

(A)

OFFICE OF THE  
REGIONAL POLICE OFFICER, MALAKAND

AT SAIDU SHARIF SWAT.

Ph: 0946-9240381-83 & Fax No. 0946-9240390

Email: digmalakand@yahoo.com

ORDER:

This order will dispose off application of Ex- Constable Wali Muhammad No. 391 of Shangla District for reinstatement in service.

Brief facts of the case are that Ex- Constable Wali Muhammad No. 391 of Shangla District involved in the following Seven (07) Criminal cases:-

S#	Case FIR No. u/s dated and Police Station
1.	FIR No. 189 dated, 24/04/2005 u/s 186/147/149-PPC PS Alpuri
2.	FIR No. 32 dated, 17/02/2007 u/s 447/427/34-PPC PS Alpuri
3.	FIR No. 237 dated, 04/09/2009 u/s 341-PPC PS Alpuri
4.	FIR No. 88 dated, 19/03/2014 u/s 506-PPC PS Alpuri
5.	FIR No. 104 dated, 10/04/2015 u/s 386/387/452/341-PPC PS Alpuri
6.	FIR No. 575 dated, 30/12/2016 u/s 173-Mining Act PS Alpuri
7.	FIR No. 405 dated, 25/04/2017 u/s 419/420/468-PPC PS Mingora

Mr. Khalid Khan SP/ Investigation Shangla was appointed as enquiry officer to conduct proper departmental enquiry proceeding against the defaulter Constable. The enquiry officer in his finding report recommended the defaulter Constable for major punishment. On perusal of enquiry the District Police Officer, Shangla reached to the consequence that the delinquent official is a smudge on the name of Police Department and he did not refraining himself from such like activities of using his service for his own business purpose which bring a bad name on the image of Police Department. Hence, the District Police Officer, Shangla awarded him major punishment and compulsory retired him from service vide his office Order Endst No. 5417-18/E, dated 18/08/2017.

He was also called in Orderly Room on 11/01/2018 and heard him in person. The enquiry papers was thoroughly perused and found that Ex-Constable Wali Muhammad No. 391 is involved in the seven (7) cases mentioned above. The applicant could not produce any cogent reason in his defense. His appeal is hereby ~~dismissed~~ *filed*

Order announced.

(AKHTAR HAYAT KHAN)  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat  
\*\*Naqi\*\*

No. 871-72 /E,

Dated 22-01-2018.

Copy to District Police Officer, Shangla for information and necessary action with reference to his office Memo: No. 6480/E, dated 12/10/2017. Completer Enquiry file is returned herewith for record in your office.

(2) DPO Korak.  
\*\*\*\*\*  
Encls: Enquiry File

Reviewed  
*[Signature]*  
1/2/18

EC  
DPO Shangla  
01-02-18

(B)

ORDER

A Source Report/SMS Complaint against Constable Wali Muhammad No. 391 of this District Police now at Karak District was reported to the Undersigned vide Provincial Police Officer, Khyber Pakhtunkhwa Peshawar Memo: No. 1098/PA/DIG/HQ dated 06.06.2017, No. 7416/E-IV, dated 15.06.2017 and complaint No. 1428/C-Cell dated 20.04.2017.

He was suspended vide this Office OB No. 80 dated 08.06.2017 and proceeded against him Departmentally to served with Charge Sheets and Summary of allegations vide this Office No. 08/E, dated 15.06.2017 and No. 09/E, dated 15.06.2017 respectively on the involvement of the following cases:-

S#	Case FIR No. u/s, date and PS
01	Case FIR No. 189 dated 24.04.2005 u/s 186/147/149 PPC PS Alpuri
02	Case FIR No. 32 dated 17.02.2007 u/s 447/427/34 PPC PS Alpuri
03	Case FIR No. 237 dated 04.09.2009 u/s 341 PPC PS Alpuri
04	Case FIR No. 88 dated 19.03.2014 u/s 506 PPC PS Alpuri
05	Case FIR No. 104 dated 10.04.2015 u/s 386/387/452/341 PPC PS Alpuri
06	Case FIR No. 575 dated 30.12.2016 u/s 173 Mining Act PS Alpuri
07	Case FIR No. 405 dated 25.04.2017 u/s 419/420/468 PPC PS Mingora

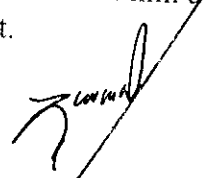
Mr. Khalid Khan SP Investigation was appointed as Enquiry Officer to conduct proper departmental enquiry, the Enquiry Officer in his finding recommended the defaulter Constable for Major Punishment.

A Final Show Cause Notices have been served. He was also called in for Orderly Room on 17.08.2017 for personal hearing but he could not submit plus able ground for self defense.

On the perusal of enquiry, I the undersigned reach to the consequence that the delinquent Official is a smudge on the name of Police Department and he did not refraining himself from such like activities of using his Service for his own business purpose which bring a bad name on the image of the Police Department.

Therefore, I Mr. Rahat Ullah Khan District Police Officer, Shangla exercising the Power vested in me under the Police Rules -1975 Para -4 awarded him a Major punishment i.e. Compulsory Retired from Service with immediate effect.

Order announced.

  
(Rahat Ullah Khan)  
District Police Officer,  
Shangla

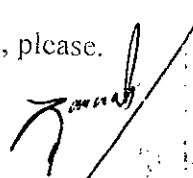
OB No. 116

Dated 18/08 2017

No. 5117-R/E, dated Alpuri the, 18/08 2017.

Copy submitted to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar for favour of information w/r to his Office quoted above, please.
2. The District Police Officer, Karak for further +necessary action, please.

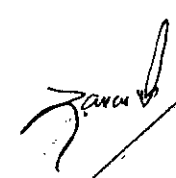
  
(Rahat Ullah Khan)  
District Police Officer,  
Shangla

**FINAL SHOW CAUSE NOTICE**

- 1) I **Rahat Ullah Khan** District Police Officer, Shangla being a competent authority under the Police Disciplinary Rules 1975 do hereby serve you Constable **Wali Muhammad No.391** follows:-
- 2)
- i. The consequent upon the completion of inquiry conducted against you by the Enquiry Officer, for which you have given opportunity of hearing vide this office No.08 dated 15.06.2017.
  - ii. On going through the findings and recommendations of the Enquiry Officer, the material so produced on record and other connected papers including your defense before the enquiry officer, during the proceedings.

I am satisfied that you have committed the following acts/omission specified in Section-3 of the said Ordinance:-

- i. **You Constable Wali Muhammad No.391 while posted at Police Line Shangla according to SMS Complaint / Source report to worthy Inspector General Khyber Pakhtunkhwa Peshawar against you involved in case FIR No.405 dated 25.04.2017 u/s 419/420/406 PPC Police Station Mingora. Your this act gross misconduct / negligence on your part which rendering you liable to be proceeded against departmentally**
- 3) As a result thereof, I as competent authority have tentatively decided to impose upon you the penalty of Minor/Major Punishment as deemed appropriate under the prescribe rule as may be.
- 4) You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.
- 5) If no reply to this notice is received within seven (7) days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense and that case a ex-partee shall be taken against you.
- 6) The copy of the finding of the Enquiry Officer is also enclosed in original.

  
District Police Officer,  
Shangla

NO 08 /E,

Dated 10/8 /2017



Phone #: 0996850706

Fax #: 0996850017

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

**OFFICE OF THE SUPERINTENDENT OF POLICE INVESTIGATION SHANGLA**

**ENQUIRY REPORT**

- (A) Reference to the charge sheet No. 08/E dated 15.06.2017 issued from the office of District Police Office Shangla against constable Wali Muhammad No. 391.
- (B) Charge Sheet No. 09/E dated 15.06.2017 issued from the office of District Police Officer Shangla.
- (C) Complaint letter No. 1428/C-Cell, dated 20.04.017 issued from the office of Inspector General of Police, Khyber Pakhtunkhwa Peshawar, along with application against Constable Wali Muhammad No. 391.

All the above three enquiries were marked to the undersigned and enquiry was carried out. Almost majority of the allegations leveled against constable Wali Muhammad No. 391 are of the same nature, however, some of the allegations are different. As three of the enquiries are required to be finalized within stipulated time, therefore the enquiry report is consolidated in one report.

**ENQUIRY:-**

(A) **UNKNOWN DIARY:-**

This was an unknown application received through complaint cell in which the following allegations were leveled against constable Wali Muhammad No. 391.

- (i) He illegally occupied all moveable and immovable property of his father.
- (ii) He is allegedly smuggling timbers.
- (iii) He has an illegal business of chromites.
- (iv) Different people submitted affidavits against him. Different affidavits/press clipping were attached with the unknown letter.

All the affidavits and the allegations were perused and in the light of it, the enquiry was started. During enquiry regarding the first allegation, the father of Constable Wali Muhammad was called and his statement was recorded. In his statement he denied the allegation against his son Wali Muhammad and said that relations of father and son are cordial.

Regarding the allegation of illegal Timber smuggling, statement of Israr PFB Alpuri is attached. Which reveals that from 22.07.2007 to 18.04.2012, total 11 cases have been registered against Constable Wali Muhammad which are sub-judice. Regarding the allegation of illegal business of chromites, statement of Muhammad Iqbal Royalty Sub Inspector Mineral Swat was recorder, which reveals that on his written Murasila a case FIR No. 575 dated 30.12.2016 u/s 54 Ordinance 2016- 173 MCR 2005 has been registered against him.

As already mentioned in the unknown application, the attached affidavits were perused one by one. All the related people were called and their statements were recorded. Among them Muhammad Khan s/o Noor Shali and Muhabat Khan s/o Muhammad Khan in their statements stated that Wali Muhammad is taking illegal advantage of his belt service and has a group of ill minded people and all the villagers are affected from him. They presented various documents against him in which various civil and criminal cases against them and Constable Wali Muhammad are sub-judice in various courts.



Mr. Ameen s/o Naseer r/o lalkhany Alpurai, whose affidavit is available stated in his statement that constable Wali Muhammad has taken Rs 10000/- from him to appoint his son Farman Ali in hospital but it was fraud, neither his money was repaid nor his son was appointed.

Mr. Subhani s/o Said Mahmood r/o Larai Alpurai stated in his statement that constable Wali Muhammad had taken Rs 20000/- but he has not paid the same money to him.

One Inzar Gul s/o Ghulamay r/o Lalkhany Alpurai has stated in his statement that constable Wali Muhammad has bought his Buffalo on Rs 25000/- but he was not paid for the same.

One Sirajuddin s/o Beroch r/o Larai Alpurai has stated in his statement that constable Wali Muhammad has taken Rs 10000/- from him to appoint his son as SPO but it all was fraud. Constable Wali Muhammad in his statement denied the allegations and stated that all his business is legal and according to law but his defense against the allegations was not so convincing.

