal may deem appropriate is solicited, too.

Dated. 01.08.2018

Most respectfully,



(Karam Illahi) Ex-SI, Now ASI No.49/D  
Office of SP / Investigation Wing,  
District D.I.Khan.

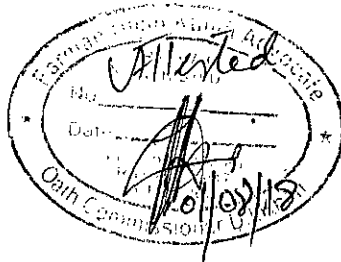
**AFFIDAVIT:**

I, Karam Illahi, the appellant, hereby solemnly affirm and declare on oath this 1<sup>st</sup> day of August-2018 at D.I.Khan that contents of the petition are true and correct to the best of my knowledge, belief and per official records. Also, that nothing is willfully kept or concealed from this Hon'ble Tribunal.

Dated. 01.08.2018.



(Karam Illahi) Deponent.




ORDER

The following Asstt. Sub Inspectors on Promotion List of Khan Region have been approved for promotion to the rank of Offg. Sub Inspectors by the Regional Departmental Promotion Committee meeting held in Regional Police Office DI Khan on 04.05.2017.

Their promotion will take effect from the date of taking over charge of higher responsibilities.

1. ASI Muhammad Tariq, 31/D of District DI Khan
2. ASI Abdul Sattar, 07/D of District DI Khan
3. ASI Sher Muhammad Shah, 10/D of District DI Khan
4. ASI Haq Nawaz, 11/D of District DI Khan
5. ASI Sharif Ullah, 14/D of CTD KPK
6. ASI Muhammad Ayub, 19/D of District DI Khan
7. ASI Fazal Ellahi, 24/D of District DI Khan
8. ASI Umar Khitab, 27/D of District DI Khan
9. ASI Muhammad Raza, 33/D of District Tank
10. ASI Amjad Hussain, 34/D of CTD KPK
11. ASI Gul Khan, 37/D of CTD KPK
12. ASI Muhammad Mushtaq, 39/D of District DI Khan
13. ASI Abdur Rasheed, 40/D of CTD KPK
14. ASI Abdur Rasheed, 41/D of District DI Khan
15. ASI Kifayat Ullah, 42/D of District Tank
16. ASI Safdar Khan, 44/D of District DI Khan
17. ASI Rehmat Ullah, 47/D of District DI Khan
18. ASI Shah Wali, 48/D of District Tank
19. ASI Karam Ellahi, 49/D of Investigation DI Khan
20. ASI Kifayat Ullah, 52/D of District DI Khan
21. ASI Mehfooz Shah, 53/D of District DI Khan
22. ASI Aurangzeb, 54/D of District DI Khan
23. ASI Muhammad Aslam, 57/D of District DI Khan
24. ASI Gul Wali, 58/D of Special Branch
25. ASI Muhammad Ayub, 59/D of ACE KPK
26. ASI Chan Shah, 64/D of District DI Khan
27. ASI Muhammad Sadiq, 67/D of CTD KPK
28. ASI Noor Aslam, 73/D of traffic KPK
29. ASI Sher Bahadar, 77/D of CTD KPK

  
(SYED FIDA HASSAN SHAH) PSP  
Regional Police Officer  
Dera Ismail Khan

No. 1829-41 /ES

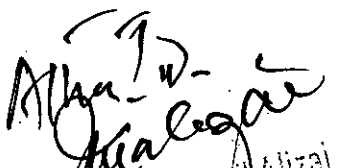
Dated


DI Khan the

05/05/2017

Copy submitted for favour of information to the :-

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. Addl: Inspector General of Police HQs, Khyber Pakhtunkhwa Peshawar.
3. Addl: Inspector General of Police Special Branch, Khyber Pakhtunkhwa Peshawar.
4. Dy: Inspector General of Police CTD, Khyber Pakhtunkhwa Peshawar.
5. Dy: Inspector General of Police Traffic, Khyber Pakhtunkhwa Peshawar.
6. Asstt: Inspector General of Police, Establishment, CPO Peshawar.
7. The Director, Anti Corruption Establishment Khyber Pakhtunkhwa Peshawar.
- 08-09. District Police Officers DI Khan & Tank. Necessary gazette notification may be issued accordingly.
- 10-11. Superintendent of Police Investigation units, DI Khan & Tank.
12. The Superintendents of Police CTD, Dera Ismail Khan.

  
Muhammad Ismail Alizai  
Advocate High Court  
Dera Ismail Khan

  
(SYED FIDA HASSAN SHAH) PSP  
Regional Police Officer  
Dera Ismail Khan

7  
'A'  
1

**CHARGE SHEET**

Whereas, I am satisfied that a formal enquiry as contemplated by Khyber Pakhtunkhwa Police Rules 1975 amended-2014 is necessary and expedient.

AND WHEREAS, I am of the view that the allegation if established would call for a major penalty as defined in rules-4(i)(B) of the aforesaid rules.

AND THEREFORE, as required by Police Rules 6(1) of the aforesaid rules, I DISTRICT POLICE OFFICER Dera Ismail Khan hereby charge you SI Karam Ellahi with the misconduct on the basis of the statement attached to this Charge Sheet.

AND, I, hereby direct you further under rules 6(i)(B) of the said rules to put in written defence within 7-days of receipt of this Charge Sheet as to why the proposed action should not be taken against you and also state at the same time whether you desire to be heard in person or otherwise.

AND, in case, your reply is not received within the prescribed period, without sufficient cause, it would be presumed that you have no defence to offer and that Ex-parte proceeding will be initiated against you.

*[Signature]*  
District Police Officer,  
Dera Ismail Khan

*[Signature]*  
Advocate  
Dera Ismail Khan  
Court

**DISCIPLINARY ACTION**

I, DISTRICT POLICE OFFICER, Dera Ismail Khan as a competent authority am of the opinion that you SI Karam Ellahi have rendered yourself liable to be proceeded against and committed the following acts/omissions within the meaning of the Khyber Pakhtunkhwa Police Rules 1975 amended-2014

**STATEMENT OF ALLEGATION**

That you while posted as Officer of Investigation at PS/Paroa, DI Khan, a case vide FIR No.484 dated 19.11.2017 u/s 15-AA/5 Exp Act PS/Paroa was entrusted to you for investigation but you failed to conduct fair impartial and transparent investigation as concluded in the preliminary enquiry conducted by SP/Saddar DI Khan. You blindly endorsed the contents of FIR in your fake investigation and sent the innocent accused to Jail without digging out the real facts. Moreover, you have received a bribe of Rs 8 thousand from Mohammad Mashooq (brother of the accused Ashiq) and Rs 01 thousand from accused Ashiq. This act on your part amounts to gross misconduct which is punishable under the rules.

Hence the statement of allegation.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation S. Saleem 1993 Rules Division Dera Ismail Khan is appointed as enquiry officer to conduct proper departmental enquiry under Police Rules 1975 amended-2014.

3. The enquiry officer shall in accordance with the provision of the ordinance, provide reasonable opportunity of the hearing to the accused, record its findings and make, within ten days of the receipt of this order recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the enquiry officers.

District Police Officer,  
Dera Ismail Khan

13-01-2018

No. 257-58/EC Dated DI Khan the  
Copy to:-

1. Dera Ismail Khan. The enquiry officer for initiating proceeding against the defaulter under the provision of Khyber Pakhtunkhwa Police Rules 1975 amended-2014 with the direction to complete the enquiry within 10 days. Enquiry papers containing \_\_\_\_\_ pages are enclosed.
2. SI Karam Ellahi with the direction to appear before the E.O. on the date, time and place fixed by the E.O. for the purpose of enquiry proceeding.

حاصلی خرابی کے لئے براہ کرم مطلع کیا جا رہا ہے

oil / Paroa  
24.01.018

Muhammad Ismail Akh...  
Advocate High Court

District Police Officer,  
Dera Ismail Khan




وہ بلزم منگورہ کو مقدم میں گنگا راپا یا حاکم بعد نکل گرفتار میں شامل مقدم کو زمین تریسب جاوں  
خاتم مقام 580 حجر رمضان خان کے حوالے کی گئی جس کے بعد مدد خط خائن جلال سنگھ کریت کیا  
اسلام کی مانت یہی نام 580 ہی تو ہوں ہو کر گرفتار شامل مقدم کیا گیا ہے جو مقدم کے حق میں ہے

علاجہ

جہاں تک 8 ہزار روپے + ایک ہزار روپے رشوت لینے کا تعلق ہے تو یہ غلط اور مجبوراً الزام  
سگایا گیا ہے کیونکہ قبل ازیں بھی ایک ایماندار سینئر پولیس گزٹ آفیسر صاحب SP صاحب  
صدر ڈپٹی ایس جی خان نے حکام نہ انکواری وقوع مقدم منگورہ کی مانت عمل میں لائی ہے  
جس میں ناقول بلزم منگورہ جو عاشق نے رشوت دینے لینے کا ذکر کیا ہے اور یہی مقدمہ  
مدد کے معنی میں نے اپنے بیانات میں ذکر کیا ہے۔ مددہ ازیں میرا سابقہ ادمالہ  
سروس ایک کارڈ بھی روز روشن کی طرح عیاں ہے۔ دوران عرصہ مدد زمت مانت  
میں خوش اسلوبی احسن طریقے سے ڈیوٹی سر انجام دیتا چلا آ رہا ہوں اور مقدم منگورہ  
کی تفتیش بھی حسب ضابطہ عمل میں لائی ہے اس میں کوئی کوتاہی عقلمندی نہیں کی ہے۔

گھنٹہ استاد صاحبہ چارج شیٹ بلزم منگورہ کارروائی داخل دفتر و خالی جاوے

  
محمد الی سید اللہ رشتہ 011 مقام بروا  
24.01.2018

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**FINAL SHOW CAUSE NOTICE**

I, **DISTRICT POLICE OFFICER**, DIKhan as competent authority under the Khyber Pakhtunkhwa Police Rules 1975 amended-2014, do hereby served you **SI Karam Ellahi**, as follow.

1. (i) That consequent upon the completion of enquiry conducted against you by the Enquiry Officer for which you were given opportunity of hearing vide this office communicator No. 257-58/EC, dated 19.01.2018.
- (ii) On going through the findings and recommendations of the enquiry officer, the material on record and other connected papers including your defence before the Enquiry Officer.

I am satisfied that you have committed the following acts/omissions specified of the said rules.

That you while posted as Officer of Investigation at PS/Paroa, DI Khan, a case vide FIR No.484, dated 19.11.2017, u/s 15-AA/5 Exp Act PS/Paroa was entrusted to you for investigation but you failed to conduct fair, impartial and transparent investigation as concluded in the preliminary enquiry conducted by SP/Saddar DI Khan. You blindly endorsed the contents of FIR in your fake investigation and sent the innocent accused to Jail without digging out the real facts. Moreover, you have received a bribe of Rs 8 thousand from Mohammad Mashooq (brother of the accused Ashiq) and Rs 01 thousand from accused Ashiq.

2. As a result thereof, **I, DISTRICT POLICE OFFICER**, DIKhan as competent authority have tentatively decided to impose upon you the penalty of Major punishment of the said rules.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.
4. If no reply to this notice is received within 7-days of its deliver, in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
5. The copy of finding of the enquiry officer is enclosed.

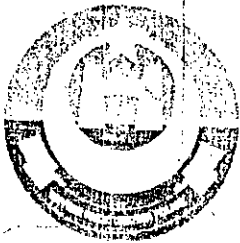
Received to file  
25/1  
01-2-2018

~~District Police Officer,  
Dera Ismail Khan~~  
3571

Muhammad Ismail Alizai  
Advocate High Court  
Dera Ismail Khan



Phone: (0966) 9280062  
Fax: (0966) 9280293



OFFICE OF THE  
DISTRICT POLICE OFFICER  
DERA ISMAIL KHAN

No. 59 /EC,

Date 05-01 /2018

To: The Regional Police Officer,  
Dera Ismail Khan Region.

Subject: **ENQUIRY**

Memo:

Kindly refer to your office Endst: No.4980/ES, dated 30.11.2017.

It is submitted that the finding of the enquiry conducted by SP Saddar Division DI Khan is enclosed herewith for kind perusal please.

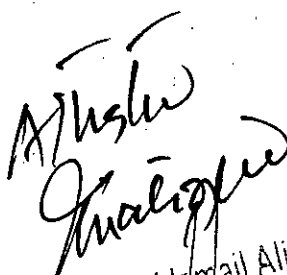
Moreover, proper departmental proceeding is being initiated against the concerned Police Officers/Officials as per recommendation of the Enquiry Officer.

