- 2. Brief facts of the case as per present appeal are that the appellant was serving in Police Department. He was imposed major penalty of dismissal from service vide order dated 13.10.2017 on the allegation that he was demanding illegal gratification from public in the jurisdiction of PS Phandu which tarnished the image of the department. The appellant filed departmental appeal on 20.10.2017 which was rejected vide order dated 02.11.2017 thereafter, the appellant filed revision petition on 08.11.2017 which was rejected vide order dated 15.01.2018 hence, the present service appeal on 29.01.2018.
- 3. Respondents were summoned who contested the appeal by filing written reply/comments.
- Learned counsel for the appellant contended that the appellant was serving in Police Department. It was further contended that the appellant was imposed major penalty of dismissal from service. It was further contended that departmental proceeding was initiated against the appellant on the aforesaid allegation. It was further contended that the inquiry officer has recorded the statement of witnesses during inquiry proceedings but the appellant was not provided opportunity of cross examination, therefore, the appellant was deprived from the right of defense. It was further contended that a final show-cause notice was issued to the appellant but the copy of inquiry report was not handed over to the appellant show-cause notice although the respondentdepartment was bound to hand over the copy of inquiry report with the show-cause notice, therefore, the appellant was

M. J. 2022

condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeal.

- 5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was serving in Police Department. It was further contended that the appellant was imposed major penalty of dismissal from service on the aforesaid allegation. It was further contended that a proper charge sheet, statement of allegation was famed and served upon the appellant, proper inquiry was conducted and the appellant was recommended for major penalty by the inquiry officer and on the basis of recommendation of inquiry officer, the appellant was rightly imposed major penalty of dismissal from service after fulfilling all the codal formalities and prayed for dismissal of appeal.
- 6. Perusal of the record reveals that the appellant was serving in Police Department. He was imposed major penalty of dismissal from service vide order dated 13.10.2017 on the aforesaid allegation. The record further reveals that the inquiry officer has recorded the statements of witnesses DFC Aziz-ur-Rehman, FC Sawar Khan, HC Ameer Muhammad, and others including HC Ubaidullah, MASI Noor Muhammad, SHO Taimour Saleem Khan etc but no opportunity of cross-examination was provided to the appellant as the copy of statement of FC Sawar Khan, DFC Aziz-ur-Rehman and Head Constable Ameer Muhammad are available on record although the inquiry officer

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was bound to provide opportunity of cross examination, therefore, the appellant was deprived from his fundamental right of cross examination/defense. Moreover, the competent authority was also required to hand over the copy of inquiry report with the show-cause notice but the copy of final showcause notice available on the record, also reveals that no copy of inquiry report was handed over to the appellant with the final show-cause notice, therefore, the appellant condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order, reinstate the appellant into service and direct the respondent-department to conduct de-novo inquiry in the mode and manners prescribed under the Police Rules 1975 with further direction to fully associate the appellant in the inquiry proceeding, provide him opportunity of cross examination and also handover copy of inquiry report with the show-cause notice, within a period of 90 days from the date of receipt of copy of this judgment. The issue of back benefits will be subject to the outcome of denovo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

<u>ANNOUNCED</u> 04.03.2020

Muhammad Amin (MUHAMMAD AMIN KHAN KUNDI) MEMBER

(MIAN MOHAMMAD) MEMBER 04.03.2020

Appellant alongwith his counsel Muhammad Jan, Deputy District Attorney alongwith Mr. Muhammad Raziq, Head Constable for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of four pages placed on file, we partially accept the appeal, setaside the impugned order, reinstate the appellant into service and direct the respondent-department to conduct de-novo inquiry in the mode and manners prescribed under the Police Rules 1975 with further direction to fully associate the appellant in the inquiry proceeding, provide him opportunity of cross examination and also handover copy of inquiry report with the show-cause notice, within a period of 90 days from the date of receipt of copy of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

**ANNOUNCED** 04.03.2020

luham mad mm (MUHAMMAD AMIN KHAN KUNDI)

(MIAN MOHAMMAD) MEMBER

22.11.2019

Appellant alongwith his counsel and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Raziq, Head Constable for the respondents present.

It was pointed out by the learned Deputy District Attorney that the inquiry officer has recorded the statement of complainant Muhammad Bilal but the said statement is not available on the record, therefore, representative of the department present in the court is strictly directed to furnish the copy of said statement on the next date positively. Case to come up for statement of complainant Muhammad Bilal and arguments on 06.12.2019 before D.B.

(Hussain Shah) Member (M. Amin Khan Kundi) Member

06.12.2019

Appellant in person and Mr. Ziaullah, Deputy District
Attorney alongwith Mr. Muhammad Raziq, Head Constable for
the respondents present.

Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Adjourned to 15.01.2020 for record and arguments before D.B.

(Hussain Shah) Member

(M. Amin Khan Kundi)

15.01.2020

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant appeal is adjourned to 04.03.2020 for further proceedings/arguments before D.B.

Member

Member

02.08.2019

Learned counsel for the appellant present. Mr. Riaz Paindakheil learned AAG alongwith Farooq Inspector present. Learned counsel for the appellant seeks adjournment Adjourn. To come up for arguments on 28.10.2019 before D.B.

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Member

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Member

18.11.2019

Appellant alongwith his counsel and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Aziz Shah, Reader for the respondents present.

As per order sheet dated 02.08.2019, the case was adjourned for arguments to 28.10.2019 and inadvertently the order sheet dated 28.10.2019 is not written therefore, learned Additional AG requested that he was having no knowledge about the date and requested for adjournment. Adjourned to 22.11.2019 for arguments before D.B.

(Hussain Shah) Member (M. Amin Khan Kundi) Member 0**5**.03.2019

Junior to counsel for the appellant and Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Junior to counsel for the appellant request for adjournment as senior counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 0.04.2019 before D.B.

///// Member

Member

30.04.2019

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Aziz Shah, Head Constable for the respondents present. Learned counsel for the appellant submitted rejoinder. Copy of the same is handed over to learned Additional AG. Adjourned to 20.06.2019 for arguments before D.B.

(AHMAD HASSAN) MEMBER (M. AMIN KHAN KUNDI) MEMBER

20.06.2019

Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney present. Appellant submitted application for adjournment. Adjourn. To come up for arguments on 02.08.2019 before D.B.

7 Member

Member

28.09.2018

Clerk of counsel for the appellant and Mr. Muhammad Raziq, H.C alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present and made a request for adjournment. Granted. To come up for written reply/comments on 09.11.2018 before S.B.

Chairman

09.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 27.12.2018. Written reply not received. Mr. Muhammad Raziq H.C representative of respondents absent.

READER

27.12.2018

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Aziz Shah Reader present. Representative of respondent department submitted written reply. Adjourn. To come up for rejoinder if any and arguments on 05.03.2019 before D.B.—//

Member

08.05.2018

The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 03.07.2018.

Reader

03.07.2018

Junior counsel for the appellant and Mr. Sardar Shaukat Hayat, Addl: AG for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 17.08.2018 before S.B.

Member

17.08.2018

Syed Noman Ali Bukhari, Advocate counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply on behalf of the respondents not submitted. Learned AAG sought some time to submit the same. Granted but as a last chance. Case to come up for written reply/comments on 28.09.2018 before .B.

Chairman

05.03.2018

Learned counsel for the appellant present. Preliminary arguments heard and case file perused.

Learned counsel for the appellant argued that the appellant was appointed as Constable in the Police Department and has good service record throughout. That the appellant was charge sheeted on the allegation of illegal gratification on 03.10.2017 and the respondents conducted an enquiry just after three days. That neither any chance of defense was provided to the appellant nor the chance of cross examination. Further argued that show cause notice was served upon the appellant which was duly replied but without personal hearing the respondents issued the impugned order dated 13.10.2017 whereby the appellant was dismissed from service. That the appellant filed departmental appeal which was rejected on 02.11.2017.

Points raised need consideration. Admitted for regular hearing subject to all legal objections including limitation. The appellant is also directed to deposit security and process within (10) days, whereafter notice be issued to the respondents department for written reply/comments on 23.04.2018 before S.B.

(Gut Zelikhan) Member

23.04.2018 Appellant in person and Addl. AG alongwith Muhammad Raziq, H.C for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 08.05.2018 before S.B.

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## Form-A

## FORMOF ORDERSHEET

Court of		
Case No.	144/2018	

:	Case No.	. 144/ 2010
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	29/1/2018	The appeal of Mr. Imran Khan presented today by Mr.
		Muhammad Asif Yousafzai Advocate may be entered in the
	;	Institution Register and put up to Worthy Chairman for proper
		order please.
		REGISTRAR
		REGISTRAR
_	011	
2-	06/02/18	This case is entrusted to S. Bench for preliminary hearing
		to be put up there on $12/02/18$ .
	:	CHAIRMAN
-		CHAMPIAN
	.~	
	12.02.2018	Clerk of the counsel for appellant present
	, , , , , , , , , , , , , , , , , , , ,	requested for adjournment on the ground that learn
		counsel for the appellant is not in attendance today due
		strike of the Bar. Adjourned. To come up for prelimin
		hearing on 05.03.2018 before S.B.
		MA
		(Muhammad Amin Khan Kund
		Member (J)
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## BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 144/2018

Imran Khan

V/S

Police Deptt:

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3.	copy of charge sheet	-B -	06-07	
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6.	Copy of reply	<b>-</b> E-	18	
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**APPELLANT** 

THROUGH:

(M. ÂSIF YOUSAFZAI) ADVOCATE SUPREME COURT

(TAIMUR ALI KHAN)

(SYED NOMAN ALI BUKHARI) ADVOCATES, PESHAWAR

## BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

## APPEAL NO. 144 /2018

Khyber Pakhtukhwa Service Tribunal

Imran Khan, EX-Constable, No.4644 CCP, Peshawar.

Diary No. 150

Dated 99-1-2018

.....(Appellant)

#### **VERSUS**

- 1. The AIG Establishment for Inspector General of Police, KPK, Peshawar.
- 2. The Capital City Police Officer, Peshawar.
- 3. The Senior Superintendent of Police, operations, Peshawar.

.....(Respondents)

iledto-day Registrál 2-g/1/2 APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE REJECTION ORDER DATED 02.11.2017 OF RESPONDENT NO. 2 WHEREBY THE DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 13.10.2017 HAS BEEN REJECTED AND AGAINST THE ORDER DATED 15.01.2018 WHEREBY, THE REVIEW PETITION UNDER 11-A OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

#### PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDERS DATED 13.10.2017, 02.11.2017 AND 15.01.2018 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY

WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

## RESPECTFULLY SHEWETH:

### **FACTS:**

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

and the control of

- 1. That the appellant was appointed as Constable in Police and the appellant was performed his duties with entire satisfaction of his superiors and also has good service record throughout.
- 2. That the appellant was suspended from the duties vide order dated 3.10.2017 and charge sheeted contained the allegation of illegal gratification. But he appellant not able to replied to charge sheet due there was no proper time provided to the appellant by intitiating inquiry just after 3 days. The copy of suspension order and charge sheet is attached as Annexure-A & B.
- 3. That the inquiry was conducted just after 3 days of charge sheet which shows that no chance of defense was provided to the appellant and during the inquiry proceedings the chance of cross examination was also not provided to the appellant. copy of inquiry report is attached as annexure-C.
- 4. That after show cause notice was served upon the appellant and the appellant properly replied to the show cause notice and once again denied the entire allegations. Copy of show cause, and show cause reply is attached as Annexure-D & E.
- 5. That without personal hearing the impugned order dated 13.10.2017 has been passed against the appellant whereby the appellant was dismissed from service. The appellant been aggrieved from the impugned dismissal order preferred departmental appeal. The departmental appeal of the appellant has been rejected vide order dated 02.11.2017 for no good grounds. Thereafter, the appellant filed review petition under 11-A which has been also rejected vide order dated 15.01.2018 Copy of impugned order, departmental appeal, rejection order, review & rejection order is attached as Annexure-F, G, H. I & J.