(B) **CHARGE SHEET NO. 09/E**

During the enquiry in the above charge sheet it was found that below mentioned criminal cases registered against constable Wali Muhammad and their fresh position in the concerned courts are as below:-

S. No.	Case FIR No., u/s, date, and PS	Fresh position
1.	Case FIR No. 189 dated 24.04.2005 u/s 186-147-149 PPC PS Alpurai	Compounded on 02.05.2016
2.	Case FIR No. 32 dated 17.02.2007 u/s 447-427-34 PPC PS Alpurai	Acquitted on 25.11.2009
3.	Case FIR No. 237 dated 04.09.2009 u/s 341 PPC PS Alpurai	Acquitted on 11.12.2009
4.	FIR No. 88 dated 19.03.2014 u/s 506 PPC PS Alpurai	Compounded on 04.09.2014
5.	Case FIR No. 104 dated 10.04.2015 u/s 386-387-452-341 PPC PS Alpurai	Pending Court
6.	Case FIR No. 575 dated 30.12.2016 u/s 173 Mining ACT PS Alpurai	Discharged u/s 4CII, prosecution ACT on 27.03.2017

In the above charge sheet statement of constable Wali Muhammad was recorded in which he denied the allegations. He accepted the cases registered against him, however he taken the plea that in these cases he was exonerated by the court but being a member of disciplined force his plea is only lame excuse.

(C) **CHARGE SHEET NO. 08/E**

In this charge sheet constable Wali Muhammad is a charged accused along with Sarfaraz s/o Sahib Zada. Among them one Sarfaraz s/o Sahib Zada r/o Salanda Manglawar moved an application against him to the high ups and this application Constable Wali Muhammad was Charge Sheeted.

**ENQUIRY:-**

During enquiry the applicant Sarfaraz was called. Statements of Sarfaraz, his brother Umar Nawab, Shoukat Ali s/o Khurshaid Ali r/o Sar Sanai Kabal Swat (complainant of the case), Constable Wali Muhammad and Constable Muhammad Islam were recorded. During enquiry it was revealed that Muhammad Islam s/o Jehan Zada who is also the Police Constable and now posted in CTD Shangla is the cousin of applicant Sarfaraz. There are civil disputes between two

am who is the brother in law of Constable Wali Muhammad allegedly to Constable Wali Muhammad but the occupation is still in the hand of applicant Sarfaraz. The applicants stating that this case was registered with the instigation of Constable Wali Muhammad and he is using his official capacity for his personal interest. He further stated that Constable Wali Muhammad is still threatening him for dire consequences.

The service record of Constable Wali Muhammad was perused which shows that he appointed as constable in the year of 1996 but his record is full of red entries. The same Constable was dismissed from service vide District Police Officer, Shangla OB No.63 dated 09.05.2014 in such type of allegations but later on he was reinstated in service.

### FINDINGS

It is submitted that all the three enquiries in which the one is on the anonymous application submitted to the worthy IGP and the remaining 02 were charge sheeted by DPO Shangla is consolidated in one combine finding report which is below.

1. During enquiry of anonymous application it has been proved that Constable Wali Muhammad No. 391 during his 21 year service has been involved in various types of illegal activities. Affidavit of 1. Abdullah Shah s/o Muhammad Akram r/o Hayat Abad Lilownai 2. Muhammad Khan s/o nor Shah Ali 3. Muhabat Khan s/o Muhammad Khan r/o Faiz Abad Alpurai 4. Said Nazar s/o Shah Nazar r/o Alpurai 5. Gul Rahman s/o Biladar Khan r/o Bely Baba 6. Jan s/o Qahar Khan r/o Larai Alpurai 7. Subhani s/o Said Mahmood r/o larai Alpurai 8. Ikram Uddin s/o Hafiz Uddin r/o Alpurai 9 Sultan Muhammad s/o hazrat Hassan r/o Larai Alpurai 10 Seraj Uddin s/o Beroch r/o Larai Alpurai 11 Ameen s/o Naseer r/o Lalkhanay Alpurai 12 Inzar Gul s/o Ghulamay r/o Lalkhany Alpurai 13 Said Kamal s/o Malak r/o Larai Alpurai are crystal clear that he has been involved in earning money from the poor/innocent people in fraudulent and illegal means.
2. During enquiry it also reveals that he has been charged in 07 criminal cases and 11 forest cases and 01 case under mineral ACT which is astonishing that a man wearing Police uniform charged dozens of times in criminal cases but still he is a member of a disciplined force.
3. Enquiry revealed that during his service Constable Wali Muhammad was actually running smuggling of timbers due to which 11 forest cases have been registered against him apart from his chromites mines business through which he came from the position of poor constable to the millionaire.

In this regard Police rules 14-28 is very clear which says "that police officer shall not engage in trade". While in police rules 14-33 it says that "no police officer can do private business without the permission of Provincial Police chief".

4. Service record of Constable Wali Mohammad is full of complaints and enquiries and he was dismissed from service vide District Police Officer, Shangla OB No.63 dated 09.05.2014 duo to almost the same nature of allegations but later on he was reinstated in service.
5. Enquiry reveals that constable Wali Mohammad did not refrain from such activities after dismissal and reinstatement. FIR No. 405 dated 25.04.2017 u/s 419-420-468PPC PS Mingora is the clear example of continuation of his illegal and undisciplined activities.
6. Enquiry reveals that activities of constable Wali Mohammad become a black label on the name of Police Department and he did not refraining himself from such like activities of using his service for his own business purpose which bring a bad name on the image of the Police Department.

Keeping in view of the above facts it is recommended to award major punishment to constable Wali Mohammad No. 391.

EC  
To issue final show  
notice.

(Muhammad Khalid)  
Superintendent of Police  
Investigation Shangla

**DISCIPLINARY ACTION**

I **Rahat Ullah Khan (PSP)**, District Police Officer, Shangla as competent authority, is of the opinion that Constable **Wali Muhammad** while posted as **Police line** have rendered yourself liable to be proceeded against departmentally as you have committed the following acts/omission as defined in Rule-2 (iii) of Police Rules 1975.

**STATEMENT OF ALLEGATIONS**

That it has been reported against you that you while posted in **Police line Shangla** committed the following act/acts which is/are gross misconduct on your part as defined in Rule-2 (iii) of Police Rules 1975.

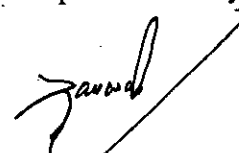
You Constable Wali Muhammad No.391 while posted at Police line Shangla involved in the following cases.

1. FIR No. 189 dated 24.10.2005 u/s 186/147/149 PPC Police Station Alpuri.
2. FIR No.32 dated 17.02.2007 u/s 447/427/34 PPC Police Station Alpuri.
3. FIR No. 237 dated 04.09.2009 u/s 341 PPC Police Station Alpuri.
4. FIR No. 88 dated 19.03.2014 u/s 506 PPC Police Station Alpuri.
5. FIR No. 104 dated 10.04.2015 386/387/419/420/352/506/341/148/149 PPC Police Station Alpuri.
6. FIR No. 575 dated 30.12.2016 u/s 54 ordinance 2016 Government of KP 173/2005 M.C.R Police Station Alpuri. All this amount the gross miss conduct on your part which rendering you liable to be produced against departmentally.

2. For the purpose of scrutinizing the conduct of said officer with reference to the above allegations, following officer have been appointed to conduct proper departmental enquiry.

i. **Mr. Muhammad Khalid Khan SP Investigation Shangla**

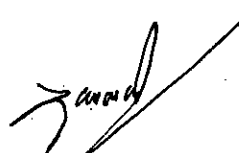
3. The Enquiry Officers shall conduct proceedings in accordance with the provision of Police Rules 1975 and shall provide reasonable opportunity of defence and hearing to the accused officer, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.
4. The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry Officer.

  
(Rahat Ullah Khan)  
PSP  
District Police Officer,  
Shangla

**OFFICE OF THE DISTRICT POLICE OFFICER, SHANGLA**

No. 3952-55 /E, Dated Alpuri the 15/06 /2017  
Copy of above is sent to:

1. Copy to Provincial Police Officer for information his office letter no 1098/PA/DIG/HQ dated 06.06.2017
2. The Enquiry Officers for initiating proceeding against the accused officer under Police Rules, 1975.
3. Concerned defaulter officer.

  
(Rahat Ullah Khan)  
PSP  
District Police Officer,

(CH)

NO. 9 /E,

Dated 15/08 /2017

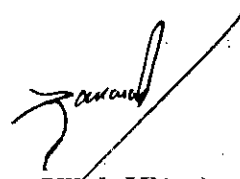
**CHARGE SHEET**

I **Rahat Ullah Khan (PSP)**, District Police Officer, Shangla as competent authority, hereby charge you Constable **Wali Muhammad** while posted as **Police line Shangla** as follow;-

You Constable Wali Muhammad No.391 while posted at Police line Shangla involved in the following cases.

1. FIR No. 189 dated 24.10.2005 u/s 186/147/149 PPC Police Station Alpuri.
2. FIR No.32 dated 17.02.2007 u/s 447/427/34 PPC Police Station Alpuri.
3. FIR No. 237 dated 04.09.2009 u/s 341 PPC Police Station Alpuri.
4. FIR No. 88 dated 19.03.2014 u/s 506 PPC Police Station Alpuri.
5. FIR No. 104 dated 10.04.2015 386/387/419/420/352/506/341/148/149 PPC Police Station Alpuri.
6. FIR No. 575 dated 30.12.2016 u/s 54 ordinance 2016 Government of KP 173/2005 M.C.R Police Station Alpuri. All this amount the gross miss conduct on your part which rendering you liable to be produced against departmentally.

1. By reasons of the above, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Disciplinary Rules, 1975.
2. You are; therefore, require to submit your written reply within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer.
3. Your written reply, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
4. Intimate as to whether you desire to be heard in person or not?
5. A statement of allegations is enclosed.

  
**(Rahat Ullah Khan)**  
PSP  
District Police Officer,  
Shangla



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**(PESHAWAR)**

Service Appeal No. 615/2018.

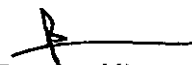
Ex Police Constable Wali Mohammad s/o Akhtar Biland r/o Hayat Abbad Lilownaj,  
District Shangla ..... (Appellant)

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through the Provincial Police Officer and  
Others ..... (Respondents)

**AFFIDAVIT**

I Raees Khan Inspector Legal Office of the District police officer  
Shangia do hereby solemnly affirm and state on oath that the whole contents of this  
service appeal are true and correct to the best of my knowledge and belief and nothing  
has been concealed from this Honorable Court.

  
Raees Khan  
Inspector Legal  
Shangla  
Ph#0996850015

**BEFORE THE PESHAWAR HIGH COURT DARUL QAZA SWAT**

**SERVICE APPEAL NO. 615/2018**

Ex Police Constable Wali Muhammad No.391 s/o Akhtar Biland r/o Hayat Abad Lilownai  
Teshal Alpuri District Shangla ..... (Appellant)

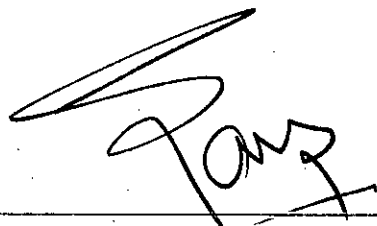
**VERSUS**

1. The District Police Officer, Shangla.
2. The provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
3. The Deputy Inspector General of Police, Malakand at Saidu Sharif Swat,.....(Respondents)

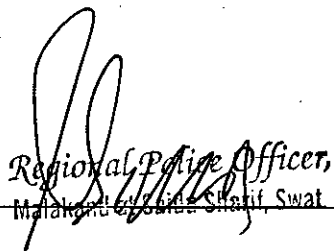
**AUTHORITY LETTER**

Mr. Raees Khan Inspector Legal District Shangla is hereby authorized to appear on behalf of the respondent below before the Honorable Court. He is authorized to submit all the required documents and replies etc to the Honorable Court.

