

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR.**

Service Appeal No. 769/2018

Date of Institution ... 24.05.2018

Date of Decision ... 21.10.2021

Muhammad Iqbal, Assistant Grade Clerk (now Senior Clerk)  
District Police Chitral. R/O Sherkot, District Kohat.

... (Appellant)

**VERSUS**

The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and  
two others.

... (Respondents)

SYED NOMAN ALI BUKHARI,  
Advocate

--- For appellant.

MR. MUHAMMAD ADEEL BUTT,  
Additional Advocate General

--- For respondents.

AHMAD SULTAN TAREEN  
MR. SALAH-UD-DIN

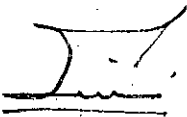
--- CHAIRMAN  
--- MEMBER (JUDICIAL)

**JUDGMENT:**

**SALAH-UD-DIN, MEMBER:-**

Precise facts as alleged by the appellant in his appeal are that the appellant served as Assistant Grade Clerk/Accountant in the office of SP Investigation Wing Kohat and was later on posted as Assistant Grade Clerk in the Office of SP Investigation Karak; that upon report of Internal Auditor Range Office Kohat, Regional Police Officer Kohat Region Kohat sent a complaint to the Deputy Inspector General Headquarters Khyber Pakhtunkhwa Peshawar against the appellant, which led to the initiation of disciplinary action


against the appellant on the allegations of misappropriation of an amount of Rs. 30,71,480/-; that on conclusion of the inquiry, the inquiry committee recommended that the appellant be exonerated from the charges leveled against him, however Deputy Inspector General Headquarters Khyber Pakhtunkhwa Peshawar sent back the inquiry to the Regional Police Officer Kohat Region Kohat for review of the observations made by the inquiry committee and submission of final recommendations; that the inquiry committee then nominated Accountant DPO Office Karak as well as Accountant DPO Office Hangu as experts for assistance of the Members of the inquiry committee; that the inquiry committee rechecked supporting bills/vouchers of various heads of accounts without associating the appellant in the whole process of rechecking and submitted its report to the Regional Police Officer Kohat Region Kohat, who sent letter dated 06.01.2015 to the Provincial Police Officer Khyber Pakhtunkhwa Peshawar, where in it was recommended that the appellant as well as the then SP Investigation Kohat were found guilty of oversight and mismanagement in the drawl and disbursement of T.A/D.A fund, therefore, the appellant should be given major punishment, while action should also be taken against the then SP Investigation Kohat and that the amount of T.A/D.A may also be ordered to be recovered from the concerned officers/officials; that the appellant was issued final show-cause notice by the competent Authority, who submitted his reply and denied the allegations leveled against him; that vide impugned order dated 06.07.2015, the appellant was awarded major punishment by reverting him from the post of Assistant Grade Clerk BPS-16 to the post of Senior Clerk BPS-14, which was challenged by the appellant through filing of departmental appeal, however the same was not responded, therefore, the appellant filed Service Appeal bearing No. 1404/2015, which was decided on 07.03.2018 by issuing direction to the appellate Authority for deciding the departmental appeal of the appellant within a period of three months; that the



departmental appeal of the appellant was rejected vide order dated 04.05.2018, hence the instant service appeal.

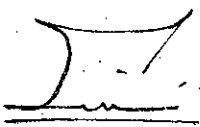
2. Notices were issued to the respondents, who submitted their comments, wherein they denied the assertions made by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the inquiry committee so constituted for the inquiry in to the matter by the competent Authority had already recommended for exoneration of the appellant from the charges leveled against him, however the competent Authority in utter violation of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, returned the inquiry report to the Regional Police Officer Kohat for review and submission of final recommendations; that the Regional Police Officer Kohat was already complainant in the matter, therefore, sending back the inquiry to him for review and submission of recommendations was against the relevant rules and principles of natural justice; that the Regional Police Officer Kohat was not appointed as inquiry officer in the matter, however it is astonishing that he sent letter dated 06.01.2015 to the Provincial Police Officer Khyber Pakhtunkhwa Peshawar, making recommendations of awarding of major punishment to the appellant; that the appellant had performed his duty with honesty and devotion, which is manifested from the fact that the experts audit party of the Auditor General of Pakistan as well as Accountant General Khyber Pakhtunkhwa Peshawar have found regularized the period during which the appellant remained as Pay Officer in the office of SP Investigation Kohat; that the appellant was not at all associated during the review proceedings of the earlier inquiry, therefore, he was condemned unheard as no opportunity of self defense was provided to him; that the whole exercise was manipulated at the behest of Regional Police Officer Kohat Region Kohat and the appellant was wrongly and illegally awarded the impugned penalty; that while passing the impugned order, the



competent Authority has not at all complied the provision of FR-29, which has rendered the impugned order as nullity in the eye of law.

4. On the other hand, learned Additional Advocate General for the respondents has argued that there were complaints of misappropriation and corruption against the appellant, which led to the initiation of disciplinary action against the appellant; that a proper legal inquiry was conducted in the matter by providing opportunity of self defense as well as personal hearing to the appellant; that the appellant was found guilty of oversight and mismanagement in disbursement of T.A/D.A fund, therefore, he was rightly awarded major penalty of reduction from the post of Assistant Grade Clerk to the post of Senior Clerk; that the orders passed by competent as well as appellate Authority are strictly in accordance with law/rules, therefore, the same may be kept intact and the appeal in hand may be dismissed with cost.

  
5. We have heard the arguments of learned counsel for the appellant as well as learned Additional Advocate General for the respondents and have perused the record.

6. A perusal of the record would show that the appellant served as Pay Officer with effect from 01.07.2012 to 06.06.2013 in the office of SP Investigation Wing Kohat and was then transferred to the office of SP Investigation Karak. In wake of Internal Audit for the year 2012-2013, disciplinary action was initiated against the appellant under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 on the charges, which are reproduced as below:-

" 1. *Vide para-02 of the Internal Audit, you have drawn TA bills of amounting to Rs. 2,76,605/- on the names of Police Officials/Ministerial staff while according to Attendance Register they were present on duty in the office.*

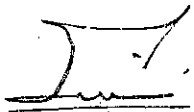
2. *Vide Para-03 of the Internal Audit, you have drawn amounting to Rs. 15,99,950/- under the code cost of Investigation. un-necessary for only*

*Hiring of Private Vehicles and not for any other purpose which is against the orders/instructions of the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar duly conveyed to all Heads of Police Officers Khyber Pakhtunkhwa, Peshawar vide Endst: 3307-47/C-I dated 10.05.2007.*

3. *Vide para-05 of the Internal Audit, you have drawn amounting to Rs. 11,00927/- under head of A03807-POL Charges and didn't produce the record of it.*

4. *Vide para-07 of the Internal Audit, you have drawn amounting to Rs. 93,998/- under head of A039901-Office Stationary by over writing and Manipulations in the Stock Register. Besides, any application is not available to whom the Stationary items were issued. Even a single application duly sanctioned/issued by any Competent Authority is not available on the record as well as any APR."*

7. An inquiry committee comprising of Additional SP Kohat and acting SP CTD Kohat was constituted for inquiry against the appellant. On conclusion of the inquiry, the inquiry committee submitted its report to the competent Authority with the findings that the allegations leveled against the appellant were not based on facts, therefore, he may be exonerated from the charges leveled against him. The competent Authority, however sent back the inquiry report to the Regional Police Officer Kohat Region Kohat vide letter No. 3925/E-V dated 30.10.2014 with the request to look in to the matter, review the inquiry report and to make final recommendations. The procedure required to be adopted by competent Authority on receipt of the inquiry report from the inquiry officer or inquiry committee has been prescribed in Rule-14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. On perusal of the aforementioned rule, we are of the opinion that the procedure so adopted by the competent Authority by sending the inquiry report to the Regional Police Officer Kohat Region Kohat for review and making final recommendations was not in



consonance with Rule-14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The Regional Police Officer Kohat was not an inquiry officer in the matter, therefore, the order of the competent Authority, seeking review of the inquiry from him and asking him to submit final recommendations in the matter was against the relevant rules and the proceedings so carried out in compliance of such order of the competent Authority would be nullity in the eye of law. It is also astonishing that it was DIG Kohat Region Kohat, who vide letter No. 173/RA dated 06.01.2015 submitted recommendations to the Provincial Police Officer Khyber Pakhtunkhwa Peshawar, recommending that awarding of major punishment to the appellant.

