

02.08.2018

Syed Noman Ali Bukhari, Advocate counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply/comments not submitted. Learned AAG requested for adjournment. Granted. To come up for written reply/comments on 12.09.2018 before S.B.


Chairman

11.09.2018

Since 12th September 2018 has been declared as public holiday, by the Provincial Government on account of 1st Mukharram-ul-Haram, therefore the case is adjourned to 05.11.2018 for reply before S.B.


Chairman

05.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 20.12.2018. Written reply not received.

READER

20.12.2018

Learned counsel for the appellant present and seeks withdrawal of the present service appeal. As such the present service appeal is dismissed as withdrawn. No order as to costs. File be consigned to the record room.

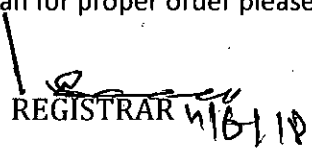



Member

ANNOUNCED.
20.12.2018

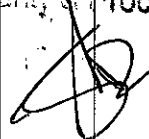
Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 773 /2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/06/2018	<p>The appeal of Mr. Alamdar ex-constable presented today by Syed Noman Ali Bokhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 4/6/18</p>
2-	12.06.2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/6/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant <u>Alamdar</u> in person alongwith his counsel Miss Uzma Syed Advocate present and heard.</p> <p>Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections, if raised by the respondents. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 02.08.2018 before S.B.</p> <p style="text-align: right;"> Chairman</p>

Appellant Deposited
Security Process Fee



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 773/2018

Alamdar

V/S

Police Deptt:


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APPELLANT
Alamdar

THROUGH:


(SYED NOMAN ALI BULHARI)


(UZMA SYED)
ADVOCATES, HIGH COURT.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 773/2018

Alamdar Ex- Constable No 983/FC,
Police Lines Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1028

Dated 04-6-2018

(Appellant)

VERSUS

1. The Capital city Police Officer Peshawar.
2. The Superintendent Of Police, Head Quarters, Peshawar

(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER DATED 22.05.2018 WHEREBY
THE DEPARTMENTAL APPEAL OF THE APPELLANT
AGAINST THE ORDER DATED 26.03.2018 HAS BEEN
REJECTED FOR NO GOOD GROUNDS.

Filed to-day

Registrar

04/6/18

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE
ORDER DATED 26.03.2018 and 22.05.2018 MAY BE SET
ASIDE AND THE APPELLANT MAY BE REINSTATED
WITH ALL BACK AND CONSEQUENTIAL BENEFITS.
ANY OTHER REMEDY, WHICH THIS AUGUST
TRIBUNAL DEEMS FIT AND APPROPRIATE THAT,
MAY ALSO, BE AWARDED IN FAVOUR OF
APPELLANT.

RESPECTFULLY SHEWETH:

1. That the appellant joined the police department as Constable and performed his duties with entire stratification of superiors.
2. That the appellant was served charge sheet and statement of allegation. The appellant submitted detail reply to the charge sheet and denied all allegations leveled against him. **(Copy of charge sheet and reply to charge sheet are attached as Annexure-A&B)**
3. That inquiry was conducted but none of the statement was recorded or record examine in presence of the appellant, which is against the law and rules. **(Copy of inquiry report is attached as Annexure-C).**
4. That the show cause notice was served upon the appellant. The appellant properly replied and again denied the entire allegation **(Copy of showcause and reply is attached as Annexure-D & E).**
5. That thereafter, without personal hearing the appellant was dismissed from the service vide order dated 26.03.2018. Against the order dated 26.03.2018, the appellant filed departmental appeal, but the same was also rejected on 22.05.2018 for no good grounds. **(Copies of impugned order, departmental appeal and rejection order are attached as Annexure-F, G & H).**
6. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUNDS:

- A) That the orders dated 26.03.2018 and 22.05.2018 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard and has not been treated according to law and rules.
- C) That in inquiry neither the statement recorded in presence of appellant nor was the chance of cross examination provided to the appellant and also not provided the inquiry report with final show cause notice which is violation of rule 11 subclause-1(4) and rule 14 sub-clause-4(c) and norms of justice and the impugned order on basis of that inquiry cannot be sustainable.