**Provincial Police Officer  
Khyber Pakhtunkhwa Peshawar  
(Respondents No 02)**



**Regional Police Officer  
Malakand at Saidu Sharif, Swat  
(Respondents No 03)**



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

**District Police Officer  
Shangla  
(Respondents No 01)**



**District Police Officer,  
SHANGLA**

(copy)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL (PESHAWAR)**

Service Appeal No. 615/2018.

EX Police constable Wali Muhammad s/o Akhtar Biland r/o Hayat Abad Lilownai Tehsil  
Alpurai District Shangla ..... (Appellant)**VERSUS**

1. The Government of Khyber Pakhtunkhwa through secretary Home and Tribal affairs at Peshawar.
2. The Inspector General of police Khyber Pakhtunkhwa At Peshawar.
3. Additional Inspector General/ Establishment for Provincial Police officer Kpk.
4. Deputy Inspector General of Police/ Regional Police Officer Malakand at Saidu Sharif Swat.
5. District Police officer Shangla at Alpurai .....(Respondent).

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**DEPONENT**

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

**SERVICE APPEAL NO. 615/2018**

Ex Police Constable Mr. Wali Muhammad s/o Akhtar Biland r/o Hayat Abad Lilownai  
 Tehsil Alpuri Shangla Police District Shangla

VERSUS

Government of Khyber Pakhtunkhwa through the Provincial Police Officer & Other's

**Para-Wise Comments On Behalf Of Respondents**

Respectfully Sheweth:-

Para-wise comments/reply on behalf of respondents is furnished as under:-

1. Appellant has got no cause of action to file the present appeal.
2. Appeal of the appellant is badly time barred.
3. Appellant is precluded from filing the present appeal due to his own conduct.

**FACTUAL OBJECTIONS:**

1. Para No. 01 is correct.
2. Para No. 02 pertains to record. Needs no comments.
3. Para No. 03. also pertains to record. However, during that period, many complaints were received against the appellant.
4. Para No. 04 is incorrect. Appellant was terminated on the basis of factual crime committed by him. However, the reinstatement of appellant was ordered on the basis of presumption and was not justified in the law.
5. Para No. 05 is correct. The appellant was compulsorily retired from service on the basis of enquiry report conducted against him. Proper show cause notice and memo of allegations was issued. It was found that the allegations against the appellant were found proved, he was recommended for major punishment. The competent authority, keeping in view his long service ordered his compulsory retirement from service. Enquiry file containing 09 pages is enclosed for perusal. After that, the appellant signed his pension papers and received gratuity amount from the treasury and his service record has been closed.
6. Para No. 07 is incorrect. Law did not provided any second appeal, therefore, the present appeal is apparently time barred and strait away required to be dismissed.


**GROUNDS:**

- I. Ground No. I is incorrect. The impugned order in accordance with law and rules on the subject.
- II. Ground No. II is also incorrect. It was conduct of the appellant that FIRs were lodged against him in the local police station. Other police officials are also remained part of District Security Branch, but no complaint whatsoever has been received against them so far.
- III. Ground No. III is correct to the extent of cases. However on the face of it, it is clear that the appellant is habitual criminal therefore, was a permanent stigma on the face of police force. Therefore, he was compulsory retired from service in the public interest.


- IV. Ground No. IV is incorrect.
- V. Ground No. V is also incorrect. Some cases are still pending trial in the competent court of law.
- VI. Ground No. VI is also incorrect. All these cases have been included in the inquiry report to show conduct of the appellant to all concerned.
- VII. Ground No. VII is also incorrect. All these cases shows conduct of the appellant.
- VIII. Ground No. VIII is also incorrect. All the complaints were included in the charge sheet memo of allegations and final show cause notice and proper statement of all the aggrieved persons were recorded in the inquiry proceedings.
- IX. Ground No. IX is also incorrect. It is excuse and taken by the appellant as a shelter to cover the illegal activities of the appellant under the protection of police force.
- X. Ground No. X is also incorrect. The appellant has done nothing and no efficiency has been proved by the appellant instead of harassing innocent people for his ulterior motives.
- XI. Ground No. XII is incorrect. Before passing the impugned order, final show cause notice was served on the appellant and was heard in orderly room by the competent authority.
- XII. Ground No. XIII is incorrect. Proper charge sheet, memo of allegations and show cause notice was issued to the appellant and proper enquiry was conducted by the SP Investigation Shangla.

It is, therefore, humbly prayed that the appeal being badly time-barred may very kindly be dismissed with cost.

**Respondents,**

  
Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar

  
Regional Police Officer,  
Deputy Inspector General of Police,  
Malakand at Saidu Sharif, Swat.

  
District Police Officer,  
Shangla  
District Police Officer,  
SHANGLA



OFFICE OF THE  
REGIONAL POLICE OFFICER, MALAKAND

AT SAIDU SHARIF SWAT.

Ph: 0946-9240381-83 & Fax No. 0946-9240390

Email: digmalakand@yahoo.com

ORDER:

This order will dispose off application of Ex- Constable Wali Muhammad No. 391 of Shangla District for reinstatement in service.

Brief facts of the case are that Ex- Constable Wali Muhammad No. 391 of Shangla District involved in the following Seven (07) Criminal cases:-

S#	Case FIR No. u/s dated and Police Station
1.	FIR No. 189 dated, 24/04/2005 u/s 186/147/149-PPC PS Alpuri
2.	FIR No. 32 dated, 17/02/2007 u/s 447/427/34-PPC PS Alpuri
3.	FIR No. 237 dated, 04/09/2009 u/s 341-PPC PS Alpuri
4.	FIR No. 88 dated, 19/03/2014 u/s 506-PPC PS Alpuri
5.	FIR No. 104 dated, 10/04/2015 u/s 386/387/452/341-PPC PS Alpuri
6.	FIR No. 575 dated, 30/12/2016 u/s 173-Mining Act PS Alpuri
7.	FIR No. 405 dated, 25/04/2017 u/s 419/420/468-PPC PS Mingora

Mr. Khalid Khan SP/ Investigation Shangla was appointed as enquiry officer to conduct proper departmental enquiry proceeding against the defaulter Constable. The enquiry officer in his finding report recommended the defaulter Constable for major punishment. On perusal of enquiry the District Police Officer, Shangla reached to the consequence that the delinquent official is a smudge on the name of Police Department and he did not refraining himself from such like activities of using his service for his own business purpose which bring a bad name on the image of Police Department. Hence, the District Police Officer, Shangla awarded him major punishment and compulsory retired him from service vide his office Order Endst No. 5417-18/E, dated 18/08/2017.

He was also called in Orderly Room on 11/01/2018 and heard him in person. The enquiry papers was thoroughly perused and found that Ex-Constable Wali Muhammad No. 391 is involved in the seven (7) cases mentioned above. The applicant could not produce any cogent reason in his defense. His appeal is hereby ~~dismissed~~ filed

Order announced.

(AKHTAR HAYAT KHAN)  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat  
\*\*Naqi\*\*

No. 871-72 /E,

Dated 22-01-2018.

Copy to District Police Officer, Shangla for information and necessary action with reference to his office Memo: No. 6480/E, dated 12/10/2017. Completer Enquiry file is returned herewith for record in your office.

Encls: Enquiry file  
(2) D.P.O. Korak.  
\*\*\*\*\*

Reviewed  
1/2/18

19/01  
01-02-18

(B)



**ORDER**

A Source Report/SMS Complaint against Constable Wali Muhammad No. 391 of this District Police now at Karak District was reported to the Undersigned vide Provincial Police Officer, Khyber Pakhtunkhwa Peshawar Memo: No. 1098/PA/DIG/HQ dated 06.06.2017, No. 7416/E-IV, dated 15.06.2017 and complaint No. 1428/C-Cell dated 20.04.2017.

He was suspended vide this Office OB No. 80 dated 08.06.2017 and proceeded against him Departmentally to served with Charge Sheets and Summary of allegations vide this Office No. 08/E, dated 15.06.2017 and No. 09/E, dated 15.06.2017 respectively on the involvement of the following cases:-

S#	Case FIR No. u/s, date and PS
01	Case FIR No. 189 dated 24.04.2005 u/s 186/147/149 PPC PS Alpuri
02	Case FIR No. 32 dated 17.02.2007 u/s 447/427/34 PPC PS Alpuri
03	Case FIR No. 237 dated 04.09.2009 u/s 341PPC PS Alpuri
04	Case FIR No. 88 dated 19.03.2014 u/s 506 PPC PS Alpuri
05	Case FIR No. 104 dated 10.04.2015 u/s 386/387/452/341 PPC PS Alpuri
06	Case FIR No. 575 dated 30.12.2016 u/s 173 Mining Act PS Alpuri
07	Case FIR No. 405 dated 25.04.2017 u/s 419/420/468.PPC PS Mingora

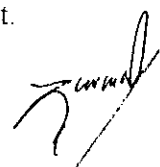
Mr. Khalid Khan SP Investigation was appointed as Enquiry Officer to conduct proper departmental enquiry, the Enquiry Officer in his finding recommended the defaulter Constable for Major Punishment.

A Final Show Cause Notices have been served. He was also called in for Orderly Room on 17.08.2017 for personal hearing but he could not submit plus able ground for self defense.

On the perusal of enquiry, I the undersigned reach to the consequence that the delinquent Official is a smudge on the name of Police Department and he did not refraining himself from such like activities of using his Service for his own business purpose which bring a bad name on the image of the Police Department.

Therefore, I Mr. Rahat Ullah Khan District Police Officer, Shangla exercising the Power vested in me under the Police Rules -1975 Para -4 awarded him a Major punishment i.e. Compulsory Retired from Service with immediate effect.

Order announced.

  
 (Rahat Ullah Khan)  
 District Police Officer,  
 Shangla

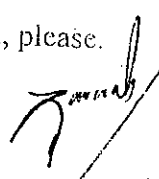
OB No. 116

Dated 18/08 2017

No. 56117-A/E, dated Alpuri the, 18/08 2017.

Copy submitted to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar for favour of information w/r to his Office quoted above, please.
2. The District Police Officer, Karak for further +necessary action, please.

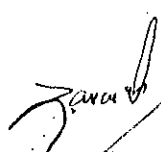
  
 (Rahat Ullah Khan)  
 District Police Officer,  
 Shangla

**FINAL SHOW CAUSE NOTICE**

- 1) I **Rahat Ullah Khan** District Police Officer, Shangla being a competent authority under the Police Disciplinary Rules 1975 do hereby serve you Constable **Wale Muhammad No.391** follows:-
- 2)
- i. The consequent upon the completion of inquiry conducted against you by the Enquiry Officer, for which you have given opportunity of hearing vide this office No.08 dated 15.06.2017.
  - ii. On going through the findings and recommendations of the Enquiry Officer, the material so produced on record and other connected papers including your defense before the enquiry officer, during the proceedings.

I am satisfied that you have committed the following acts/omission specified in Section-3 of the said Ordinance:-

- i. **You Constable Wali Muhammad No.391 while posted at Police Line Shangla according to SMS Complaint / Source report to worthy Inspector General Khyber Pakhtunkhwa Peshawar against you involved in case FIR No.405 dated 25.04.2017 u/s 419/420/406 PPC Police Station Mingora. Your this act gross misconduct / negligence on your part which rendering you liable to be proceeded against departmentally**
- 3) As a result thereof, I as competent authority have tentatively decided to impose upon you the penalty of Minor/Major Punishment as deemed appropriate under the prescribe rule as may be.
- 4) You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.
- 5) If no reply to this notice is received within seven (7) days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense and that case a ex-partee shall be taken against you.
- 6) The copy of the finding of the Enquiry Officer is also enclosed in original.