8. Even otherwise too, the appellant was though charged for major misappropriation of an amount of RS. 3071480/-, however the inquiry committee had come to the conclusion that he was found guilty of oversight and mismanagement only in the disbursement of the fund amounting to Rs. 276605/- allocated in the head of T.A/D.A. The inquiry committee has not found the appellant guilty of any misappropriation or embezzlement and has also not given any findings that the appellant was having any connivance with the officers/officials, who had allegedly drawn T.A/D.A without any legal entitlement for the same.

9. Moreover, the impugned order dated 06.07.2015 passed by the competent Authority would show that the competent Authority has not specified the period for which the order of reversion of the appellant shall remain in field. The competent Authority has thus not followed F.R-29, which is reproduced for ready reference as below:-


*"F.R. 29. If a Government servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration it shall operate to postpone*

*future increments and if so to what extent".*

10. In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned orders. During pendency of the appeal, the appellant has been retired from service with effect from 19.11.2020 (A.N) vide notification dated 27.11.2020, therefore, he shall be deemed to have been restored to the post of Assistant Grade Clerk with all back benefits and retired as such with effect from 19.11.2020 (A.N). Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
21.10.2021

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

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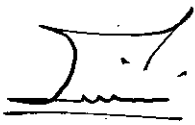
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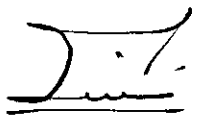
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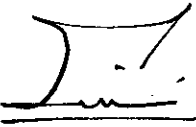
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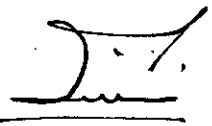
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*future increments and if so to what extent".*

10. In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned orders. During pendency of the appeal, the appellant has been retired from service with effect from 19.11.2020 (A.N) vide notification dated 27.11.2020, therefore, he shall be deemed to have been restored to the post of Assistant Grade Clerk with all back benefits and retired as such with effect from 19.11.2020 (A.N). Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
21.10.2021

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

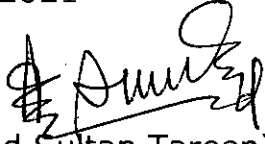
  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

ORDER  
21.10.2021


Syed Noman Ali Bukhari, Advocate, for the appellant present. Mr. Ishaq Gul, DSP (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by setting-aside the impugned orders. During pendency of the appeal, the appellant has been retired from service with effect from 19.11.2020 (A.N) vide notification dated 27.11.2020, therefore, he shall be deemed to have been restored to the post of Assistant Grade Clerk with all back benefits and retired as such with effect from 19.11.2020 (A.N). Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
21.10.2021



(Ahmad Sultan Tareen)  
Chairman

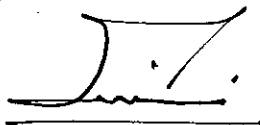


(Salah-ud-Din)  
Member (Judicial

19.03.2021

Appellant alongwith counsel and Mr. Muhammad Rasheed, Deputy District Attorney alongwith Mr. Arif Saleem, ASI for the respondents present.

The representative of respondents has provided copies of the documents comprising 153 pages, which are placed on record subject to all just exceptions by the other side. To come up for arguments on 21.05.2021 before D.B.



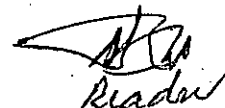
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)



CHAIRMAN

21-5-2021

*Due to COVID-19, the case is adjourned to 17-8-2021 for the same.*



Reader

17.08.2021

Since 17.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 21.10.2021 for the same as before.




Reader




14.10.2020

Appellant alongwith counsel present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Arif Saleem Stenographer for respondents are also present.

Learned Additional Advocate General requested that he is indisposed of today having high Blood Pressure, due to which he cannot argue the appeal. Requested for adjournment. Adjourned on which to come up for arguments on 09.11.2020 before D.B.

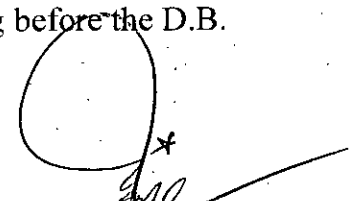
  
(Atiq-Ur-Rehman Wazir)  
Member

  
(Muhammad Jamal Khan)  
Member

09.11.2020

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Arif Saleem, Steno for respondents present.

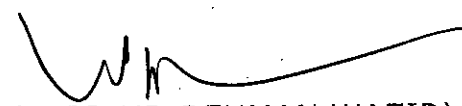
The Bar is observing general strike, therefore, the matter is adjourned to 18.01.2021 for hearing before the D.B.

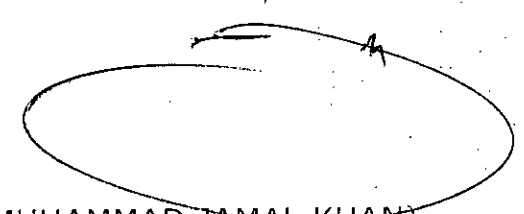
  
(Mian Muhammad)  
Member (E)

18.01.2021

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Arif Saleem, ASI, for the respondents are also present.

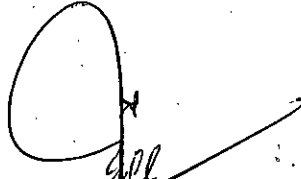
Appellant requested for adjournment that his counsel is not available today. Adjourned to 19.03.2021 on which date file to come up for arguments before D.B.


  
(ATIQU-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

06.03.2020

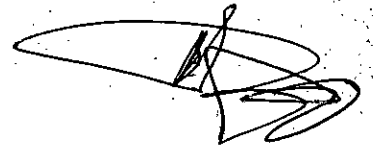
Counsel for the appellant present. Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 02.04.2020 before D.B.

  
Member

  
Member

2.4.2020

*Due to public Holiday on account of (COVID-19) the case is adjourned to come up for same on 29.6.2020.*



29.06.2020

Due to COVID-19, the case is adjourned to 11.08.2020 for the same.

  
Reader

11.08.2020

Due to summer vacations case to come up for the same on 14.10.2020 before D.B.

  
Reader

11.10.2019

Appellant with counsel present. Mr. Zia Ullah learned Deputy District Attorney alongwith Inayat Ullah H.C present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 12.12.2019 before D.B.

  
Member

  
Member

12.12.2019

Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Arif Saleem, ASI for the respondents present. Adjourned to 20.01.2020 for arguments before D.B.


  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

20.01.2020

Due to general strike on the call of the Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Usman Ghani learned District Attorney for the respondents present. Adjourned to 06.03.2020 for arguments before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

30.05.2019

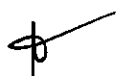
Appellant in person and Mr. Muhammad Bilal, Head Constable alongwith Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 09.07.2019 for arguments before D.B.

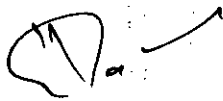
  
(HUSSAIN SHAH)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

09.07.2019


Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney present. Appellant seeks adjournment on the ground that his counsel is not in attendance. Adjourn. To come up for arguments on 05.09.2019 before D.B.


  
Member

  
Member

05.09.2019

Appellant in person present. Mr. Riaz Kahn Paindakhel learned Assistant Advocate General for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 11.10.2019 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

08.01.2019

Clerk to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Qaisar Alam H.C for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for rejoinder and arguments on 07.03.2019 before D.B

  
Member

  
Member

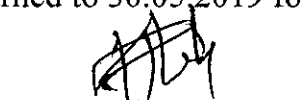
07.03.2019 Appellant in person and Mr. Muhammad Jan learned Deputy District Attorney alongwith Inayat Ullah H.C present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 17.04.2019 before D.B

  
Member

  
Member

17.04.2019

Clerk of counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Bilal Ahmad, Head Constable for the respondents present. Clerk of counsel for the appellant seeks adjournment on the ground that learned counsel for the appellant is not available today. Adjourned to 30.05.2019 for arguments before D.B.