- D) That the whole exercise has nullity in the eye of law as the appellate authority issued charge sheet & statement of allegation. Which is under the law is required to be issued by the competent authority, i.e Superintendent of police who issued impugned order. So. The whole impugned action of the respondents is void ab initio and not sustainable in the eye of law.
- E) That the opportunity of personal hearing and personal defense was not provided to the appellant.
- F) That the penalty of dismissal from service is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.
- G) That the appellant has not been treated according to law and rules.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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


APPELLANT
ALAMDAR

THROUGH:


(SYED NOMAN ALI BULHARI)


(UZMA SYED)
ADVOCATES, HIGH COURT.



Annex (A) (u)

**OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR**
Phone No. 09192
Fax: 091-9212597

CHARGE SHEET

1. Whereas I am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary & expedients.

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

Now therefore, as required by Police Rules 6 (1) of the said Rules, I Muhammad Tahir, Capital City Police Officer, Peshawar, hereby charge you HC Asad No.296 (I/C Miscellaneous store), DFC Habib Ullah No.3528, FC Alamdar No.983 & FC Zia Ullah No.2085, Police Lines, Peshawar under Rule 5 (4) of the Police Rules 1975 on the following allegations:-

i.) "That you HC Asad No.296 (I/C Miscellaneous store), DFC Habib Ullah No.3528, FC Alamdar No.983 & FC Zia Ullah No.2085 while posted at Miscellaneous store (Police Lines), Peshawar carried scraps in official Truck No.A-3532 from Police Lines for selling without taking permission of any officer. You were caught red handed at scraps Godown near Tableeghi Markaz Peshawar. This amounts to gross misconduct on your part and is against the discipline of the force."

3. And I hereby direct you further under Rules 6 (1) of the said Rules to put in a written defence within 7 days of the receipt of this Charge Sheet as to why the proposed action should not be taken against you and also stating at the same time whether you desire to be heard in person.

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

5. A statement of allegation is enclosed.

Muhammad Tahir
(MUHAMMAD TAHIR) PSP,
CAPITAL CITY POLICE OFFICER,
PESHAWAR

[Signature]
ATTESTED



(S)

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

Phone No. 0919210989
Fax: 091-9212597

SUMMARY OF ALLEGATIONS

1. I, Muhammad Tahir, Capital City Police Officer, Peshawar as Competent authority, am of the opinion that HC Asad No.296 (I/C Miscellaneous store), DFC Habib Ullah No.3528, FC Alamdar No.983 & FC Zia Ullah No.2085 of Police Lines, Peshawar has rendered themselves liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.

STATEMENT OF ALLEGATION

i) "That HC Asad No.296 (I/C Miscellaneous store), DFC Habib Ullah No.3528, FC Alamdar No.983 & FC Zia Ullah No.2085 while posted at Miscellaneous store (Police Lines), Peshawar carried scraps in official Truck No.A-3532 from Police Lines for selling without taking permission of any officer. They were caught red handed at scraps Godown near Tableeghi Markaz Peshawar. This amounts to gross misconduct on their part and is against the discipline of the force."

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations Enquiry Officer/Enquiry committee comprising of the following is/are hereby constituted/nominated:-

- i. Rauf SSP cold
ii. Alshad SSP (I) Cantt

3. The Enquiry Officer/Enquiry committee shall in accordance with the provision of the Police Rules (1975) provide reasonable opportunity of hearing to the accused officer/officials and make recommendations as to punish or other appropriate action against the accused official.

7-2
(MUHAMMAD TAHIR) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

/E/PA, dated Peshawar the 28/2 /2018.

Copy of the above is forwarded to the enquiry Enquiry Officer/Enquiry committee for initiating proceeding against the accused under the Police Rules 1975.