  
District Police Officer,  
Shangla

NO 08 /E,

Dated 10/8 /2017





Phone #: 0996850706  
Fax #: 0996850017  
E-mail: [spinvshangla@gmail.com](mailto:spinvshangla@gmail.com)

**OFFICE OF THE SUPERINTENDENT OF POLICE INVESTIGATION SHANGLA**

**ENQUIRY REPORT**

- (A) Reference to the charge sheet No. 08/E dated 15.06.2017 issued from the office of District Police Office Shangla against constable Wali Muhammad No. 391.
- (B) Charge Sheet No. 09/E dated 15.06.2017 issued from the office of District Police Officer Shangla.
- (C) Complaint letter No. 1428/C-Cell, dated 25.04.017 issued from the office of Inspector General of Police, Khyber Pakhtunkhwa Peshawar, along with application against Constable Wali Muhammad No. 391.

All the above three enquiries were marked to the undersigned and enquiry was carried out. Almost majority of the allegations leveled against constable Wali Muhammad No. 391 are of the same nature, however, some of the allegations are different. As three of the enquiries are required to be finalized within stipulated time, therefore the enquiry report is consolidated in one report.

**ENQUIRY:-**

**(A) UNKNOWN DIARY:-**

This was an unknown application received through complaint cell in which the following allegations were leveled against constable Wali Muhammad No. 391.

- (i) He illegally occupied all moveable and immovable property of his father.
- (ii) He is allegedly smuggling timbers.
- (iii) He has an illegal business of chromites.
- (iv) Different people submitted affidavits against him. Different affidavits/press clipping were attached with the unknown letter.

All the affidavits and the allegations were perused and in the light of it, the enquiry was started. During enquiry regarding the first allegation, the father of Constable Wali Muhammad was called and his statement was recorded. In his statement he denied the allegation against his son Wali Muhammad and said that relations of father and son are cordial. Regarding the allegation of illegal Timber smuggling, statement of Israr PFB Alpuri is attached. Which reveals that from 22.07.2007 to 18.04.2012, total 11 cases have been registered against Constable Wali Muhammad which are sub-judice. Regarding the allegation of illegal business of chromites, statement of Muhammad Iqbal Royalty Sub Inspector Mineral Swat was recorder, which reveals that on his written Murasila a case FIR No. 575 dated 30.12.2016 u/s 54 Ordinance 2016- 173 MCR 2005 has been registered against him.

As already mentioned in the unknown application, the attached affidavits were perused one by one. All the related people were called and their statements were recorded. Among them Muhammad Khan s/o Noor Shali and Muhabat Khan s/o Muhammad Khan in their statements stated that Wali Muhammad is taking illegal advantage of his belt service and has a group of ill minded people and all the villagers are affected from him. They presented various documents against him in which various civil and criminal cases against them and Constable Wali Muhammad are sub-judice in various courts.

(203)

Mr. Ameen s/o Naseer r/o lalkhany Alpurai, whose affidavit is available stated in his statement that constable Wali Muhammad has taken Rs 10000/- from him to appoint his son Farman Ali in hospital but it was fraud, neither his money was repaid nor his son was appointed.

Mr. Subhani s/o Said Mahmood r/o Larai Alpurai stated in his statement that constable Wali Muhammad had taken Rs 20000/- but he has not paid the same money to him.

One Inzar Gul s/o Ghulamay r/o Lalkhany Alpurai has stated in his statement that constable Wali Muhammad has bought his Buffalo on Rs 25000/- but he was not paid for the same.

One Sirajuddin s/o Beroch r/o Larai Alpurai has stated in his statement that constable Wali Muhammad has taken Rs 10000/- from him to appoint his son as SPO but it all was fraud. Constable Wali Muhammad in his statement denied the allegations and stated that all his business is legal and according to law but his defense against the allegations was not so convincing.

(B) **CHARGE SHEET NO. 09/E**

During the enquiry in the above charge sheet it was found that below mentioned criminal cases registered against constable Wali Muhammad and their fresh position in the concerned courts are as below:-

S. No.	Case FIR No., u/s, date, and PS	Fresh position
1.	Case FIR No. 189 dated 24.04.2005 u/s 186-147-149 PPC PS Alpurai	Compounded on 02.05.2016
2.	Case FIR No. 32 dated 17.02.2007 u/s 447-427-34 PPC PS Alpurai	Acquitted on 25.11.2009
3.	Case FIR No. 237 dated 04.09.2009 u/s 341 PPC PS Alpurai	Acquitted on 11.12.2009
4.	FIR No. 88 dated 19.03.2014 u/s 506 PPC PS Alpurai	Compounded on 04.09.2014
5.	Case FIR No. 104 dated 10.04.2015 u/s 386-387-452-341 PPC PS Alpurai	Pending Court
6.	Case FIR No. 575 dated 30.12.2016 u/s 173 Mining ACT PS Alpurai	Discharged u/s 4CII, prosecution ACT on 27.03.2017

In the above charge sheet statement of constable Wali Muhammad was recorded in which he denied the allegations. He accepted the cases registered against him, however he taken the plea that in these cases he was exonerated by the court but being a member of disciplined force his plea is only lame excuse.

(C) **CHARGE SHEET NO. 08/E**

In this charge sheet constable Wali Muhammad is a charged accused along with Sarfaraz s/o Sahib Zada. Among them one Sarfaraz s/o Sahib Zada r/o Salanda Manglawar moved an application against him to the high ups and this application Constable Wali Muhammad was Charge Sheeted.

**ENQUIRY:-**

During enquiry the applicant Sarfaraz was called. Statements of Sarfaraz, his brother Umar Nawab, Shoukat Ali s/o Khurshaid Ali r/o Sar Sanai Kabal Swat (complainant of the case), Constable Wali Muhammad and Constable Muhammad Islam were recorded. During enquiry it was revealed that Muhammad Islam s/o Jehan Zada who is also the Police Constable and now posted in CTD Shangla is the cousin of applicant Sarfaraz. There are civil disputes between two

(CP) 02

am who is the brother in law of Constable Wali Muhammad allegedly to Constable Wali Muhammad but the occupation is still in the hand of applicant Sarfaraz. The applicants stating that this case was registered with the instigation of Constable Wali Muhammad and he is using his official capacity for his personal interest. He further stated that Constable Wali Muhammad is still threatening him for dire consequences.

The service record of Constable Wali Muhammad was perused which shows that he appointed as constable in the year of 1996 but his record is full of red entries. The same Constable was dismissed from service vide District Police Officer, Shangla OB No.63 dated 09.05.2014 in such type of allegations but later on he was reinstated in service.

### FINDINGS

It is submitted that all the three enquiries in which the one is on the anonymous application submitted to the worthy IGP and the remaining 02 were charge sheeted by DPO Shangla is consolidated in one combine finding report which is below.

1. During enquiry of anonymous application it has been proved that Constable Wali Muhammad No. 391 during his 21 year service has been involved in various types of illegal activities. Affidavit of 1. Abdullah Shah s/o Muhammad Akram r/o Hayat Abad Lilownai 2. Muhammad Khan s/o nor Shah Ali 3. Muhabat Khan s/o Muhammad Khan r/o Faiz Abad Alpurai 4. Said Nazar s/o Shah Nazar r/o Alpurai 5. Gul Rahman s/o Biladar Khan r/o Bely Baba 6. Jan s/o Qahar Khan r/o Larai Alpurai 7. Subhani s/o Said Mahmood r/o larai Alpurai 8. Ikram Uddin s/o Hafiz Uddin r/o Alpurai 9 Sultan Muhammad s/o hazrat Hassan r/o Larai Alpurai 10 Seraj Uddin s/o Beroch r/o Larai Alpurai 11 Ameen s/o Naseer r/o Lalkhanay Alpurai 12 Inzar Gul s/o Ghulamay r/o Lalkhany Alpurai 13 Said Kamal s/o Malak r/o Larai Alpurai are crystal clear that he has been involved in earning money from the poor/innocent people in fraudulent and illegal means.
2. During enquiry it also reveals that he has been charged in 07 criminal cases and 11 forest cases and 01 case under mineral ACT which is astonishing that a man wearing Police uniform charged dozens of times in criminal cases but still he is a member of a disciplined force.
3. Enquiry revealed that during his service Constable Wali Muhammad was actually running smuggling of timbers due to which 11 forest cases have been registered against him apart from his chromites mines business through which he came from the position of poor constable to the millionaire.

In this regard Police rules 14-28 is very clear which says "that police officer shall not engage in trade". While in police rules 14-33 it says that "no police officer can do private business without the permission of Provincial Police chief".

4. Service record of Constable Wali Mohammad is full of complaints and enquiries and he was dismissed from service vide District Police Officer, Shangla OB No.63 dated 09.05.2014 duo to almost the same nature of allegations but later on he was reinstated in service.
5. Enquiry reveals that constable Wali Mohammad did not refrain from such activities after dismissal and reinstatement. FIR No. 405 dated 25.04.2017 u/s 419-420-468PPC PS Mingora is the clear example of continuation of his illegal and undisciplined activities.
6. Enquiry reveals that activities of constable Wali Mohammad become a black label on the name of Police Department and he did not refraining himself from such like activities of using his service for his own business purpose which bring a bad name on the image of the Police Department.

Keeping in view of the above facts it is recommended to award major punishment to constable Wali Mohammad No. 391.

EC  
To issue final show  
notice.

(Muhammad Khalid)  
Superintendent of Police  
Investigation Shangla



## DISCIPLINARY ACTION

I **Rahat Ullah Khan (PSP)**, District Police Officer, Shangla as competent authority, is of the opinion that Constable **Wali Muhammad** while posted as **Police line** have rendered yourself liable to be proceeded against departmentally as you have committed the following acts/omission as defined in Rule-2 (iii) of Police Rules 1975.

### STATEMENT OF ALLEGATIONS

That it has been reported against you that you while posted in **Police line Shangla** committed the following act/acts which is/are gross misconduct on your part as defined in Rule-2 (iii) of Police Rules 1975.

You Constable Wali Muhammad No.391 while posted at Police line Shangla involved in the following cases.

1. FIR No. 189 dated 24.10.2005 u/s 186/147/149 PPC Police Station Alpuri.

2. FIR No.32 dated 17.02.2007 u/s 447/427/34 PPC Police Station Alpuri.

3. FIR No. 237 dated 04.09.2009 u/s 341 PPC Police Station Alpuri.

4. FIR No. 88 dated 19.03.2014 u/s 506 PPC Police Station Alpuri.

5. FIR No. 104 dated 10.04.2015 386/387/419/420/352/506/341/148/149 PPC Police Station Alpuri.

6. FIR No. 575 dated 30.12.2016 u/s 54 ordinance 2016 Government of KP 173/2005

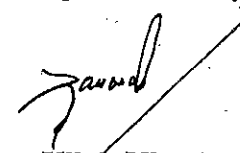
M.C.R Police Station Alpuri. All this amount the gross miss conduct on your part which rendering you liable to be produced against departmentally.

2. For the purpose of scrutinizing the conduct of said officer with reference to the above allegations, following officer have been appointed to conduct proper departmental enquiry.

i. **Mr. Muhammad Khalid Khan SP Investigation Shangla**

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

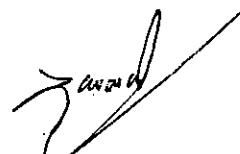
4. The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry Officer.