  
(HUSSAIN SHAH)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

07.08.2018

Syed Noman Ali Bukhari, Advocate counsel for the appellant present. Mr. Arif Saleem, ASI alongwith Mr. Kabirullah Khattak, Addl. AG for respondents present and made a request for adjournment. Granted. To come up for written reply/comments on 27.09.2018 before S.B.

  
Chairman


27.09.2018


Appellant Muhammad Iqbal in person present. Mr. Arif Saleem, ASI alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present. Written reply submitted. To come up for rejoinder, if any, and arguments on 19.11.2018 before the D.B.

  
Chairman

19.11.2018

Learned counsel for appellant and Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Mr. Ishaq Gul DSP Legal present. Learned counsel for appellant submitted rejoinder which is placed on file and seeks adjournment. Adjourn. To come up for arguments on 08.01.2019 before D.B.

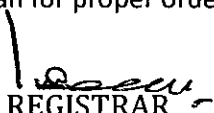


  
Member

  
Member

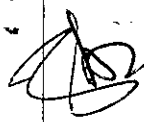
Form- A  
FORM OF ORDER SHEET

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

Case No. 769 /2018 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	01/06/2018	<p style="text-align: center;">The appeal of Mr. Muhammad Iqbal resubmitted today by Mr. Javed Iqbal Gulbella 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</p> <p style="text-align: center;">This case is entrusted to Primary Bench preliminary hearing to be put up there on <u>13/6/2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-	13.06.2018	<p style="text-align: center;">Syed Numan Ali Shah, Advocate, junior to counsel for the appellant present and heard on preliminary.</p> <p style="text-align: center;">Contends that during the regular enquiry initiated against the appellant, he was exonerated from the charge, however, the complainant was not agree to the same findings.</p> <p style="text-align: center;">Points raised need consideration. The appeal is admitted to full 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 07.08.2018 before S.B.</p> <p style="text-align: right;"> Chairman</p>

Appellant Deposited  
Security & Process Fee




The appeal of Mr. Muhammad Iqbal Assistant Grade Clerk District Police Chitral received today i.e. on 24.05.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures G, J and K of the appeal are illegible which may be replaced by legible/better one.

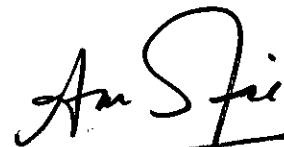
No. 1079 /S.T,

Dt. 25/05 /2018.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr.M.Asif Yousafzai Adv. Pesh.

1. Resubmitted. Better copies of Annexures G, J, K are attached.

  
1-6-18



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

**APPEAL NO. 769 2018**

Muhammad Iqbal

V/S


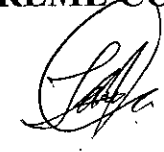
Police Deptt:

**INDEX**

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	01-05
2.	Copy of internal audit report	A	06-09
3.	Copy of charge sheet along with statement of allegations	B	10-12
4.	Copy of reply to charge sheet	C	13-15
5.	Copy of transfer order	D	16
6.	Copy of inquiry report	E	17-20
7.	Copy of letter dated 23.11.2015	F	21-24
8.	Copy of 2 <sup>nd</sup> inquiry report	G	25-27
9.	Copy of show cause notice	H	28-29
10.	Copy of reply to show cause notice	I	30
11.	Copy of order dt: <b>06-07-2015</b>	J	31-33
12.	Copy of departmental appeal	K	34-35
13.	Copy of judgment	L	36-37
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APPELLANT

THROUGH:

  
(M.ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT,  
&   
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 769 /2018

Mr. Muhammad Iqbal Assistant Grade Clerk  
(now Senior Clerk) District Police Chitral.  
R/O Sherkot, District Kohat.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 964

Dated 24-5-2018

(Appellant)

**VERSUS**

1. The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General, Headquarters, KPK, Peshawar.
3. The Regional Police Officer, Kohat Region, Kohat.

(Respondents)

-----

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 04.5.2018 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE ORDER DATED 06.07.2015, WHEREBY THE MAJOR PENALTY OF REDUCATION TO LOWER POST OF SENIOR CLERK (BPS-14) HAS BEEN IMPOSED UPON THE APPELLANT WAS REJECTED FOR NO GOOD GROUND.

Filed to-day  
Registrar  
24/5/18

**PRAYER:**

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 04.05.2018 AND 06.07.2015 MAY BE SET ASIDE AND THE RESPONDENTS MAY PLEASE BE DIRECTED TO RESTORE THE APPELLANT ON HIS POST OF ASSISTANT (BPS-16) 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.

Re-submitted to-day  
and filed.

Registrar  
24/5/18

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant was serving as Assistant Grade Clerk/ Accountant in office of the SP Investigation Wing Kohat in accordance with Rules, Regulations, procedure and law of Land.
2. That on the report of internal Auditor Range Office Kohat, the respondent No.3 sent a complaint against the appellant to respondent No.2, on the basis of which the appellant was charge sheeted along with statement of allegations on 08.09.2014 and an inquiry Committee comprising of Mr. Mansoor Aman, Addl: SP Kohat and Mr. Ihsanullah Khan, Acting SP CTD Kohat, was constituted to dig out the facts and submit its report. The appellant submitted his detail reply to charge sheet and denied all the allegations. It is pertinent to mentioned here that on the same day i.e 08.09.2014 the appellant was transferred to Chitral on the basis of that complaint. **(Copies of Range Audit Report, Charge Sheet along with statement of allegations, reply to charge sheet and transfer order dated 08.09.2014 are attached as Annexure-A,B,C&D).**
3. That the inquiry was conducted by the inquiry Committee has submitted its report on dated 30.09.2014 with the recommendation that the appellant is to be exonerated from the charge leveled against him. **(copy of inquiry report is attached as Annexure- E)**
4. That on receipt of Inquiry Report, the respondent No.2 sent the same on 30.10.2014 to respondent No.3 (complainant) for reviewing the Inquiry Report and submission of final recommendations and in response to the said letter respondent No.3 for reviewing the observation made by the Inquiry Committee, inserted/added two others in the previous inquiry committee namely of Ameen Ullah, Accountant DPO Office Karak and Israeel Khan, Accountant DPO Office Hangu as expert/Assistance of the Inquiry Committee Officers. Which is evident from the comments called from respondent No.3 on the departmental appeal of the appellant through letter dated 23.11.2015. **(Copy of letter dated 23.11.2015 is attached as Annexure-F)**
5. That the Inquiry Committee re-checked supporting Bill/Vouchers of the various head of accounts without associating the appellant in the whole process of rechecking and re-submitted its report to the

respondent No.3, wherein the appellant was found guilty of oversight and mismanagement in accuracy of disbursement in TA/DA funds along with DDO, who is overall responsible for accuracy and transparency in drawl and disbursement and recommended to recover the amount from all official who received TA/DA. **(Copy of 2<sup>nd</sup> inquiry report is attached as Annexure-G)**

6. That final show cause notice was served to the appellant which was duly replied by the appellant in which he once again denied all the allegations. **(Copies of Final Show Cause and reply are attached as Annexure-H&I).**
7. That on the basis of above mentioned reason, major penalty of reeducation to lower post of senior clerk (BPS-14) was imposed upon the appellant vide order dated 06.07.2015. The appellant, being aggrieved from the aforesaid order, preferred a departmental appeal on 07.07.2015 which was not responded within the statutory period of ninety days. **Copy of order dated 06.07.2015 and departmental appeal are attached as Annexure-J&K)**
8. That the appellant then filed service appeal No.1404/2015 in this august Service Tribunal which was decided on 07.03.2018 in which the august Tribunal observed that as the departmental authority has not yet decided the representation filed by the appellant against the original order. Consequently in view of the submission made by the learned counsel for the appellant the departmental authority is directed to decide the representation of the appellant within a period of three months of the receipt of this judgment and on the direction of this august Tribunal the departmental authority rejected the departmental appeal/representation on dated 04.05.2018. **(Copies of judgment dated 07.03.2018 and rejection order dated 04.05.2018 are attached as Annexure-L&M)**
1. That now the appellant come to this august tribunal on the following grounds amongst others.