(Encl: 7)

Reader
Call the
accused in
office
SSP-Coordination
CCP Peshawar 01

بیا نازان شہزادہ 983ء میں متوفی ہوئے اور ان کے جنازہ کے بعد

جنازہ 17 ص 22ء کو پورے شہر میں منعقد کیا گیا اور اس موقع پر

2007ء میں ایک وفد نے حضور کو رخصت کرنے کے لیے فون قلمی لکھا تھا

جو کہ 02 ص 22ء کو جس وقت ان کی متوفی ہوئے ان کے جنازہ کے وقت

15 ص 22ء میں کیا گیا اور اس میں ان کے گھر کے سرکار کے پاس

حکم کی کاپی موجود ہے۔ اس کے بعد ان کے جنازہ کے وقت

شہزادہ کی جنازہ کے وقت ان کے گھر کے سرکار کے پاس

اسان وریں ہوئے ہیں۔ ان کے جنازہ کے وقت ان کے گھر کے

پاس ہوئے ہیں۔ ان کے جنازہ کے وقت ان کے گھر کے

کام کے ساتھ ساتھ ان کے جنازہ کے وقت ان کے گھر کے

15 ص 22ء میں ان کے جنازہ کے وقت ان کے گھر کے

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OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE,
COORDINATION, CCP/PESHAWAR

Phone No. 091-9213757

No. 219 /R

Dated Peshawar the 13/3/2018.

TO: The Capital City Police officer
Peshawar.

Subject: - ENQUIRY AGAINST HC ASAD NO. 296 (I/C MISCELLANEOUS),
DFC HABIB ULLAH NO. 3528, FC ALAMDAR NO. 983 & FC ZIA
ULLAH NO. 2085 OF POLICE LINES.

Memo.

Kindly refer to the attached enquiry papers received from your good office vide Endst: No.01/PA, dated 28.02.2018 on the following allegations:-

That HC Asad No. 296 (I/C miscellaneous store), DFC Habib Ullah No. 3528, FC Alamdar No. 983 & FC Zia Ullah No. 2085 while posted at miscellaneous store (Police Lines), Peshawar carried scraps in official Truck No. A-3532 from Police lines for selling without taking permission of any officer. They were caught red handed at scraps Godown near Tableghi Markaz Peshawar.

PROCEEDINGS.

To probe into the matter, all the concerned were called to this office and their statements have been recorded, they were heard in person. The statements recorded from all concerned, placed on the enquiry file, detail is as below.

1. Statement of HC Asad Muhammad No. 296 (F/A)
2. Statement of Driver Constable Habib Ullah No. 3528 (F/B)
3. Statement of Constable Alamdar No. 983 (F/C)
4. Statement of Constable Zia Ullah No. 2085 (F/D)

1. Statement of HC Asad Muhammad No. 296

Statement of HC Asad Muhammad No.296 I/C miscellaneous has recorded, who stated that he was the I/C of miscellaneous Store since one year. During this period, he performed his duty very efficiently and earned commendation Certificates from senior officers. He further stated that in his possession some scraps was placed near MT Workshop. He was advised/directed to clear-up the place of scraps by the seniors. He perceived to sell it out thoroughly. Upon selling out the scraps, how-so-ever, amount received would be spent on petty nature purchase like purchase of electric Wires & Bulbs. He realized his blunder as he was bound to take permission from his seniors (Statement of HC Asad No. 296 is appended).

8
ATTACHED

(8)

Q No. 1. You have described in your statement that you were directed to clear up the place of scraps by the senior. What sorts of direction were given and by whom?

Ans: DSP Hqrs directed to clear the spot but not directed to sell out the scraps.

Q No. 2. Do you accept your wrong doing?

Ans: yes I accept my wrong doing but I did with good intention to clear the scraps and utilized the proceed for Govt: purpose.

Q No. 3. Did you bring the matter into the notice of Senior Officer?

Ans: Not it all.