6. That now the appellant come to this august Tribunal on the following grounds amongst others.

#### **GROUNDS:**

- A) That the impugned orders dated 13.10.2017. 2.11.2017 and 15.01.2018 are against the law, facts, norms of justice and void-abinitio as no defense was provided to the appellant. So material on record, therefore not tenable and liable to be set aside.
- B) That the inquiry was conducted just after 3 days of charge sheet which shows that no chance of defense was provided to the appellant and during the inquiry proceedings the chance of cross examination was also not provided to the appellant which is the violation of law and rules. Therefore, without adopting that procedure the impugned penalty order has been passed which is not sustainable in the eyes of law.
- C) That the department based video clip for to punished the appellant, it has no value because it is half clip and from that clip we cannot imagine that the appellant demand for Illegal gratification so the appellant cannot be punished without any solid proof and chance of proper defense.
- D) That the appellant has been condemned unheard and has not been treated according to law and rules.
- E) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- F) That the appellant entire service record was unblemished and the penalty imposed upon the appellant was so harsh and not commensurate with guilt.
- G) That the appellant's guilt has not been proved beyond the shadow of doubt and the appellant has been punished on the basis of conjecture and surmises.
- H) That no chance of personal hearing was provided to the appellant and as such the appellant has been condemned unheard throughout.

I) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

APPELLANT

lmran Khan

THROUGH:

(M. ASIF YOUSAFZAI)

ADVOCATE SUPPEME COURT

(TAIMUR ANT KHAN)

(SYED NOMAN ALÍ BÜKHARI) ADVOCATES, PESHAWAR



## OFFICE OF THE SENIOR SUPERINTENDENT OF POLICE (OPERATIONS) PESHAWAR

E-mail: sspoperations2448@gmail.com

Phone. 091-9210508 Fax. 091-9213054

## **ORDER**

Being involved in corrupt practices, Constable Imran No. 4644 of CCP Peshawar is hereby placed under suspension and close to Police Lines, Peshawar with immediate effect.

Charge sheet and summary of allegations are being issued to him for departmental action.

3363 - 12-17

SENIOR SUPERINTENDENT OF POLICE, (OPERATIONS), PESHAWAR

/2017.

No. 1135 /PA, dated Peshawar the

## Copy to:

- 1. The Capital City Police Officer, Peshawar
- 2. The SP City . SP HQrs Peshawar
- 3. OASI/FMC CRC.
- 4. SHO Concerned

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#### CHARGE SHEET

Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against you FC Imran No. 4644 of CCP Peshawar.

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

Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, Sajjad Khan, Senior Superintendent of Police, Operations, Peshawar hereby charge you FC Imran No. 4644 of CCP Peshawar under Rule 5 (4) of the Police Rules 1975 on the basis of following allegations:

- That a video viraled through social media wherein you were found demanding illegal gratification from public in the jurisdiction of PS Phandu which tarnished the image the department.
- That your act falls within the ambit of corruption and amounts to gross misconduct on ii. your part.

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

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

> ENT OF POLICE. (OPERATIONS) PESHAWAR

/E/PA

dated Peshawar the

/ **/o** /2017.



## DISCIPLINARY ACTION

4595/8

I, Sajjad Khan, Senior Superintendent of Police Operations, Peshawar as competent authority, am of the opinion that FC Imran No. 4644 of CCP Peshawar has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.

## STATEMENT OF ALLEGATIONS

- i. That a video viraled through social media wherein he was found demanding illegal gratification from public in the jurisdiction of PS Phandu which tarnished the image the department.
- ii. That his act falls within the ambit of corruption and amounts to gross misconduct on your part.

For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations, **DSP HQrs. Peshawar** is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

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

SR SUPERINTENDENT OF POLICE, (OPERATIONS), PESHAWAR

No. 709 E/PA, dated Peshawar the

3 / **/ / / / 2017.** 

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

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No. 4645/ST Dated 06.10.2017. Enclosures ( 4).

## DEPARTMENTAL ENQUIRY AGAINST CONSTABLE IMRAN NO.4644 OF PS PHANDU PESHAWAR.

Please refer to your Office Order No.709/E/PA dated 03.10.2017 against Constable Imran No.4644. This enquiry has been initiated on the basis of the following allegations:-

That Constable Imran No.4644, while posted at PS Phandu Peshawar and viraled a video through social media wherein he was found demanding illegal gratification from public in the jurisdiction of PS Phandu which tarnished the image of the department. This amounts gross misconduct on his part and against the discipline of force.

In order to scrutinize the conduct of said official with reference to the above allegations, an enquiry is ordered and the undersigned was appointed as Enquiry Officer.

On the receipt of enquiry papers, the alleged FC Imran No.4644 was summoned and served upon him a Charge Sheet and Summary of allegations. The above mentioned Police Official submitted his reply within a stipulated period of time which is placed with enquiry file:

## FC IMRAN No.4644.

He stated in his statement that on 10<sup>th</sup> Muharram-2017 he was deployed as Mobile Patrolling Officer due to the shortage of upper subordinates. During Nakabandi at Jamil Chowk Ring Road, he stopped a Honda-125 Motorcycle due to pillion riding. They were checked and asked them regarding the documents of bike but they failed to produce the same on the spot. The bike driver disclosed that they are ready to give fine of challan on the spot but he (Patrolling Officer) was refused to take fine and asked to bike driver that he is not a Traffic Warden. He took the said persons along with his bike to Police Station Phandu and handed over them into the custody of MM Ubaid and Ameer Muhammad. The statement of alleged FC Imranis appended herewith for your kind perusal (F/A).



## FC Imran No.4644 (Cross Questioned).

Quest: How long period you have been spend at PS Phandu?

Ans: 09 months.

Quest: Who deployed you as Patrolling Officer?

Ans: Muharrar Phandu namely Noor Muhammad Khan.

Quest: Why did you stopped the said Motorcycle?

Ans: Due to over speeding and having no registration.

Quest: That why you demanding sum of Rs.400/- from

Motorcycle driver?

Ans: No, I did not ask him.

## DFC Aziz-ur-Rehman PS Phandu:-

He stated that on the same day he was deployed as mobile driver with above named patrolling officer. He stopped two persons along with bike Honda-125 moreover, he is not aware regarding the happenings between them. Later on, we took them Police Station Phandu and handed over into the custody of MMs. The detail statement of DFC Aziz-ur-Rehman is appended herewith for your kind perusal (F/B).

## FC Sawar Khan No.216 PS Phandu:-

He stated that he was deployed at mobile duty with patrolling officer Imran Khan. His Incharge stopped a motorcycle along with two persons during Nakabandi and searched them. Later on, after a period of discussion, patrolling officer handed over his motorcycle along with a man to rush him to the Police Station Phandu. He did not listen them or their instruction. The detail statement of FC Sawar Khan No.216 is appended herewith for you kind perusal (F/C).

## HC Ameer Muhammad No.167 MM PS Phandu:-

He stated in his statement that due to the deficiency in strength MM Imran No.4644 deployed as Mobile Patrolling Officer. He arrested a young boy along with bike-125 vide registeration No.FY-4759 and sent him Police Station with FC Sawar Khan No.216. Later on Imran came to Police Station with another man of 45/50 years and told that they did not produce his bike registration therefore, charged u/s 523/550CRPC. Both of the arrested persons requested that they are in emergency and need to go for closing their Godown which has been opened. They also produced bike registrations therefore, after completing the coddle formalities of the Police Station, he took free them. The detail statement of the MM is appended herewith for your kind perusal (F/D).

## AC Ubaidullah MM PS Phandu:-

He submitted his statement and affirmed the version of above mentioned MM Ameer Muhammad of PS Phandu. The detail statement of MM Ubaidullah No.170 is appended herewith for your kind perusal (F/E).

## MASI Noor Muhammad PS Phandu:-

He stated that as per the contingency plan of Moharram-2017 all the upper subordinates are deployed at various sectors therefore, he directed to his senior MM Imran regarding Mobile Patrolling. The necessary directions were also conveyed to him and strictly advised to away from Nakabandi. The detail statement of MASI Noor Muhammad is appended herewith for your kind perusal (F/F).

## Taimour Saleem Khan SHO PS Phandu:-

He stated that as per the contingency plan of Moharram-2017 all the upper subordinates are deployed at various sectors and also affirmed the version of above mentioned MASI Noor Muhammad of PS Phandu. The detail statement of Taimour Saleem Khan SHO PS Phandu is appended herewith for your kind perusal (F/G).

In order to dig out the real/actual facts, the undersigned have also been summoned the complainant (video viraled boy) namely Muhammad Bilal s/o Shahid Ali and Abdur Rehman s/o Sirajuddin. They came and attend the office of undersigned and also submitted their statements which are placed with enquiry file:-

#### Muhammad Bilal s/o Shahid Ali:-

He stated in his statement that on the day of incident, Imran Mobile Patrolling Officer stopped him near Jameel Chowk ring road due to the person along for the ride. The Mobile Officer asked about the papers of his Bike, he (Bilal) showed him his bike registration on the spot. But Mobile Officer Imran demanding rupees 400/- which he refused to pay him. The mobile officer took them to Police Station Phandu, where they showed bike registration to the Moharrar Staff and requested to release them. The Moharrar staff of the concerned Police Station released them after completing their coddle formalities and confirmations. At the end he stated that he was so angry due to bad attitude of Patrolling Officer Imran, therefore, he viraled the same video at social media. Now he is unhappy/said and wants to forgive the alleged patrolling officer Imran for his bad attitude (F/H).

## Cross Question (Muhammad Bilal).

Quest: How many persons were on bike?

Ans: Two persons were going to Saithi Town.

Quest: Who stopped you and for what reason?

Ans: Mobile Officer Imran due to commuter as well section-144.

Quest: Who demand of sum from you?

Ans: Imran Patrolling Officer demanding Rs.400/-

Quest: Except Imran any other Police Man demanding sum?

Ans: No any other one demanding.

Quest: Any further action you want to taken against him?

Ans: No, I did not want to take further action against Imran.