**GROUNDS:**

- A) That the impugned order dated 04.05.2018 and 06.07.2015 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 the whole proceeding adopted by the respondents after the exoneration of the appellant by the first inquiry report is in clear violation of law and rules.
- D) That the appellant was charge sheeted on the recommendation of respondent No.3, hence, he was assigned the role of complainant, then asking his opinion upon the report of Inquiry Committee, hence, terming him as investigator and thereafter getting his opinion for awarding of punishment, hence, assigning him the role of judge is beyond the legal frame work and not only against the law, procedure and practice but also in clear violation of Article 10A of the Constitution of Pakistan 1973.
- E) That the notified and expert Audit party of the Auditor General of Pakistan and Accountant General, KPK, Peshawar, which have conclusive value and binding effect, had already found regularize the official act/work of the appellant for the subject period, hence, report of the Internal Audit party has not statutory value as the same is just preparation or adumbration for the external Audit of AG Office.  
**(Copy of AG office audit report is attached as Annexure-N)**
- F) That reversal of findings at the behest/wish/direction of respondent No.3, who is complainant in the instant proceeding is neither just nor fair being based on malafide, colorful action and biased erections.
- G) That the Inquiry Committee re-checked supporting Bill/Vouchers of the various head of accounts without associating the appellant in the whole process of rechecking, which is violation of law and rules.
- H) That the appellant was initially found innocent by the Inquiry Committee but thereafter another Reviewing Inquiry Committee was constituted by respondent No.3, which clearly reflects malafide on his part. Moreover, even second Inquiry Report also did not recommend the appellant for punishment but respondent No.3 astonishingly recommended the appellant in his separate letter memo for major punishment without any proof/cogent reason.
- I) That the entire act, action and the impugned order were passed against the principle of natural justice, biased the complainant (Respondent

No.3) himself recommended the appellant for major punishment after exoneration in initial inquiry the very factum was verified by the second reviewing inquiry.

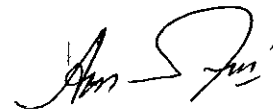
- J) That principle of justice demand that no one should be a judge in his own cause which is clearly violated in the instant case, hence, in no manner, no analogy, on whatsoever principle of common law, equity and good conscious is tenable.
- K) That the present case with which the appellant was saddled is admittedly " a case of no evidence" on the account of audit carried out by AG Office.
- L) That the appellant was vexed twice one in the shape of reduction in rank and another transfer to a far flung and remote area of district Chitral for a single alleged wrong, which was barred by Article 13 of Constitution of Pakistan, 1973, Section 26 of the General Clauses Act, 1897 and section 403 Cr.P.C.
- M) 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  
Muhammad Iqbal

THROUGH:



(M.ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT,

&



(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,

A

**AUDIT NOTE ON THE ACCOUNT OF SP INVESTIGATION KOHAT FOR THE YEAR 2012-2013 CONDUCTED BY BIG AUDITORS KOHAT.**

Sr. No.	Caption of Para's	Reply by SP Invest: Kohat	Remarks by DIG	Comments by IGP																				
Para. No. 1	<p><b>Unauthorized Payment of Rs.55402/- on account of Conveyance Allowance during LPR.</b></p> <p><b>Fact:</b> During the course of internal audit of SP Investigation Kohat it has been Pointed out that the following Police Officials were on LPR from the date mentioned below but they have regularly received conveyance allowance and ration allowance which was not admitted to them.</p> <table border="1" data-bbox="289 617 1058 852"> <thead> <tr> <th>Sr</th> <th>Name &amp; Designation</th> <th>Period</th> <th>Conveyance Allow.</th> <th>Ration Allow.</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>HC Kalamat Khan</td> <td>02/08/12 to 30/6/13</td> <td>20210/-</td> <td>7491/-</td> </tr> <tr> <td>2</td> <td>FC Noor Wali</td> <td>1/11/12 to 30/6/13</td> <td>20210</td> <td>7491/-</td> </tr> <tr> <td>3</td> <td>Total Rs.</td> <td></td> <td>40420/-</td> <td>14982/-</td> </tr> </tbody> </table> <p><b>Suggestion:-</b> The amount may be recovered from the official concerned and deposited into Govt. Treasury under intimation to this office.</p>	Sr	Name & Designation	Period	Conveyance Allow.	Ration Allow.	1	HC Kalamat Khan	02/08/12 to 30/6/13	20210/-	7491/-	2	FC Noor Wali	1/11/12 to 30/6/13	20210	7491/-	3	Total Rs.		40420/-	14982/-	<p>As per Rules the officials were not entitled to receive conveyance allowance therefore the same was stopped, and was not paid to HC Kalamat Khan which is evident from pay bill kept in this office record. Moreover a proper case has been taken up with DAO Kohat for recovery of conveyance allowance from the pension of FC Noor wali. <i>vid No-1279/A dt 11-3-2014.</i></p>		<p><b>ATTENDED</b></p>
Sr	Name & Designation	Period	Conveyance Allow.	Ration Allow.																				
1	HC Kalamat Khan	02/08/12 to 30/6/13	20210/-	7491/-																				
2	FC Noor Wali	1/11/12 to 30/6/13	20210	7491/-																				
3	Total Rs.		40420/-	14982/-																				
Para.	<p><b>Unauthorized unnecessary and fictitious expenditure of Rs.276605/- under head A03805-TA Other.</b></p> <p>During the course of audit it has been observed that a sum of Rs.276605/- have been drawn out of TA other and shown paid to the office staff during the financial year 2012-13 but according to attendance register of investigation office Kohat, all the staff were remained present on duty during these days. Moreover the TA/DA was shown paid for "BAKARE SARKAR" and DAK duty.</p> <p><b>IMPACT:</b> The amount was unnecessary removed from public exchequer.</p> <p><b>RECOMMENDATION:-</b> The matter being a serious irregularity is reported which needs proper justification and verification. Either proper permission is required to be issued to audit or the amount may be recovered from the officials concerned and deposited into Govt. Treasury under intimation to audit.</p>	<p>The officials who were posted in office were present in office then were deputed for official duties to Peshawar etc during office hours due to the reason their attendance are exits according to register. They were deputed for official duty therefore they have mentioned purpose of journey as "BAKARE SARKAR". It is requested that the Para may please be dropped.</p>																						

PAGE NO. 11

ANNEXURE A

PAGE NO. 19

PAGE NO. 12

	<p><b>Para 3. Misappropriation of Rs.1599950/- A03953- Cost of Investigation.</b>  <b>FACT:-</b></p> <p>According to the standing order No.3/2007 issued by the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar vide his Endst: No.3307-477C-I dated 10/5/2007 the fund of cost of investigation can be expended for the following specific purpose and rate for each purpose was fixed. Spot visits / preparation of site plan preservation of the spot including video / Photography / collection of evidence / identification of property. Arrest of accused production in court for remand, confession / identification and meals / fare for accuses. Unforeseen subject to approval of Addl: IG as a separate case. Sealing of Parcels and its dispatch to FSL and return etc. in the office of SP Investigation Kohat the whole budget has been shown utilized in full with ruthlessness only for one purpose i.e Hiring Charges and not for any other purpose which is against the rules and instruction.</p> <p><b>RECOMMENDATION:-</b>  The whole amount is required to be recovered and deposited into Govt: Treasury under intimation to this office.</p>	<p>The expenditure payment has been made according to the standing order No.3/2007, in most of the bills Private vehicle have been engaged for the production of accused to courts proceeded to the spot Portation of side plan etc. therefore the payment was spent on hiring charges.  Keeping in view the above the Para may please be dropped.</p>		<p style="text-align: center;"><b>RECEIVED</b></p>
<p>Para 4.</p>	<p><b>IRREGULAR AND SUSPICIOUS EXPENDITURE OF RS.37396/- UNDER HEAD A13001- TRANSPORT REPAIR CHARGES.</b>  <b>FACT:-</b></p> <p>During the course of internal audit, various serious irregularities have been noticed detail is given below:-  A sum of Rs.8200/- were drawn on account of repair of Vehicle PRP/2464 vide transport repair bill No. 39 According to cash memo. The amount was payable to Muhammad shafeel but in APR the amount has been disbursed upon Noor Autos, Bannu road Kohat. Similarly, a sum of Rs.9100/- were drawn on account of repair of vehicle No.2464 vide bill No.39. This amount was also shown paid to Arsalan Shesha house instead of Noor Autos, Bannu road Kohat. Besides above observation it is also mentioned here that the above mentioned vehicle is not on the charges of Kohat Bureau of Investigation Kohat.  A sum of Rs.3744/- on account of repair of Govt: Vehicle No.4183/PR has been shown paid to Akhtar Autos whereas according to cash Memo: the amount payable to Noor Autos Ashiq Colony Bannu road Kohat. Entry of repair is also not recorded in the</p>	<p>It is evident from the available record and AP receipts that the payment has been made to the actual climates and their signature are exist on AP receipts. Which will be shown to next audit.  It is requested that the Para may please be dropped.</p>		