  
(Rahat Ullah Khan)  
PSP  
District Police Officer,  
Shangla

### OFFICE OF THE DISTRICT POLICE OFFICER, SHANGLA

No. 3952-55 /E, Dated Alpuri the 15/06 /2017  
Copy of above is sent to:

1. Copy to Provincial Police Officer for information his office letter no 1098/PA/DIG/HQ dated 06.06.2017
2. The Enquiry Officers for initiating proceeding against the accused officer under Police Rules, 1975.
3. Concerned defaulter officer.

  
(Rahat Ullah Khan)  
PSP  
District Police Officer,

(A/D)

NO. 9 /E,

Dated 15/09 /2017

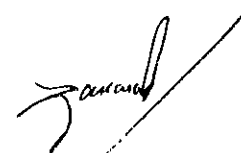
**CHARGE SHEET**

I **Rahat Ullah Khan (PSP)**, District Police Officer, Shangla as competent authority, hereby charge you Constable **Wali Muhammad** while posted as **Police line Shangla** as follow;-

You Constable Wali Muhammad No.391 while posted at Police line Shangla involved in the following cases.

1. FIR No. 189 dated 24.10.2005 u/s 186/147/149 PPC Police Station Alpuri.
2. FIR No.32 dated 17.02.2007 u/s 447/427/34 PPC Police Station Alpuri.
3. FIR.No. 237 dated 04.09.2009 u/s 341 PPC Police Station Alpuri.
4. FIR No. 88 dated 19.03.2014 u/s 506 PPC Police Station Alpuri.
5. FIR No. 104 dated 10.04.2015 386/387/419/420/352/506/341/148/149 PPC Police Station Alpuri.
6. FIR No. 575 dated 30.12.2016 u/s 54 ordinance 2016 Government of KP 173/2005 M.C.R Police Station Alpuri. All this amount the gross miss conduct on your part which rendering you liable to be produced against departmentally.

1. By reasons of the above, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Disciplinary Rules, 1975.
2. You are; therefore, require to submit your written reply within **07** days of the receipt of this Charge Sheet to the Enquiry Officer.
3. Your written reply, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
4. Intimate as to whether you desire to be heard in person or not?
5. A statement of allegations is enclosed.

  
(Rahat Ullah Khan)  
PSP  
District Police Officer,  
Shangla

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**(PESHAWAR)**

Service Appeal No. 615/2018.

Ex Police Constable Wali Mohammad s/o Akhtar Biland r/o Hayat Abbad Lilownai,  
District Shangla ..... (Appellant)

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through the Provincial Police Officer and  
Others .....(Respondents)

**AFFIDAVIT**

I Raees Khan Inspector Legal Office of the District police officer  
Shangla do hereby solemnly affirm and state on oath that the whole contents of this  
service appeal are true and correct to the best of my knowledge and belief and nothing  
has been concealed from this Honorable Court.

  
Raees Khan  
Inspector Legal  
Shangla  
Ph#0996850015

**BEFORE THE PESHAWAR HIGH COURT DARUL OAZA SWAT**

**SERVICE APPEAL NO. 615/2018**

Ex Police Constable. Wali Muhammad No.391 s/o Akhtar Biland r/o Hayat Abad Lilownai  
Teshal Alpuri District Shangla ..... (Appellant)

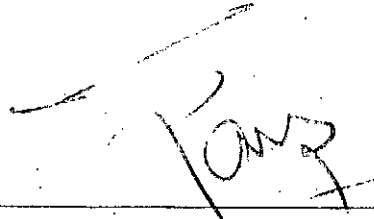
**VERSUS**

1. The District Police Officer, Shangla.
2. The provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
3. The Deputy Inspector General of Police, Malakand at Saidu Sharif Swat,.....(Respondents)

**AUTHORITY LETTER**

Mr. Raees Khan Inspector Legal District Shangla is hereby authorized to appear on behalf of the respondent below before the Honorable Court. He is authorized to submit all the required documents and replies etc to the Honorable Court.

Provincial Police Officer  
Khyber Pakhtunkhwa Peshawar  
(Respondents No 02)



Regional Police Officer  
Malakand at Saidu Sharif, Swat  
(Respondents No 03)

Regional Police Officer,  
Malakand at Saidu Sharif, Swat

District Police Officer  
Shangla  
(Respondents No 01)



District Police Officer,  
SHANGLA

محضور عدیدہ جناب سروریں ٹی بی سونل کمیٹی کورٹ سوانہ

جناب عالی  
میں سائیل عرفین زیل ہے۔

(1) یہ کہ سروریں اپیل نمبر 615 سال 2018، ولی محمد بناح  
حکومت (پولیس ڈیپارٹمنٹ) عدالت خداحید زیر سماعت ہے  
(2) یہ کہ اپیل خداحید آج فرم 07/09 کو تاریخ پستی ہوگی  
(3) یہ کہ میں اپیلانٹ کا وکیل صاحب سنا اور باہمی کورٹ عدالت  
اور آج تاریخ پستی پستی ہوئے کام ہے

لہذا استدعا ہے اپیل خداحید آئندہ کمیٹی کورٹ  
میں تاریخ پستی فرم کی جائے مہربانی ہوگی۔ سائیل سنا اور خداحید

الف ضلع - فرم 07/09

ولی محمد خداحید بلدیہ سوانہ حیات آباد سونہی ضلع سوانہ

0348-9857235 # 0103



①

No. 1685/18 order dated 04-05-2018

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

Amended Service Appeal No. \_\_\_\_\_ of 2019

Wali Muhammad S/o Akhtar Billand R/o Hayatabad, Lelawnai, Tehsil  
Alpurai, District Shangla. ... Appellant

**VERSUS**

1. Government of Khyber Pakhtunkwa through Secretary Home and Tribal Affairs at Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa at Peshawar.
3. Additional Inspector General / Establishment for Provincial Police Officer, Khyber Pakhtunkhwa at Peshawar.
4. Deputy Inspector General of Police / Regional Police Officer, Malakand at Saidu Sharif, District Swat.
5. District Police Officer, Shangla at Alpurai.

... Respondents

Amended Service Appeal Under Section 4 of Service Tribunal Act, 1974, against order No. 1685/18 dated 04-05-2018, passed by respondent No. 2 in revision petition against order No. 871-72/E dated 22-01-2018 passed by respondent No. 4 in appeal against order No. 5417-18/E dated Alpurai, 18-08-2017 of respondent No. 5, vide which appellant has been retired compulsory and also against order dated 15-06-2017, vide which the appellant has been transferred to District Karak.

**Prayer:**

On acceptance of this appeal, order No. 1685/18 dated 04-05-2018 of respondent No. 2, order No. 871-72/E dated 22-01-2018 of respondent No. 4 and order No. 5417-

2

18/E dated Alpurai, 18-08-2017 of respondent No. 5, may please be declared illegal, void and hence be set aside / cancelled and appellant may please be reinstated / restored from the date of compulsory retirement i.e. 18-08-2017 with all back benefits at District Shangla, against the post of Constable, moreover, the transfer order dated 15-06-2017, may also be declared null & void and set aside.

Any other relief not specifically prayed but this august court deems proper may also be granted.

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Respectfully Sheweth:

1. That appellant was appointed as constable in Provincial Police of Khyber Pakhtunkhwa on 14-07-1996 in District Shangla.
2. That for about 14/15 years, the appellant served at District Scrutiny Branch i.e. providing secret information about criminals / militants.
3. That during the era of militancy in the region, specially District Shangla, the appellant performed his duty regularly.
4. That earlier a false FIR No. 88 dated 19-03-2014 Police Station Alpurai was lodged against appellant and on the basis of the said FIR the appellant was terminated from service vide order No. 2267-68 dated 09-05-2014, however in appeal against the said order the appellant was reinstated vide order dated 12-08-2015 (Copies are attached as annexure A & B).
5. That vide order No. 5417-18/E dated Alpurai, 18-08-2017, the appellant was compulsory retired, appeal against the said order was filed, which was dismissed vide order No. 871-72/E dated 22-01-2018 (Copies are attached as annexure C & D).
6. That again an appeal / revision as per departmental law was filed on 15-02-2018 before respondent No. 2 vide registry No. 68

3

dated 15-02-2018, which was dismissed vide order No. 1685/18 dated 04-05-2018, during pendency of the captioned appeal, thus, was impugned through the instant amended appeal with the permission of this Hon'ble court (Copies of memorandum of appeal and order dated 04-05-2018 are attached as annexure E & F).

7. That the impugned orders dated 04-05-2018, 18-08-2017, 22-01-2018 and 15-06-2017 of respondents Nos. 2, 5, 4 & 3, respectively, are liable to be set aside inter alia on the following grounds.

**Grounds:**

- i. That the impugned orders are illegal and unlawful.
- ii. That appellant has served at District Scrutiny Branch of Provincial Police for so many years and due to the nature of duty i.e. providing intelligence information against militants / criminals, false cases have been registered against appellant.
- iii. That details of the cases, which have been made base for compulsory retirement against appellant are as under;
  - a. FIR No. 189, dated 24-10-2005, U/s 186, 147, 149 PPC, P/S Alpurai, the appellant has been acquitted U/s 249-A Cr.PC vide order dated 02-05-2006.
  - b. FIR No. 32, dated 17-02-2007, U/s 447, 427/34 PPC, P/S Alpurai, the appellant has been acquitted on 25-11-2009 U/s 249-A.

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- c. FIR No. 237, dated: 24-08-2009, U/s 341, P/S Alpurai, the appellant has been acquitted on 11-12-2009 U/s 249-A.
- d. FIR No. 88, dated 19-03-2014, U/s 506 PPC, P/S Alpurai, the appellant been acquitted vide order dated 04-09-2014.
- e. FIR No. 104, dated 10-04-2015, U/s 386-387,419,420,352,506,341,149, P/S Alpurai, the appellant has been acquitted on 22-07-2017 U/s 265-K Cr.PC.
- f. FIR No. 575, dated 28-12-2016, U/s 54 Ordinance 2016, P/S Alpurai, the appellant has been acquitted vide order dated 27-03-2017.
- g. FIR No. 405, U/s 419,420,406,34 PPC, P/S Mingora Swat, the District Public Prosecutor has filed application for the discharge of appellant from the said case.

(Copies are attached as annexure G).

- iv. That all the cases made base for compulsory retirement are false.
- v. That appellant has been acquitted in the said cases.
- vi. That majority of the said cases have been decided years back but have illegally made ground for compulsory retirement of appellant.
- vii. That amongst the said cases one of the case i.e. FIR No. 88 dated 19-03-2014, was made ground for dismissal of appellant in 2014 (09-05-2014) and in appeal, the appellant was reinstated vide order dated 12-08-2015 but the same FIR has been made again a ground for compulsory retirement by respondents.

5

- viii. That the alleged complaints i.e. 1098/PA/DIG/HQ dated 06-06-2017, No. 7416/E-IV dated 15-06-2017 and complaint No. 1428/C-Cell dated 20-04-2017 are false, base on illegal political motivation, moreover non of the said complaint / complainant was shown to the appellant, nor appeared before the respondents against the appellant.
- ix. That due to nature of duty already performed by the appellant, the appellant always remain under threat from militants and this fact was realized by the SSP Shangla (Copy is attached as annexure H).
- x. That earlier during pendency of appeal before respondent No. 4, respondent No. 3 has admitted the efficiency and dutifulness of the appellant during the era of militancy (Copy is attached as annexure I).
- xi. That no opportunity of hearing has been provided to the appellant before passing the impugned orders.
- xii. That no charge sheet was given to the appellant before passing the impugned orders.
- xiii. That any other ground not specifically raised here, will be argued during the course of arguments, with prior permission.