## Abdul Rehman s/o Siraj-ud-din (PILLION) :-

He stated that they were going from shop to home situated at Saithi town and near to Jamil chowk the Patrolling Officer Imran stopped our bike and searched both of us. He also affirmed the version of above mentioned MASI Noor Muhammad of PS Phandu. The detail statement of Taimour Saleem Khan SHO PS Phandu is appended herewith for your kind perusal (F/I).

## Azaz Khan (Owner of Bike) :-

He stated that he was at home suddenly Abdul Rehman (Pillion) came and narrated all the story as mentioned above. He rushed to the Police Station immediately and released both of i.e. Muhammad Bilal s/o Shahid and Abdul Rehman s/o Siraj-ud-din after fulfilling the necessary formalities. The detail statement of Taimour Saleem Khan SHO PS Phandu is appended herewith for your kind perusal (F/J).

### **FINDINGS:**

From the foregoing circumstances, statements recorded, events and other material available on record, it came to light that the plea taken by the alleged official is found baseless. So, the following points needs consideration.

1. That as per the report of MASI, the defaulter constable was allowed only for Patrolling checking not for Nakabandi.

- 2. That MM Imran No.4644 stopped two persons with motorcycle while they have complete documents as well as Pakistani CNIC.
- 3. That his bad behavior has been recorded by the Complainant in his own mobile and viraled at social media.
- 4. That the victim and defaulter patrolling officer have been seated face to face in the office of undersigned and the victims clearly stand on his version, in which the alleged Patrolling Officer found guilty.

On the basis of above mentioned allegations and actual facts, it came to light that the defaulter constable could not defend himself. Therefore, the undersigned is of the view that the FC Imran No.4644 is found guilty & recommended him for major punishment for the said malfeasance.

Submitted please.

Dy: Superintendent of Police HQrs: CCP Peshawar.

W/SSP/Operations.

Issue final

Show Cense

Walt'a

Diam'iou Andrew Staller

ATTESTED

( بان آزان کی سوارفان بر ۱۵ تھا نہ تعنیو 3606 سلسلہ انگوائری عروض خرص موں کہ 10 گر 11گرام Upt HC who by to the of نون سُل آ فر تھا۔ اللہ عران نے اللہ عران نے الى موترسا تىمل تولىسارە دىل ئىررون چاق. اس دوران في كم فا عبل في لول أنها عمران كاران على المحران مرزسائم والوں اے ساتو مان جیت رہا تھا۔ مح سید نین میل کر کر مرساسل والوں کے ساتھ الما ما تين كا تيم الم مران ما يحك آورز دما كم المان م يون تائم لم طافي السن آبا اور ربه لوت مي Nie will light our ile i 1139 23 N 191-2 Ut 120 . WEW & Club Attested

Sawar Hhar-

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y: Suput: of Police eadquarters, C.C.F

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ines 18 167 3 mm 1 3 ml deile " Uilium معرفان الرين مول أ ورد 10 /30/ قرم ا قرام الرام في راوق في چرا کا او ان قرم دراق میں تھے اس و جسمان مدد قرر قرابل میں لطور 1017 (65 - 10) 2,000 tom mid mel 315 2161 1001,002. Will 35 Las 4758 Sic 125 124 Charles 69 ع بها اس لو ها المار . وإن الو لؤك م درما من يرانيا م الل وليسمايل ك ما في مسر سالها . في در للم عمران فورقا . الرايد ماي الله على الله المعادة الله عندا 01. 2 CM CUM 3/50 2 101 2 101 2 101 45/50 2) in 523/5500 2 2 20 523/5500 عَ أَنْ مَا عَقَام كُوها مَا إِذْهِ لِزِرِينَا وَ لِي اللَّهِ الْوِلِ اللَّهِ لِي أَوْلِ اللَّهِ الْوِرْمِ فَ الرَّبِينَ أَنْ مرابع المان في كرة ومتراسة من قواتناك بواهما سالدس أولام Compliant tout es or controller 301 cm 262 سلى اوردارلقيلت مل عاد اب و والات من من الله اوران سال Usb Si-20 3 in il will be in five of wing the steel الوسي بر الف ابن فراكف شاى تبايت احمن فراقع سر الفام رى تاك إد سي ارز عوام كا اليس من لعاون من اورعوام كالوس مراعمار كارست اور الم

10.75/1. 1644 clicile 1570/ مراب بان سان مراب دا دار المراب الماري و المراب الماري المراب الم تعي دوم ماري ما را معادي مودد از رسي تي می نے اُن کو کو اِکان دو توں بندوں کے ساتھ نہ کاغزات العي معارسانيل كے روں مربست اطابي اور روز لر اناک جن سے موار افعل طار سے اسے میں نے ان کوروکو / جیس ای می نے آن کو کیا کم طوکے کانے علے تواک دوران ان رولوں الرار نے کھے کہاں کہ المنارج المن بول المماك في جالان لوب ا مر فهور دون م ان دونون افر از کو نهائی کیا دور معدمر عبو بعد امر صحف معدمر ل الما كران دونون كو جالان كرو- بين كران كو بر جرا و دور می برای مزوموبائل کن کے ہے۔ 

/



# OFFICE OF THE SENIOR: SUPERINTENDENT OF POLICE, (OPERATIONS), PESHAWAR

E-mail: sspoperations2448@gmail.com

## FINAL SHOW CAUSE NOTICE

Imran No. 4644 of PS Phandu district Peshawar as follows:-					
authority, under the Police discipli	nary Rules	1975, do hei	eby serve	you	Constable
I, Senior Superintendent	of Police,	Operations,	Peshawar	as -	competent

- 2. (i) That consequent upon the completion of departmental enquiry conducted against you by Mr. Usman Ghani DSP Hqrs who found you guilty and recommended him for major punishment for which you were given the opportunity of personal hearing.
  - (ii) Ongoing through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the said officers.

I am satisfied that you have committed the follow misconducts:

- It has been established that you while posted at PS Phandu demanded illegal gratification from the general public, video of which has been viraled through social media, which tarnished the image the department.
- That your act falls within the ambit of corruption and amounts to gross misconduct on your part.
- 3. As a result there of I, as Competent Authority decided to impose upon you major/minor penalty including dismissal from service under the said Rules.
- 4. You are, therefore, require to Show Cause as to why the aforesaid penalty should not be imposed upon you.
- 5. If no reply to this notice received within 7-days of its delivery, it shall be resumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
- 6. You are at liberty to be heard in person, if so wished.

	SR: SUPERINTENDENT OF POLICE,
No. //5/ /PA dated	OPERATIONS, PESHAWAR d Peshawar the <u>09 - 10</u> , 2017.
Received by:	
Dated:	The state of the s

1 9 has 6 4644 Est & US10 L 100 (13/03/0 (WO by Toby) 2) 10-1250 has for 1/201 (5 6 86) 638 128 End 6/10/10/19/2000 8/18 6/10 Spell Cother for Sign 164 (6) 8 2 W 13- 600 22 8 3) 12 m 2 and NE c 66/ 1190/00 possol so ho the obbs & Ballow > 10 66 (1) 66 (1) M 2 M a United for the of the Com Attesteel Dy: Supdt: of Police

ATTESTED



Wills (N)

## OFFICE OF THE SENIOR SUPERINTENDENT OF POLICE, (OPERATIONS),

PESHAWAR

Ph: 091-9210508 Fax: 091-9213054

#### **ORDER**

This office order is hereby passed to dispose of the departmental proceedings initiated against **Constable Imran No. 4644 of CCP Peshawar** vide this office No. 709/E/PA dated 03.10.2017. Allegations leveled against him were that:

- A video viraled on social media wherein he (Constable Imran) was found demanding illegal gratification from public in the jurisdiction of PS Phandu which tarnished the image of the department.
- 2. Proper departmental proceedings were initiated against him and Mr. Usman Ghani, DSP HQ Peshawar was appointed as Enquiry Officer. During the course of enquiry, the E.O found him guilty of the charges and recommended him for the award of "major punishment".
- 3. On receipt of the findings of E.O, Final Show Cause Notice was properly served upon him vide this office No. 1151/PA dated 09.10.2017. In response to FSCN, he submitted his written reply which was examined and found unsatisfactory. Subsequently, he was heard in OR on 10.10.2017. He was provided ample opportunity for defence. He, however, remained as mute as a fish in his defence. Thus, the allegations leveled against him stand proved beyond any shadow of doubt.
- 4. In the circumstances, the undersigned being Competent under the law, do agree with the findings / recommendations of the E.O and awards him the major punishment of "dismissal from service" with immediate effect.

(SAJJAD KHAN) PSP Senior Superintendent of Police, Operations, Peshawar

No. 1/57 - 1/7 /PA dated Peshawar, the 1/3 - 10/2017.

Copy for information and necessary action to the:-

- 1. Capital City Police Officer, Peshawar.
- 2. SPs City/HQ Peshawar.
- 3. AD-IT
- 4. OASI/CRC/FMC/PO.

OB NO -3683 12-10-17

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## OFFICE OF THE CAPITAL CITY POLICE OFFICER, PESHAWAR

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

#### ORDER

This order will dispose off departmental appeal preferred by ex-constable **Imran No.**4644 who was awarded the major punishment of **Dismissal** from service under P.R 1975 vide No.

1157-61/PA dated 13.10.2017 by SSP-Ops: Peshawar.

- The allegation levelled against him were that he while posted at Police Station Phandu Peshawar a video viriled on the social media wherein ha was found demanding illegal gratification from public in the jurisdiction of PS Phandu which tarnished the image of the department. This amount gross misconduct on his part and against the disciplined of force.
- Proper departmental proceedings were initiated against him and DSP-HQrs: was appointed as enquiry officer. The enquiry officer found him guilty of the allegations levelled against him. On receipt of the findings of the enquiry officer, the SSP-Ops: Peshawar issued him FSCN, to which he replied. The same was perused and found unsatisfactory by SSP-Ops: Peshawar as such award him the above major punishment.
- The relevant record has been perused and also heard him in O.R. on 01.11.2017. The enquiry papers were thoroughly examined. He was provided full opportunity to defend himself but he failed to offer any plausible explanation in his favour. He has tarnished the image of police force, hence deserve no leniency. The allegations leveled against him stand proved. There is no need to interfere in the order passed by SSP-Ops: Peshawar, therefore, the appeal is rejected/ filed:

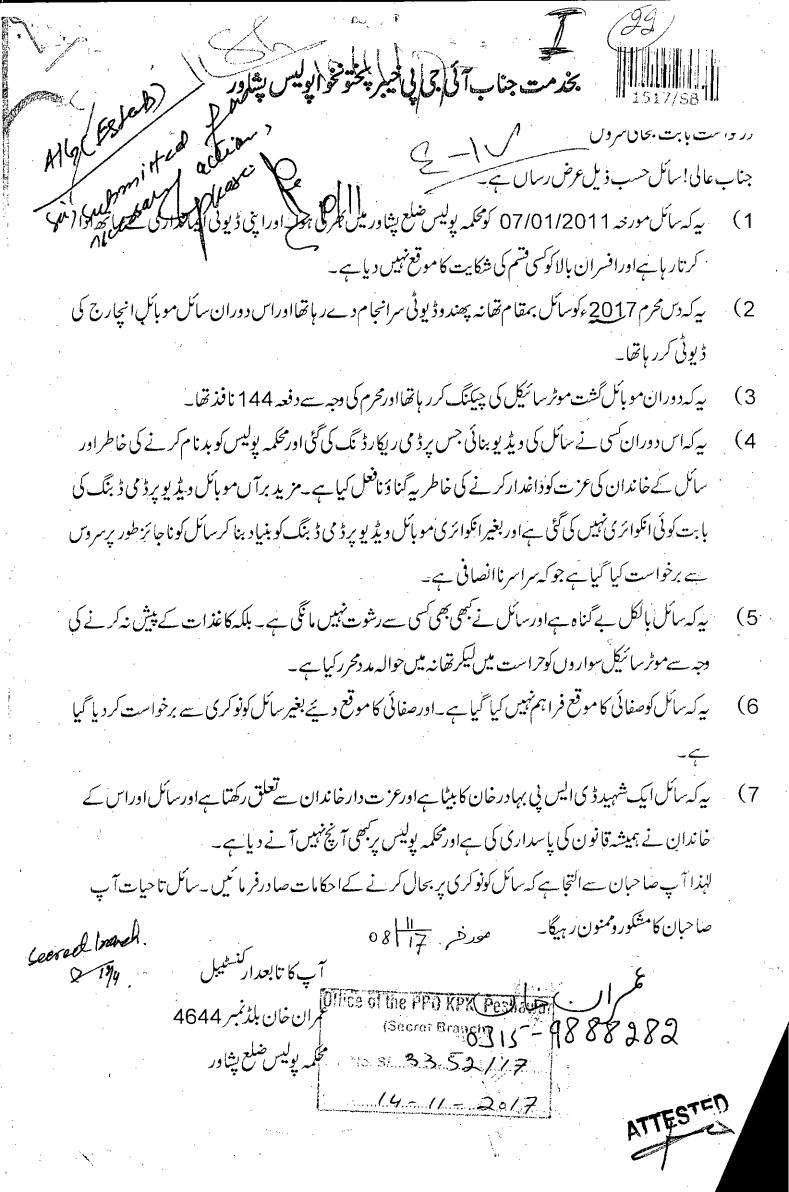
(MUHAMMAD TAHIR) PŞP CAPITAL CITY POLICE OFFICER, PESHAWAR

No. 1496-3/ /PA dated Peshawar the 09/11 /2017.

Copies for information and n/a to the:-

- 1. SSP/Ops: Peshawar.
- 2. PO/OASI/CRC for making necessary entry in his S.Roll
- 3. FMC along with complete F:M
- 4. Official concerned.

ATTEST





# OFFICE OF THE INSPECTOR GENERAL OF POLICE KHYBER PAKHTUNKHWA PESHAWAR.

S/ 29/ /18, dated Peshawar the 15/0//2018.

### <u>ORDER</u>

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-FC Imran No. 4644. The petitioner was dismissed from service by SSP/Operations, Peshawar vide order Endst: No. 1157-61/PA, dated 13.10.2017 on the charge that he while posted at Police Station Phandu Peshawar, a video viraled on social media wherein he was found demanding illegal gratification from public in the jurisdiction of Police Station Phandu which tarnished the image of the department.

His appeal was rejected/filed by Capital City Police Officer, Peshawar vide order Endst: No. 1426-31/PA, dated 02:11.2017.

Meeting of Appellate Board was held on 28.12.2017 wherein petitioner was heard in person. During hearing petitioner contended that he is son of Shaheed DSP Bahadar Khan. Petitioner denied the allegation leveled against him.

Perusal of record revealed that petitioner was dismissed from service on the charges that a video was viraled on social media wherein he was shown demanding illegal gratification from public during Nakabandi at Jamil Chowk Ring Road in the jurisdiction of Police Station Phandu.

Petitioner failed to advance any plausible explanation in rebuttal of the charges. He has tarnished the image of police force before public, therefore, the Board decided that his petition is hereby rejected.

This order is issued with the approval by the Competent Authority,

AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,

Peshawar.

No. S/ 292 - 98 /18,

Copy of the above is forwarded to the:

- 1. Capital City Police Officer, Peshawar.
- 2. Supdt: of Police, Operations, Peshawar.
- 3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
- 4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.

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#### **VAKALAT NAMA**

NO. /20

IN THE COURT OF K.P./c Service	Kibura, leshave
Emman Klain	(Appellant) (Petitioner) (Plaintiff)
Police Deptt.	(Respondent) (Defendant)
I/We, Jonnan Khah.	

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

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

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

(CLIENT)

**ACCEPTED** 

M. ASIF YOUSAFZAI Advocate Supreme Court Peshawar.

Taimur Ali Khan
Advocate High Court

Syed Nauman Ali Bukhari Advocate

#### **OFFICE:**

Room # FR-8, 4<sup>th</sup> Floor, Bilour Plaza, Peshawar, Cantt: Peshawar

Cell: (0333-9103240)

## BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

#### Service Appeal No.144/2018.

#### VERSUS.

- 1. AIG/Establishment, Khyber Pakhtunkhwa, Peshawar.
- 2. Capital City Police Officer, Peshawar.

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DSP LEGAL, CCP, PESHAWAR.

## BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

#### Service Appeal No.144/2018.

#### VERSUS.

- 1. AIG/Establishment, Khyber Pakhtunkhwa, Peshawar.
- 2. Capital City Police Officer, Peshawar.
- 3. Senior Superintendent of Police Operations, Peshawar............Respondents.

#### Reply on behalf of Respondents No. 1, 2, &3.

#### Respectfully Sheweth:-

#### PRELIMINARY OBJECTIONS.

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

#### FACTS:-

- 1- Para No.1 pertains to record, hence needs no comments.
- 2- Incorrect. In fact the appellant posted at Police Station Phandu Peshawar was proceeded departmentally on the charges, that a Video Viral on Social Media wherein the appellant was found demanding illegal gratification from public in the Jurisdiction of PS Phandu which tarnished the image of the department. In this regard the appellant was issued Charge Sheet, Statement of Allegations. DSP/HQrs: was appointed as Enquiry Officer. During the course of enquiry the enquiry officer found him guilty of the charges leveled against him. On receipt of the finding of the enquiry officer, he was issued with Final Show Cause Notice which he received. In response to Final Show Cause Notice he submitted his written reply, which was examined and found unsatisfactory. The appellant was called and heard in person on 10.10.2017. The charges leveled against him were proved; hence he was awarded major punishment of dismissal from service. (Copy of charge sheet, summary of allegation, enquiry report and final show cause notice are annexure A,B,C,D).
- 3- Incorrect. Proper charge sheet and statement of allegations was issued to appellant and enquiry was conducted by responsible Police Officer. The enquiry officer conducted detailed departmental enquiry in accordance with law/rules and proper opportunity of defense was provided to the appellant.
- 4- Para No.4 is correct to the extent that a final show cause notice was issued to the appellant on completion of enquiry proceedings and reply submitted in response to the final show cause notice was also found unsatisfactory.

- 5- Incorrect. The appellant was associated in the enquiry proceedings and proper opportunity of defense was provided to appellant. He failed to defend the charges leveled against him. After fulfillment all the codal formalities the appellant was awarded major punishment of dismissal from service. The appellant then filed departmental appeal which after due consideration was filed/rejected on the ground that the charges leveled against him were stood proved.
- 6- That appeal of the appellant being devoid of merits may kindly be dismissed on the following grounds.

#### **GROUNDS:-**

- A- Incorrect. The orders just legal and have been passed in accordance with law and rules.
- B- Incorrect. The whole enquiry proceedings were initiated purely on merit and in accordance with law and rules. The appellant availed the opportunities of defense but he could not prove himself innocent.
- C- Incorrect. The allegations were reported proved beyond any shadow of doubt by the enquiry officer.
- D-Incorrect. The appellant was given proper opportunity of personal hearing and defence before passing the punishment orders.
- E- Incorrect. The appellant was treated as per law/rules.
- F- Para pertains to record, hence needs no comments.
- G-Incorrect. The allegations were reported proved beyond and shadow of doubt.
- H-Incorrect. The appellant was called and heard in person on 10.10.2017 and 01.11.2017. He was provided full opportunity to defend himself but he failed to prove himself innocent.
- I- That respondent may also be allowed to advance any additional ground at the time of hearing the appeal.

#### PRAYERS:-

It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merits and legal footing, may kindly be dismissed with cost.

Capital City Police Officer, Peshawar.

AIG Establishment, Khyber Pakhtunkhwa, Peshawar.

Scnior Superintendent of Police, Operations, Peshawar.

## BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.144/2018.

#### VERSUS.

- 1. AIG/Establishment, Khyber Pakhtunkhwa, Peshawar.
- 2. Capital City Police Officer, Peshawar.

#### AFFIDAVIT.

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

Capital City Police Officer, Peshawar.

AIG Establishment, Khyber Pakhtunkhwa, Peshawar.

Senior Superintendent of Police, Operations, Peshawar.

#### CHARGE:SHEET

Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against you FC Imran No. 4644 of CCP Peshawar.

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

Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, Sajjad Khan, Senior Superintendent of Police, Operations, Peshawar hereby charge you FC Imran No. 4644 of CCP Peshawar under Rule 5 (4) of the Police Rules 1975 on the basis of following allegations:

- i. That a video viraled through social media wherein you were found demanding illegal gratification from public in the jurisdiction of PS Phandu which tarnished the image the department.
- ii. That your act falls within the ambit of corruption and amounts to gross misconduct on your part.

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

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

SR SUPERINTENBENT OF POLICE (OPERATIONS) PESHAWAR

3

No 709 /E/PA

dated Peshawar the

/ /0 /2017.

Tuesday, October 03, 2017

1/2

I, Sajjad Khan, Senior Superintendent of Police Operations, Peshawar as competent authority, am of the opinion that FC Imran No. 4644 of CCP Peshawar has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.

#### STATEMENT OF ALLEGATIONS

- i. That a video viraled through social media wherein he was found demanding illegal gratification from public in the jurisdiction of PS Phandu which tarnished the image the department.
- ii. That his act falls within the ambit of corruption and amounts to gross misconduct on your part.

For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations, DSP HQrs. Peshawar is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

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

> SR SUPERINTENDENT OF POLICE, (OPERATIONS), PESHAWAR

709 E/PA, dated Peshawar the

**6** /2017.

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

1 1918 Slodi

fuesday, October 03, 2017



No. 4545/ST Dated 06.10.2017. Enclosures ( \ \ ).

## DEPARTMENTAL ENQUIRY AGAINST CONSTABLE IMRAN NO.4644 OF PS PHANDU PESHAWAR.

Please refer to your Office Order No.709/E/PA dated 03.10.2017 against Constable Imran No.4644. This enquiry has been initiated on the basis of the following allegations:-

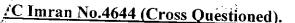
That Constable Imran No.4644, while posted at PS Phandu Peshawar and viraled a video through social media wherein he was found demanding illegal gratification from public in the jurisdiction of PS Phandu which tarnished the image of the department. This amounts gross misconduct on his part and against the discipline of force.