8

13

PAGE NO

1

history sheet.

According to Transport Repair bill No.64 a sum of Rs.11372/- were shown drawn for repair of Govt. Vehicle No.7613 but to non-availability of APR it seems that the amount has not disbursed. Besides above, entry of repair is also not available in history sheet. Similarly, according to transport Repair bill No.78 a sum of Rs.4980/- for repair of vehicle No.75553 and a sum of Rs.5900/- for repair of vehicle bearing Chasis No.162632 have been shown expended but neither APRs are available on record nor entry repair is available in history sheet.

The matter is reported for justification and enquiry under supervision of a Gazetted officer and recovery from the responsible dealing hands under intimation to all concerned.

Beside above irregularities history sheets and log books are blank incomplete since the year 2008 and in the absence of APR and wrong APRs the whole expenditure become suspicious and irregular.

**RECOMMENDATION:-**

The matter needs justification and completion of log books as well as history sheets under intimation to audit.

Para 5.

**Non- production of record amounting to Rs.1100927/- under head A03807- POL Charges**

Fact:-

According to monthly statement for the month of June /2013 of SP Investigation of Police a sum of Rs.4000000/- were allocated to the office of Superintendent of Police Investigation for expenditure under head A03807-POL charges during the financial year 2012 / 2013. The allocated amount was utilized in full but POL bills amounting to Rs.2899073/- were produced to audit which were without APRs and POL bills amounting to Rs.1100927/- were not produced to audit for scrutiny.

The matter is reported for justification and in case non- production of record recovery of Rs.1100927/- from the responsible officer / official and depositing into Govt. Treasury.

**RECOMMENDATION:-**

The matter needs justification of APRs and in case of non- production of record and APRs, it will presumed that the amount has been misappropriated and then a sum of Rs.1100927/- will be suggested to be recovered from the officer / officials.

All the bills voucher are available on record which will be shown to the next audit.

It is requested that the Para may please be dropped.

RECEIVED

9

Para 6 Suspicious Expenditure of Rs.2899073/- Under Code A03807-POL Charges

Fact:-

During the course on internal Audit for the financial year 2012-13 in the office of superintendent of Police Investigation Kohat POL Charges bills amounting to Rs.2899073/- were produced to Audit but APRs of these bills duly attested by Gazetted officer were not found attached with the bills. Logbooks have been found in complete in the absence of APRs the whole expenditure becomes suspicious.

The matter is reported for justification, production of APRs duly attested by the DDO under intimation to audit.

The payment has made to the claimates through direct cheque system issued by the DAO Kohat though vender in the name of Ghazi Khan & sons PSO dealer Kohat. not in cash. It is requested that the Para may please be dropped.

Para 7 Fictitious Expenditure of Rs.93998/- under Code A03901- Office stationery.

In the office of Superintendent of Police Investigation Kohat it has been observed that a sum of Rs.93998/- were drawn out of office stationery charges. The following observation and manipulation were noticed. According to Contingency Bill No.9 a sum of Rs.4992/- were shown expended on account of purchase of fax roll vide Cheque No.0688584 dated 15/08/2012 but entry has not made in stationery stock register. Beside above stationery items amounting to Rs.89006/- were shown purchased from the local market on different dates. Stationery stock register entries has been found with overwriting and manipulations. Moreover application of Staff were demanded to whom stationery were issued but in vain.

Even a single application duly sanctioned by any competent authority is unavailable on record.

APRs duly attested were demanded but the same were not produced in the presence of manipulation in stock register, non-availability of APRs, non-availability of issued application. It has been observed that the amount i.e Rs.93998/- were drawn under code A03901- Office stationery charges but actually the stationery was not purchased and the amount was misappropriated.

**RECOMMENDATION:-**

All the cutting in stock register needs justification also required to be attested by a Gazetted officer under intimation to this office.

The issue chits are available in record which will be shown to next audit. Moreover entry of fax roll are exits on stock register. The cutting has been attested by a Gazetted Officer. The Para may please be dropped.

RECEIVED

PAGE NO 14

*[Signature]*  
Superintendent of Police,  
Investigation Wing, Kohat.  
A.

Page No. 14 of 15  
Date: 25/08/2014 10:54 AM  
Page No. 14 of 15  
Date: 25/08/2014 10:54 AM

FROM : Gamni Trading Company

PHONE NO. : 42371 2219

Sep. 10 2014 03:27 PM

16  
10

From : The Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.

To : ✓ The Regional Police Officer,  
Kohat Region, Kohat



6449  
10/9/14

No. 3085 /E-V dated Peshawar the 8/9 /2014.

Subject: DEPARTMENTAL ENQUIRY AND TRANSFER TO SOME REMOTE REGION ON COMPLAINT BASIS

Memo:

Please refer to your office Memo No. 7717/RA, dated: 21.08.2014.

Please serve the attached charge sheet and statement of allegations upon Muhammad Iqbal Assistant Grade Clerk of SP/Investigation, Karak and return its duplicate copy as token of receipt for the record of this office.

Encl: (2)

No 8350 /EC,  
dt: 10-9 /2014

SP/inv. Karak

*(Signature)*  
(FARHAD ALI)  
Registrar  
For Provincial Police Officer,  
Khyber Pakhtunkhwa  
Peshawar

To serve the charge sheet & statement of allegation & the above subject asst. g. c. and return the duplicate copy duly signed by him (P.C.)

*(Signature)*  
He / Mohammad Iqbal  
For m. a. Gen

REG POLICE  
KOHAT  
10/9

*(Signature)*  
SP/inv. Karak  
10/9

ATTESTED  
*(Signature)*

**CHARGE SHEET**

I, Mubarak Zeb, Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa Peshawar as a competent authority, hereby charge you Mr. Mohammad Iqbal, Asstt: Grade Clerk presently posted in the office of SP, Investigation, Karak as follows:-

As reported by RPO, Kohat that while you were posted as Pay Officer in the office of SP, Investigation, Kohat, after the course of Internal Audit some Major misappropriation (amounting to Rs:- 30,71,480/-) were found on your part. Detail of the same misappropriation is appended below:-

1. Vide para-02 of the Internal Audit, you have drawn TA bills of amounting to Rs:- 2,76,605/- on the names of Police officials/Ministerial Staff while according to Attendance Register they were present on duty in the office.
2. Vide para-03 of the Internal Audit, you have drawn amounting to Rs:- 15,99,950/- under the code cost of investigation un-necessary for only Hiring of Private Vehicles and not for any other purpose which is against the orders/instructions of the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar duly conveyed to all Heads of Police Offices Khyber Pakhtunkhwa, Peshawar vide Endst: 3307-47/C-I dated 10.05.2007.
3. Vide para-05 of the Internal Audit, you have drawn amounting to Rs:- 11,00,927/- under head of A03807-POL Charges and didn't produce the record of it.
4. Vide para-07 of the Internal Audit, you have drawn amounting to Rs:- 93,998/- under head A039901-Office Stationary by over writing and Manipulations in the Stock Register. Besides, any application is not available to whom the Stationary items were issued. Even a single application duly sanctioned/issued by any Competent Authority is not available on the record as wells as any APR.