It is therefore, very humbly prayed that, on acceptance of this appeal, order No. 1685/18 dated 04-05-2018 of respondent No. 2, order No. 871-72/E dated 22-01-2018 of respondent No. 4 and order No. 5417-18/E dated Alpurai, 18-08-2017 of respondent No. 5, may please be declared illegal, void and hence be set aside / cancelled and appellant may please be

6

reinstated / restored from the date of compulsory retirement i.e. 18-08-2017 with all back benefits at District Shangla, against the post of Constable, moreover, the transfer order dated 15-06-2017, may also be declared null & void and set aside.

Any other relief not specifically prayed but this august court deems proper may also be granted.

Appellant  
Through Counsel



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Asghar Ali  
Advocate High Court

7

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

Amended Service Appeal No. \_\_\_\_\_ of 2019.

Wali Muhammad.

... Appellant

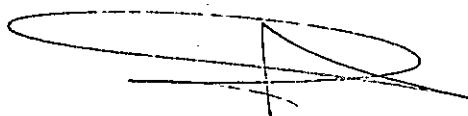
**VERSUS**

Govt: of KP and others.

... Respondents

**Certificate:**

It is hereby certified, as per instruction of my client, the captioned service appeal was pending before this Hon'ble court, however, during pendency of the captioned appeal, another order has been passed by respondent No. 2, which from the appellant is aggrieved as well, thus, the instant amended appeal is filing today in this Hon'ble court.



Asghar Ali  
Advocate High Court

8

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

Amended Service Appeal No. \_\_\_\_\_ of 2019

Wali Muhammad.

... Appellant

**VERSUS**

Govt: of KP and others.

... Respondents

Affidavit

I, Wali Muhammad S/o Akhtar Biland R/o Hayatabad, Lelawnai, Tehsil Alpurai, District Shangla, do hereby solemnly affirm and declare on oath, that all the contents of the accompany amended appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed or withheld from this Hon'ble court.

Deponent: \_\_\_\_\_

Wali Muhammad  
(Appellant in Person)





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

Amended Service Appeal No. \_\_\_\_\_ of 2019.

Wali Muhammad.

... Appellant

**VERSUS**

Govt. of KP and others.

... Respondents

**Memo of Addresses**

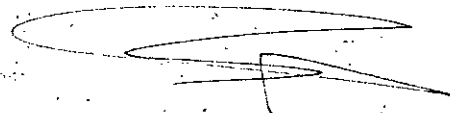
**Address of Appellant:**

Wali Muhammad S/o Akhtar Biland R/o Hayatabad, Lelawnai, Tehsil  
Alpurai, District Shangla.  
CNIC No. 15501-9717232-9  
Cell No. 0348-9857235

**Addresses of Respondents:**

1. Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs at Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa at Peshawar.
3. Additional Inspector General / Establishment for Provincial Police Officer, Khyber Pakhtunkhwa at Peshawar.
4. Deputy Inspector General of Police / Regional Police Officer, Malakand at Saidu Sharif, District Swat.
5. District Police Officer, Shangla at Alpurai.

**Counsel for Appellant**



Asghar Ali  
Advocate High Court



1221/E  
 08-5-18  
 No. 1685

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

10

18, dated Peshawar the 04/05/2018.

To : The Regional Police Officer,  
 Malakand Region, Swat.

Subject: APPEAL (EX-FC WALI MUHAMMAD NO. 53)

Memo :

Ex-FC Wali Muhammad No. 53 of District Police Shangla had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for reinstatement into service. His appeal was processed / examined at Central Police Office, Peshawar and filed by the competent authority being time barred for about 03 years.

The applicant may please be informed accordingly.

*(Signature)*  
 (SYED ZIA ALI SHAH),  
 Registrar,  
 For Inspector General of Police,  
 Khyber Pakhtunkhwa, Peshawar.

45

No 4154 IE  
 dt 08-05-18  
 EC/DPO Shangla

*For information the applicant may be informed accordingly please*

*(Signature)*  
 Officer Supdt:  
 For Regional Police Office,  
 Malakand, at Saidu Sharif Swat

To

**The Honourable <sup>Dy.</sup> Divisional Inspector of Police  
Malaknad range**

**SUBJECT: Departmental appeal under the service Tribunal Act  
1974 AGAINST THE ORDER NO OB No 116 dated 18/8/2012  
passed by DPO Shangla**

**Prayer: The Impugned Order may please be set aside and  
reinstate the appellant on his service from the date of  
compulsorily retirement.**

Respected Sir,

I have the honour to submit my appeal with the  
request that impugned order is purely victimization, illegal, unlawful,  
unauthorised, ultra vire, void ab initio, against equities, justice and  
unwarranted on the following grounds amongst others.

- 1. That the appellant is serving in police department as police  
constable since 14/7/1996 with offering his blood and soul.**
- 2. That during the Taliban aggression/militancy the appellant protected  
major ammunition of police department Shangla worth of million  
rupees in lieu of his life. Resultantly, Taliban threatened the appellant  
and his family. It is evident from the Naqalmad dated 30/3/2015  
The DPO Shangla categorically recorded threat of the appellant vide  
OB No 116 dated 20/7/2012, this remarks was only recorded to the  
appellant amongst more than 3000 police personnel's. All the public  
of the area noted these facts. Copies of the Naqalmad are attached as  
annexure " A" while copy of the DPO remarks is attached as  
annexure B.**

the burning of his house during operation. Hence in such like situation even the transfer of the appellant is a life threat for the appellant.

4. That the conflict and direct tussle between the Taliban and the appellant created number of issues, criminal cases and other litigations to the appellant but in all cases the appellant have been honorably acquitted. Copies of the orders are attached as annexure C.
5. That the despite all these recorded facts and figures the impugned order issued and the appellant was awarded Major penalty of compulsorily retirement which is great injustice.
6. That as per the impugned order the major penalty awarded while the IGP Kp already decided in favor of the appellant in all these cases which reproduced as " that the appellant was involved in criminal cases u/s 506 PPC .From perusal of record it revealed that applicant with the opponent engaged in Civil/Criminal cases over landed dispute, The DPO and RPO held him responsible without in depth scrutiny of matter. The board after detail deliberation reinstated the applicant from the date of dismissal" After issuance of this order the DPO Shangla of that time categorically told me that we will again remove you from service. Copy attached as annexure D.
7. That the DPO Shangla mentioned again criminal cases in the impugned order from s.n 1 to 7 in his order. They recorded the words in the impugned order which is against the police record as the appellant never involved in any misconduct or corruptive

the impugned order basically caused on SMS complaint so a Govt servant firing on SMS is infringe upon his rights. Copy attached as annexure E.

8. That I am the only bread-earner of my family and in young age and highly great services for the police department in the hot days of militancy and other operations as most of the service performed in DSB. So depriving from the services of the country will be highly injustice. DSB duty report is attached as annexure F.

9. That the appellant has not been treated in accordance with law, rules and policy on subject which is violation of article-4 of the constitution and section 16 of civil servant act 1973.

10. That I have been compulsorily retired without any tangible reason but just to torture and vex the appellant to toe against the illegal orders.

11. That the appellant being state servant is performing his duty according to the law laid down for the state servant. Hence this order is utterly disregarded against the service rules. Hence this order is untenable in the eyes of law.

12. It is clearly discrimination, against the equities, justice and against the even-handed policy as the appellant was awarded major punishment and transfer while the following police constables amongst the others in District inquiries were filed in criminal cases. Mr Shah Zada belt no 59 FIR No 493, Luqman Ali belt no 320 FIR No 665, Amanullah belt no 275 and Khan Muhammod belt no 4614 FIR No 504, Ashaq belt no 961 and Sardar belt no 136 FIR No 451 in police station Alnurai. This policv

13. That equal protection of law to ensure the elimination of all forms of exploitation according to the essence of the constitution and every citizen has the right to be treated in accordance with the law of the land.

In view of the above facts and grounds, it is requested that the impugned order may please be set aside; the petitioner may please be reinstated on his own station.

Yours Sincerely

Waili Muhammod 391 Shangla.

Dated: September 9, 2017.



*EC*  
*In n. action*  
*7 am*  
*DPO Sh*  
*21/9/17*

*NO 8500 / E*  
*Date 14-09-2017*

*E.C / DPO Shangla*

*For comments. Complete Enquiry file may also be sent to this office for perusal please*

*Regional Police Officer,*  
*Malakand at Saidu Sharif, Swat.*  
*13/9/2017*



1221/E  
 09-5-18  
 No. 1685

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

18, dated Peshawar the 09/05/2018.



To : The Regional Police Officer,  
 Malakand Region, Swat.

Subject: APPEAL (EX-FC WALI MUHAMMAD NO. 53)

Memo

Ex-FC Wali Muhammad No. 53 of District Police Shangla had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for reinstatement into service. His appeal was processed / examined at Central Police Office, Peshawar and filed by the competent authority being time barred for about 03 years.

The applicant may please be informed accordingly.

*Plase*  
 (SYED ZIA AIT SHAH),  
 Registrar,  
 For Inspector General of Police,  
 Khyber Pakhtunkhwa, Peshawar.

*2/5*

No 4154 IE  
 dt 08-05-18  
 EC/DPO Shangla

*For information The applicant may be informed accordingly please -*

*SAJID SHARIF*  
 Officer Supdt.  
 For Regional Police Officer,  
 Malakand, at Saibu Sharif Swat

*EC*  
*For r/a action*  
*[Signature]*  
 D.P.O Shangla  
 19.5.18

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

**AMENDED SERVICE APPEAL NO. \_\_\_\_\_/2019 IN SERVICE APPEAL NO. 615/2018**

Ex Police Constable Mr. Wali Muhammad s/o Akhtar Biland r/o Hayat Abad Lilownai  
Tehsil Alpurai Shangla Police District Shangla

**VERSUS**

Government of Khyber Pakhtunkhwa through the Provincial Police Officer & Other's

**Para-Wise Comments On Behalf Of Respondents**

Respectfully Sheweth:-

Para-wise comments/reply on behalf of respondents is furnished as under:-

1. Appellant has got no cause of action to file the present appeal.
2. Appeal of the appellant is badly time barred.
3. Appellant is precluded from filing the present appeal due to his own conduct.

**FACTUAL OBJECTIONS:**

1. Para No. 01 is correct.
2. Para No. 02 pertains to record. Needs no comments.
3. Para No. 03 also pertains to record. However, during that period, many complaints were received against the appellant.
4. Para No. 04 is incorrect. Appellant was terminated on the basis of factual crime committed by him. However, the reinstatement of appellant was ordered on the basis of presumption and was not justified in the law.
5. Para No. 05 is correct. The appellant was compulsorily retired from service on the basis of enquiry report conducted against him. Proper show cause notice and memo of allegations was issued. It was found that the allegations against the appellant were found proved, he was recommended for major punishment. The competent authority, keeping in view his long service ordered his compulsory retirement from service. Enquiry file containing 09 pages is enclosed for perusal. After that, the appellant signed his pension papers and received gratuity amount from the treasury and his service record has been closed.
6. Para No. 06 in fact, applicant preferred a departmental appeal to Regional Police Officer, Malakand against the dismissal order of DPO Shangla vide OB No. 63, dated 09.05.2014, which was thoroughly examined by the RPO by calling him in orderly room on 23.06.2015 and heard him in person. However, the applicant did not produce any cogent reason in his defence and his appeal was filed. Later on, applicant also preferred a departmental appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, however the same was also filed being time bared for about 03 years. (Copy of OB No. 63, dated 09.05.2014 passed by the then DPO Shangla and order No. 5219/E, dated 26.06.2015 passed by the then W/RPO, Malakand Region is hereby enclosed).