In order to scrutinize the conduct of said official with reference to the above allegations, an enquiry is ordered and the undersigned was appointed as Enquiry Officer.

On the receipt of enquiry papers, the alleged FC Imran No.4644 was summoned and served upon him a Charge Sheet and Summary of allegations. The above mentioned Police Official submitted his reply within a stipulated period of time which is placed with enquiry file: -

### FC IMRAN No.4644.

He stated in his statement that on 10<sup>th</sup> Muharram-2017 he was deployed as Mobile Patrolling Officer due to the shortage of upper subordinates. During Nakabandi at Jamil Chowk Ring Road, he stopped a Honda-125 Motorcycle due to pillion riding. They were checked and asked them regarding the documents of bike but they failed to produce the same on the spot. The bike driver disclosed that they are ready to give fine of challan on the spot but he (Patrolling Officer) was refused to take fine and asked to bike driver that he is not a Traffic Warden. He took the said persons along with his bike to Police Station Phandu and handed over them into the custody of MM Ubaid and Ameer Muhammad. The statement of alleged FC Imran is appended herewith for your kind perusal (F/A).



Quest: How long period you have been spend at PS Phandu?

Ans: 09 months.

Quest: Who deployed you as Patrolling Officer?

Ans: Muharrar Phandu namely Noor Muhammad Khan.

Quest: Why did you stopped the said Motorcycle?

Ans: Due to over speeding and having no registration.

Quest: That why you demanding sum of Rs.400/- from

Motorcycle driver?

Ans: No, I did not ask him.

#### DFC Aziz-ur-Rehman PS Phandu:-

He stated that on the same day he was deployed as mobile driver with above named patrolling officer. He stopped two persons along with bike Honda-125 moreover, he is not aware regarding the happenings between them. Later on, we took them Police Station Phandu and handed over into the custody of MMs. The detail statement of DFC Aziz-ur-Rehman is appended herewith for your kind perusal (F/B).

### FC Sawar Khan No.216 PS Phandu:-

He stated that he was deployed at mobile duty with patrolling officer Imran Khan. His Incharge stopped a motorcycle along with two persons during Nakabandi and searched them. Later on, after a period of discussion, patrolling officer handed over his motorcycle along with a man to rush him to the Police Station Phandu. He did not listen them or their instruction. The detail statement of FC Sawar Khan No.216 is appended herewith for you kind perusal (F/C).

### HC Ameer Muhammad No.167 MM PS Phandu:-

He stated in his statement that due to the deficiency in strength MM Imran No.4644 deployed as Mobile Patrolling Officer. He arrested a young boy along with bike-125 vide registeration No.FY-4759 and sent him Police Station with FC Sawar Khan No.216. Later on Imran came to Police Station with another man of 45/50 years and told that they did not produce his bike registration therefore, charged u/s 523/550CRPC. Both of the arrested persons requested that they are in emergency and need to go for closing their Godown which has been opened. They also produced bike registrations therefore, after completing the coddle formalities of the Police Station, he took free them. The detail statement of the MM is appended herewith for your kind perusal (F/D).





#### C Ubaidullah MM PS Phandu:-

He submitted his statement and affirmed the version of above mentioned MM Ameer Muhammad of PS Phandu. The detail statement of MM Ubaidullah No.170 is appended herewith for your kind perusal (F/E).

#### MASI Noor Muhammad PS Phandu:-

He stated that as per the contingency plan of Moharram-2017 all the upper subordinates are deployed at various sectors therefore, he directed to his senior MM Imran regarding Mobile Patrolling. The necessary directions were also conveyed to him and strictly advised to away from Nakabandi. The detail statement of MASI Noor Muhammad is appended herewith for your kind perusal (F/F).

#### Taimour Saleem Khan SHO PS Phandu:-

He stated that as per the contingency plan of Moharram-2017 all the upper subordinates are deployed at various sectors and also affirmed the version of above mentioned MASI Noor Muhammad of PS Phandu. The detail statement of Taimour Saleem Khan SHO PS Phandu is appended herewith for your kind perusal (F/G).

In order to dig out the real/actual facts, the undersigned have also been summoned the complainant (video viraled boy) namely Muhammad Bilal s/o Shahid Ali and Abdur Rehman s/o Sirajuddin. They came and attend the office of undersigned and also submitted their statements which are placed with enquiry file:-

#### Muhammad Bilal s/o Shahid Ali:-

He stated in his statement that on the day of incident, Imran Mobile Patrolling Officer stopped him near Jameel Chowk ring road due to the person along for the ride. The Mobile Officer asked about the papers of his Bike, he (Bilal) showed him his bike registration on the spot. But Mobile Officer Imran demanding rupees 400/- which he refused to pay him. The mobile officer took them to Police Station Phandu, where they showed bike registration to the Moharrar Staff and requested to release them. The Moharrar staff of the concerned Police Station released them after completing their coddle formalities and confirmations. At the end he stated that he was so angry due to bad attitude of Patrolling Officer Imran, therefore, he viraled the same video at social media. Now he is unhappy/said and wants to forgive the alleged patrolling officer Imran for his bad attitude (F/H).

Page



#### ross Question (Muhammad Bilal).

Quest: How many persons were on bike?

Ans: Two persons were going to Saithi Town.

Quest: Who stopped you and for what reason?

Ans: Mobile Officer Imran due to commuter as well section-144.

Quest: Who demand of sum from you?

Ans: Imran Patrolling Officer demanding Rs.400/-

Quest: Except Imran any other Police Man demanding sum?

Ans: No any other one demanding.

Quest: Any further action you want to taken against him?

Ans: No, I did not want to take further action against Imran.

#### Abdul Rehman s/o Siraj-ud-din (PILLION) :-

He stated that they were going from shop to home situated at Saithi town and near to Jamil chowk the Patrolling Officer Imran stopped our bike and searched both of us. He also affirmed the version of above mentioned MASI Noor Muhammad of PS Phandu. The detail statement of Taimour Saleem Khan SHO PS Phandu is appended herewith for your kind perusal (F/I).

#### Azaz Khan (Owner of Bike) :-

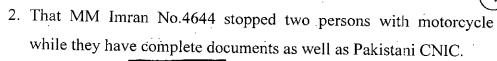
He stated that he was at home suddenly Abdul Rehman (Pillion) came and narrated all the story as mentioned above. He rushed to the Police Station immediately and released both of i.e. Muhammad Bilal s/o Shahid and Abdul Rehman s/o Siraj-ud-din after fulfilling the necessary formalities. The detail statement of Taimour Saleem Khan SHO PS Phandu is appended herewith for your kind perusal (F/J).

#### **FINDINGS:**

From the foregoing circumstances, statements recorded, events and other material available on record, it came to light that the plea taken by the alleged official is found baseless. So, the following points needs consideration.

1. That as per the report of MASI, the defaulter constable was allowed only for Patrolling checking not for Nakabandi.





- 3. That his bad behavior has been recorded by the Complainant in his own mobile and viraled at social media.
- 4. That the victim and defaulter patrolling officer have been seated face to face in the office of undersigned and the victims clearly stand on his version, in which the alleged Patrolling Officer found guilty.

On the basis of above mentioned allegations and actual facts, it came to light that the defaulter constable could not defend himself. Therefore, the undersigned is of the view that the FC Imran No.4644 is found guilty & recommended him for major punishment for the said malfeasance.

Submitted please.

Dy: Superintendent of Police HQrs: CCP Peshawar.

W/SSP/Operations.

Isme final suon comse Matica

Diamerian Control of Control

10 16 167 / 3 No 1 Jil معروص فرن مول كرور برام 10 فرم الحرام كاركوى عي چرى عام اوران درم دراق ميں تھے۔ مدس وجہ عمران مدد قرر فرما كل س للور إنارج دولي - إنا راها السي ميثل سوار على عزرك الله جوالا 100 ) os E. Will short FY. 4759 Sic 125 Pin King Ko عَ سِاكِ اللَّهِ عَلَى إِلَى الْحِرِانَ الْحِرِلُوكَ عَرَالُونَ إِلَيْهِ اللَّهِ اللَّهِ اللَّهِ اللَّهِ اللَّ ي طای کسپ سلول . في در لعد عمران و د کار ایز سای الک شم 1. 2 CM Cim 35 12 101 2 61 E. Win, MIL 45/50 3! كوري 523 مين رهركرو- أس شخف اينا نام عبد الرحان ولد - أج الرين S. 98 minds . en sullso my tons land source ئائى كادما كوھا خارى در روندى در كار وال كا كودا م ما در سى أ الزيون لدن في كرة ومت راسة من هاندك بواحد المالاس كولا. INCINOLISME & CON CHILD TO LOGIED GINZUE كرك من الم ولا السائل المراس المرمة ي ولس س الما . اور مذاور ا و اللا ما ما مر ما ما مورا او ال مالا مطرف سر مرع مواكا ع م الم و المرور الله الم و المرور الله الم و المرور سي اوردرافيركن ما ما ما اس كوالها من مند من ما اوران ما i Sil- ic 13 / Cill wid will. your (1) Attested كولس بي كذا في ابن فرافي منهي منايت احمن فرافع سي الخام رى ما . Dy: Supdt: of p في اور ام كا اليس بي لفاول بول اوعوام عالو من براعماد عارس مرا Hc. ps. phidy

بان آزان سبل سوارفان بر 16 تعا نه تعندو 1 3/20/2 سیلسلہ انگرائری مروض فرف میوں۔ کہ 10 حرم الرام ن كارا مولائل د وي شى . كار عالى الله كاران مون سُل آ فر تعا ۔ فی کے دوران AK عران نے اكل موترساتيل كولتاره ديا كرروك في اس حدران فين مجع ما ميل مين لعوا تها عمران مراسائس والوں کے ساتو مان میں رہا تا ۔ مح مند نبی مل کر مورساکمال والوں کے ساتھ الم ما تين كا تيم الله الله الله المران ما تحك آورز دما كمرافاؤ معرض تعانه على في من أمل اور وبه لوك من NIPO JUL MM JUL OUD ILE 2 185 28 in 191- 4 Ub 1191. WED 2060 Attested Sawal Har-0302-5582874 y: Supdt: of Police quarters, C.C.P

peles 102 Clo 0/N/ En Emposer 871 6 38 M 1 1 1 18 ( CU) Mested Dy: Supdt: of Police Headquarters, C.C.C Peshawar

9 hes 65 4644 Mg USIOL 1 m/ 2012 cl 25 (ht Attested : Supdt: of Police leadquarters, C.C.P Peshawar

ا اور نس بنرے سوار هے؟ タレンクションといい、どのいというのが To concent of 200 consideration of the construction of the constru ما ول مر المراب مين لما لي ميم المراب والم مين مرك عين ألفرمين فحان محربنا اور اس كرام مين محويل شري،



# OFFICE OF THE SENIOR: SUPERINTENDENT OF POLICE, (OPERATIONS), PESHAWAR

E-mail: sspoperations2448@gmail.com



#### **FINAL SHOW CAUSE NOTICE**

I, Senior Superintendent of Police, Operations, Peshawar as competent authority, under the Police disciplinary Rules 1975, do hereby serve you Constable Imran No. 4644 of PS Phandu district Peshawar as follows:-

- 2. (i) That consequent upon the completion of departmental enquiry conducted against you by <u>Mr. Usman Ghani DSP Hqrs</u> who found you guilty and recommended him for major punishment for which you were given the opportunity of personal hearing.
  - (ii) Ongoing through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the said officers.