2 Your said act of negligence depicts height of inefficiency, disobedience, Indiscipline attitude and lack of professionalism which amounts to grave misconduct on your part warranting stern disciplinary action against you.


3. By the reason of the above, you appear to be guilty of misconduct as defined in Rules-3 (i) of Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) Rules- 2011, and have rendered yourself liable to all or any of the penalties specified in Rules-4 of the said ibid.


4. You are, therefore required to submit your written defence within 07 days of the receipt of this Charge Sheet to the Enquiry Officer.

5. Your written defence, if any, should reach to the enquiry officer within the specified period failing which it shall be presumed that you have no defence to put in and in that case, exparte action will be taken against you.

6. Also Intimate as to whether you desire to be heard in person or otherwise.

7. Statement of allegation is enclosed herewith.

  
(MUBARAK ZEB) PSP  
Deputy Inspector General of Police, HQrs:  
Khyber Pakhtunkhwa,  
Peshawar.

**ATTESTED**  


DISCIPLINARY ACTION

I, Mubarak Zeb, Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa Peshawar as competent authority, is of the opinion that you, Mr. Mohammad Iqbal, Asstt: Grade Clerk presently posted in the office of SP, Investigation, Karak have rendered yourself liable to be proceeded against as you have committed the following acts/omission within the meaning of Rule 4 of the Khyber Pakhtunkhwa Civil Servant Efficiency and Discipline Rules 2011.

STATEMENT OF ALLEGATION

As reported by RPO, Kohat that while he was posted as Pay Officer in the office of SP, Investigation, Kohat, after the course of Internal Audit some Major misappropriation (amounting to Rs:- 30,71,480/-) were found on his part. Detail of the same misappropriation is appended below:-

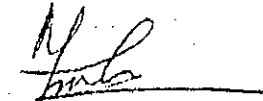
1. Vide para-02 of the Internal Audit, he has drawn TA bills of amounting to Rs: 2,76,605/- on the names of Police officials/Ministerial Staff while according to Attendance Register they were present on duty in the office.
2. Vide para-03 of the Internal Audit, he has drawn amounting to Rs: - 15,99,950/- under the code cost of Investigation un-necessary for only Hiring of Private Vehicles and not for any other purpose which is against the orders/instructions of the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar duly conveyed to all Heads of Police Offices Khyber Pakhtunkhwa, Peshawar vide Endst: 3307-47/C-I dated 10.05.2007.
3. Vide para-05 of the Internal Audit, he has drawn amounting to Rs:- 11,00,927/- under head of A03807-POL Charges while he didn't produce the record of it.
4. Vide para-07 of the Internal Audit, he has drawn amounting to Rs: - 93,998/- under head A039901-Office Stationary by over writing and Manipulations in the Stock Register. Besides, any application is not available to whom the Stationary Items were issued. Even a single application duly sanctioned/issued by any Competent Authority is not available on the record as wells as any APR.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an enquiry committee consisting of the following is constituted under the Rules.

- i. Mr. Mansoor Aman, Addl SP Kohat
- ii. Mr. Jusanallah, Ac. Puj SP CID Kohat

3. The enquiry committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within 25 days of the receipt of this order, recommendations as to punishment or the appropriate action against the accused.

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

  
(MUBARAK ZEB) PSP  
Deputy Inspector General of Police, HQrs:  
Khyber Pakhtunkhwa,  
Peshawar.

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STATEMENT OF MUHAMMAD IQBAL, ASSISTANT GRADE CLERK,  
THE THAN PAY OFFICER INVESTIGATION WING KOHAT.

Sir,

In response to the charge sheet issued by the Deputy Inspector General of Police HQRS Khyber Pakhtunkhwa Peshawar vide office Memo No. 3085/E-V dated 08.09.2014 received through the Deputy Inspector General of Police vide his office Endst: No. 8350 / EC dated 10.09.2014.

It is submitted that I have been charge sheeted for the allegations that while I was posted as pay officer Kohat Bureau of Investigation Kohat during the year 2012-2013. After the course of internal audit some major misappropriation amounting to the Rs. 3,07,1480/- were found on my part.

The Auditor Region Office Kohat has prepared the following audit Paras during the course of internal audit for the year 2012-2013.

1. -Vide Para - 2 of the internal audit, you have drawn TA bills of amounting to Rs. 2,76,605/- on the names of Police Officials/ Ministerial staff while according to attendance register they were present on duty in the office.

I Ans:

In response to the objection mentioned above, it is submitted that the Superintendent of Police Investigation wing Kohat has already clarified the objection and submitted reply to the Deputy Inspector General of Police Kohat Region Kohat (Copy enclosed at F/A ).

The superintendent of Police Investigation in his reply has mentioned that the officials who were posted in office were present in office then were deputed for official duties to Peshawar etc during office hours, due to the reason their attendance are exits according to the register. They were deputed for official duty therefore they have mentioned purpose of journey as 'BAKARE SARKAR'. It is requested that the Para may please be dropped.

It is worth to mention here that the auditor in his report has not mentioned the following details in his objection which are in relation pre-req. etc about which I could submit explanatory reply:-

1. Name of officers/ officials to whom the TA has been paid.
2. Dates on which they have claimed the TA.
3. How much amount has been paid to each and every individual?

Beside this I have drawn all the Budget allotted to the SP Investigation & that during the year 2012-2013 and disbursed upon the claimants/owners who have submitted bills and their receipts in shape of acquittance roll/ vouchers and actual payee receipts, are available on record.

The bills so far drawn were claimed by the Police officers / officials and were sanctioned by the DDO (SP Investigation Kohat).

It is also worth mentioning here that the auditor in his report not mentioned that the amount has been misappropriated/ embezzled and not distributed upon the claimants/owners by the pay officer, but it has been mentioned that either proper permission is required to be shown to audit or the amount may be recovered from the officials concerned and deposited into Govt. treasury, which is evident from the enclosed audit not placed at F/A. On the other side the auditor has not nominated the officials from whom the amount is recoverable.

2 Q.

Vide Para - 3 of internal audit, he has drawn amounting Rs. 15, 09, 050/- under Code cost of investigation un-necessary for hiring of private vehicles and not for any other purpose which is against the orders / instructions of the Worthy

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*[Signature]*



Provincial Police Officer Khyber Pakhtunkhwa Peshawar duly conveyed to all heads of Police offices Khyber Pakhtunkhwa, Peshawar vide Endst: No. 3307-12/C-1 dated 10.05.2007.

2. Ans:

In reply to the audit objection of the Para mentioned above the SP Investigation Kohat  
Has submitted reply (placed at F/A). The SP Investigation in his reply mentioned that the  
payment has been made according to the standing order No. 3/2007. In most of the bills  
private vehicle have been engaged for the production of accused to courts proceeded to  
the spot pointation of side plan etc. therefore the payment was spent on hiring charges.  
Keeping in view the above the Para may please be dropped.

In this respect it is submitted that the a sum of Rs. 16,00,000/- were allotted to the SP Investigation Kohat under head cost of Investigation during the year 2012-2013 which were utilized according to the rules/instructions. The investigations officers have submitted the bills on account of cost of investigation which were sanctioned by the DDO (SP Investigation Kohat). The bills were drawn and the payment was made to the owners' claimants. The acquittance rolls duly signed by the owners are available on record. In such condition the question of misappropriation does not arise against me.

Q.3

Vide Para -5 of internal audit, you have drawn amounting to the Rs. 1100927/- under head of AO 3807-POL charges and did not produced record of it.

Ans.3

The SP Investigation Kohat has submitted reply to the audit which has been placed at F/A. The SP Investigation Kohat in his reply mentioned that all the bills, vouchers etc are available on record which will be shown to next audit.