  
District Police Officer,  
Dera Ismail Khan

No. 60 /EC

Copy to SSP Investigation, DI Khan, alongwith finding report to make process to discharge innocent person from false charges and report early.

  
District Police Officer,  
Dera Ismail Khan

  
Muhammad Ismail Alizai  
Advocate High Court  
Dera Ismail Khan



(13)

OFFICE OF THE  
SUPERINTENDENT OF POLICE,  
SADDAR DIVISION, DERA ISMAIL KHAN

No. 03 /SP/13

Dated DIKhan the 04-01- /2018.

To: The District Police Officer,  
Dera Ismail Khan.

Subject: ENQUIRY.

Kindly refer to your office Diary No. 10357, dated 02.12.2017.

**BACKGROUND OF THE CASE:**

A case has been registered vide FIR No. 484 dated 19.11.2017 u/s 15-AA/5 Exp Act PS/Parova against Mohammad Ashiq s/o Faiz Mohammad r/o Parova with following contents.

SI Damsaz SHO Parova sent a Murasalla to Police Station Parova addressed to Muharrir of Police Station that an information was received when he was present in Police Station that Klashonkov and other ammunition are there in the "ARA MACHINE" of Mohammad Ashiq s/o Faiz Mohammad r/o Parova and which is ready for transportation to Punjab through Indus River by Boat. He along with ASI Tasawar Hussain and IHC Waqar raided the spot. Mohammad Ashiq was present. During the search a plastic Bag was lying from which one Klashonkov folding without number along with magazine containing 26 rounds 7.62 bore and one grenade along with detonator recovered. Mohammad Ashiq did not produce any authentic documents regarding the recovered arms and ammunition. He was arrested on the spot and later on the instant case was registered against the above mentioned accused.

**ENQUIRY PROCEEDING:**

During the course of enquiry the undersigned summoned all the relevant persons. They were given the opportunity of patient hearing and their written statements were also recorded which are placed on file for reference. The following persons were heard personally and their statements have been recorded.

1. SI Damsaz SHO Parova.
2. ASI Tasawar Hussain PS Parova.
3. IHC Waqar Mohammad PS Parova.
4. Mohammad Mashooq Brother of Complainant.
5. Haq Nawaz Member Kissan Councillor Parova.
6. Mohammad Ashiq Complainant.
7. Constable Ghulam Rasool PS Gomal University.
8. Mohammad Rafiq General Councillor Tehsil Parova.
9. SI Karam Ellahi OII PS Parova.

*Muhammad Ismail Alizai*  
Muhammad Ismail Alizai  
Advocate High Court  
Dera Ismail Khan

**1. STATEMENT OF SI DAMSAZ SHO PAROVA:**

He stated that he along with ASI Tasawar Hussain and other Police strength were present. Meanwhile a call was received by ASI Tasawar Hussain regarding the Klashonkov and other ammunition which are lying in the Ara Machine/Wood toll of Mohammad Ashiq which are ready for transportation to Punjab Province. After getting information a raid was conducted on the spot where one Klashonkov, Magazine, 26-rounds and one grenade along with detonator recovered. After fulfilment of legal formality a proper case was registered against the accused Mohammad Ashiq which was arrested on the spot. Further he stated that the action was made purely on the information of Waqar Mohammad IHC Parova, in which no dishonesty on his part is included. After registration the case was handed over to SI Karam Ellahi for investigation.

**2. STATEMENT OF ASI TASAWAR HUSSAIN:**

He stated that he was present with SHO Parova SI Damsaz. IHC Waqar Mohammad informed him about the Klashonkov and the other ammunition. On his information a raid was conducted in the leadership of SHO Parova on wooden toll/Ara machine of Mohammad Ashiq from where one Klashonkov, one magazine, 26-rounds and one grenade along with detonator was recovered. Accused was arrested on the spot. Raid was conducted on the information of Waqar Mohammad IHC which was present with us during the whole action.

**3. STATEMENT OF WAQAR MOHAMMAD IHC PS PAROVA:**

He stated that on 18.11.2017 during night time constable Ghulam Rasool r/o Parova presently posted in PS Gomal University informed him through his Cell No. 03454190968 that a person will transport some arms + ammunition to Punjab via River Indus through Boat today or tomorrow. He asked the informer constable regarding the genuineness of the information. The Constable/informer assured that the person is known to him and he used to smuggle arms + ammunition to Punjab Province. Next day constable Ghulam Rasool make a Call again from the same number and gave the information about the Klashonkov and other ammunition. So he conveyed the information to ASI Tasawar and then to SHO. Further he stated that during the raid he was personally present with SHO during the recovery of Klashonkov and grenade. Accused Mohammad Ashiq was arrested on the spot. Later on the instant case was registered and was handed over to SI Karam Ellahi for investigation.

*Muhammad Ijaz Ali*  
*Muhammad Ijaz Ali*  
 Muhammad Ijaz Ali  
 Advocate, High Court  
 Dera Ismail Khan

**4. STATEMENT OF MOHAMMAD ASHIQ COMPLAINANT/ACCUSED:**

He stated that he runs a business of selling woods for which he has managed an open place on rent. A tent is placed with Ara machine which is used for keeping the accessories of Ara machine and others. On 19.11.2017, he was present as usual. Meanwhile SHO Parova along with other Police party raided my site and directly went towards the tent from where they recovered one Klashonkov and grenade. SHO was told that he is not aware of Klashonkov and grenade. But the SHO gave him a sound beating. He along with two sons took to Police Station. His sons were released on the Muchalka while he was arrested and FIR was lodged. He told that it is correct that Klashonkov and grenade have been recovered from his site but not aware that how this took place and who managed this arms ammunition in his place. He further stated that someone did this bloody act just to degrade or defame him in the locality. Because he is a very poor but a respectable person of his area and an informer of police. He further stated that he is totally innocent in the case. The Klashonkov and hand grenade has been recovered from his tent, but not belongs to him. He disowned the recovered arms and ammunition and considered it a game against him because he used to give information to Police on which so many actions have been made, and this case is the result of my information to Police.

**5. STATEMENT OF HAQ NAWAZ MEMBER KISSAN COUNCILLOR:**

He stated that he is a Political figure of the area and now-a-days Kissan Councillor of Union Council Parova. On the day of occurrence, brother of Ashiq rang me that Police arrested Mohammad Ashiq in case of Klashonkov and grenade. When he reached Police Station SHO had registered the case against Mohammad Ashiq and handover his two sons on bail bond (Muchalka). He further stated that Mohammad Ashiq is well known to him. He is not a criminal but a law abiding citizen. Someone did this job to involve him in the case. He has a good moral character and is innocent in this case.

**6. STATEMENT OF BASHIR AHMAD r/o PAROVA:**

He stated that Mohammad Ashiq is well known to him. He is a poor but a thorough gentleman. The case registered against him is fake and a conspiracy against him. He is totally innocent.

**7. STATEMENT OF MOHAMMAD RAFIQ GENERAL COUNCILLOR TEHSIL PAROVA:**

He stated that Mohammad Ashiq is well known to him. He is a poor man but not involved in such like offences. The case registered against him is not based on facts.

*Ashiq*  
*Muhammad Ismail Khan*  
Muhammad Ismail Khan  
Advocate High Court  
Dera Ismail Khan.

**8. STATEMENT OF CONSTABLE GHULAM RASOOL OF PS/GOMAL UNIVERSITY:**

He stated that he is in Police Department from the last 34-years. He has given so many informations to his senior officers regarding the Elimination of crime. On 19.11.2017, he got information about the business and transportation of arms and ammunition. To this effect, he conveyed the information to IHC Waqar of PS/Parova. He further informed SHO Parova. SHO raided and recovered one Klashonkov and grenade and registered the FIR. He has no personal enmity with complainant Ashiq. He fulfilled his responsibilities being a constable of Police Force. He did not disclose the name of informer by stating that he will face problems by telling the name of the informer.

**9. STATEMENT OF SI KARAM ELLAHI OII PS PAROVA:**

He stated that ASI Bilal of Parova has registered the case vide FIR No.484 dated 19.11.2017 u/s 15-AA/3-4 Exp Act, PS/Parova against Mohammad Ashiq s/o Faiz Mohammad r/o Parova on the Murassala of SI Damsaz SHO Parova. The copies of FIR was handed over to him for investigation in which one Klashonkov and grenade have already been recovered by SHO Parova. The accused was arrested and interrogated properly. On the next day i.e. 20.11.2017 the accused was produced to court for grant of Police Custody but the court did not gave and sent the accused to Judicial Lock-up. After completion of legal formalities the case was handed over to Acting SHO for submission of Challan.

**CONCLUSION**

From the enquiry conducted so far, i.e. statements of all concerned, circumstantial evidence, perusal of case file and my personal observation I am of the view that the present complainant Mohammad Ashiq s/o Faiz Mohammad r/o Parova is a poor man and running his business of woods for which he has managed a place on rent in which he has installed an "Ara Machine" and tent in the toll for keeping their accessories. The complainant Mohammad Ashiq is like an informer of police. He used to gives information time to time on which many successful actions have been made. On the information of the present complainant Mohammad Ashiq police caught a person Asmat Ullah and a Lady Mst. Misbah daughter of Allah Wasaya r/o Parova, niece of Constable Ghulam Rasool of PS/Gomal University red handed in Government Primary School Parova when they were busy in an immoral activity. But later on a compromise was made between the two parties and the lady got married to Mr. Asmat Ullah. Constable Ghulam Rasool was not happy with this compromise. Resultantly he managed this case by giving information to IHC Waqar Mohammad of PS Parova. Waqar informed ASI Tasawar and SHO Damsaz who later on conducted a raid on the Ara Machine of Mohammad Ashiq and recovered the Klashonkov

*Muhammad Ismail Alizai*  
 Muhammad Ismail Alizai  
 Advocate High Court  
 Dera Ismail Khan

and Grenade from a plastic bag lying in the tent. SHO arrested the complainant as he was present there.

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08/01/18

Constable Ghulam Rasool the informer of the case summoned again and discussed the whole case, who was given time to think and disclose the fact. He told that he will not disclose the name of the informer.

Actually Constable Ghulam Rasool is the person who managed this game to involve the complainant in the offence by taking revenge, as strong motive is present behind this case. SI Karam Ellahi alongwith case file was summoned. The case file was perused thoroughly. SI Karam Ellahi did not investigate the case impartially. He was supposed to collect information about the arms ammunition as well as the accused. He did not even bother to interrogate Mohammad Ashiq accused but a fake statement was recorded in the support of FIR. SHO Parova was supposed to verify the information given to him because this damaged the reputation of the complainant in the area. Another point which was noticed is, he did not even interrogated the accused nor investigated the case properly and submitted challan which is against the natural justice.

General reputation of the complainant/accused in the area is very good. Because many irrelevant persons of the area were examined who verified the good reputation of the complainant in the area and consider the instant case as fake and bogus just to defame him in the area. Their written statements have also been recorded.

RECOMMENDATION

1. Constable Ghulam Rasool No. 722 of Police Station Gomal University is responsible for managing this fake case.
  2. SHO Parova and SI Karam Ellahi are recommended for Censure.
  3. Mohammad Ashiq arrested in case FIR No. 484 dated 19.11.2017 under AA/5-Exp: Act PS Parova is recommended to be discharged.
- Report is submitted.

*Muhammad Ishaq*  
Muhammad Ishaq  
Advocate High Court  
Dera Ismail Khan

*Muhammad Ashfaq*  
(MOHAMMAD ASHFAQ)  
Superintendent of Police,  
Saddar Division DIKhan

ds/ee  
 ① Issue charge sheet to Const Ghulam Rasool and SI Karam Ellahi is nominated as govt witness to SHO and ASI to be given careful investigation is directed to make proper report and discharge innocent persons from case charge sheet and report. SHO Parova and SI Karam Ellahi are recommended for censure and SHO Parova is recommended to be discharged.

No# 267-1-2018  
 dt 29-11-2018  
 SHO  
 To Investigate the case on merits and ensure justice. and ensure  
 11/11/18



OFFICE OF THE  
SUPERINTENDENT OF POLICE,  
RURAL DIVISION, DERA ISMAIL KHAN

No. 217 1SP12 Dated DIKhan the 26-01/2018.

To: The District Police Officer,  
Dera Ismail Khan.

Subject: **DISCIPLINARY ACTION AGAINST SI KARAM ELLAHI**

Kindly refer to your office Endst: No. 257-58/EC, dated 19.01.2018.