I am satisfied that you have committed the follow misconducts:

- It has been established that you while posted at PS Phandu demanded illegal gratification from the general public, video of which has been viraled through social media, which tarnished the image the department.
  - That your act falls within the ambit of corruption and amounts to gross misconduct on your part.
- 3. As a result there of I, as Competent Authority decided to impose upon you major/minor penalty including dismissal from service under the said Rules.
- 4. You are, therefore, require to Show Cause as to why the aforesaid penalty should not be imposed upon you.
- 5. If no reply to this notice received within 7-days of its delivery, it shall be resumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
- 6. You are at liberty to be heard in person, if so wished.

	SR: SUPERINTENDENT OF POLIC OPERATIONS, PESHAWAR			
No. // S / /PA dated Pe	shawar the <u>09 -</u>	10	, 2017.	
Received by:				
Dated:				
		= "		

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## OFFICE OF THE CAPITAL CITY POLICE OFFICER, PESHAWAR

CHIEF THE PROPERTY OF THE PARTY OF THE PARTY

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

#### ORDER

This order will dispose off departmental appeal preferred by ex-constable **Imran No.** 4644 who was awarded the major punishment of **Dismissal** from service under P.R 1975 vide No. 1157-61/PA dated 13.10.2017 by SSP-Ops: Peshawar.

- The allegation levelled against him were that he while posted at Police Station Phandu Peshawar a video viriled on the social media wherein ha was found demanding illegal gratification from public in the jurisdiction of PS Phandu which tarnished the image of the department. This amount gross misconduct on his part and against the disciplined of force.
- Proper departmental proceedings were initiated against him and DSP-HQrs: was appointed as enquiry officer. The enquiry officer found him guilty of the allegations levelled against him. On receipt of the findings of the enquiry officer, the SSP-Ops: Peshawar issued him FSCN, to which he replied. The same was perused and found unsatisfactory by SSP-Ops: Peshawar as such award him the above major punishment.
- The relevant record has been perused and also heard him in O.R. on 01.11.2017. The enquiry papers were thoroughly examined. He was provided full opportunity to defend himself but he failed to offer any plausible explanation in his favour. He has tarnished the image of police force, hence deserve no leniency. The altegations leveled against him stand proved. There is no need to interfere in the order passed by SSP-Ops: Peshawar, therefore, the appeal is rejected/filed.

(MUHAMMAĎ TAHIR) PSP CAPITAL CITY POLICE OFFICER, PESHAWAR

No. 1436-31 /PA dated Peshawar the 97/11 /2017.

Copies for information and n/a to the:-

- 1. SSP/Ops: Peshawar.
- 2. PO/OASI/CRC for making necessary entry in his S.Roll .
- FMC along with complete F:M
- 4. Official concerned.

سرت في اورسيعي ناون في کفروا ري دي أحيه كوس عروكا وركبون روكات وصرير نقام المراكا ؟ عمران یو لس البهار خربل سواری کی وج سے ۱۹۴ دورہ ال ر المجالية المحالية المرامي ومعالم المحالية الله عمران كم علاوه اور كون ش جي درات س در يرماندي على الله ي الله ي على الله ي الله ي الله ي على الله ي على الله ي على الله ي على الله ي الله ي الله ي الله ي على الله ي الل SG22163509mm om St. Ces a Con Low Je 201/28 12. من ای صربیری بروای میکالیسی میا اربای سے میں ک عيى صريم كارواقي مني مرطوابيم سوارخ ر است در عران رقع سے ربرستر مد ہو

166000 معروی فرمن هون مروز رقوی عمران نامی لولسی اما المحق رنگ روز جیل فوک کے باس ررکا-اور باینک کے کا ور طلب فرما نِ اور میں نے اسی دھے موقع یں کا گاوی نے کا کار اے نظیماً اللی میزنره بولس ایلهارے عمد سے صوب روپے کے ڈیے اند طلب کی۔ تعقین می نے دیسے سے افکار مردیا ۱ سی ہر متذائر ہو کو لیس اللفار نے مجھے اور میر کے Carles. 25 L sing riles 1251 sing (form proposed & (55 Low مع نے ایسے رسی کے نام بی موٹر سالیعلی کو کو الیا ، جی کے حص و عواله مراس ممان می و فی ایا . لورس می اے جو دیر توی می پوسی ا بلها رعران کی وه سن (سوستل میڈیا) مروائر ل کردی میراسی کری میراسیال هے جو مرف اور مرف سی اگاہر میں) ہے! Best Word willed الحدة من في ورد لو لوم عمد والكولي على اب میں اس بر پستمال بون اس لیج 05/05m - 05/06: Nilm مین منذ نکرچ بولیس الباکار عمران کو فعاف رئاھوں اور اس نے ملاے کو کی سکارے ريع بني مر فاجلينا ومول! الهروهم 04/6/2019 Ittested 4/10/2017 myun officer

151. ( Mm 4644 Die 151. مراب زان بهان سرمری داوری ۱۰ فر الحرار المحرار المحر مامی دونو (۱۹۷ نافزی) موارسانگی کردواور ارسی مامی دونو نو ور بار ای ما زیمدو ای دود از رسی کی م نے اُن کو کو اہان دونوں بندوں کے ساتھ نہ کاغزات العے معارسانی کے امدان کی فریسٹ کا کی اور دور کر انا کی بڑی سے موار انظی طارسے تھے می نے ان کوروکو م میں ایک ان کو کہا کم علوکے تھاہے ملے کواک دوران ان رولوں افرار نے کھے کہاں کہ روم دوب اور می فود دو می نے ان کوکمات کر میں کوئی کوں اور کمی فود دو می نے ان کوکمات کر میں کوئی الرینک انجار ( رسی سوس سم کے سے اُرینک جالان لوں ا مر فعور دوں میں ان دو توں افر از کو نهان سے شکارور معدمحر رعب و بعد امسر صحف معدمر کو کہاں کہ ان دونوں کو جالات کر ہو۔ بین کر ان کو بر در دور می جرای مزیر موالی کن کے ایس دمان نیا استان ازان سے Iwan She

لى دور بارى تا زىمدو ك دود ك از رسى تى م نے آن کو کو اہان دو نوں بندوں کے ماتو نہ کاغزات تع مرسائع کے اور سے بربست کا اور دور کے اناک بنی سے موار انظی طارسے ہیں نے ان کوروکو ر جس مے می نے ان کو کہا نہ جلوکے تھا ہے علے تواک دوران ان روٹوں الزار نے محص کیاں کہ روم دوب اور می فهور دو می ان کوکما کرمی کوئی کور اور می فهور دو می نے ان کوکما کرمی کوئی ار اوبن ہوں نہم کے سے کرینک جالان لوں ا در فعور روں می ان دو توں افر ار کو نی انے ہے اگا اور مددمر ر عدد امرصے مدمر کو كها يكران رونون تو جلان كر و - نبر ) كر ان كو الرجيبركر و اوار مى جراى مزير موائل كذي كيان رمان نیا استان کران سے

Dated:

منجانب: ﴿ وَى السِّ فِي مِيرُ كُوارِرُز ملك سعدشهيد يوليس لائن يشاور ـ بجانب: ﴿ بُوساطت محرر بوليس لائن پيثاور \_ حواله نبر مورخه 03.10.2017 اريدر، مورخه 03.10.2017 عنوان محكمانه كاروائي برخلاف عمران نمبر 4644\_ بكادس كارب كدحسب الحكم جناب الس اليس في صاحب آپريشنز مندرجه بالا بوليس المكار بح خلاف بوجه پلک سے غیرقانونی ڈیمانڈ پرانکوائری ترتیب پائی ہے۔اس بارے میں آپ محررلائن کو عکم دیاجا تا ہے کہ آپ ندکورہ بالا منسليل كوېدابت مناسب كرين كه وه دفتر زير رخطي بروزېده بمورنه 10.2017 ،04 بوقت 1000 بجاپي پيثي كويقيني بنائے۔دیگرا حوال میں کیے طرفہ کاروئی عمل میں لائی جاسکتی ہے۔ نوٹ بروانہ بعداز تمیل واپس اسال ریں۔ د ی ایس بی هیڈ کوارٹر ملك سعدشهيد يوليس لائن بيثاور كاني برائے اطلاع يا بي ثو:\_ 1- جناب SSP صاحب آپریشز بحواله نمبر 7،09/E/PA مورخه 10.2017 ۵۵. ما در معنوا می ایمال دمنوا میت را مرودی ما ایمال میابال دمنوا میت را مرودی میت را مرودی

ور المراعم عالم فيمام من الموطاع Cu 2591069(2) ( عدار عبداد م (فرعرفال) 5 B/1 6 2/6 am 200 CT (82) را الع البرارى كيو نقال كي كيم يرساله ؟ رس دفيماندي ي. JS 39 2 L (S) 65 (2:) الارسام العرسيودي وهوران الراك تعبير من العربيل وَ فَيْ لِلْ وَمِدْ لِي لَمْ اللَّهِ فِي مِنْ اللَّهِ اللَّهُ اللّ acsolu15,5

1 Beclo سرره ک وزید در دول ۸ فی عرص موسر ساخیل ادیکاران نام منری در مورود کے هم آوروکا ور دیل سواری يد اور مومر ساليفل ك كا عرمانك هم د العي وفي عادر سي سيخ وركم فيزر م يولس الما رعم ال 1) (slu 2/152, 20, 20, 20, wieles 629, 400/alipa in a come of the last of the come of the come of the last of 15/6 / 100 Zerres Cholisal, 2001. [2) and led colonys Govila Latites / land الإسالوك كيا ارزم سمان مانها- اوري ماركا الراورة 40/1/2 (cy Cu). Wils 3989 (2000 20) - 1019 - 20 / 3 ( July 2) / 10 / 2) Ettested July 12/1/20 ; Bupdt: of Police adquarters, C.C.P ( SbUb, 8) (Sie ml ری تا ول 0334-91027 99 5/10/2017

(BU) lell Sy in Je Cin No E. 200 ( ) 3 182163 (F) 1016 (Files 265) (300/fil) 5 192/- (300/fil) 196/-- Lo Giros Li 260 Gir Co. 2 س مي آئي عروق پر گاري کان کان وري ک 1060 12 1/20/2017 21/20/2017