In this respect it is submitted that a sum of Rs. 40,00,000/- were allotted under head AO 3807 - POL charges during the year 2012-2013 which were utilized on the purchase of POL from POL contractor Ghazi Khan and sons PSO Dealer KDA Kohat. The contractor has submitted the POL bills on monthly basis and the payment was made to him through vendor cheque. All the POL bills have been sanctioned by the competent authority, cheque No. and actual payee receipts duly signed by the dealer are available on record.

Q.4

Vide Parra -7 of the internal audit he has drawn amounting to Rs. 93998/- under head AO 3901 - office stationary by over writing and manipulation in the stock register. Beside any application is not available to whom the stationary items were issued. Even single application duly sanctioned / issued by the any competent authority is not available on the record as well as any APR.

Ans.4

The SP Investigation Kohat also submitted reply of the said objection (placed at F/A) mentioning therein that issue chits are available on record which will be shown to next audit. The cutting has been attested by a Gazeted Officer.

In this respect it is submitted that the stationery articles were purchased on the Proper sanctioned of competent authority. All the items were taken on stock register and issued to the officers / officials on their written applications for officials use in the office work. The applications are available on record. The payment was made to dealer/ supplier. The actual payee receipts are available on record.

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It is worth mentioning here that the Auditors of the office of Accountant General Khyber Pakhtunkhwa Peshawar have conducted Audit of the same period i.e 2012-2013 and checked all the relevant record and found available at office. The Auditors of AG office have taken 06 objections. Reply of the same was conveyed. The objections were discussed in the DAC meeting held at C.P.O Peshawar on 18.07.2014 in the supervision of Director Audit AG office Khyber Pakhtunkhwa Peshawar and were dropped. (Photocopy enclosed at F.B.)

Besides this the Auditor C.P.O Peshawar has also conducted audit of the same period and all the relevant record has also been checked by auditor.

It is pertinent to mention here that when the aforesaid internal audit was carrying out, this time I was serving in Investigation Wing Karak and unexpectedly the undersigned was informed regarding the subject audit neither by Investigation Wing Kohat nor by the auditor. If I was informed I could be able to produce all the relevant record to the auditors which was lying in the said office. This record now can be requisitioned by the honorable enquiry officers for examination and its authenticity. Keeping in view the facts explain above, it is humbly requested that I may kindly be exonerated from the allegations leveled against me and the enquiry may kindly be filled please.

Yours obediently

(Muhammad Iqbal)  
Ass. tant Grade Clerk,  
The then Pay Officer KBI Kohat.

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ORDER

Muhammad Iqbal Assistant Grade Clerk of SP/Investigation, Karak is hereby transferred and posted to the office of the District Police Officer, Chitral on complaint basis with immediate effect.

Mubarak Zeb  
(MUBARAK ZEB)

DI/5/HQ's.

For Provincial Police Officer,  
Khyber Pakhtunkhwa  
Peshawar.

No. 3092-99 /E-V dated Peshawar the 08/09/2014

Copy of above is forwarded for information and necessary action to the

1. Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Kohat Region, Kohat w/r to his Memo: No. 7177/RA dated: 21.08.2014.
3. Deputy Inspector General of Police, Malakand Region.
4. District Police Officer, Karak.
5. District Police Officer, Chitral.
6. Office Supdt: Secy: CPO Peshawar.
7. Supdt: of Police, Investigation Karak.

Ac/ SAC

For Mr. Sultan

SD/Investigation  
2/9

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ANNEXURE-" 4 "

From: The Addl: Superintendent of Police,  
Kohat

To: The Deputy Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar

No. 52 /PA dated Kohat the 30/9 /2014

Subject: DEPARTMENTAL ENQUIRY

Memo: -

Kindly refer to your Memo No 3085/E-V dated 08.09.2014 (enclosed).

It is submitted that finding of the departmental enquiry against Assistant Grade Clerk Muhammad Iqbal including departmental enquiry file is submitted herewith for favour of perusal and further necessary action please.

Addl: Superintendent of Police,  
Kohat

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IN DEPARTMENTAL ENQUIRY AGAINST MUHAMMAD IQBAL ASSISTANT GRADE CLERK

This is a finding in departmental enquiry against Muhammad Iqbal Assistant Grade Clerk for the allegations that:-

1. Vide Para No 02 of the Internal Audit, he has drawn TA Bills of amounting to Rs. 276605/- on the names of officials / ministerial staff while according to attendance register they were present on duty in the office.
2. Vide Para No 03 of the Internal Audit, he has drawn amounting to Rs. 1599950/- under the code cost of investigation unnecessary for only hiring of private vehicles and not for any other purpose which is against the orders / instructions of the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar duly conveyed to all heads of Police Officer in Khyber Pakhtunkhwa, Peshawar vide Endst: No 3307-47/C-I dated 10.05.2007.
3. Vide Para No 05 of the Internal Audit, he has drawn amounting to Rs. 1100927/- under head of AO3807 - POL Charges and did not produce the record of it.
4. Vide Para No 07 of the Internal Audit, he has drawn amounting to Rs. 93998/- under head AO3901 - Office Stationary by overwriting manipulation in the stock register. Besides, any application is not available to whom the stationary items were issued. Even a single application duly sanctioned / issued by any competent authority is not available on the record as well as any APR.

On these allegations he was issued with charge sheet and statement of allegations. The undersigned were appointed as enquiry committee to conduct enquiry into the matter.

On receipt of the enquiry file, necessary enquiry proceedings were adopted. Summoned respondent Assistant Grade Clerk Muhammad Iqbal, Range Auditor Khayal Faqir, PWs present Senior Clerk Aftab ur Rehman Pay Officer, Naib Pay Officer Shad Hussain, Naib Arshid Mehmood, Junior Clerk Safi Ullah, ASI Zardad Reader SP Investigation, Telephone Operator Sharif Khan, Acting PA SP Investigation Risal Khan, heard them in person and recorded their statements.

Opportunity of cross question was given to the respondent Muhammad Iqbal which he availed.

The respondent Assistant Grade Clerk Muhammad Iqbal the then Pay Officer, Investigation Wing, Kohat stated in his statement that he has already submitted a detailed reply of the charge sheet which may please be considered as his present reply to the enquiry committee, however, vide which it is learnt that he had remained posted as Pay Officer Investigation Wing, Kohat during the period from 01.07.2012 to 06.06.2013. On 06.06.2013 he was transferred to Investigation Wing Karak on administrative grounds vide Deputy Inspector General of Police, Kohat Region, Kohat order Endst: No 4024-28/EC dated 06.06.2013 (copy enclosed). While giving the charge he handed over complete record to his predecessor. The subject audit has been carried out in October 2013 and at that days he was serving in Investigation Wing, Karak, therefore, it was the sole responsibility of his predecessor to produce the record to the Audit Party as all the record was lying in the office of Investigation Wing, Kohat. As in routine in every government office whenever Audit Party is conducting Audit of any

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previous period, the present dealing hand is responsible to produce the requisite record before the Audit Party for processing it.

As far as the objections raised in the audit note, the superintendent of Police Investigation Wing, Kohat has already submitted Para-wise comments of all the objections mentioned in the charge sheet (copy of audit note and comments on it is enclosed).

The respondent further mentioned after the above Internal Audit, the proper Audit was carried out by the Auditor of Accountant General Office, Khyber Pakhtunkhwa, Peshawar. They have also carried out Audit of the same period and found all the record available in the office. The Audit Party had recorded 06 objections in the Audit Note which were later on discussed in the DAC meeting held in CPO Peshawar on 18.07.2014 in the supervision of Director General Audit, AG Office, Khyber Pakhtunkhwa, Peshawar and Budget Officer CPO Peshawar. After discussion and perusal of record, the Audit objections were set aside / dropped (copy of Audit Note is enclosed for ready reference). The respondent stated that he has drawn all the amount on the proper sanction / approval of competent Authority and the amount was disbursed upon the claimants / owners.

The Range Auditor Khayal Faqir stated in his statement that he has conducted Internal Audit of Investigation Wing, Kohat for the year 2012-13. During the course of Audit the concerned staff of Account Branch have not produced complete record to him, therefore, he has recorded the said observations.