2. **Statement of Driver Constable Habib Ullah No. 3528**

Statement of Driver Constable Habib Ullah No. 3528 has recorded, who stated that he was directed by the MTO Zar Khan to take the Truck No. AA3532/Peshawar in the company of I/C miscellaneous from Police Line. He further stated that he is just obeyed the order of his senior. He is seeking for giveness. (Statement of Driver Constable Habib Ullah No. 3528 is appended).

Q No. 1. Did you know that you were doing an illegal task?

Ans: Yes I did.

Q No. 2. Had you informed senior officers regarding activity?

Ans: Sorry I failed.

3. **Statements of Constable Alamdar No. 983.**

Statement of Constable Alamdar No. 983 has recorded, who stated that he was performing duty at miscellaneous Store as Telephone Mechanic under the supervision of Misc: I/C Asad No. 296. He was directed by HC Asad No. 296 I/C Misc: that scraps lying at MT Workshop should be collected and bundled into official Truck. In compliance of my senior order i.e. HC Asad No. 296 I/C Misc: I did my level best and took the scraps alongwith Constable Zia Ullah No. 2085 to the Bashir Abad. Where we snapped by the SP Hqrs and put us in the Quarter Guard for 7 days. FC Alamdar No. 983 further stated that he is sinless he just obeyed the order of his senior i.e. I/C Asad No. 296. He is seeking forgiveness. (Statement of Constable Alamdar No. 983 is appended).


Q No. 1. Weather you were of the knowledge that illegal activity is going?

Ans: I was not aware about the proceeding.

Q No. In the past weather you have done the same or not?

Ans: Not, I was commissioned/ordered by the senior and I was not aware by the consequences.

(3)


ATTESTED

4.

Statement of Constable Zia Ullah No. 2085

(9)

(4)

Statement of Constable Zia Ullah No. 2085 has recorded, who stated that he was performing duty in miscellaneous store as Pipe fitter under the supervision of HC Asad No. 296 I/C Misc:. He was directed by HC Adad No. 296 I/C Misc: that scraps lying at MT Workshop should be collected and bundle it into official Truck. In compliance of my senior order i.e. HC Asad No. 296 I/C Misc: I did my level best and took the scraps alongwith Constable Alamdar No. 983 to Bashir Abad. Where we snapped by the SP Hqrs and put us in the Quarter Guard for 7 days. Constable Zia Ullah No. 2085 further stated that he is sinless he just obeyed the order of his senior i.e. I/C Asad No. 296. He seeking forgiveness. (statement of Constable Zia Ullah No. 2085 is appended).

Q No. 1. Weather, you were aware of the wrong doing?

Ans: I had just work out the orders of my senior. I was not aware about the consequences.

Q No. 2. Have you done anything such in the past?

Ans: I have not done such thing in the past.

5.

Statement of MTO Peshawar SI Zar Khan

Statement of MTO Peshawar SI Zar Khan has recorded, who stated that he is performing duty as MTO in Police Lines, Peshawar. On 22.02.2018 I/C Misc: HC Asad Muhammad No. 296 told him that on the directions of high ups, he was collected scrapped chairs from all the branches/offices for repairing and after repair, he distributing the same to all offices. For this purpose he needs a vehicle. Accordingly, MTO dispatched a truck bearing Reg No. 3532 through driver constable Habib Ullah No. 3528 and entry to the effect was entered in the Log Book. Moreover, The MTO pleaded the ignorance about movement the truck

Q No.1. Weather you aware about the vehicle is being use in illegal activity?

Ans: I was not aware about it.

Q No. 2. Are you aware about the record of MT have been forged after the incident?

Ans: I have not.

6.

Statement of Constable Tehseen Ullah No. 1894 Muharrir MT

Statement of Constable Tehseen Ullah No. 1894 Muharrir MT has recorded, who stated in his statement that on 22.02.2018 at about 12:40 Hrs, MTO directed me a Truck bearing Reg: No. AA 3532 under the possession of Driver Constable Habib Ullah No. 3528 may be transit in the company of I/C Misc: HC Asad Khan No. 296. He (Muharrir) did/performed as directed by the MTO and turned the transaction of Truck at 12:40 hrs in the Log Book. Laps of 10/15


ATTACHED

(10) (15)

minutes, I/C misc: brought 4 office chairs and left away. Beside this, Muharrir pleaded the ignorance about movement the truck. (Statement of Constable Tehseen Ullah No. 1894 Muharrir MT is appended).