Note only سرر کی فرمن هور دو ی هران نامی لولسی طلع ما ي اور مسى ب اسى دفي موقع بن كالري م كالري على كالري الله مودر و لوس المواراء في سه حوب الم الم المراس كي و يم المراس كي . معلى . معلى . معلى . معلى . می کے دیسے سے افکار مروبا اس کی مذہرہ کو لیس البقارے مجھے اور قبیر کے Genlés. 26 Leins iles 1251 tu Commisseret 9 (58 La 60260.101 & Jen my 200 (200) 201260 و يو الم دوا سے مما من بن جو روایا . لورس موں ے جو دیا ہو ی بھی پوسی المعاري وه سي (سوسل) ميرال د يودون الله سي مي ميراسال هے و مرف اور مرف سی الحرر من) می ا Center de Mise الحدة مين ني الوريد لو لوه عمد وايكل كي على اند من اس بن يستمال ١٠٠٠ س الح Ofto Som Cas O. 6: Nila میں منذ نرج لولس البال اعرال کو فعاف ركاهون اوز اس كے فلاف و في متفارث 0345-510.2033 10 mg My deling engli 04/6/2017 (03/21 Hesteel 4/10/2017

و عو سُر ساليو الله الله الله الله الله الله المحام الله الرفي ع بنرے کی اورسی کا وُن سی کھر وا رہ تھے۔ عمران پولس البغار خبل سواری کی وج سے الب فيون بر نقابه كا ما يكا ؟ ر المحالم المحالم المرام ومعالم المحالم المحال مران بوس الله المرام والله على صدرة ديت بر هام حوالا. ال المعلاوم اور کون کی جی کران سے چراروی کی اور کی کھی ؟ 86-20163803mm on 8. Ces 2 (m 20 1) 25 12. در الله الما المعالم ا عيى مرسم المراق بني سرناجا بيثما سواح رسک در عرون رسے سے برسرسر میں ہو

بخرص مای در ۲۰۰ سالم ماهر Dy: No. 349 PA-CCPO No. 148- CB 1- 36- 12017 16- 23/10/2017 253- 23/10/2017 252- 23/10/2017 252- 23/10/2017 252- 23/10/2017 252- 25/10/2017 25/10/2017 25/10/2017 25/10/2017 25/10/2017 25/10/2017 25/10/2017 25/10/2017 25/10/2017 25/10/2017 25/10/2017 25/10/2017 25/10/201 Josephin Despine Fly of 14 /g. 4644 /c. 1/6 th. 6 Chi-ce فورسای مرزی بوانها مؤلم بحوالم (ان برده) د کو الن الی ہے اوالوں الران بن ہے۔ رائل براول کی نوبر کی کے بعددلجہ درخواس for I be the of the offer ما در حریابی العالفا DSf. Legil

مراب از دار بیان ب سرس دامور ما فحوم اکران کورگای کرد تھی فور موبائل این میں موبائل اینار کورگای کرد تھی فور موبائل این مورک موبائل اینار کورگای کرد موبائل این موبائل این موبائل این کردو اور اد تھے۔ فر در مار از معد از معد از رسانی ے نے اُن کو کو اہمان دو توں بندوں کے ساتھ نے کاغزات المرابع المرابع المراب المالي الورود إ انا ک بڑی سے موائر ما فیل طل دسے ہے می نے ان كرروكور ديك رك مى نے الى بولما نى ملوك تاہے علے کواک دورات ان رولوں افزار نے محمد کیاں کم ٥٥٠ دوب ب لواور مم حدد دوبر والان كا فر فر لوں اور کمی فہور معرمی نے ان کو کیا ۔ ک الرید ایار جرارس بون می آب سے رُید جالان لوب ا مر فتور دول مي ال دولول افر إد نهارے سے کہا دور معدمم رعب افد امر صحب معدمم رکو كيار يكران دونون كوجالات كرو-يعي كران كو ار سرا و دور ب جرای مزید موالی کن کے ہے روار لا المرابع المرابات ارزان ا 4644

وراس سول سافرار ( نابون مرع مای ی وری ای الزم کاران و تال دام کاری و ساج فیسی جے جی مر معمان مل رج س طافر از ارتا اور از ا with who I won him the Bury Wielling 2 180miliage 17301 60191 27-7 0311 8880890 ولد اورنگریت سان ظی کمی سی کا ون s a Julion of me july of the series على فروع الله المرات على أن يولى في عرف ما كالم 150 (ble 1/2 20 1500) 21083 056663-9 RedieRs 0315 9553043 عدالرف وارسراج الدس مان مي مون ub Enmu in assinglic

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BULLE ه وم ال ورون سول برور م و الدام ی دیوی تحقی تورنس الرام و مردوی س معران در در ان ورد قرره مالی ص لطور ا خارج زبوتی ا د يدريا قعا حس ركس سوار 16 يدر العيد الما حوان الع للم عام MEWI 2001/ 1/1/20 July FY 4759 0/ 125 /20 Musely (White con) 45/50 Desides Williams 1116 ئام دئامار

mo ps phandy
30-9-17

Dy: Supdt: of Police Headquarters, C.C.<sup>()</sup> Peshawar

1758 / July 101, Elle 1758 / 1758 / 175 / 17 De storie bold of the Color (USE) fine property الزم تعاول في اركار كو شاي وله و عدائح فيسريط جب تو العر عمل وج من طور الراق الدر الراق الدر الراد Justice and windings by deist it is 2-150ml inder 17301 60191 27-7 0311 8680890 (عزار فلر اورتدریت کن جای کیپ سی کا ون WE Colly of the constitute Description E E Julia de Como inos als Mis a Est Stirle & Brown go to me Existe 16 16 ( 16 1 1 2 1 1500 -J 21033 0126663-9 0334 9102799 RelieRS ( )X 0315 9553047 سل وررساس مان طای کمی کاران عمرالرهن ولمرسرات الربن مان مي مون

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الله آفسر سون لغينا عرب عَمَا المِيرِ نَفْرِي كَلَّى عَيْ .

140 130 30 9 22 01 33040 (12 CMO 90 214) 1. 20 8 000 Ulason Olly 6 16 931 (Black Description of the Contract Be cited Busine on In Via Les por con Charge for his . The first of the THE Car Gulant Big was de July Co Ling of Grote ill Sound Office the in a plant of the charge of the profits Buch edication will be in In 11, 20 20 3 300 Ung Shot 50 /4 11 8 25 6,1 (26-3) (Show (10 3) (3) (10) Attested SHOT PS. phudi 5-10-017

الله من مرساسول برك لف اللي اللي اللي الله المحمد على الله المحمد على الله المحمد المحمد على الله المحمد ال د مربزے فئے : اورسیمع) ٹاون سی کھر کی ہے تھے۔ ا در او اور المرون اور المرون الم اور بر نفام کرا اور المرون المرفع الله اور المرون الله المرابي وجه بر نفام کرا بالله ؟ عمران لو لان المهاري خربل سواري کي وهم سي ر المجالية المحالية المراكم ومعالية في الله عران كعلاوه اور كون ها جي الرحان على المان على المان على المان الما . (56, 30, 6, 20) Se us un seu o 25, (85, 10, 10) Se us un se un se (85, 10) Se un seu o 25, 100 o 20). دن مرید کا رود کی معالیدی میرا کر ای میتی میرا 2. میں صربیری روزی بنی مرناچا بیش سود سیک کرم عرال ایسے سے برد

مان زان ا فزازخان ( مرشر سائل مان ) , Le 036 91 20 30 ywolio مروم فرمن مرن - که میں ایف کر میں فوجود تن کے اس دوران براس در برسای عبرالرفان ا با اور ماد 1 1 in or sign of FY 4759 who wife on with و معرف المرابع الله الله المعالم المعالم الله الما المعالم الله المعالم المعا ع - سور المون أو الم معاني تما در موزو ١٠١ ١١ ر حرر مورو اع سانو بل تو کرر بورو و ایان سری سانو بست افع طریع الله اور محمد مال الرئادي اللي ع - تركون حواب Jerlande ze Blitze d'Old المازان فارس فرکن را معر کی در افعالی کے میر مرقر ما تولان الراق مرح ا كمان ما فرزن حورد ع الدر coepel in show the winder ide de la composition de la desta de la composition de la composit می تمانز مویرو نے گرر میام بغر سانی مع سیت ورس يع در سان يو مو در ساح پر مين با 0311-3030300 17301-6019177-7 adquarters, C.C.I

منجانب وي ايس پي ميز كوار زز ملك سعدشهيد بوليس لائن بيثاور\_ بجانب بوساطت محرر يوليس لائن يشاور حواله نبر مورخه 2017 03.10 03.10 مورخه 2017 03.10 محکمانیہ کاروائی برخلاف عمران نمبر 4644\_ بكارس كارب كدحسب الحكم جناب الس الس بي صاحب آ پريشنز مندرجه بالا بوليس المكار كے خلاف بعجه ببلك سے غير قانوني ڈيمانڈ پرانكوائرى ترتيب پائى ہے۔اس بار النے ميں آپ محرر لائن كوظم ديا جاتا ہے كہ آپ ندكورہ بالا شيل كوہدا بت مناسب كريں كدوه دفتر زيرِ دخطى بروز بدھ بمور خد 7 10 20 10 بوقت 1000 بيجا پئي پيشي كويقيني بنائے۔دیگرا دوال میں کیے طرفہ کاروئی عمل میں لائی جاسکتی ہے۔ نوث: پروانه بعدالقميل واپس اسال رئيس\_ ر مرارد ڈی ایس پی ہیڈ کوارٹر ملك سعد شهيد يوليس لائن بيثاور . كا في برائے اطلاع يا بي ثو: \_ 1\_ جنابSSP صاحب آپریشز بحواله نمبر 709/E/PA مورخه 03.10.2017\_ مارسال دسخوا مارسوط می استولید و در می استولید و در کارود کا والبين ارمال فرمت بع Anzien, 03=10=017)

( soul said of the ل الماليونة من رس الله المعلم المسر اللي ه العالم المعلى المعلم المعلم المعلى المعلم ال 561162 16 m 10 200 CT (8) را موالداری کو مالا کی کی کی و اللای رس در اردی ی (2) 30 0 (3) US (2) ا ورسری اورسری و وورت ادر ایک تعبی سر لفریل وَ فَ لَا لَ وَمِدُ لِي لَمْ يَعِي مِنْ فَا لِي مِنْ الْمِ الْمِ فَا مِنْ لِمُنْ اللَّهِ فَا لِمُ اللَّهِ فَا لَمْ اللَّهِ فَاللَّهُ فَاللَّهُ فَا لَمْ اللَّهُ فَا لَمْ اللَّهُ فَاللَّهُ فَا لَمْ اللَّهُ فَاللَّهُ فَاللّلَّ اللَّهُ فَاللَّهُ فَاللّلَّ اللَّهُ فَاللَّهُ فَاللّلَّ اللَّهُ فَاللَّهُ فَاللّلَّ فَاللَّهُ فَاللَّاللَّ .c.(5 > E/131 5.1) E

1 Beclo 10 Dejue de Dis en sen militar بى الله الماكي ك إمراه آر با على در الله من عمران كاف لولس ادیکارین نام سری در مورود کے هم کوروکا ور دیل سواری و اورسیات کی اور موسر سالبطل کے کا عربانگے ، می مے اسی 1) (slu 2/152, 20, 26 50 ) La vieles 629/400/-Joseph Gul Julia Jag Lui July of werteries on its latites the الحماسلوك كياررهم سماني مانها-اوري ماريا الراوري 20 hope (y Cu). Lils 1989 (8) 2 Les con 32 a ( 1) ( ) ( ) ( ) ( ) ( ) Hested JU121/1/2/1/20 Cod Blodb, Oslowil ريحي المراور 0334-91027 99 5/10/2017