**RESPECTED SIR,**

In pursuance of your kind directives, the undersigned completed enquiry in the above cited case. Its step wise detail is given below:

**ALLEGATIONS:**

SI Karam Ellahi while posted as Officer of Investigation at PS Paroa, D.I.Khan, a case vide FIR No. 484, dated 19.11.2017, u/s 15-AA/5 Exp Act, PS Paroa was entrusted to him for investigation but he failed to conduct fair, impartial and transparent investigation as concluded in the preliminary enquiry conducted by SP/Saddar D.I.Khan. He blindly endorsed the contents of FIR in his fake investigation and sent the innocent accused to jail without digging out the real facts. Moreover, he have received a bribe of Rs. 8 thousand from Mohammad Mashooq (brother of the accused Ashiq) and Rs 01 thousand from accused Ashiq. This act on his part amounts to gross misconduct which is punishable under the rules.

**BACKGROUND OF THE CASE:**

As per brief facts of the case the complainant/Damsaz Khan SHO received spy information that a Kalashnikov and other ammuniton in a plastic sack are lying in the tent installed in the "Saw Machine" of one Mohammad Ashiq, accused/petitioner, which well be smuggled to Punjab Province. On this information, the complainant SHO along with police party raided the spot of occurrence and recovered a plastic bag. On checking, it contained a folding-butt-Kalashnikov without any number, having a fixed magazine containing 25-rounds of 7.62 bore and one hand-grenade with detonator regarding which the accused petitioner could not produce any legal justification. Hence, the instant FIR was lodged.

The purported accused Mr. Ashiq was arrested. He was bailed out from jail after 06 days. Investigation was conducted by SI Karam Ellahi and complete Challan was submitted in the case within three days by SHO Damsaz Khan on 29.11.2017 wherein the accused have been placed in column No. 3 of the Challan form.

The registration of this case sparked an uproar and outrage among the people of vicinity and was dubbed as fake and false case by all and sundry of the area. Its echo was heard in the office of Worthy PPO, KP. On the complaint of accused Mohammad Ashiq, the good office of Worthy IGP, KP, vide letter No. 6152-53/PPO, dated 30.11.2017 (copy attached), directed the Worthy RPO, DIK, for conducting an enquiry into the matter. The Worthy DIG directed the DPO,

*Ashiq*  
*Mashooq*  
Muhammad Ismail Khan  
Advocate High Court  
Dera Ismail Khan

محمد کرام علی کی درخواست میں برائے محمد اشوق  
(01/01/2018)

(19)

DIK, for compliance of the directives of Worthy PPO. The Worthy DPO marked the enquiry into the issue to SP Saddar Mr. Mohammad Ashfaq Khan who conducted a preliminary enquiry into the matter and submitted its final report to Worthy DPO vide his office letter No. 03/SP/S dated 04.01.2018. SP Saddar Mohammad Ashfaq concluded in his enquiry that:

- 1) Constable Ghulam Rasool No. 722 of Police Station Gomal University is responsible for managing this fake case.
- 2) SHO Parova, Damsaz Khan and Karam Ellahi are recommended for censure.
- 3) Mohammad Ashiq arrested in case FIR No. 484, dated 19.11.2017, u/s 15 AA/5-Exp Act, PS Paroa, is recommended to be discharged.

It is pertinent to mention here that the issue of the registration of this controversial FIR was highly projected in the local print media through the press conference held by the accused party (DSB reports and news-paper-clips are attached).

On the recommendations of enquiry officer, the Worthy DPO issue charge sheet and statements of allegations to three police officials — Constable Ghulam Rasool No. 722, SHO PS Paroa Damsaz Khan and I.O of the case SI Karam Ellahi. The undersigned was tasked with the probe into the matter. The enquiry in hand is concerned with SI Karam Ellahi.

### PROCEEDINGS

The papers of preliminary enquiry and the case file were gone through. SI Karam Ellahi was summoned; charge sheet and summary of allegation were served upon him; he submitted his written reply. In the second phase SI Karam Ellahi and the accused/complainant party members — Mohammad Ashiq and Mohammad Mashooq were summoned at a time; Ashiq and Mashooq handed over their supplementary statements. Karam Ellahi and the complainant party were given opportunity to challenge and rebut the allegations, if they can. Both the parties put questions on one another.

### STATEMENT OF COMPLAINANT/ACCUSED MOHAMMAD ASHIQ:

My statement is the same which I have given on 18.01.2018 during the course of enquiry against Constable Ghulam Rasool. My charges against SI Karam Ellahi, in brief, are as under:

1. SI Karam Ellahi has taken Rs. 1000 from me when I was in police custody.
2. He has taken Rs. 8000 from my brother Mohammad Mashooq as a bribe.
3. He has wrongly written my confessional statement u/s 161 CrPC.
4. He has wrongly investigated the case and sent me to jail.

### PREVIOUS STATEMENT OF COMPLAINANT/ACCUSED MOHAMMAD ASHIQ IS AS UNDER:

He narrated in his statement, "I am a poor man. I toil since long in my Saw Machine near Paroa College. The business of timber is my profession. On 19.11.2017 it was about 7 or 8am. I and my sons Asif and Shoaib were busy in our routine work in our Ara Machine. Suddenly a police Datsun came near us and halted. The SHO Damsaz alongwith his 12/13 subordinates came down from it. The police officials cordoned off the venue while the SHO moved towards the tent installed therein. I tried to shake hand with SHO but he ignored me and entered inside the tent. He

*Muhammad Ashiq*  
*Muhammad Ashiq*  
 Advocate  
 Dera Ismaeel Khan

01/11/2018

محمد اشقیق  
 محمد اشقیق  
 محمد اشقیق



then searched out a plastic sack somewhere from the corner of our tools. From inside the plastic sack, he recovered some arms and ammunition and threw it on the cot (Charpai). He then asked me what that was. I expressed my ignorance. The SHO abused me with harsh and filthy language and slapped me on my face before my sons. He also slapped one of my sons, Shoaib on his face. The SHO said nothing to my other son Asif. He took me and my two sons to the PS in police Datsun along with plastic bag containing arms and ammunitions. I repeatedly ensured the SHO that I knew nothing about that — what that was; how that was recovered from that place; and who had placed them there — but, the SHO paid no heed to our hue and cry. He put me along with my two sons in the lock up of PS. After half an hour the SHO took me to his own room for interrogation. I told him that I was a police – informer and that might be a conspiracy against him. I also informed him that the Saw Machine is an open place for public. He then separately interrogated my sons. We all remained in the lock-up upto 08pm. Then it came in my knowledge that an FIR had been registered against me, only. My both sons were released at 08pm after keeping them in illegal confinement for 10/11 hours. The investigating officer SI Karam Ellahi also interrogated me. I informed him that someone was behind the screen who wanted to use police against me by implicating me in fake case through proper planning. Meanwhile, my brother Mohammad Mashooq and a Councilor Haq Nawaz also came to PS. They also ensured the SI about my innocence and asked him to find out the designer of this sinister intrigue who was working behind the screen. However, Karam Ellahi paid no attention to my humble requests. Karam Ellahi took one thousand rupees from me for filling patrol in the vehicle and produced me before the court on 20.11.2017. Therefrom, I was sent to jail and was bailed out after six days. I say on oath that I am innocent totally and have been incriminated under a proper planning of conspiracy. On 13.12.2017, we submitted application to police high ups for fair enquiry and investigation. We appeared before the enquiry officer — SP Mohammad Ashfaq Khan who heard us with sympathetic consideration. During the course of enquiry, it revealed that Constable Ghulam Rasool had hatched the conspiracy plan against us as he was the initial informer in the instant case. Moreover, there is a strong cause of enmity between us and Constable Ghulam Rasool — our far-off relative and co-villager. Two years ago the niece of Constable Ghulam Rasool named Misbah daughter of Allah Wasaya r/o Paroa had been caught with a boy named Asmat Ullah in GGPS, Paroa on Sunday, on my information. On this, Constable Ghulam Rasool had given me threats of avenge. Later on, as per our social norms the girl was married to the boy and the issue was patched up through a compromise. Constable Ghulam Rasool was not happy with this compromise. Now, connecting all the links of enquiry and investigation we are sure that the whole game had been maneuvered by Constable Ghulam Rasool — our rival — for taking revenge. It is he, behind the scene, who had misguided the local police of PS Paroa by misusing his power of authority. If he is innocent then he should disclose the name of a person who had given him information about the arms and ammunition. The investigating officer Karam Ellahi has written my confessional statement u/s 161 CrPC with mala fide intention against my narration as I had pleaded guilty neither before nor now I am conceding the guilt. I request the police high ups to discharge me from the fake and concocted case; punish the schemer and guilty police officials as I have been tortured physically and mentally; I have been defamed under a proper planning. Please re-investigate the case through a competent police officer.”

Attested  
 Muhammad Iqbal  
 Advocate  
 Dera Ismail Khan

011/22/11

سید محمد حلام کی موجودگی میں اس کے پاس سے اسلحہ اور اسلحہ کی دیگر چیزیں برآمد ہوئی ہیں۔

**STATEMENT OF COMPLAINANT MOHAMMAD MASHOOQ (BROTHER OF MOHAMMAD AHIQ)**

My statement is the same which I have given to the enquiry officer on 18.01.2018 during the course of enquiry against Constable Ghulam Rasool. My charges against SI Karam Ellahi are as under:

1. SI Karam Ellahi has taken Rs. 1000 from my brother accused Mohammad Ashiq.
2. He has taken Rs. 8000 from me as a bribe.
3. He has written the confessional statement of my brother with mala fide intention.
4. He has poorly investigated the case and sent my brother Ashiq to Jail.

**PREVIOUS STATEMENT OF MOHAMMAD MASHOOQ IS AS UNDER:-**

He narrated, "I am the brother of accused Mohammad Ashiq and also a General Councilor of the area. On 19.11.2017 at about 09:30am, I was present in my parlour in my village Paroa along with my guests. I was informed by my cousin Tariq through phone-set that my brother Ashiq and nephews had been taken away by police to the police station. When I reached the PS I saw my brother and nephews in the lock up. One of my nephews raised his voice that his uncle had reached. Upon this, the Moharrir told me to meet the SHO in his room. When I met the SHO, he told me that as per statement of my brother Ashiq the arms and ammunitions had been kept there by me. I replied to the SHO that my brother could say neither like this nor I had kept the weapons there because we are noble citizen and informers of police. The SHO then allowed me to meet with my brother in the lock up and discuss the issue with him. I reached near the lock up and asked my brother and nephews regarding the recovered weapons. They all expressed their ignorance and innocence and told me that it was a hatched scheme against them by some opponents. The SHO left the PS and I also came home. After one hour I went back to PS along with Councilor Haq Nawaz. Haq Nawaz remained seated with Moharrir in his room and I went to the room of incharge investigation Karam Ellahi to discuss the innocence of my brother with him. He told me that I was equally involved with my brother in the crime. However, he would exclude my name if I pay him Rs. 08 thousand (as a bribe) at the moment. Hence, I paid him rupees 08 thousand in the denomination of 08 currency notes — each of 01 thousand rupees. We then left the PS for our homes. At around 08pm we both went back to the PS and brought home our nephews (not charged in any case) on the bail of Haq Nawaz while my brother spent that night in the lock up of PS and the remaining 05 nights in the jail. After languishing for 06 days in the confinement of lockup. He was bailed out from jail. Later on, we appealed to the police high-ups regarding our innocence and requested for enquiry into the matter and fair investigation as someone had kept the weapons in our Ara machine to incriminate us for some evil designs. On our application, the enquiry was marked to SP Saddar, D.I.Khan, Mohammad Ashfaq Khan who gave us his kind consideration; recorded the statements of all concerned. During the course of initial enquiry it dawned upon the worthy SP Saddar that the central role had been played by our rival Constable Ghulam Rasool who had a prior antagonism with us. Two years ago the niece of Constable Ghulam Rasool named Miss Misbah d/o Allah Wasaya had illicit relations with one Asmat Ullah. The couple had been found, on one Sunday, in GGPS Paroa involved in love affairs, by police on the tip-off of Mohammad Ashiq. There was no other option with the rival parties except to arrange the marriage of boy and girl,

*Muhammad Ismail Khan*

Muhammad Ismail Khan  
Advocate High Court  
Dera Ismail Khan

011/22/011

محمد اشق کی وجہ سے میں اپنے گھر سے نکل گیا

which they did in accordance with the social norms and traditions. The matter was thus patched up and the hatchets were buried. The police refrained to take any action. Me and Haq Nawaz had played the role of arbitrators in that issue. However, Constable Ghulam Rasool, the uncle of the girl, was not satisfied from our decision as he wanted to receive a huge fine in millions from the boy alongwith two girls on Nikkah/wedlock (vani). Ghulam Rasool had threatened me that he would take the revenge as my brother (Ashiq) had disclosed the illicit relations between the couple. Thus connecting all the links of the chain we are now sure that the bogus and fake FIR has been lodged against my brother on the wrong information and evil designs of Ghulam Rasool and it was surely he, who had kept the arms and ammunitions there either by himself or by someone else to implicate us in criminal case for his own avenge to satisfy his ego. We request the police high-ups for fair investigation of the case and impartial enquiry into the matter."