Q No. 1. Weather you were aware about the vehicle being used for illegal activity.

Ans: I was not.

Q No. 2. Then why you forged the Roznamcha record?

Ans: No, I have not.

FINDINGS/CONCLUSION.


Keeping in view the statements recorded above and after thorough enquiry I reached at the following conclusion:-

1. **HC Asad Muhammad No. 296 I/C miscellaneous:** So far as role of HC Asad Muhammad No. 296 is concerned. He himself admitted his offence. Although he took the plea that his intention was to utilize the proceed for Govt: purpose but he could not justify his intention. From the statements of MT staff it transpires that he got the vehicle for the purpose of transporting official chairs but with the melafide intent he used the vehicle for transporting scraps. Moreover, he kept the staff unaware about activity also shows his melafide intention. His claim of utilizing the proceed for Govt: purpose has not been proved as in the past he never did the same. He has been caught red handed and the footage is placed on the file. Thus he has been found guilty of theft, mis-appropriation in Govt: property and mis-conduct.

2. **Driver Constable Habib Ullah No. 3528,** in his statement and during enquiry, he confessed his guilt and pleaded forgiveness. However, his role in the act is also of gravisous nature. He has abetted in offense.

3. **Constable Alamdar No. 983,** as per his statement he was performing with the miscellaneous store Incharge as Telephone mechanic. He was ordered to load the scraps in the truck and was caught red handed. He took the plea that he has just obeyed the orders of senior. But in reality he was found in abetment with miscellaneous store Incharge. Thus he is also found guilty of misconduct.

4. **Constable Zia Ullah No. 2085,** as per his statement he was performing with the miscellaneous store incharge as Pipe fitter. He was ordered to load the scraps in the truck and was caught red handed. He took the plea that he


ATTESTED

minutes, I/C misc: brought 4 office chairs and left away. Beside this, Muharrir pleaded the ignorance about movement the truck. (Statement of Constable Tehseen Ullah No. 1894 Muharrir MT is appended).

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4. **Constable Zia Ullah No. 2085,** as per his statement he was performing with the miscellaneous store incharge as Pipe fitter. He was ordered to load the scraps in the truck and was caught red handed. He took the plea that he

ATTACHED

has just obeyed the orders of senior. But in reality he was found in abetment with miscellaneous store Incharge. Thus he is also found guilty of misconduct.

5. **Constable Tehseen Ullah No. 1894 Muharrir MT Roznamcha. (Witness, additionally included in enquiry).** From the statement of Muharrir MT Roznamcha Constable Tehseen Ullah No. 1894, it transpired that the vehicle was given to Incharge miscellaneous store HC Asad Muhammad No. 296, which shows that Asad Muhammad No. 296 drawn the vehicle for one purpose and meafidely used for other. He however abetted in the offence by forging the record of MT Roznamcha.

6. **MTO SI Zar Khan (witness, additionally included in enquiry).** Statement of MTO transpire that he authorized the vehicle as demanding by the misc: store I/C. As I/C MT he failed to keep a check on misuse of vehicle as well as forgery in the record. This he is found negligence in duty.

RECOMMONDATIONS.

The allegation leveled against have been found well founded HC Asad Muhammad No. 296 I/C Misc:, Driver HC Habib Ullah No. 3528, Const: Alamdar No. 983 and Const: Zia Ullah 2085 have been found guilty of mis-appropriating the Govt: property, mis-conduct and theft liable to Major punishment of Dismissal from service under Police Rules.

2. Additionally included MTO and Muharrir MT Tehseen Ullah No. 1894 have been found negligent and guilty of forging MT record in favor of accused. It is recommended that all the above mentioned Police officers/officials may kindly be immediately transferred to D.I.Khan region.