(BUILLIGHT IN TO CINNU SZ19673 18 x le3 (2) 10 (8 (3 x le3 2 (5) 18 022/26 1920 8 1920 gustful 926/2 405/-5 (busses 201400 2010 of 5 (50) lis ling of 1/5 2 0 7 (w) - Lober 03 Li 200 Gir C3 2 2040,2 Aduks 5/10/2017

1dle alis مرد کی درون هون مر مرور و کی هران نامی لولسی ا = 2) 56 = (3/6 Co 200 60) (w1 2 Co) 15 10 soll. الله مورود و الله المهاري في مع مورد الله ي وي الأطلب كا. الله صی نے دیسے سے افکار مردیا۔ اس پر مشامر ہو کو لیس ابلغارے تھے اور قبیر سے Genlés. 26 L pio riles: 1251 jun familia por el 9 (8 Las 60 2 Go. W. & Sel will by of 2 Go. 1) Sie 12 60 ا بلی ارتی ان کی وہ سے (سوستل) میڈوا کر لائر کام نسی کی میراسیان هے و مرف اور مرف سی کا بر ص) م Center do Mes لحدة مين نے وريد لو لون عصر وايكل كى على اید میں اس نین پستمال موں ١٠٠١ س لیج 15 lose cus 36 Nilm من منذ مرج وليس المال عرال و معاف ركاهون اوزاس كے والے كو كا سكايث 0345-510.2032 In his file of the care of 04/0/2017 (03/21) De plante Joines Hested

سرے کی اورسی کا وُن سی کھ جا رہے تھے ا مده کوکس نظرم کا در کرو ۱ رو کا لسی وجه بر نقام کے جا پائل ؟ عمران پولس البقائی خبل سواری کی وج سے البادف ہی . ر المجمع من المحمد المرامي وم المرادي. الله عمران كو علاوه اور كون ش الله مع المركى كون الله المركى كون الله المركى كون الله المرك المرك كون المركى كون كون المركى كون المر SC12163809mm om & C852 Con 30 Je Z01, 25 12. من آی مربری روای مطاقی میا کرنای سی می وی 2. میں صربیری روائی بنی مرنامیا بیش سر اسک در عرال رسے کی برسر اسر میں

بخرصت جنات د. ۲۰۰ سنامر ما قر Dy: No. 349 PA-CCPO NO. 148- CB
DI: 33. 10. 2017 No. 23/10/2017 1/31. Josephin D.s. p. Junio Cili 19. 4644 je. 18 th. 18 - we رفورسای سرن سوانها مولم بحوالم (آن فردهاد العامرين ما العالم ا توالن المان الم اللر بموامالول ك نوين كي بعندلج درخواس for it is the the thing مادر حریابی 10 les les M (2) ... D. .. D. .. D. .. L.

مراری بان ب سری داون ۱۰ و افراکی ایار کوناطی آف می جور موبائل انت می موبائل ایار کوناطی کونامی موبائل ایافی موبائل ایار دو اور ادر سمت سے در ہارے نا رہندہ کے موجودے کر دسے تھے۔ می نے اُن کو کوم ایکان دونوں بندوں نے بالی نہ کاغزات الرائع كالمرائع كالمراق المالي اور دور إ انای کری سے موار سافع طارسے ہے می نے ان كوروكو روس كرك مى نے ان كو كما كم حلوك تمالے ان رونون از ان رونون از ان کی کمان کم ۵۰۷ دور اور می حدد روارس کا هر در این کوکات کرمی کوک لوں اور کی حبور دوس نے ان کوکات کہم الريف الحارج روبن بون مرام اب سے أبن جالان لوب ا مر فهور دون مي ان دو تون افر ار نی ایسے سے کیا دور مددمم ر عب و بعد اسم صحمد مددمم ر کو كمار كراك دونول كوجالاك إر و-بين كران كو مر سر و دور بر برای مزیوموالی کن کے ہے روان المال الم 4644

10 Valo 478 7 /4/19 = 16 - 10 = 1 مياس موليس القرار رئالون مرع اللي ير الله المالي الم العر المعنى ولي الله الله المعنى المعنى الله المعنى الله المعنى الله المعنى المعنى الله المعنى المعنى المعنى المعنى المعنى الله المعنى ال With wing to design the Meistille 2-180miliage 17301 60191 27-7 0311 8680890 ولا اورندریت این طای کیپ کی کا ون ( 6 6 6 M/ 2 00/ 8 ( w. 2 ) / 1 2 2 200 C E a siste de la juis de la como d 25/20 20 John 12 John 200 6 16 16 ( wo wo 1 ) Som & 21033 0156663-9 0334 9102799 Role PS عمرالرفن وارسراج الاس مان می مون

# MM ilwillion

BULLE و مردوی س مع رو رو دان در در رو مامل ص لطور الحارح در اوی الما رما خط قسس زكسيل سوار كالى لا در نعي المل حوال الع للم حاه i dial/ Sulling by 4759 01 125 1/25 de Chelling Killer أرا مساعة الماسح مل 166766

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Dy: Supdt: of Police Headquarters, C.C. Peshawar

19 Jain 4758 / 1/1/2010 1. E. 18 أكما ة لعدره bold of the west fine and the الزم کالوال یا اکرار کو شامی دارای و شامی و شامی و شامی دارای و شامی دارای و شامی دارای و شامی و شام لعر عدمان من مل رج من طور زر برنا له را را Justice of which is the series Seist it is 2- 1500Mingle 17301 6019127-7 0311 8680890 الحارار فلا اورتدریت این طای کیپ کی کا ون Je 6 66 11/16 62 01/8 6 6 2 5/100 2 201016 5 E) Who is of me of the sens Thinks the way of the wind in a fine of 21033 0156663-9 0334 9102799 Reliers 0315 9553043 afrika win win us du عمرالرهن ولرسراح الرس عان مي ماون

آفسر ميون لعينا عامران الماري المحالفري تركي عي عي .

46 13, 30, 2 27 M 23 CHC 2 (Jua) 3 3 8 0 1 - ( je, ot 11 6 11 , 31 6 3 / de 1. 20. 8 39 W OUS ON CON COM ( CA) 11 , 607 15 2 - 3,188 (8) Busi on my Char Job 19 Jour Dog for his holder in the cied but al . Os in block al form Silly Glore Mand Collection Lun So Cheloft Carlon 3 500 11, 20 m 3 Ju 0 65 5 100 56 1/5 1/ 8 24 0 11 (06-10/12) (8/2. 10 ( ) 20/31/3/1/2/1/2/19 Attested 38 Hor PS. phedie 5-10-017 5 par of police

بر عنی اور سری کا ون سی کھر کا رہے گئے۔ ا دید کو کس نے روکا اور کیوں روکا کسی وجہ بر نقام کے جا کا گیا ؟ عمران و سی البغار خربل سواری کی و فرسے ر المجالية المرام ومعالم المرامي ومعالم المرامي الله عليه الم المول في الله المول في ال عی میں مزیری رونی شی تر ناجابش س

مان زان ا فزاز خان ( مرشر ما شل مان) , 16 336 JUS 36 صنان دالى ا مروی خربان میران - که مین دینے مر مین توجود تھا کے اس دفران براس ر براه بها می ایران بال اور ماد Je Will of 1 FY 4759 is No Will of عے۔ تو بر فین اکا میں تو تھا نہ ہوئے و آیا اور محرر میرو ع سانو بل تو کرر هرا د الماص مرب سانو ساند العطرية علا اور محمد ما ما در ما دی الله ع - ترس موان Some in the second of the second المعزان الرياندي ويو الم ويريف كون الم ويريف كون الم مرفرسان المران مرد، كان ماورن ورد الله المران مرد المران المران المرد ال cu ey ) eg ) im a lu e lu ( lu / lu / lu ) ide die aki and sol- zit کم نما نر تعزیرو کے حرار جمامی معر سانی مع سیت و کی ایم ایر سمان سے فوکر سے پر میں ہے۔ 0311-3030300 Headquarters, C.G.I 17301-6019177-7

#### BEFORE THE KKP, SERVICE TRIBUNAL, PESHAWAR.

# Service Appeal No. 144/2018

Imran Khan

VS

Police Deptt etc

#### REJOINDER ON BEHALF OF APPELLANT

#### **RESPECTFULLY SHEWETH:**

#### **Preliminary Objections:**

(1-7) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

### **FACTS:**

- 1. Para-1 of the appeal is admitted correct by the respondents department service record is already in the custody of respondent department.
- 2. Incorrect while Para-2 of the appeal is correct. Moreover viraling video on social media is not justification for not providing the opportunity of defense to the appellant and the department also not denied that the inquiry was conducted only just after three days after issuing of charge sheet. Further it is added that the video clip which is viral has of no value because that is half so only the clip cannot be best for punishment.
- 3. Incorrect while Para-3 of the appeal is correct moreover no chance of proper defense was provided to the appellant.
- 4. Incorrect the appellant filed detailed reply to the Show Cause Notice and denied the allegation but the reply of the appellant had not considered by the department.
- 5. Incorrect while Para-5 of the appeal is correct.
- 6. Incorrect the appellant has good cause of action to file the instant appeal.

# **GROUNDS:**

- A. Incorrect While Para-A of the appeal is correct.
- B. Incorrect While Para-B of the appeal is correct.
- C. Incorrect While Para-C of the appeal is correct moreover the department never denied the stance of appellant that the video clip was half so the defense of cross examination is necessary to proof the real facts.
- D. Incorrect While Para-D of the appeal is correct.
- E. Incorrect While Para-E of the appeal is correct.
- F. Incorrect While Para-F of the appeal is correct.
- G. Incorrect While Para-G of the appeal is correct.
- H. Incorrect While Para-H of the appeal is correct.
- I. Legal.

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

**APPELLANT** 

Through:

(M. ASIF YOUSAFZAI) ADVOCATE SUPREME OURT.

(TAIMUR ATTKHA)
ADVOCATE HIGH COURT

(S.NOMAN ALI BUKHARI) ADVOCATE HIGH COURT

# **AFFIDAVIT**

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

ATTESTED

NATOHAN PART TO DATE OF COURT OF COURT

DEPONENT

dese coi e : Salar l' meningre d'un d'un l' 18 APNO 144/18

in l' 144/18

sie vi = sancioin de le lun Enlevir در فورست لمهار میر بل لستی . , The in مسب خیل را رش ع- نه عنوین بالاحقرم س عمریت حفورس کرکار کی بنتی متر ربع: 2 m 10 2 m 6 2 1. 2 de la mos de la mos de la mos de la mos de la mosta de la Nicht referent must be notice ) in for in the commend of the contract of the c 20 <u>b</u> 19 \_ Klm UG ing

No. 1143 /ST

Dated 15

То

The Senior Superintendent of Police (Operations), Government of Khyber Pakhtunkhwa,

Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 144/2018, MR. IMRAN KHAN.

I am directed to forward herewith a certified copy of Judgement dated 04.03.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.