**STATEMENT OF ACCUSED SI KARAM ELLAHI:**

"I have fairly investigated the case. The charges of taking 1000 rupees from accused Ashiq and 8000 rupees from his brother Mashooq, against me, are totally wrong and I rebut the allegations categorically."

In response to my (the enquiry officer) question No. 01 he said, "now, I am sure that the charged accused Mohammad Ashiq is totally innocent and the case property — Kalashnikov, hand-grenade and rounds — was kept inside the tent installed in his Saw Machine by some unknown persons to implicate him in a criminal case."

In response to the questions of accused Ashiq and his brother Mashooq when they said on oath before Karam Ellahi that he had taken a bribe of Rs 1000 from accused Ashiq and Rs 8000 from his brother Mashooq, Karam Ellahi said, "these are mere allegations which are wrong and false". On this Mashooq said, "if I am wrong in leveling the charges of allegations regarding the bribe, then why Karam Ellahi sent elders of the area including Tehsil Nazim Imtiaz Baloch, his brother Sajeel Khan and one Khalid Baloch to his house as Jirga in last few days with the request not to say anything about the amount of bribe." In response Karam Ellahi said, "I sent no one as a Jirga at your house. I only said to Sajeel and Khalid to inform you to refrain from leveling false allegations of bribe." Karam Ellahi also declined on oath the charges of taking of any bribe from the complainant party or making the demand of money from them.

Regarding the question of accused Ashiq that why his confessional statement has been written, without his consent and against his reply, by the I.O Karam Ellahi. The I.O/Karam Ellahi replied that, "I wrote whatever you said at that time." Ashiq challenged Karam Ellahi to say on oath if he had told him that he (Ashiq) had brought the weapons (case property) for his self-defense. In response Karam Ellahi said, "I cannot say on oath. It might have been written by me mistakenly."

In response to a question of complainant/accused Ashiq, Karam Ellahi said, "if the reinvestigation of the case is entrusted to me now, I will discharge the innocent accused Mohammad Ashiq and will make him a witness against the actual culprit who had hatched the plot of the drama."

**Note:** The departmental enquiry in hand (against the I.O of the case, SI Karam Ellahi) is a third enquiry in case FIR No. 484, dated 19.11.2017 registered u/s 15-AA/5 Exp Act in PS Paroa.

*Muhammad Ali Khan*  
 Advocate  
 Dera Ismail Khan

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Earlier two other departmental enquiries — one against Constable Ghulam Rasool No. 722 and the other against SHO of PS Paroa Mr Damsaz Khan have already been conducted wherein the statements of the following persons have been recorded which are also annexed herewith with this enquiry.

**STATEMENT OF HAJI HAQ NAWAZ BALOCH (COUNCILOR) S/O HAJI ALLAH DAD BALCOH R/O PAROA**

On 19.11.2017 at around 10am I was informed by Mashooq Machi through phone-cell that his brother and nephews had been taken away by police. I asked the reason but he expressed his ignorance. Then I met him and we both reached the police station. We found Mohammad Ashiq along with his two sons confined in the lock up. I asked the reason from the inmates. Ashiq replied that police had recovered some weapons from his Ara Machine regarding which he himself was astonished. He added that he did not know how the weapons reached to his timbers stall/Ara Machine, who kept it there and how was it recovered by the police. I, then, found ASI Tasawar Hussain and ASI Bilal standing inside the PS. I assured them regarding the innocence of accused. ASI Bilal agreed with me and said that he was also discussing the matter with his colleague ASI Tasawar Hussain that the case seemed to be suspicious. Then Ashiq met with SHO in his room and I remained standing in the courtyard of PS. Meanwhile Tehsil Paroa Nazim Imtiaz Khan also reached the PS in the same issue. He also went to the room of SHO to request the SHO to enquire the suspicious matter before lodging an FIR. The SHO ensured them that he would follow the facts. Then we all the three left the PS. At the evening Imtiaz informed me that an FIR had been registered only against Ashiq. We went to the PS again at 08pm. The police released the two boys on our bail while their father Ashiq remained behind the bar. Later on, SP Saddar Mohammad Ashfaq Khan summoned me and recorded my statement in the enquiry. I cleared him all the position regarding the fake implication of innocent accused Mohammad Ashiq. During the course of his initial enquiry it came to light that the local police had been misused by the mala fide intention of one Constable Ghulam Rasool who had previous antagonism with the accused Mohammad Ashiq. About 02 years ago the niece of Constable Ghulam Rasool (named Misbah) had been caught with a boy named Asmat Ullah in the building of GGPS Paroa by local police on the information of Mohammad Ashiq. Me and Mohammad Mashooq (brother of Ashiq) were selected as the mediators to resolve the issue. We heard both the parties and announced our verdict that: a) the boy will marry the girl; b) the boy will pay Rs. 06 lacs as indemnity to girl's father, and c) the boy will offer an ox to the girl's elders. The uncle of the girl — Constable Ghulam Rasool had spurned the decision of arbitrators. He was of the view to receive compensation in million of rupees from the boy along with two girls on wedlock/Nikkah (vani) to compensate the molestation and defamation of his niece and family. Constable Ghulam Rasool had threatened Ashiq and Mashooq for avenge at that time. Though under the pressure of social norms and local traditions the issue was patched up, a month later, on the terms and conditions announced earlier by the arbitrators yet the fuming embers of avenge coerced Ghulam Rasool to implicate his rivals in a criminal case by hatching a sinister intrigue of keeping arms and ammunitions in the Ara Machine of his rivals and then giving information to the local police. I am now sure that this FIR is totally wrong and maneuvered by the Constable Ghulam Rasool for his personal avenge.”

Muhammad Ismail  
Advocate High Court  
Dera Ismail Khan

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come daily there for learning. I then entered inside the school and found the girl seated on a chair I brought the couple to the PS. The elders of the vicinity in large member reached PS. They requested the SHO not to make any entry in police registers, regarding the issue being a sensitive one, and they would solve it in accordance with their own traditions. The SHO had then extended his co-operation in accordance with their request and let the couple go with the elders without making any entry in the police record, in good faith."

**STATEMENT OF SHO PS KIRRI KHAISORE MR. SALIM PARVEZ:**

In connection with the departmental enquiry against Constable Ghulam Rasool No. 722, I state that I was posted as SHO PS Paroa in the year 2016. It was Sunday and I was at home on leave. I was informed by my ASHO — Abid Iqbal — that a boy had brought a girl and was present in an official school. I ordered the ASHO to take action. The ASHO deputed SI Habib-ur-Rehman for the task who brought the couple to PS. Then the elders of the vicinity reached the PS and requested the police to let the couple go with them and they would resolve the issue as per their traditions and norms. Hence, the police, in good faith, extended their help and let the couple go with them without taking any action as no cognizable offence had been committed. In my absence SI Abid Iqbal was acting as ASHO in PS Paroa at that time.

**STATEMENT OF MOHAMMAD RAFIQ GENERAL COUNCILOR TEHSIL PAROA:**

Mohammad Ashiq is a noble citizen. He has been implicated in the instant case which is bogus and fake one.

**STATEMENT OF BASHIR AHMAD R/O PAROA:**

Mohammad Ashiq has been incriminated in a bogus and fake case under proper planning. The matter should be properly investigated to surface the underground conspiracy and nefarious designs of the ill-wishers.

**STATEMENT OF IMTIAZ AHMAD BALOCH, TEHSIL NAZIM PAROA:**

Before the registration of the instant case, I had met with SHO Damsaz Khan and requested him to enquire into the matter prior to the registration of FIR as the case did not seem to be genuine. I had also informed the SHO that the so called accused Ashiq was a police informer and noble citizen. Later-on, it came in my knowledge that the information regarding the illegal arms and ammunitions had been given by Constable Ghulam Rasool — a co-villager and also a far-off relative of the accused party who had a prior enmity with the accused party. Around two years ago, on the information of accused party, the local police of Paroa had caught red-handed the niece of Constable Ghulam Rasool with one alien boy in a female Primary School of the village while they were engaged in love affairs. The then SHO of PS Paroa Salim Parvez, ASHO Abid Iqbal and SI Habib-ur-Rehman are well apprised of the issue, who had released the couple on the request of local elders in good faith as the issue was a sensitive one. Later-on, the girl was married to the boy as per verdict of the local mediators in accordance with the social norms and local traditions. Hence, the FIR in the matter is fake one and should be cancelled.

**STATEMENT OF CONSTABLE GHULAM RASOOL NO. 722 OF PS GOMAL UNIVERSITY:**

He said in his statement that no doubt it was he who had given information to IHC Waqar Mohammad regarding the existence of arms and ammunitions in the timber stall/Ara Machine of Mohammad Ashiq and the instant FIR had been lodged on his information. He said that

*Ashiq*  
*Mahar*  
Muhammad Ismail Alizai  
Advocate High Court  
Dera Ismail Khan

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he had no enmity with Mohammad Ashiq etc — rather, they were his relatives. He added that the same information had been given to him by his informer and he was not bound to disclose the name of his informer under Article 08 of Evidence Act”

**IMPORTANT NOTE:**

Constable Ghulam Rasool was cross questioned, warned and ordered to disclose the name of his informer, if any, for further probe into the controversial matter as he was not empowered at this juncture to take shelter within the ambit of Article 08 of Evidence Act. He was further informed that his previous enmity with the so called accused party (Ashiq and Mashooq etc) had also been established and being a lower subordinate he was not entitled not to disclose his source of information as it was being presumed that there was no further source at all and it was purely he, who had kept the illegal items of weapons in the Ara machine of his rival to incriminate him for his personal avenge. Furthermore, he was warned strictly that an innocent citizen had been sent to Jail and defamed on his report and if he did not disclose the purported source, he would be recommended for departmental punishment. But despite of all my efforts the constable did not disclose his source as there was no source at all and the whole drama had been staged by him with mala fide intention merely for his personal avenge.

**STATEMENT OF SP SADDAR, DIK, MOHAMMAD ASHFAQ KHAN:**

He stated that he had conducted preliminary enquiry in case FIR No. 484, dated 19.11.2017, registered u/s 15AA-5 Exp Act in PS Paroa on the orders of the high-ups in light of the complaint of complainant/accused Mohammad Ashiq. He had perused the case file, examined the concerned accused party, police officials and other related persons. After the completion of preliminary enquiry, he had submitted his enquiry report to the high-ups wherein he had found the case a fake one and the accused Mohammad Ashiq an innocent citizen. He had found Constable Gulam Rasool No. 722 mainly responsible for maneuvering this bogus case. He had also recommended the I.O Karam Ellahi and SHO Damsaz for punishment for poor investigation and lack of administration respectively. He had also recommended the accused Mohammad Ashiq to be discharged from the above mentioned case. Mr. Ashfaq Khan also added that he had also confirmed the telephonic communication of Constable Ghulam Rasool with the police officials of PS Paroa from the CDR (copy attached) and found him guilty of orchestrating the trap for incriminating his rivals as an avenge.

**STATEMENT OF SHO CITY, D.I.KHAN SI, MOHAMMAD RAMZAN:**

During the days of occurrence, I was posted as ASHO PS Paroa. The SHO, Damsaz Khan had left for his two-week-course at Abbottabad after the registration of case FIR No. 484, dated 19.11.2017, u/s 15-AA/5 Exp Act, PS Paroa. After the completion of investigation of the case by SI/IO Karam Ellahi, I submitted complete Challan in the case wherein the accused Mohammad Ashiq was placed in column No. 03. I remained posted at the same post for at least 20-days after signing the Challan from on 29.11.2017. Later-on, it dawned upon me that the case was totally fake and bogus. I have many concrete reasons now to believe that the innocent accused Mohammad Ashiq was wrongly implicated in a false case. The informer of SHO, who had some prior grudges with the accused party, misguided the SHO to take legal action against his rivals for tracking down his personal revenge. The SHO took action with good intention but the informer had hatched a

*Muhammad Ishtiaq*  
*Muhammad Ishtiaq*  
Muhammad Ishtiaq  
Advocate  
Dera Ishtiaq  
Court  
Khan

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conspiracy for implicating his rivals in a case of illegal arms and ammunitions. The hand-grenade and Kalashnikov recovered from the Saw Machine of accused were rusted and the Saw Machine is an open place for public having no Chowkidar/Watchman for night. Hence, the implicated accused Mohammad Ashiq is innocent and the informer is the real accused.