(ABDUL RAUF BABAR)PSP
SSP (COORDINATION)

(ARSHAD KHAN)
DSP INVESTIGATION CANTT:

PA SB
Process the
Case

SP HQ
Amulka H.
R

[Handwritten signature]

[Handwritten signature]
ATTACHED

Annex (A) (3)
(1)

FINAL SHOW CAUSE NOTICE


I Superintendent of Police, Headquarters, Capital City Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, HC Asad No.296 (I/C Miscellaneous), DFC Habib Ullah No.3528, Alamdar No.983 & FC Ziaullah No.2085 of Police Lines the final show cause notice.

Enquiry Officers. SSP Coordination & DSP Investigation Caritt, after completion of departmental proceedings, has recommended you for major punishment for you HC Asad No.296 (I/C Miscellaneous), DFC Habib Ullah No.3528, Alamdar No.983 & FC Ziaullah No.2085 of Police Lines as the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you HC Asad No.296 (I/C Miscellaneous), DFC Habib Ullah No.3528, Alamdar No.983 & FC Ziaullah No.2085 of Police Lines deserve the punishment in the light of the above said enquiry reports.


I, competent authority, have decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975:


1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.



SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR


No. 778 /PA, SP/HQrs: dated Peshawar the 15-3-2018.

Copy to official concerned

 3528 D/FC (1)
15/3/18

 296 HC (2)
15/3/18

 2085 FC (3)
15/3/18

 983 Alamdar (4)
15/3/18

RECEIVED

حجواہ فائٹل شوکار ٹولیس عروہن ٹریڈ ہوٹل کراچی

سائل نے جو بیان چارج شدہ اور شوکار ٹولیس

کے ساتھ دیا ہے اور ایسے بیان کی تائید

ہوں اور بس یہی بیان ہے اور صفائی کا حوالہ

کار سون صفائی کی ہے اس لئے اس کا حوالہ

نوٹیشن ہوگی

الحارث
~~محمد~~
19/3/18

آئی اے ایڈووکیٹ، کراچی، علی گڑھ روڈ، لاہور، 1983

ATTESTED

Annex (F) (18)

ORDER.

This office order relates to the disposal of formal departmental enquiry against HC Asad No.296 (I/C Miscellaneous), DFC Habib Ullah No.3528, Alamdar No.983 & FC Ziaullah No.2085 of Police Lines on the charges that they while posted at Miscellaneous Store (Police Lines) Peshawar carried scraps in official Truck No.A-3532 from Police Lines for selling without taking permission of any officer. They were caught red handed at scraps Godown near Tableeghi Markaz Peshawar.

In this regard, they were placed under suspension vide OB No.773 dated 23.02.2018. They were issued charge sheet and summary of allegations. SSP Coordination & DSP Investigation Cantt: were appointed as Enquiry Officers. They conducted the enquiry proceedings and submitted finding/report that the alleged officials found guilty of misappropriating the government property, misconduct and theft liable to major punishment of dismissal from service under Police Rules vide Enquiry Report No.212/R dated 13.03.2018.

Upon the finding of E.O, they were issued final show notice vide No.778/PA dated 15.03.2018 which they received and replied but their explanation found unsatisfactory.

In light of the findings of E.O. & other material available on record, the undersigned came to the conclusion that the alleged officials found guilty of this misconduct. Therefore, they are hereby awarded the major punishment of dismissal from service under Police & Disciplinary Rules-1975 with immediate effect.

Enc (2)



SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

OB. NO. 1144 / Dated 26/3 /2018

No. 818-24 /PA/SP/dated Peshawar the 26/3 /2018

Copy of above is forwarded for information & n/action to:

- ✓ The Capital City Police Officer, Peshawar
- ✓ SSP Coordination, Peshawar
- ✓ DSP/HQrs, Peshawar.
- ✓ Budget Officer ✓
- ✓ OASI, CRC & FMC along-with complete departmental file.