**GROUNDS:**

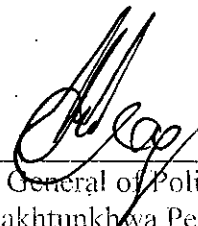
- I. Ground No. I is incorrect. The impugned order in accordance with law and rules on the subject.
- II. Ground No. II is also incorrect. It was conduct of the appellant that FIRs were lodged against him in the local police station. Other police officials are also remained part of District Security Branch, but no complaint whatsoever has been received against them so far.
- III. Ground No. III is correct to the extent of cases. However on the face of it, it is clear that the appellant is habitual criminal therefore, was a permanent stigma on the face of police force. Therefore, he was compulsory retired from service in the public interest.

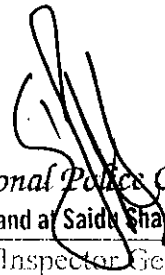


- IV. Ground No. IV is incorrect.
- V. Ground No. V is also incorrect. Some cases are still pending trial in the competent court of law.
- VI. Ground No. VI is also incorrect. All these cases have been included in the inquiry report to show conduct of the appellant to all concerned.
- VII. Ground No. VII is also incorrect. All these cases shows conduct of the appellant.
- VIII. Ground No. VIII is also incorrect. All the complaints were included in the charge sheet memo of allegations and final show cause notice and proper statement of all the aggrieved persons were recorded in the inquiry proceedings.
- IX. Ground No. IX is also incorrect. It is the plea taken by the appellant is nothing but just to take shelter to cover his illegal activities under the protection of police force.
- X. Ground No. X is also incorrect. The appellant has done nothing and no efficiency has been proved by the appellant instead of harassing innocent people for his ulterior motives.
- XI. Ground No. XII is incorrect. Before passing the impugned order, final show cause notice was served on the appellant and was heard in orderly room by the competent authority.
- XII. Ground No. XIII is incorrect. Proper charge sheet, memo of allegations and show cause notice was issued to the appellant and proper enquiry was conducted by the SP Investigation Shangla.

It is, therefore, humbly prayed that the appeal being badly time-barred may very kindly be dismissed with cost.

**Respondents,**

  
Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar

  
*Regional Police Officer,*  
Malakand at Saidu Sharif, Swat.  
Deputy Inspector General of Police,  
Malakand at Saidu Sharif, Swat.

  
District Police Officer,  
Shangla  
**SHANGLA.**

**ORDER**


Whereas, F.C Wali Muhammad No. 53 of District Police Shangla being found involved in Case FIR No. 88 dated 19.03.2014 u/s 506-PPC PS Alpuri, therefore he was suspended vide this office OB No. 37 dated 19.03.2014 and he accordingly proceeded against departmentally to serve with Charge Sheet and Summary of Allegations vide this office letter No. 3/E, dated 20.03.2014 and endst: No. 1487-90/E, dated 20.03.2014. Enquiry Committee was duly constituted comprising SP Investigation, Bakht Zada Khan and DSP HQrs: Muhammad Saleem Jadoon to conduct proper departmental proceedings against the delinquent constable (Wali Muhammad No. 53). The Enquiry Committee in their finding recommended the defaulter constable for major punishment dismissal from service and also in opinion for recovery and calculate all the payments paid to him since 12<sup>th</sup> April 2003 in the shape of salaries etc to be recovered from him through department or ACE.

On perusal of the enquiry proceedings, I **Khalid Naseem Khan** District Police Officer Shangla being a competent authority served a Final Show Cause Notice against him on 04.04.2014 whereby the delinquent official was directed to show cause as to why the recommended penalty should not be imposed upon him and also intimate whether you desire to be heard in person.

Besides; nor the reply of Final Show Cause Notice has received to the undersigned nor he intimate whether for hearing in person.

Therefore, I, **Khalid Naseem Khan** District Police Officer Shangla as a competent authority exercising the power vested in me under the Police Disciplinary Rules 1975 award FC Wali Muhammad No. 53 as Major Punishment and dismissed from service from the date of suspension i.e. 19.03.2014.

**Order Announced.**

  
(KHALID NASEEM KHAN)  
District Police Officer,  
Shangla


OB NO 63

Dated 09/05/2014

No. 82267-68E,  
Dt. 9-5 /2014

Copies to:

1. Regional Police Officer, Malakand at Saidu Sharif, Swat for kind information please.
2. Constable Wali Muhammad No. 53 through Police Station Alpuri.

  
(KHALID NASEEM KHAN)  
District Police Officer,  
Shangla



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


**ORDER:**

This order will dispose off departmental appeal of Ex-Constable Wali Muhammad.No. 53 of Shangla District for reinstatement in service.

Brief of the case is that Ex-Constable Wali Muhammad No.53 while posted to Police line Shangla involved in a criminal case vide FIR No. 88 dated 19/03/2014 u/s 506-PPC Police Station Alpuri. He was placed under suspension and proceeded against departmentally. An enquiry committee comprising Mr. Bakht Zada Khan Head of Investigation, Shangla and Muhammad Saleem Jadoon DSP, HQrs: was constituted to conduct proper departmental proceedings against the above named defaulter official. The enquiry committee in its finding report recommended him for major punishment (dismissal from service) with recovery and calculation of all the payment paid to him since 12<sup>th</sup> April 2003 in the shape of salaries etc through department or ACE. Being found guilty of the charges the District Police Officer, Shangla awarded him major punishment of dismissal from service vide OB No. 63 dated 09/05/2014.

He was called in Orderly Room on 23/06/2015 and heard him in person. The appellant did not produce substantive materials in his defense. Therefore, I uphold the order of District Police Officer, Shangla, whereby the appellant has been awarded punishment of dismissal from service. The appeal is rejected.

Order announced


  
**(AZAD KHAN) TSE, PSP**  
**Regional Police Officer,**  
**Malakand, at Saidu Sharif Swat**

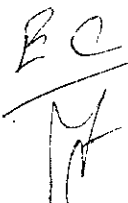
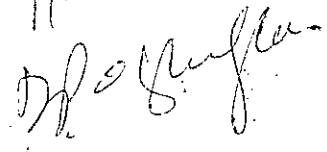
No. 5219 /E,  
Dated 26-06- /2015.

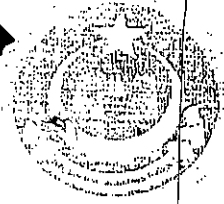
Copy to the District Police Officer, Shangla for information with reference to his office memo: No. 2852/E, dated 08/04/2015.

Encls:  
1- S. Roll  
2- E. File 124 page

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30/06/2015



1221/E  
 08-5-18  
 No. 1685

10

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

118, dated Peshawar the 04/05/2018.

To : The Regional Police Officer,  
 Malakand Region, Swat.

Subject: APPEAL (EX-FC WALI MUHAMMAD NO. 53)

Ex-FC Wali Muhammad No. 53 of District Police Shangla had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for reinstatement into service. His appeal was processed / examined at Central Police Office, Peshawar and filed by the competent authority being time barred for about 03 years.

The applicant may please be informed accordingly.

*(Signature)*  
 (SYED ZIA AIT SHAH),  
 Registrar,  
 For Inspector General of Police,  
 Khyber Pakhtunkhwa, Peshawar.

4/5

No 4154 IE  
 Dt 08-05-18  
 EC/DPO Shangla

*Post intaction. The applicant may be informed accordingly please.*

*(Signature)*  
 Office Supdt:  
 For Regional Police Office,  
 Malakand, at Saibu Sharif Swat.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 584 /ST Dated 25 /03/ 2021

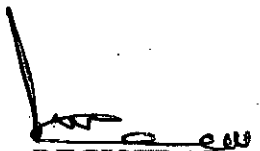
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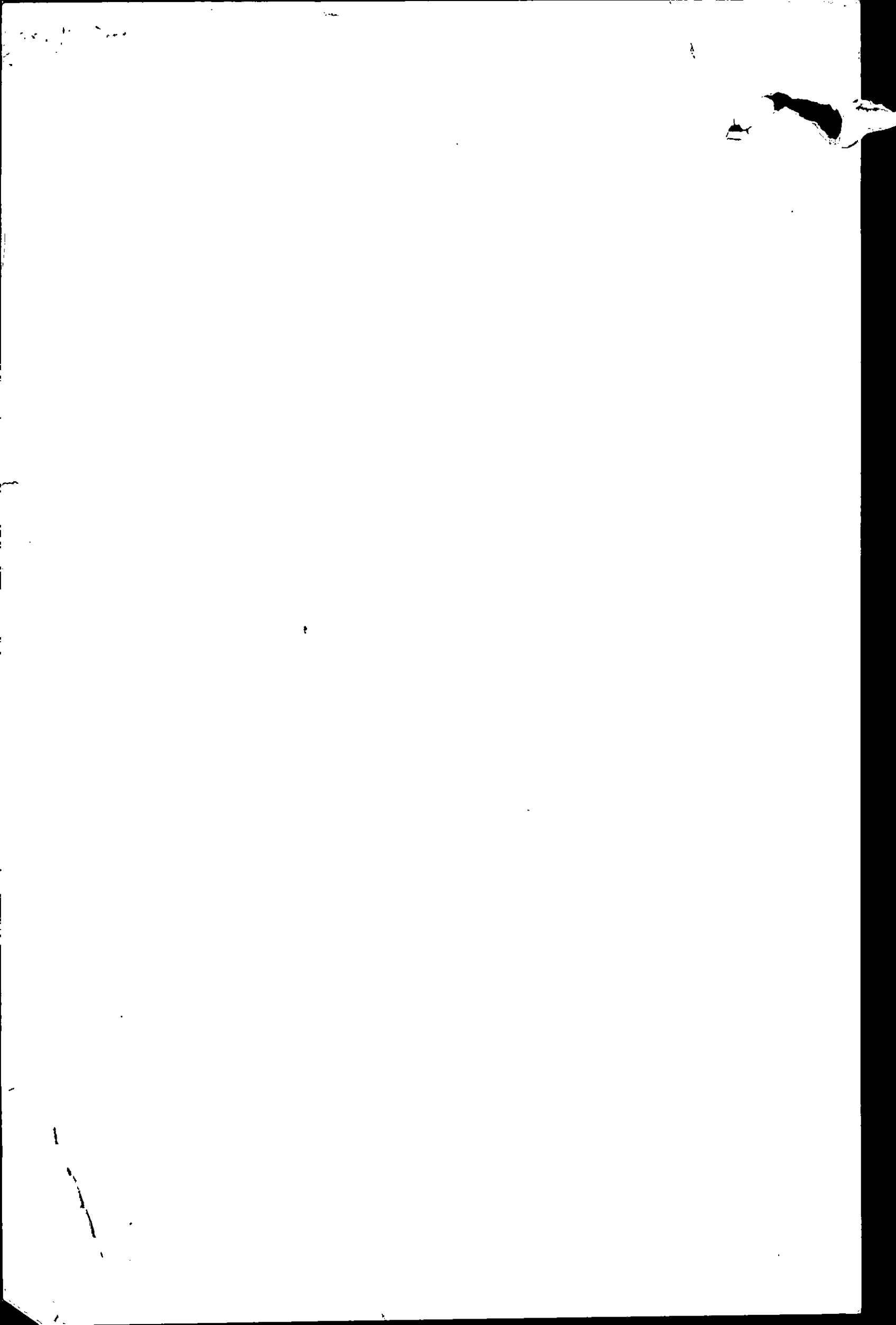
The District Police Officer,  
Government of Khyber Pakhtunkhwa,  
Shangla at Alpuri.