**FINDINGS:**

The findings of the episode in chronological order are narrated as under:

Police Constable Ghulam Rasool No. 722, resident of Village Paroa is presently posted in PS Gomal University. About two years ago his niece Miss Misbah d/o Allah Wasaya r/o Paroa was caught by local police with an alien boy named Asmat Ullah in GGPS Paroa on the information of complainant/accused Mohammad Ashiq. The issue triggered an uproar in the area. Finally, the local elders gathered to find out the solution to bury the issue. Among other elders, one Haq Nawaz (now a councilor) and Mohammad Mashooq (brother of accused Mohammad Ashiq) were the prominent arbitrators. After thorough deliberation they announced their verdict as under:

- They boy (Asmat Ullah) will marry the girl (Misbah);
- The boy will pay Rs. 06 Lac as indemnity to girl's father;
- The boy will offer an ox to girl's elders to compensate their defamation.

All concerned accepted the decision except Constable Ghulam Rasool who spurned the decision of arbitrators. He was of the view to receive compensation in millions of rupees from the boy along with two girls on wedlock/Nikkah (as vani in local parlance) to compensate the molestation and defamation of his niece and family. At this juncture Constable Ghulam Rasool had given threat of dire consequences to Mohammad Ashiq and his brother Mohammad Mashooq as Ashiq had leaked out the scandal of illicit relations of the girl with her paramour while Mashooq had given verdict against the well of Ghulam Rasool. Though, under the pressure of social norms and local traditions, the issue was patched up, a month later, on the terms and conditions announced earlier by the arbitrators yet the fuming embers of avenge forced Ghulam Rasool to implicate his rivals and co-villagers in a criminal case by hatching a conspiracy of keeping illegal arms and ammunitions in the tember stall/Saw Machine of his opponents and to inform police for lodging an FIR. Hence, for the compliance of his sinister intrigue, he either himself or through someone else kept a Kalashnikov and hand-grenade in secret place inside the tent installed in the tember stall of Mohammad Ashiq. He then telephonically informed IHC Waqar Mohammad of PS Paroa regarding the illegal weapons. The IHC-passed on information to ASI Tasawar Hussain, who informed SHO PS Paroa. The SHO in good faith raided the venue; recovered the above mentioned arms and ammunition; arrested accused Mohammad Ashiq — owner of the Saw Machine. Consequently, the instant case was registered. Ironically, it was investigated poorly by I.O/SI Karam Ellahi in the follow-up of the contents of FIR and paid no heed to the hue and cry of innocent implicated accused Mohammad Ashiq who languished behind the bar for 06-days. After his release on bail, he submitted application to Worthy Inspector General of Police, KP, upon which a preliminary

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enquiry was conducted by SP Saddar, DIK, Mohammad Ashfaq Khan. He, in his conclusion of the enquiry report, concluded the FIR a fake one; the implicated accused Ashiq an innocent one and declared Constable Ghulam Rasool mainly responsible for hatching the plot of drama against his rivals to take avenge for the satisfaction of his ego. He also recommended the SHO and I.O for departmental punishment on account of lack of proper administration and investigation respectively.

Taking action on the findings of the conclusion of preliminary enquiry conducted by SP Mohammad Ashfaq, the Worthy DPO charge sheeted I.O/SI Karam Elahi on the charges of poor investigation with some extra charges of taking bribe Rs 1000 from accused Mohammad Ashiq and Rs 8000 from his brother Mashooq which revealed from their statements during the course of enquiry against Constable Ghulam Rasool. In the above context, the undersigned completed enquiry against SI Karam Ellahi and its conclusion is narrated as under:

**CONCLUSION:**

*Keeping the above facts and figures in view, it is concluded that:*

1. *SI/I.O Karam Ellahi has poorly and miserably investigated the case. He had many options to give relief to the innocent implicated accused, Mohammad Ashiq, but he did not take the trouble to provide him justice. He, rather, sent him to jail despite of the fact that there were no cogent evidence on the case file to incriminate him except that the place, wherefrom the weapon recovered, was owned by the accused. He also failed to trace the real culprit — Ghulam Rasool — who has been tracked down by the enquiry officers.*
2. *I.O/SI Karam Ellahi has been proved guilty of writing the confessional statement of accused Mohammad Ashiq u/s 161 CrPC against the narration, wish and consent of the accused.*
3. *He has been proved guilty of demanding and taking a bribe of Rs 1000 from accused Mohammad Ashiq and Rs 8000 from his brother Mashooq.*

*Muhammad Ismail Khan*  
 Advocate High Court  
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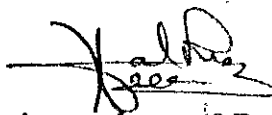


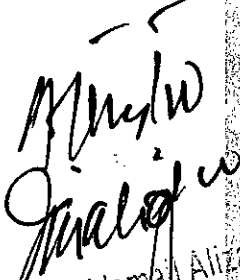
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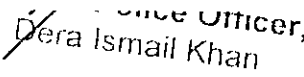
RECOMMENDATIONS:

1. SI Karam Ellahi is recommended for "MAJOR PUNISHMENT" on account of the above mentioned proved charges against him.
2. The arrested innocent accused Mohammad Ashiq is recommended to be replaced by the delinquent Constable Ghulam Rasool No. 722 in case FIR No. 484, dated 19.11.2017, u/s 15AA/5-Exp Act, PS Paroa after the addition of other proper sections of law and the investigation of the case may please be handed over to a competent senior officer of Investigation Wing under the kind supervision of SSP Investigation.
3. The names of accused Mohammad Ashiq and his brother Mohammad Mashooq are recommended to be placed in column of witnesses in the above mentioned case.
4. The preliminary enquiry conducted by SP Saddar Mohammad Ashfaq Khan and the three departmental enquiries (one in hand against SI Karam Ellahi the other against Constable Ghulam Rasool and the third against SHO Damsaz Khan) conducted by the undersigned in case FIR NO. 484 mentioned above, may please be considered integral part of the case file of investigation for providing justice to the innocent accused in the court.
5. After due process by Worthy DPO, the enquiry file in hand is recommended to be sent to Worthy SSP Investigation for further process, if agreed.

Enclosed ( ) papers.

  
 Superintendent of Police,  
 Rural Division,  
 Dera Ismail Khan

  
 Muhammad Ismail Alizai  
 Advocate High Court  
 Dera Ismail Khan

  
 Police Officer,  
 Dera Ismail Khan

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 oji / PS. Paroa  
 22/01/018

To, The Worthy District Police Officer,  
Dera Ismail Khan.

Through: Proper Channel.

Subject: Reply to Final Show Cause Notice dtd Nil.

Respected Sir,

With profound respect following submissions are made for your kind and gracious consideration.

1. That the petitioner is serving in Police Department having joined as Constable, later earned promotion in due course to the incumbency of Sub Inspector, as such completing about 31 years in the service of the department.
2. That the petitioner has always performed his duties with due diligence, dedication, devotion and commitment to the cause and to the utter satisfaction of superiors. The petitioner has not only earned commendation in recognition of exemplary performance of duties during the entire stretch of protracted service tenure but neither anything adverse is placed on his service records nor has his working been reckoned adversely at any time by his superiors who would always be kind to him for being the most obedient amongst juniors besides a devoted, hard working earnest subordinate. The service record of the petitioner is second to none.
3. That lately, during 2017, the petitioner while holding the rank as S/Insp: remained posted to the Investigation Wing of Police Station Paroa. There had been no complaint either from the public nor had petitioner come to any adverse notice of his superiors. The conduct and good performance exhibited by the petitioner during the said tenure was duly acknowledged by the superiors.
4. That the petitioner has been made a scapegoat on the allegation that he failed to conduct proper investigation in case FIR No. 484/2017 registered u/ss 15 AA/5 Exp. at PS Paroa, besides for misconduct as contained in charge-sheet.
5. Sir, the truth of the matter is that the petitioner had performed his duties as Investigator in accordance with the provisions of law and rules, never deviating from the call of duty. It was not for any folly on part of the undersigned that the accused was arrayed in above said criminal case but fact of the matter is, as could be gathered from relevant records that it was in fact the then SHO who had raided the premises of the accused and had seized arms ammunition from there. The case was taken over by the undersigned for investigation based on the report and recovery alleged to have been made by the SHO concerned and there was no occasion to disbelieve the truthfulness of the report lodged by a serving police officer of

Muhammad Ismail Alizai  
Advocate High Court  
Dera Ismail Khan

the rank of SHO based on spy information. Also that any denial on part of accused through bare allegation could not be preferred over the report of a police officer apparently having no ill-will against the accused person. Also that investigation conducted by an Investigating Officer at police station level remains under constant scrutiny by the supervisory officers including SP/Investigation. Had there been any mishandling on part of the undersigned he would be corrected much earlier than filing of complaint by the accused with high ups, which apparently is politically motivated move with an aim to get rid of criminal liability. As a matter of facts and rules, an investigation is also filtered through yet another process when the investigation records are put to SHO for submission of challan in the case. In the present case when challan was submitted after scrutiny of records that amounts to verification of investigation conducted therein thus diminishing any prospects of mishandling on part of an investigating officer. The relevant documentation was also placed on file of the case for scrutiny of court concerned.

- 6. It may also be worthy of notice by your goodself that in earlier round of inquiry conducted by an officer no less in rank than the one having now projected guilt on part of the undersigned, there had been neither any allegations nor proof against the undersigned of squeezing any money from the accused or his brother hence the later introduction of said allegation is no less a calculated move to target me though for no fault but whimsical allegation. Said records may kindly be perused in this context.
- 7. The petitioner has always ventured to accomplish the assigned tasks even to the perils of his life. In the above mentioned back ground there could hardly be any inference drawn about the petitioner being at fault in not conducting proper investigation or for that matter showing any inefficiency or misconduct in performance of duties as against the allegation levelled. The undersigned is being maligned with the allegation thus on erroneous & frivolous premises, hence the instant reply for favour of kind and gracious consideration by your goodself.

Prayer:-

While relying on my earlier response made in the course of current inquiry besides the instant reply, it is very humbly prayed that on gracious acceptance of the submissions made herein, the Final Show Cause Notice may very kindly be withdrawn in the ends of justice. The petitioner solicits an opportunity of personal audience as well, if need be.

Beg to remain, Sir,

Your most obedient servant,

Dated: 07.02.018

*Muhammad Ismail Alizai*  
 Muhammad Ismail Alizai  
 Advocate High Court  
 Dera Ismail Khan

*Karam Illahi*  
 (Karam Illahi) Sub Inspector,  
 Presently, O.I. - P.S. Paroo  
 Dera Ismail Khan.

ORDER

31

This order is aimed to dispose off the department proceeding against SI Karam Ellahi of this District Police on the charges that he while posted as Officer of Investigation at PS/Paroa, DI Khan, a case vide FIR No.484, dated 19.11.2017, u/s 15-AA/5 Exp. Act PS/Paroa was entrusted to him for investigation but he failed to conduct fair, impartial and transparent investigation as concluded in the preliminary enquiry conducted by SP/Saddar DI Khan. He blindly endorsed the contents of FIR in his fake investigation and sent the innocent accused to Jail without digging out the real facts. Moreover, he has received a bribe of Rs 8 thousand from Mohammad Mashooq (brother of the accused Ashiq) and Rs 01 thousand from accused Ashiq.

The defaulter Sub Inspector was served with charge sheet/statement of allegations. An enquiry was conducted into the matter through Mr. Salim Riaz SP/Rural Division DI Khan under Police Rules-1975, ammended-2014. The Enquiry Officer conducted enquiry and submitted findings wherein he held that the charges stand proved against defaulter SI and recommended him for Major Punishment.

His reply to the charge sheet received, which was perused and placed on record. He was also served with Final Show Cause Notice and reply submitted by defaulter Sub Inspector was examined thoroughly and found unsatisfactory. He was summoned in Orderly Room to provide lawful opportunity of hearing. He appeared in Orderly Room on 19<sup>th</sup> February 2018, but failed to give any plausible explanation and also had nothing to offer in his defence.

From the perusal of the relevant record, finding of the Enquiry Officer and with no genuine explanation from the hearing of the defaulter, I am satisfied that the charges of misconduct stand proved against him beyond any shadow of doubt.