ATTESTED

بخدمت جناب کمپنیل سٹی پولیس آفیسر صاحب پشاور

مضمون اپیل برائے بحالی ملازمت کیونکہ سائل بحوالہ آرڈر بک نمبری 1144 مورخہ

26/03/2018 جس کی بناء پر سائل کو مجاز افسر نے نوکری سے برخاست کیا ہے۔ No 244-LB
3018/2018

جناب عالی!

معروض خدمت ہوں کہ سائل پولیس لائن میں بطور ٹیلی فون مکنینک تعینات تھا۔ اور انتہائی فرض شناسی سے ڈیوٹی سرانجام دے رہا تھا۔

1 یہ کہ مورخہ 22/3/2018 کو سائل کے انچارج اسد ہیڈ کنسٹیبل نے ہدایت کی کہ حسب الحکم افسران بالا M.T ورک شاپ میں کچھ کباڑ پڑا ہے کو ہٹا کر کہیں اور جگہ منتقل کرنا ہے۔ لہذا اپنے سینٹر کے حکم کی بجا آوری کرتے ہوئے سائل بمعہ ضیاء اللہ نمبر 2085 جلدی جائے مقام پہنچ کر انچارج کی موجودگی میں تمام ملبہ کو اٹھا کر سرکاری ٹرک میں نزد تبلیغی مرکز لے جا رہے تھے جب کباڑ گودام پہنچ گئے تو۔

2 یہ کہ اسی اثناء میں جناب ایس پی ہیڈ کوارٹر صاحب تشریف فرما ہو کر ٹرک کو واپس پولیس لائن لے آ کر ہمیں کوارٹر گارڈ میں بند کر دیا اور محکمانہ انکوائری شروع کر کے جس میں ہمیں اپنی صفائی کو موقع دیئے بغیر بحوالہ آرڈر متذکرہ بالا نوکری سے برخاست کیا۔

3 یہ کہ دوران انکوائری سائل کے خلاف بدینتی کا کوئی ثبوت سامنے نہ آ کر سائل کے ساتھ نا انصافی ہو کر سائل کو برخاست کیا گیا۔

4 یہ کہ سائل کے انچارج نے دوران انکوائری صاف بتایا کہ درخواست کنندہ نے صرف اور صرف سرکاری ڈیوٹی کی بجا آوری کی ہے اس کے باوجود سائل کی کوئی شنوائی نہ ہوئی۔

5 یہ کہ اللہ تعالیٰ کی ذات کو واحد و یکتا جان کر حلفاً بیان کرتا ہوں کہ سائل نے صرف اور صرف اپنے سینٹر کی حکم کی بجا آوری کی ہے اور اپنے سینٹر کے پس پردہ محرکات سے بالکل لاعلم ہوں۔

6 سائل ایک غریب کنسٹیبل ہے بالکل بے گناہ ہے اور حسب ہدایت سینٹر فٹیک کی ہے باقی حقیقت کا پتہ انچارج اور جسکی ہدایت پر ڈیوٹی سرانجام دی ہے کو پتہ ہوگا۔

درخواست بحضور انور ہے کہ سائل کی حالت پر رحم فرما کر درج بالا حقیقت کو پیش نظر رکھتے ہوئے سائل کو نوکری پر دوبارہ بحال کرنے کا حکم صادر فرما کر مشکور فرمادیں۔

سائل تاحیات دعا گور ہے گا۔

FM

تحریر 29/03/2018

ارض

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کنسٹیبل سابقہ 983/FC علمدار فرمان کا تابع فرمان
Dy. Supdt: Police
CC/Peshawar

0307-7595675
0310-0925183

02 14118

ATTESTED



Annex (H) 17

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

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

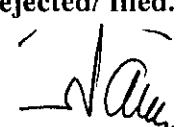
ORDER

This order will dispose off the departmental appeal preferred by ex-constable **Alamdar Hussain Shah No. 983** who was awarded the major punishment of **dismissal** from service by SP-HQrs: Peshawar vide OB No. 1144 dated 26.03.2018.