Subject: JUDGMENT IN APPEAL NO. 615/2018, MR. WALI MUHAMMAD.

I am directed to forward herewith a certified copy of Judgement dated 01.03.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.



(1)

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

Amended Service Appeal No. \_\_\_\_\_ of 2019

Wali Muhammad S/o Akhtar Biland R/o Hayatabad, Lelawnai, Tehsil  
Alpurai, District Shangla. ... Appellant

**VERSUS**

1. Government of Khyber Pakhtunkwa through Secretary Home and Tribal Affairs at Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa at Peshawar.
3. Additional Inspector General / Establishment for Provincial Police Officer, Khyber Pakhtunkhwa at Peshawar.
4. Deputy Inspector General of Police / Regional Police Officer, Malakand at Saidu Sharif, District Swat.
5. District Police Officer, Shangla at Alpurai.

... Respondents

Amended Service Appeal Under Section 4 of Service Tribunal Act, 1974, against order No. 1685/18 dated 04-05-2018, passed by respondent No. 2 in revision petition against order No. 871-72/E dated 22-01-2018 passed by respondent No. 4 in appeal against order No. 5417-18/E dated Alpurai, 18-08-2017 of respondent No. 5, vide which appellant has been retired compulsory and also against order dated 15-06-2017, vide which the appellant has been transferred to District Karak.

**Prayer:**

On acceptance of this appeal, order No. 1685/18 dated 04-05-2018 of respondent No. 2, order No. 871-72/E dated 22-01-2018 of respondent No. 4 and order No. 5417-

(2)

18/E dated Alpurai, 18-08-2017 of respondent No. 5, may please be declared illegal, void and hence be set aside / cancelled and appellant may please be reinstated / restored from the date of compulsory retirement i.e. 18-08-2017 with all back benefits at District Shangla, against the post of Constable, moreover, the transfer order dated 15-06-2017, may also be declared null & void and set aside.

Any other relief not specifically prayed but this august court deems proper may also be granted.

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Respectfully Sheweth:

1. That appellant was appointed as constable in Provincial Police of Khyber Pakhtunkhwa on 14-07-1996 in District Shangla.
2. That for about 14/15 years, the appellant served at District Scrutiny Branch i.e. providing secret information about criminals / militants.
3. That during the era of militancy in the region, specially District Shangla, the appellant performed his duty regularly.
4. That earlier a false FIR No. 88 dated 19-03-2014 Police Station Alpurai was lodged against appellant and on the basis of the said FIR the appellant was terminated from service vide order No. 2267-68 dated 09-05-2014, however in appeal against the said order the appellant was reinstated vide order dated 12-08-2015 (Copies are attached as annexure A & B).
5. That vide order No. 5417-18/E dated Alpurai, 18-08-2017, the appellant was compulsory retired, appeal against the said order was filed, which was dismissed vide order No. 871-72/E dated 22-01-2018 (Copies are attached as annexure C & D).
6. That again an appeal / revision as per departmental law was filed on 15-02-2018 before respondent No. 2 vide registry No. 68



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dated 15-02-2018, which was dismissed vide order No. 1685/18 dated 04-05-2018, during pendency of the captioned appeal, thus, was impugned through the instant amended appeal with the permission of this Hon'ble court (Copies of memorandum of appeal and order dated 04-05-2018 are attached as annexure E & F).

7. That the impugned orders dated 04-05-2018, 18-08-2017, 22-01-2018 and 15-06-2017 of respondents Nos. 2, 5, 4 & 3, respectively, are liable to be set aside inter alia on the following grounds.

**Grounds:**

- i. That the impugned orders are illegal and unlawful.
- ii. That appellant has served at District Scrutiny Branch of Provincial Police for so many years and due to the nature of duty i.e. providing intelligence information against militants / criminals, false cases have been registered against appellant.
- iii. That details of the cases, which have been made base for compulsory retirement against appellant are as under;
  - a. FIR No. 189, dated 24-10-2005, U/s 186, 147, 149 PPC, P/S Alpurai, the appellant has been acquitted U/s 249-A Cr.PC vide order dated 02-05-2006.
  - b. FIR No. 32, dated 17-02-2007, U/s 447, 427/34 PPC, P/S Alpurai, the appellant has been acquitted on 25-11-2009 U/s 249-A.

(4)

- c. FIR No. 237, dated 24-08-2009, U/s 341, P/S Alpurai, the appellant has been acquitted on 11-12-2009 U/s 249-A.
- d. FIR No. 88, dated 19-03-2014, U/s 506 PPC, P/S Alpurai, the appellant been acquitted vide order dated 04-09-2014.
- e. FIR No. 104, dated 10-04-2015, U/s 386-387,419,420,352,506,341,149, P/S Alpurai, the appellant has been acquitted on 22-07-2017 U/s 265-K Cr.PC.
- f. FIR No. 575, dated 28-12-2016, U/s 54 Ordinance 2016, P/S Alpurai, the appellant has been acquitted vide order dated 27-03-2017.
- g. FIR No. 405, U/s 419,420,406,34 PPC, P/S Mingora Swat, the District Public Prosecutor has filed application for the discharge of appellant from the said case.

(Copies are attached as annexure G).

- iv. That all the cases made base for compulsory retirement are false.
- v. That appellant has been acquitted in the said cases.
- vi. That majority of the said cases have been decided years back but have illegally made ground for compulsory retirement of appellant.
- vii. That amongst the said cases one of the case i.e. FIR No. 88 dated 19-03-2014, was made ground for dismissal of appellant in 2014 (09-05-2014) and in appeal, the appellant was reinstated vide order dated 12-08-2015 but the same FIR has been made again a ground for compulsory retirement by respondents.

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- viii. That the alleged complaints i.e. 1098/PA/DIG/HQ dated 06-06-2017, No. 7416/E-IV dated 15-06-2017 and complaint No. 1428/C-Cell dated 20-04-2017 are false, base on illegal political motivation, moreover non of the said complaint / complainant was shown to the appellant nor appeared before the respondents against the appellant.
- ix. That due to nature of duty already performed by the appellant, the appellant always remain under threat from militants and this fact was realized by the SSP Shangla (Copy is attached as annexure H).
- x. That earlier during pendency of appeal before respondent No. 4, respondent No. 3 has admitted the efficiency and dutifulness of the appellant during the era of militancy (Copy is attached as annexure I).
- xi. That no opportunity of hearing has been provided to the appellant before passing the impugned orders.
- xii. That no charge sheet was given to the appellant before passing the impugned orders.
- xiii. That any other ground not specifically raised here, will be argued during the course of arguments, with prior permission.

It is therefore, very humbly prayed that, on acceptance of this appeal, order No. 1685/18 dated 04-05-2018 of respondent No. 2, order No. 871-72/E dated 22-01-2018 of respondent No. 4 and order No. 5417-18/E dated Alpurai, 18-08-2017 of respondent No. 5, may please be declared illegal, void and hence be set aside / cancelled and appellant may please be

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reinstated / restored from the date of compulsory retirement i.e. 18-08-2017 with all back benefits at District Shangla, against the post of Constable, moreover, the transfer order dated 15-06-2017, may also be declared null & void and set aside.

Any other relief not specifically prayed but this august court deems proper may also be granted.

Appellant  
Through Counsel



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Asghar Ali  
Advocate High Court

(7)

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

Amended Service Appeal No. \_\_\_\_\_ of 2019.

Wali Muhammad.

... Appellant

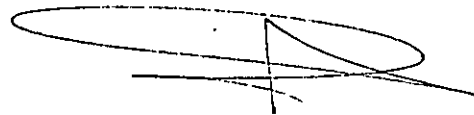
**VERSUS**

Govt: of KP and others.

... Respondents

**Certificate:**

It is hereby certified, as per instruction of my client, the captioned service appeal was pending before this Hon'ble court, however, during pendency of the captioned appeal; another order has been passed by respondent No. 2, which from the appellant is aggrieved as well, thus, the instant amended appeal is filing today in this Hon'ble court.



Asghar Ali  
Advocate High Court

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

Amended Service Appeal No. \_\_\_\_\_ of 2019.

Wali Muhammad.

... Appellant

**VERSUS**

Govt: of KP and others.

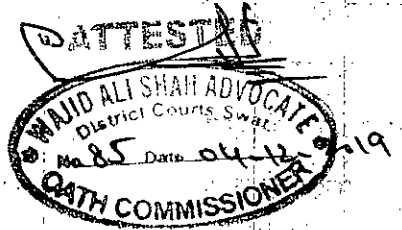
... Respondents

**Affidavit**

I, Wali Muhammad S/o Akhtar Biland R/o Hayatabad, Lelawnai, Tehsil. Alpurai, District Shangla, do hereby solemnly affirm and declare on oath, that all the contents of the accompany amended appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed or withheld from this Hon'ble court.

Deponent: \_\_\_\_\_

Wali Muhammad  
(Appellant in Person)



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

Amended Service Appeal No. \_\_\_\_\_ of 2019

Wali Muhammad.

... Appellant

**VERSUS**

Govt: of KP and others.

... Respondents

**Memo of Addresses**

**Address of Appellant:**

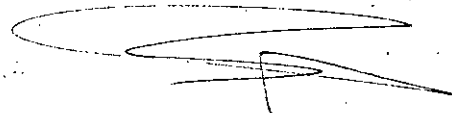
Wali Muhammad S/o Akhtar Biland R/o Hayatabad, Lelawnai, Tehsil  
Alpurai, District Shangla.

CNIC No. 15501-9717232-9  
Cell No. 0348-9857235

**Addresses of Respondents:**

1. Government of Khyber Pakhtunkwa through Secretary Home and Tribal Affairs at Peshawar.
2. Inspector, General of Police, Khyber Pakhtunkwa at Peshawar.
3. Additional Inspector General / Establishment for Provincial Police Officer, Khyber Pakhtunkwa at Peshawar.
4. Deputy Inspector General of Police / Regional Police Officer, Malakand at Saidu Sharif, District Swat.
5. District Police Officer, Shangla at Alpurai.

**Counsel for Appellant**



**Asghar Ali  
Advocate High Court**

(10)

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

12.21/E  
28-5-18  
No. 1685

18, dated Peshawar the 09/05/2018.

To : The Regional Police Officer,  
Malakand Region, Swat.

Subject: APPEAL (EX-FC WALI MUHAMMAD NO. 53)

Memo : Ex-FC Wali Muhammad No. 53 of District Police Shangla had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for reinstatement into service. His appeal was processed / examined at Central Police Office, Peshawar and filed by the competent authority being time barred for about 03 years.

The applicant may please be informed accordingly.

*Plase*  
(SYED ZIA ALI SHAH),  
Registrar,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

*is*

No 4154 IE  
dt 08-05-18  
EC/DPO Shangla

*Post intaction. The applicant may be informed accordingly please*

*AS*  
Office Supdt:  
For Regional Police Officer  
Malakand, at Saibu Sharif Swat