In the light of above, I, Dr. Zahid Ullah, PSP, District Police Officer, Dera Ismail Khan, an exercise of power conferred upon me under Police Rules-1975 with amended 2014, award Sub Inspector Karam Ellahi the Major Punishment of reduction to the rank of ASI with immediate effect.

ORDER ANNOUNCED  
19.02.2018

OB 258

Dt 19-2-18

(DR. ZAHID ULLAH) PSP  
District Police Officer,  
Dera Ismail Khan

Muhammad Ismail Alizai  
Advocate High Court  
Dera Ismail Khan

To: The Worthy Deputy Inspector General of Police,  
D.I.Khan Range, Dera Ismail Khan.

Subject: Appeal Against Order Issued Over OB No. 258 Dated:19.02.2018 As Passed By DPO/D.I.Khan.

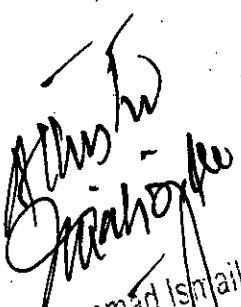
Reverend Sir,

Respectfully, the petitioner / appellant states as under,

1. That the appellant, enrolled as Constable in the Police Department, later earned promotion in due course to the rank of Sub Inspector. The appellant has well over 31 years of unblemished service to his credit, earning good will and praise from his superiors for his hard work and devotion. The appellant has always served the department with due diligence, dedication and to the utter satisfaction of his superiors thus earning numerous commendations and rewards.
2. During the entire stretch of his service the conduct of appellant remained unblemished. Service record of the appellant is second to none and no adverse inference was ever drawn by the superiors since nothing of the sort was ever conveyed to the appellant.
3. That to the dismay of appellant, he was, through order dated 19.2.2018 passed by DPO/D.I.Khan, awarded punishment of Reduction to Lower Rank of ASI, albeit in sheer derogation of the law, rules and norms of natural justice.
4. That in consequence of above stated situation the appellant prefers the present appeal on the following grounds,

Grounds:-

- a. That the order of DPO/ D.I.Khan, impugned hereby is not only against the law & rules but militates against the principles of justice, equity and good order of public service.
- b. That the allegations contained in the Charge Sheet culminating into award of one of the major punishments of most harsh kind were based on misconception of true facts, wrong, incorrect and misconceived.
- c. That the appellant has been virtually condemned unheard and subjected to a punishment of the kind "Reduction in Rank" without being provided with an appropriate opportunity to defend his cause beyond any encumbrance, thus calling for interference by your good office to undo the injustice.
- d. That the impugned order is apparently based on misconception and misconstruing of facts besides law, rules and principle of natural justice thus is liable to be set-aside. There is nothing on records to prove any complicity on part of the appellant in either false involvement of the accused charged in FIR No. 484 dated 19.11.2017 u/s 15-AA/5 ESA of PS Paroa nor that given the surrounding facts anything to the contrary was placed before the appellant except the verdict of Police officials including the raiding officer of the rank of SI/SHO. In such situation the appellant ought to have believed the police officials compared to any claim by an apparent criminal, though never brought up before the appellant.

  
Muhammad Ismail Alizai  
Advocate High Court  
Dera Ismail Khan

- e. While pushing the inquiry proceedings in a slipshod manner the Inquiry Officer wrongly recommended award of punishment to the appellant as against the facts and law on the subject. The incorrect recommendation made by the Inquiry Officer ought not be considered by the authority i.e. DPO D. I. Khan for award of punishment but to have been rejected altogether.
- f. That the appellant has not only rendered whole hearted service to the cause of department over a stretch of many years but has a large family to feed yet the Punishing Authority deprived the appellant and his family of their due earning while ignoring these aspects blatantly.
- g. That your good office has ample powers to set-aside the impugned order of DPO / D.I.Khan in terms of law, rules and precedents.

Prayer:-

In view of the above made submissions, it is very earnestly requested that on gracious acceptance of the instant petition, the impugned order of DPO / D.I.Khan passed on 19.2.2018 may kindly be set-aside in the interest of justice. The appellant also solicits an opportunity for personal audience.

Dated. 06.03.2018

Your most obedient servant,

(Karam Ilahi) SI No.49/D (Now ASI)  
Investigation Unit, Police Station Paroa,  
District D.I.Khan.

Muhammad Ismail Alizai  
Advocate High Court  
Dera Ismail Khan



Op. No. 1781/EC  
Dt. 23-7-18

OFFICE OF THE  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN  
REGION

No. 2583 /ES, Dated DI Khan the 18/07/2018

ORDER

My this order will dispose-of the departmental appeal, preferred by ASI Karam Ellahi No. 49/D of Investigation unit DI Khan wherein he has prayed for setting aside the order of major punishment of reduction in the rank from SI to ASI imposed to him by DPO DI Khan vide OB No. 258 dated 19.02.2018 after found him guilty of the following allegations:-

That the appellant he while posted at Officer In-charge Investigation at Police Station Paroa DI Khan was entrusted a case FIR No. 484 dated 19.11.2017 U/S 15-AA/5-Exp Act of Police Station Paroa DI Khan but he failed to conduct fair, impartial & transparent investigation.

His service record, inquiry papers and comments were received from DPO DI Khan which were perused and it was found that the appellant was charge sheeted and statement of allegations was served upon him. Inquiry into the matter was conducted by SP Rural Division DI Khan and submitted his findings report wherein he held the charges stand proved against the defaulter SI that he has blindly endorsed the contents of FIR in his fake investigation and sent the innocent accused to prison without digging out the real facts. Moreover, he took bribe of Rs: 8,000/- from Muhammad Mashooq (brother of accused Ashiq) and Rs: 1000/- from accused Ashiq. Final Show Cause Notice was served upon him. Reply to the Final Show Cause Notice was received and found unsatisfactory. The competent authority after providing him the opportunity of showing cause has passed the order dated 19.02.2018.

Aggrieved from the impugned order, the appellant submitted the instant appeal before my predecessor which was sent to DPO DI Khan for comments and to provide his service record vide this office memo: No. 942/ES dated 12.03.2018. The DPO DI Khan has submitted the comments and service record of the appellant vide memo: No. 1098/EC dated 28.03.2018, wherein the appeal of the appellant was properly defended on cogent grounds. The then RPO DI Khan sent the inquiry file to DPO Tank with the direction to re-inquire the matter, dig-out the real facts and submit report to this office within 15 days vide this office letter No. 1456/ES dated 17.04.2018. DPO Tank

*A. Ishaq*  
*Muhammad Ismail Alizai*  
Muhammad Ismail Alizai  
Advocate High Court  
Dera Ismail Khan

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his office memo No. 1700 dated 03.05.2018 has agreed with the previous inquiry after recoding the statements of relevant officials and private persons.

During the perusal of his service record, it was found that the appellant has served Police Force for about 31 years and 07 months.

The undersigned also provided him opportunity of personal hearing. Keeping in view the above, I can safely infer from the above that the appellant is incorrigible and his appeal is devoid of merit. There is no need of interference in the impugned order. Therefore I, **DAR ALI KHAN KHATTAK, PSP**, Regional Police Officer, DI Khan, in exercise of powers vested in me under Rule 11 clause 4(a) of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) hereby reject his appeal and endorse the punishment awarded to him by DPO DI Khan.

**ORDER ANNOUNCED**

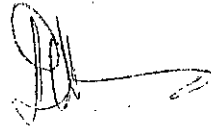


(DAR ALI KHAN KHATTAK)PSP  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

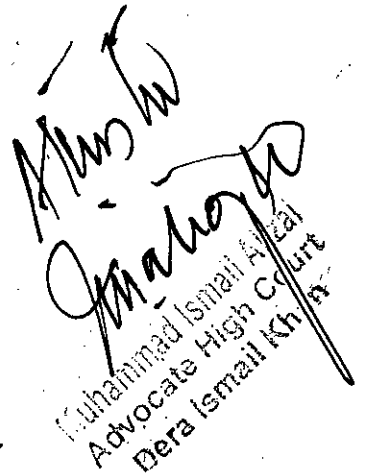
No. 2584-85 /ES

Copy of above is sent to:-

1. DPO DI Khan for information with reference to his office memo: No. 1098/EC dated 28.03.2018 alongwith Service Books=02, Service Roll=01 & Inquiry File =01.
2. Superintendent of Police, Investigation unit DI Khan with reference to his office letter No. 2289/Inv: dated 07.03.2018.



(DAR ALI KHAN KHATTAK)PSP  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

  
Muhammad Ismail Akmal  
Advocate High Court  
Dera Ismail Khan



# ابتدائی اطلاعی رپورٹ

(فائل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر نمبر ۱۵۳ مجموعہ ضابطہ فوجداری  
ضلع ڈیڑھ سہاگل خان

قائد پرواز  
نمبر 2

484

تاریخ وقت وقوع ۱۹/۱۱/۱۹۷۷ وقت ۱۰:۵۵ بجے

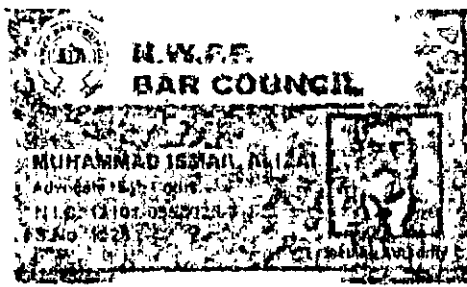
|   |  |   |
|---|--|---|
| 1 | تاریخ وقت رپورٹ ۱۹/۱۱/۱۹۷۷ وقت ۱۰:۱۵ بجے   | جاگیدگی ۱۹/۱۱/۱۹۷۷ وقت ۱۰:۵۵ بجے  |
| 2 | نام و سکونت اطلاع دہندہ مستفیث   | دستار خان SHO 0341-999-3237   |
| 3 | مختہ نسبت مجرموں اور اس کے ہتھیار  | 15AA/5EXP   |
| 4 | جس قومہ عدالت کے ماتحت آرا پیشین ملزم واقع نبرد ڈگری کالج پروا اجابت جنوں لیاصلہ ۱/۲ کلومیٹر از ۱۱۵۵ |   |
| 5 | نام و سکونت ملزم   | قمر عاشق ولد فیض احمد قوم کالج کلاں سکن پروا ۱۸-۳۹۱۸-۰۳۴۴-۱۹۲۶۷۳۲-۱۲۱۵۱ |
| 6 | کاروائی تفتیش کے متعلق کسی اطلاع کے لئے میری تفتیش کے نتیجے میں                                      | پریسڈنٹ پروا لیاصلہ حضور نام عم پروا                                    |
| 7 | تعمیراتی تاریخ وقت   | پہ سبیل ڈاک   |

ابتدائی اطلاع نیچے درج کرو کر رہا اسلئے صاحب دستار خان SHO  
 قضا نے پروا ایف بی ایف ڈی ایف کے پاس ۶۶۸ و سول ہوکر ڈیل ہے۔ قمر عاشق پروا  
 امروز میں قضا نے میں موجود رکھا کہ حضرت (اطلاع دی) کہ جائے وقوع پر بالا در نصب شدہ سٹینٹ  
 آزدی قمر عاشق ولد فیض احمد قوم کالج کلاں سکن پروا لیاصلہ ۱/۲ کلومیٹر از ۱۱۵۵  
 میں ملے ششکوف، دستار ایف بی ایف کے پاس جو وہ کسی وقت پندرہ گشتی دریا کے پندرہ  
 سے جنوبی جانب سبیل ڈاک کے پاس اطلاع دی میں اس وقت میں ASI، وقار احمد  
 صدر دفتر تعزیری پولیس کے پاس وقوع پر بالا در کلاں سکن پروا اور فیفٹی ڈیڑھ کلومیٹر  
 میں آئی قمر عاشق کو خود یا کر میرا کر کے سٹینٹ کی تلاش میں لیں در دیگر سٹینٹ میں  
 فولڈ ٹک ملے صدر سٹینٹ میں معمول (26) عدد کا رولس نمبر 7.62 لور اور ایک عدد ہینڈ ڈر  
 کیا اور کوئی گاڑی جو اس وقت میں در کلاں سکن پروا لیاصلہ ۱/۲ کلومیٹر از ۱۱۵۵  
 کو میں کر کے قمر عاشق منورہ کو منسوب (جن) بالا کا یا کر حسب حالات قمر عاشق کا کار  
 فیض نامی قومہ بدست کاشیش قمر ریاض ۶۶۸ ارسال کیا ہے قومہ درج راجسٹری کر کے  
 نقل FIR فیض تفتیش حوالے لیا در سٹاف کی جاگت میں وجود ہر موقع میں  
 انگریزی دستار خان SHO قضا نے پروا جو ۱۹/۱۱/۱۹۷۷ کا دعویٰ کیا ہے میں اس کے خلاف  
 درج ۷۲ ہو کر میں کلاں سکن پروا لیاصلہ ۱/۲ کلومیٹر از ۱۱۵۵ قمر عاشق کے  
 لیا جائے ہے درجہ لگوارش ہے

*(Signature)*  
 Advocate  
 Dera Ghazi Khan

*(Signature)*  
 ASI/Police  
 19/11/77

**VAKALATNAMA**



Office of the  
Registrar  
General  
Government of NW.F.F.  
Peshawar  
P.O. Box No. 100  
Peshawar

IN THE COURT OF HON'BLE Service Tribunal Peshawar

In Suit / Case " Karam Illahi Vs Govt of K.P.K etc

I/WE Karam Illahi (Pet.)