2- The allegations leveled against him were that he while posted at Miscellaneous Store, Police Lines Peshawar as telephone mechanic carried scrapes in official truck No.A-3532 from Police Lines for selling without taking permission of any officer. He was caught red handed at scrape Godown near Tableeghi Markaz Peshawar by SP/HQrs: Peshawar.


3- Proper departmental proceedings were initiated against him. An enquiry committee comprising of SSP-Coordination and DSP-Inv: Cantt: was notified for proper departmental enquiry. The Committee conducted a detailed enquiry and submitted its findings. On receipt of findings of the enquiry committee, the Competent Authority i.e SP/HQr: issued him Final Show Cause Notice to which his reply was found unsatisfactory. SP/HQr: awarded him the major punishment of dismissal from service.

4- He was heard in person in O.R. The relevant record perused along with his explanation. He was given ample opportunity to defend himself but he could not produce any plausible explanation. All legal formalities have been fulfilled by enquiry officers and the Competent Authority. Therefore, his appeal for re-instatement in service is hereby **rejected/ filed**.


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

No 649-54 /PA, dated Peshawar the 30/05/ 2018
Copies for inf: and n/a to the:-

- 1/ SP/HQrs: Peshawar.
- 2/ PO/OASI/CRC for making necessary entry in his S.Roll.
- 3/ FMC. along w i H. FM
- 4/ Official concerned.


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بعدالت

KoPolk Service Tribunal, Pakistan

2 منجانب
بنام

Abamdar

US

Police Deptt

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ

آن مقام دستاویز کیلئے سید نoman علی بخاری کی اطلاع سے مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے، اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب باہم ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

Syed Noman Ali Bukhari
Advocate
Attested
20

ماہ

المرقوم

العبد گواہ العبد

کے لئے منظور ہے۔

مقام

عکرم

(2) 133-4
18

ORDER

This office order relates to the disposal of denovo departmental enquiry against Ex-DFC Habib Ullah No.3528, Ex-FC Alamdar No.983 & Ex-FC Ziaullah No.2085 on the charges that they while posted at Miscellaneous Store (Police Lines) Peshawar carried scraps in official Truck No.A-3532 from Police Lines for selling without taking permission of any officer. They were caught red handed at scraps Godown near Tableeghi Markaz Peshawar.

Proper departmental enquiry against the above named officials were initiated and conducted by SSP Coordination. Upon the finding of E.O, they were dismissed from service vide OB No.1144 dated 26.03.2018.

In light of the letter W/IGP, Khyber Pakhtunkhwa vide No.2937/18, No.2938/18 & No.2939/18 dated 16.07.2018 that the authority shall conduct proper regular enquiry and decide the matter afresh on the basis of de-novo proceedings within a month positively.

Mr. Kaukab Farooq SP-City was appointed as Enquiry Officer. He conducted the denovo enquiry against the aforesaid officials and submitted his finding/report that the defaulter officials was deployed on fatigue duty and was totally unaware of the story behind the transportation of government property by its custodian HC Asad Khan I/C miscellaneous store. The Enquiry Officer further stated that they may be exonerated of the charges and re-instated in service the interim period may be treated as leave of the kind due vide Enquiry Report No.5092/PA, No.5093/PA and No.5094/PA dated 04.09.2018.

In the light of recommendations of E.O, Ex-DFC Habib Ullah No.3528, Ex-FC Alamdar No.983 & Ex-FC Ziaullah No.2085 are hereby re-instated in service with immediate effect. Hence, the period they remained out of service be counted as leave kind of due.

E.O. (38)

[Signature]
**SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR**

OB. NO. 2775 / Dated 7/9 /2018

No. 2070-75 /PA/SP/dated Peshawar the 7/9 /2018

Copy of above is forwarded for information & n/action to:

- ✓ The Capital City Police Officer, Peshawar.
- ✓ AIG of Police Establishment, KPK Peshawar
- ✓ DSP/HQrs, Peshawar.
- ✓ Budget Officer, OASI, CRC & FMC along-with complete departmental file.
- ✓ Official concerned.