Pet; / Complt; / Accd; / Applt; / Respdt; hereby appoint,  
M/s. Muhammad Ismail Alizai,

Farmanullah Kundi, Ahmad Shahbaz Alizai, Advocates High Court, Dikhan,

in the above mentioned matter / case and authorize him/ them to do all or any of the following acts,  
in my/our name and on my/our behalf, that is to say,

- 1. To appear, act and plead for me/us in the above mentioned case in this Court/ tribunal in which the same may be tried or heard or any other proceedings what so ever, ancillary thereto, including appeal, revision etc; on payment of fees separately for each court by me / us,
- 2. To sign, verify, file, present or withdraw all/any proceedings, petitions, appeals, cross objections and application for compromise or withdrawal, or for submission to arbitration of the said case or any other documents, as may be deemed necessary or advisable by him/ them and to conduct prosecution or defense of the said case at all its stages,
- 3. To undertake execution proceedings, deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be conferred to be done for the progress and in the course of prosecution of the said case,
- 4. To appoint and instruct any other Advocate/ legal practitioner authorizing him to exercise the power and authority conferred upon the advocate whenever he/they may think fit to do so and to sign Power of Attorney on our behalf,

I /we, the undersigned do hereby agree to ratify and confirm all acts done by the advocate or his authorized substitute in the matter as my /our own acts, as if done by me/us to intents and purposes, and I / we undertake that I /we or my/our duly authorized agent shall appear in the court on all hearings and will inform the advocate(s) for appearance when case is called and I/we the undersigned agree hereby not to hold the advocate(s) or his/their substitute responsible if the said case be proceeded ex-parte or dismissed in default in consequence of my/our absence from court when it is called for hearing and for the result of the said case, the adjournment costs whenever ordered by the court shall be of the advocate(s) which he/they may receive and retain himself/themselves. I/we the undersigned do hereby agree that in the event of the whole or part of the fees agreed by me/us to be paid to the advocate(s), if remain unpaid, he/they shall be entitled to withdraw from prosecution of the above said case until the same is paid and fee settled is only for the above said case and above court and I /we agree hereby that once fee is paid, I/we shall not be entitled for refund of the same in any case whatsoever.

IN WITNESS WHEREOF, I /we do hereby set my/our hand to these presents, the contents of which have been read / read over, explained fully and understood by me/us on this 1st Day Aug, 2018

Accepted By  
Muhammad Ismail Alizai  
Muhammad Ismail Alizai,  
Advocate High Court.

Thumb Impression / Signature(s) of Executant(s)  
[Signature]

①

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

Service Appeal No. \_\_\_\_\_ /2019.

Karam Illahi.

Appellant.

Versus

Provincial Police Officer, KPK, and another.


Respondents.

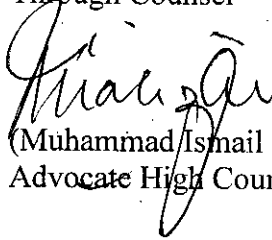
Service Appeal

**I N D E X**

| <u>S.No.</u> | <u>Description of Documents</u>                 | <u>Annexure</u> | <u>Page(s).</u> |
|--------------|---|-----------------|-----------------|
| 1.           | Petition with Grounds of Appeal & affidavit.    | --              | 02 - 04         |
| 2.           | Copies of Show Cause Notice etc & order of DPO. | A               | Already placed  |
| 3.           | Copies of Deptl: Appeal & Order.                | B               | "               |
| 4.           | Copies of Revision Petition & Final order       | D & E           | 04 - 06         |
| 5.           | Copy of FIR.                                    | E               |                 |
| 6.           | Vakalat-Nama                                    | --              |                 |

Dated: 27/8 .2019.

  
(Karam Illahi) Appellant  
Through Counsel

  
(Muhammad Ismail Alizai)  
Advocate High Court, DIKhan.

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

Service Appeal No. \_\_\_\_\_/2019.

Karam Illahi,  
Sub Inspector Police,  
Presently, C/o Superintendent of Police (Investigation),  
Dera Ismail Khan. (Appellant)

**Versus**

1. The Provincial Police Officer (IGP), Khyber Pakhtunkhwa, Central Police Office, Peshawar.
2. Regional Police Officer / Deputy Inspector General of Police, Dera Ismail Khan Region, D.I.Khan.
3. District Police Officer, Dera Ismail Khan. (Respondents)

*Note: The address given above are sufficient for the purpose of service.*

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**SERVICE APPEAL u/s 4 OF KP SERVICE TRIBUNAL ACT-1974 AGAIST, FIRSTLY, ORDER OF DPO / D.I.KHAN DTD 19.2.2018 WHEREBY THE APPELLANT WAS AWARDED PUNISHMENT OF REDUCTION TO LOWER RANK, SECONDLY, AGAINST ORDER ISSUED VIDE ENDS: No: 2583-85/ES DATED 18.07.2018 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT WAS FILED AS REJECTED AND LASTLY FROM ORDER DTD.30.11.2018 WHEREBY PUNISHMENT OF STOPPAGE OF TWO INCREMENTS WITH CUMMULATIVE EFFECT IS INFLICTED.**

Respectfully Sheweth: -

The appellant very humbly submits as under: -

1. That, the appellant, enrolled as Constable in the Police Department, later earned promotion in due course to the rank of Sub Inspector. The appellant has well over 31 years of unblemished service to his credit, earning good will and praise from his superiors for his hard work and devotion. The appellant has always served the department with due diligence, dedication and to the utter satisfaction of his superiors thus earning numerous commendations and rewards.
2. During the entire stretch of his service the conduct of appellant remained unblemished. Service record of the appellant is second to none and no adverse inference was ever drawn by the superiors since nothing of the sort was ever conveyed to the appellant.
3. That, to the dismay of appellant, he was, through order dated 19.2.2018 passed by Respondent No.3 i.e. DPO/D.I.Khan, awarded punishment of Reduction to Lower Rank of ASI, albeit in sheer derogation of the law, rules and norms of natural justice. Copies of Charge Sheet etc besides impugned order are placed at **Annex-A.**
4. That, the petitioner moved an appeal with Respondent No.2 i.e. RPO, D.I.Khan against the above said order however, the appeal did not find any favour and stood

dismissed vide order dated 18.7. 2018 of RPO, D.I.Khan yet arbitrarily. Copies of Departmental appeal & order passed thereon are attached herewith as Annex-B.

1. That being aggrieved of the order dated 18.7.2018 of respondent No. 2, a petition for revision was moved with respondent No.1 in terms of Rule 11-A of KP Police Rules 1975 which was processed but with no information to the appellant about its fate. The petition however, was put up before Review Board and was decided by it vide order dated 30.11.2018 passed by respondent No.1 whereby the punishment of Reduction to lower rank inflicted upon appellant was converted into Stoppage of two increments with cumulative effect. Copies of Revision Petition and Final Order passed thereon are placed at Annexures D & E respectively.
2. That the appellant while being not informed of the fate of above said revision petition by the respondents *per-force*, moved Service Appeal with this Hon'ble Tribunal and thereby challenged the orders of respondent No.3 & 2 respectively under the err that said orders were final yet, latter during the course of proceedings in service appeal it transpired that in fact Final Order was that of respondent No.1 issued vide No.S/4770-77/18 dated 30.11.2018, hence with the kind permission of Hon'ble Tribunal granted vide order dated the instant Amended Petition of Appeal is being filed.
5. That, in consequence of above stated situation the appellant prefers the present appeal on the following grounds,

Grounds:-

- a. That, the order of DPO/ D.I.Khan whereby the appellant was initially punished in terms of reduction in rank, besides consequential order of RPO, DIKhan, as well the final order on award of punishment of stoppage of two increments with cumulative effect passed by respondent No.1, each impugned hereby, are not only against the true facts, law & rules but militate against the principles of justice, equity and good order of public service.
- b. That, the allegations contained in the Charge Sheet culminating into award of one of the punishments of most harsh in its kind were based on misconception of true facts, wrong, incorrect and misconceived.
- c. That, the appellant has been virtually condemned unheard and subjected to a punishment of the kind "Stoppage of two increments with cumulative effect" without being provided with an appropriate opportunity to defend his cause beyond any encumbrance, thus calling for interference by your good office to undo the injustice.
- d. That, the impugned order is apparently based on misconception and misconstruing of facts besides law, rules and principle of natural justice thus is liable to be set-aside. There is nothing on records to prove any complicity on part of the appellant in either frivolous involvement of the accused charged in FIR No. 484 dated 19.11.2017 u/s 15-AA/5 ESA of PS Paroa nor that given the surrounding facts of the criminal case mentioned above anything to the contrary was placed before the appellant, then performing as Investigating Officer, except the verdict of Police officials including the raiding officer of the rank of SI/SHO. In such situation the appellant was obliged to have believed the police officials compared to any claim by an apparent criminal, though no claim of innocence of the arrested person was ever brought up before the appellant. Copy of FIR is placed at Annex-C
- e. While pushing the inquiry proceedings in a slipshod manner the Inquiry Officer wrongly recommended award of punishment to the appellant as against the facts and law on the subject. The incorrect recommendation made by the Inquiry Officer ought not have been considered by the authority i.e. DPO, D. I. Khan for award of

punishment but were liable to be rejected out rightly. It may be worthy of mention here that recommendation was though that of reprimand / censure yet the punishing authority chose to inflict punishment of reduction in rank instead(later converted to stoppage of two increments with cumulative effect), though beyond facts and in conflict with legal provisions.

- f. That the appellant is innocent and has been subjected to the penalty for no fault of his but for apparently politically & extraneously motivated reasons. DPO/DIKhan i.e. Respondent No.3 and RPO / DIKhan i.e. (Respondent No.2), besides respondent No.1 while ignoring the law & rules on the subject, erred and failed to regulate proceedings properly besides inflicting punishment onto an innocent person i.e. the appellant.
- g. That the appellant has sufficient length of service rendered for the department. While adjudicating in the matter the departmental authorities utterly ignored not only the provisions of law on the point but the rights of the appellant, too. The appellant was neither afforded with any opportunity of personal audience nor of a fair trial, thus was discriminated being, inter-alia, condemned unheard.
- h. That the orders passed by respondents Nos.1 to 3, as impugned hereby, have infringed the rights and caused grave miscarriage of justice to the appellant without any lawful excuse.
- i. That the petition of appeal / appellant is duly supported by law and rules formulated thereunder, besides the affirmation / affidavit annexed hereto.
- j. That this Hon`ble Tribunal is competent and has ample powers to adjudge the matter under reference/appeal.
- k. That the counsel for the appellant may very graciously be allowed to add to the grounds during the course of arguments, if need be.

**Prayer:-**

In view of the above made submissions, it is very earnestly requested that on gracious acceptance of the instant petition, the impugned order of Respondent No.1 passed on 30.11.2018 whereby petitioner is awarded Punishment of stoppage of two increments with cumulative effect may kindly be set-aside from due date with grant of all back benefits in the interest of justice. Any other benefit that this Hon`ble Tribunal may deem appropriate is solicited, too.

Dated. 27/8/19

Most respectfully,

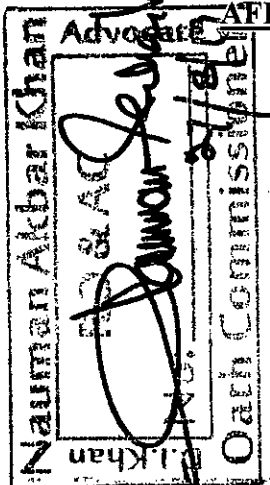
*[Signature]*  
(Karam Illahi) SI,  
Office of SP / Investigation Wing,  
District D.I.Khan.

**AFFIDAVIT:**

I, Karam Illahi, the appellant, hereby solemnly affirm and declare on oath this day of August-2019 at D.I.Khan that contents of the petition are true and correct to the best of my knowledge, belief and per official records. Also, that nothing is willfully kept or concealed from this Hon`ble Tribunal.

Dated 27/08.2019.

*[Signature]*  
(Karam Illahi) Deponent.



To: The Worthy Provincial Police Officer/Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

Through: Proper Channel.

Subject: **Petition under Rule 11-A of Police Rules-1975 Seeking Review of Orders Dated 19.02.2018 & 18.7.2018 Passed by DPO/D.I.Khan and Regional Police Officer, D.I.Khan, Respectively.**

Reverend Sir,

Respectfully, the petitioner / appellant states as under,

1. That, the appellant, enrolled as Constable in the Police Department, later earned promotion in due course to the rank of Sub Inspector. The appellant has well over 31 years of unblemished service to his credit, earning good will and praise from his superiors for his hard work and devotion. The appellant has always served the department with due diligence, dedication and to the utter satisfaction of his superiors thus earning numerous commendations and rewards.
2. During the entire stretch of his service the conduct of appellant remained unblemished. Service record of the appellant is second to none and no adverse inference was ever drawn by the superiors since nothing of the sort was ever conveyed to the appellant.
3. That, to the dismay of appellant, he was, through order dated 19.2.2018 passed by DPO/D.I.Khan, awarded punishment of Reduction to Lower Rank of ASI, albeit in sheer derogation of the law, rules and norms of natural justice.
4. That, the petitioner moved an appeal with worthy RPO, DIKhan against the above said order however, the appeal did not find any favour and stands dismissed vide order dated 18.7. 2018 of RPO, DIKhan yet arbitrarily. Copies of both orders are attached herewith for kind perusal.
5. That, in consequence of above stated situation the appellant prefers the present appeal on the following grounds,

**Grounds:-**

- a. That, the punishment order of DPO/ D.I.Khan, besides consequential order of RPO, DIKhan, both impugned hereby, are not only against the true facts, law & rules but militate against the principles of justice, equity and good order of public service.
- b. That, the allegations contained in the Charge Sheet culminating into award of one of the major punishments of most harsh in its kind were based on misconception of true facts, wrong, incorrect and misconceived.

- (6)
- c. That, the appellant has been virtually condemned unheard and subjected to a punishment of the kind "Reduction in Rank" without being provided with an appropriate opportunity to defend his cause beyond any encumbrance, thus calling for interference by your good office to undo the injustice.
- d. That, the impugned order is apparently based on misconception and misconstruing of facts besides law, rules and principle of natural justice thus is liable to be set-aside. There is nothing on records to prove any complicity on part of the appellant in either false involvement of the accused charged in FIR No. 484 dated 19.11.2017 u/s 15-AA/5 ESA of PS Paroa nor that given the surrounding facts of the criminal case mentioned above anything to the contrary was placed before the appellant, then performing as Investigating Officer, except the verdict of Police officials including the raiding officer of the rank of SI/SHO. In such situation the appellant was obliged to have believed the police officials compared to any claim by an apparent criminal, though never brought up before the appellant.
- e. While pushing the inquiry proceedings in a slipshod manner the Inquiry Officer wrongly recommended award of punishment to the appellant as against the facts and law on the subject. The incorrect recommendation made by the Inquiry Officer ought not be considered by the authority i.e. DPO, D. I. Khan for award of punishment but were liable to be rejected out rightly. It may be worthy of mention here that recommendation was though that of reprimand / censure yet the punishing authority chose to inflict punishment of reduction in rank instead, yet beyond facts and in conflict of legal provisions.
- f. That, the appellant has not only rendered service to the cause of department over a stretch of more than thirty years but a large family, including parents to feed however, the Punishing Authority deprived the appellant and his family of their due earning while ignoring these aspects blatantly.
- g. That, your good office has ample powers to set-aside both the impugned orders of DPO and RPO / D.I.Khan in terms of law, rules and precedents.

**Prayer:-**

In view of the above made submissions, it is very earnestly requested that on gracious acceptance of the instant petition, the impugned order of DPO/D.I.Khan passed on 19.2.2018 whereby petitioner is awarded Punishment of Reduction in Rank from that of Sub Inspector to Assistant Sub Inspector besides, order dated 18.7.2018 passed by RPO, D.I.Khan whereby appeal of petitioner was dismissed / rejected may kindly be set-aside in the interest of justice.

The appellant also solicits an opportunity for personal audience.

Dated. 27/12/18

Your most obedient servant,



(Karam Ilahi) Ex-SI, Now ASI No. 49/D  
District D.I.Khan.





OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. SI/ 4769 /18, dated Peshawar the 30/11/2018.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by ASI Karam Ellahi (the then SI). The penalty of reduction in the rank from SI to ASI was imposed on petitioner vide order bearing OIB No. 258, dated 19.02.2018 passed by DPO, DIKhan on the allegation that he while posted as Officer Incharge Investigation at Police Station Paroa, DIKhan was entrusted a case FIR No. 484, dated 19.11.2017 u/s 15-AA/5 Exp: Act Police Station Paroa, DIKhan but he failed to conduct fair, impartial and transparent investigation as concluded in the preliminary enquiry conducted by SP/Saddar DIKhan. He blindly endorsed the contents of FIR in his fake investigation and sent the innocent accused to prison without digging out the real facts. Moreover, he took bribe of Rs. 8000/- from Muhammad Mashooq (brother of the accused Ashiq) and Rs. 1000/- from accused Ashiq.

His appeal was rejected by Regional Police Officer, DIKhan vide order No. 2583/ES, dated 18.07.2018.

On 07.11.2018, the meeting of Appellate Board was held at CPO Peshawar, wherein the petitioner was heard in person in length.

The perusal of impugned order of punishment shows that he was awarded punishment of reduction in rank from SI to ASI whereas the petitioner was serving as officiating SI and was reverted from officiating SI to substantive rank of ASI, which is not a punishment, therefore, the Board decided that punishment of reduction from the rank of SI to ASI is hereby converted into stoppage of two increments with cumulative effect.

**This order is issued with the approval by the Competent Authority.**



(SHER-AKBAR)

PSP, S.St

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

No. SI/ 4770-77 /18.

Copy of the above is forwarded to the:

1. Regional Police Officer, Dera Ismail Khan. Two service books, one Service Roll and one Fauji Missal of the above named ASI received vide your office Memo: No. 3565/ES, dated 18.10.2018 is returned herewith for your office record.
2. District Police Officer, Dera Ismail Khan.
3. Supdt: of Police, Investigation, Dera Ismail Khan.
4. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
8. Office Supdt: E-III, CPO, Peshawar.

**BEFORE THE HONOURABLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA, PESHAWAR.**

**Service Appeal No. 964 of 2018**

Karam Illahi, Sub Inspector Police, Presently C/o Superintendent of Police  
(Investigation), Dera Ismail Khan. ...(Appellant)

**Versus**

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

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

**Respectfully sheweth,**

Parawise Comments are submitted as under:-

**PRELIMINARY OBJECTIONS**

1. That the appellant has got no cause of action.
2. That the appeal is bad for misjoinder/non-joinder of necessary parties.
3. That the appeal is badly time barred.
4. That the appellant has not come with clean hands.
5. That the appellant is estopped due to his own conduct.
6. That the appellant has concealed the material facts from Honourable Tribunal.

**REPLY ON FACTS**


1. Correct to the extent that the appellant was enlisted as Constable in police department and promoted to the rank of SI on his turn. The remaining para is incorrect as there are several punishment in his service record.
2. Incorrect. As stated above.
3. Incorrect. The authority has passed an order in the light of enquiry conducted by senior officer against him and recommended him for major punishment and the authority awarded punishment of reduction to the rank of ASI, one step.
4. Correct. The appellant official presented any appeal to the Respondent No.3 who passed appropriate order after giving personal hearing, no plausible explanation was given in his defence.
1. Incorrect. A Review petition was lodged to Respondent No.1 and his punishment was reviewed by the board vide order dated 30.11.2018 whereby his punishment reduction the lower rank was converted into stoppage of two increment with cumulative effect taking lenient view.
2. That the Review Board has already taken lenient view by modifying punishment of reduction in rank into stoppage of increments.
5. In view of above, the instant appeal is not maintainable.

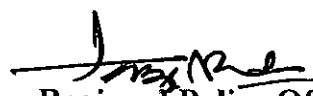
## REPLY ON GROUNDS

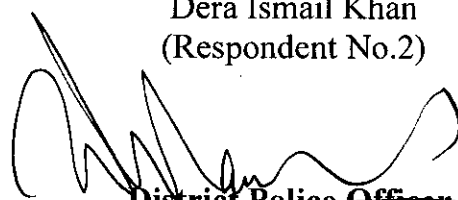
- a. Incorrect. All the proceedings and orders passed by Respondents are in accordance with law & rules in the light of enquiry conducted by a senior office, the allegation levelled against him were proved in the light of evidence besides conducting unfair investigation and taking bribe by the accused Ashiq and his brother. This allegations is highly condemnable and no can be spared involving in corruption. The prior proceedings were carried in accordance with law.
- b. Incorrect. The punishment was awarded to the appellant after issuing charge sheet & summary of allegations.
- c. Incorrect. Every possible opportunity was given to the appellant including personal hearing in OR. He was also given an opportunity of cross examination during the course of inquiry proceeding.
- d. Incorrect. The appellant has not conducted fair investigation into the case and knowingly concealed the facts and intentionally conducted the malpractice which he was knowingly that it is a fake case registered against the accused but he did not bring the real facts on the record. He also demanded and accepted illegal gratification/bribe from the accused. He can never be clean as innocent.
- e. Incorrect. The Enquiry Officer conducted by proper departmental enquiry against the appellant given every possible opportunity of cross examination as recording the statement.
- f. Incorrect. The order was passed by the authority in accordance with law & rules. Similarly the Respondent No.3 also gave proper hearing to the appellant.
- g. Incorrect. The misuse of power and taking illegal gratification can never be exempted on the pretext that he has long service of 31<sup>st</sup> years.
- h. Incorrect.
- i. No comments.
- j. No comments.
- k. The Respondents also seeks permission to raise further objections or additional evidence/record at the time of arguments.

## PRAYER

In view of above, it is humbly prayed that on acceptance of these Parawise Comments, the instant appeal may kindly be dismissed, being meritless and badly time barred.

  
**Provincial Police Officer,**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)

  
**Regional Police Officer,**  
Dera Ismail Khan  
(Respondent No.2)

  
**District Police Officer,**  
Dera Ismail Khan  
(Respondent No.3)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA, PESHAWAR.**

**Service Appeal No. 964 of 2018**

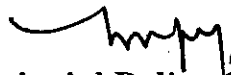
Karam Illahi, Sub Inspector Police, Presently C/o Superintendent of Police (Investigation),  
Dera Ismail Khan. ... (Appellant)


**Versus**

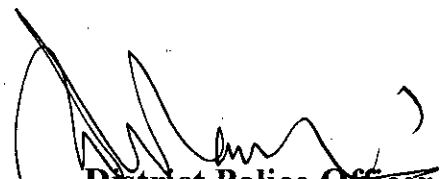
The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar  
and others, ... (Respondents)

**A U T H O R I T Y**

We, the respondents do hereby authorised DSP/Legal, DIKhan to appear before the Service Tribunal Khyber Pakhtunkhwa, Peshawar, on our behalf, He is also authorised to produce/ withdraw any application or documents in the interest of Respondents and the Police Department.

  
**Provincial Police Officer,**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)

  
**Regional Police Officer,**  
Dera Ismail Khan  
(Respondent No.2)

  
**District Police Officer,**  
Dera Ismail Khan  
(Respondent No.3)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA, PESHAWAR.**

**Service Appeal No. 964 of 2018**


Karam Illahi, Sub Inspector Police, Presently C/o Superintendent of Police (Investigation),  
Dera Ismail Khan. ... (Appellant)


**Versus**

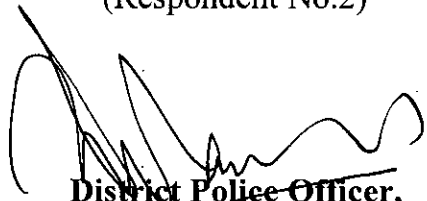
The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar  
and others, ... (Respondents)

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS**

We, the respondents do hereby solemnly affirm and declare on oath that the contents, of Comments/Written reply to Appeal are true & correct to the best of our knowledge and nothing has been concealed from this Honourable Tribunal.

  
**Provincial Police Officer,**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)

  
**Regional Police Officer,**  
Dera Ismail Khan  
(Respondent No.2)

  
**District Police Officer,**  
Dera Ismail Khan  
(Respondent No.3)