During cross question by the undersigned when he was asked that the respondent Assistant Grade Clerk Muhammad Iqbal was present during the course of Audit. He said that he was not present because he was serving in Karak District. He was further asked that the present staff was directed to produce the record. He replied that they were directed to produce the complete record but they failed to do so. He was asked that the respondent has produce copy of Standing Order regarding payment of cost of investigation and there is any doubt in its authenticity. He replied that the standing order is correct.

Besides this, statement of Senior Clerk Aftab ur Rehman presently posted as Pay Officer, KBI Kohat, Junior Clerk Shad Hussain APO and Arshid Mehmood of Account Branch were recorded. In their statement they disclosed that during Audit days their office was recently shifted from 1<sup>st</sup> floor to ground floor and some official files were misplaced therefore, the complete record could not be produced to Audit Party. Later-on, after thorough search, the same record was found out and is available in the office and will be produced if requisitioned by anyone.

Junior Clerk Safi Ullah of the office of SP Investigation Kohat stated that he had proceeded to Peshawar and some other places upon the orders of seniors and did official duty. Afterwards prepared TA Bills, which was subsequently drawn. The amount has been received by him properly.

Similarly, other office staff such as ASI Zardad reader to SP Investigation, Telephone Operator Sharif Khan and acting PA Risal Khan have corroborated the version of Junior Clerk Safi Ullah that they had proceeded to various official assignments and have received TA properly.

During the course of enquiry some of the bills pertaining to POL Charges, Hiring Charges and stationary were checked and found correct such as amount shown drawn were stated by the relevant official / firms received one. Statement of Manager Ghazi Khan Petroleum Kohat, contractor / supplier of POL to Police Department of this district, was recorded. He after

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thorough perusal of the existing drawn bill / record stated that the amounts of these bills have been received to him. He also verified the statement of cheques of the period of audit under report, which is placed on enquiry file.

Similarly, one of the Investigation Officer SI Abdul Rehman disclosed in his statement that admittedly he used to engage private vehicles in connection with investigation purpose and afterward he was submitting bills thereof which were correctly drawn and the payment thereof received to him regularly during the period of the aforesaid Pay Officer.

So far overwriting in the stationary record in duly maintained / stock register, from thorough examination it is learnt that it has been based purely on clerical mistake basis because prior to the period under report when previous record was checked similar cutting was also found out which has been attested by Gazetted officer for attestation of cutting. Moreover, applications for the grant of stationary by various officials, duly sanctioned were found existed on record and necessary compilation / reconciliation was made with the maintained registered and found correct. Actual payees receipt (APR) were found available on record copy of the same are placed on file for ready reference.

Statement of stationary supplier / contractor was recorded who after thorough examination of the existing bills duly drawn in his favour, disclosed that all the payment has been correctly received to him.

### FINDINGS

From the enquiry so far conducted we the enquiry committee came to the conclusion that no misappropriation or malafide in connection with drawl of TA Bills Rs. 276605/- was found out on the part of the said official. Drawl of 1599905/- under the code code of investigation is found drawn based on rules / regulation and nothing any illegality or irregularity on his part. Rs. 93998/- under head A03901-Office Stationary was also found drawn, accordance with existing record, correctly disbursed. Similarly, complete record of POL Charges amounting to Rs. 1100927/- allegedly not produce during Audit, produced, examined and correct.

The delay in correspondence and non-production of record is the responsibility of then DDO and his pay officer, who is still the Pay Officer of Investigation Wing Kohat.

Therefore, we the enquiry committee are of the view that allegations leveled against Assistant Grade Clerk Muhammad Iqbal are not based on facts, hence he is recommended to be exonerated from the charges.

Submitted please.

Superintendent of Police,  
CTD, Kohat

Add: Superintendent of Police  
Kohat

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

Ph: 091-9210545 Fax: 091-9210927

(21)  
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No 7504/E-V Dated Peshawar the 23/11/2015  
To,

The Regional Police Officer,  
Kohat.

**SUBJECT:- DEPARTMENTAL ENQUIRY AND TRANSFER TO SOME  
REMOTE REGION ON COMPLAINT BASIS.**

**MEMO:**

Please refer to your Letter No 7717/A Dated 21.08.2014, on the subject noted above.

An enquiry was initiated against Asstt: Grade Clerk Mohammad Iqbal (now reverted as Senior Clerk on the Score of the following Allegations that:-

**I. GROUNDS OF ENQUIRY.**

Asstt: Grade Clerk Mohammad Iqbal (now Senior Clerk) While posted as Accountant in office of the SP, Investigation, Kohat was charged with the following allegations during the Internal Audit carried out by Range Auditor Kohat that:-

- i. Vide Para No 02, TA Bills amounting to Rs: - 2, 76,605/- were drawn by the defaulter official in the names of Police officials/Ministerial Staff while according to the Attendance Register, they were duly present on duty in their offices.
- ii. Vide Para No 03, an amount of Rs.15, 99,950/- was drawn under the code cost of Investigation un-necessarily only for Hiring Charges of Private Vehicles and not for any other purpose which is against the Orders/Instructions of the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar already conveyed to all Heads of Police Offices Khyber Pakhtunkhwa, vide Order Endst: No 3307-47/C-I Dated 10.05.2007.
- iii. Vide Para No 05, an amount of Rs. 11,00977/- was drawn by him under Head of A-03807-POL Charges and didn't produce the relevant record of it to the Auditor.
- iv. Vide Para No 07, an amount of Rs. 93,998/- was also drawn by him under Head A-039901-Office Stationary by making over writing in the relevant register and doing Manipulation in the Stock Register. Besides, no single application duly sanctioned by the Competent Authority was found by the Auditor, to whom the Stationary articles were issued.
- v. To probe into the matter, a Committee was constituted comprising of the following Officers to dig out the facts and submit their report to the Competent Authority.
  - 1). Mr. Mansoor Amaan, Addl: SP, Kohat.
  - 2). Mr. Ihsan Ullah Khan, SP, CTD, Kohat.
- vi. Taking the cognizance of the said Allegations, Asstt: Grade Clerk Muhammad Iqbal was transferred to Chitral District vide this office Letter No 3092-99/E-V Dated 08.09.2014 on complaint basis.

ATTENDED  
[Signature]



2. FINDINGS OF THE ENQUIRY.

After conducting proper Enquiry into the allegations levelled against him, the Enquiry Committee recorded the Statements of all officials and observed the whole matter from each and every angle to dig out the facts. But nothing was proved against him as all sort of drawal made by him under the above mentioned Heads were found in proper ways even under the relevant Rules and Procedures. Therefore, he was recommended to be exonerated from the charges leveled against him vide Letter No. 52/PA Dated 30.09.2014.

3. OBSERVATIONS MADE BY DIG, HQRS: ON THE FINDINGS REPORT.

i. On submission of the Finding Report of the said Enquiry Committee before your good self, the following observations were made on it: -

“ The Enquiry Report has been sent to this office directly by SP. May be returned to RPO, Kohat with the request to look into the matter, review the Enquiry Report, make a Final Recommendations and send report to CPO, accordingly”.

ii. In view of above, Regional Police Office, Kohat Region was addressed vide Letter No 3925/E-V Dated 30.10.2014.

4. RE-CONSTITUTION OF ENQUIRY COMMITTEE FOR REVIEWING OF ITS FINDINGS REPORT

i. In response to the same letter, Regional Police Officer, Kohat recalled the Enquiry Officers and Region Auditors and pointed out the deficiency in the Enquiry. The Enquiry Committee narrated that due to non-availability of Technical Expert, the Enquiry was finalized without detail. Accordingly, the Enquiry File was given to the said Committee for reviewing and report. In order to avoid the technical deficiency in the Subject Enquiry, the following Asstt: Grade Clerks were also called for to assist the Enquiry Committee to finalize the Enquiry in the light of this office Letter as quoted above accordingly.

- Ameen Ullah, Accountant DPO, Office Karak.
- Israeel Khan, Accountant, DPO, Office, Hangu.

ii. Therefore, the Enquiry Committee with the assistance of above mentioned Account knowing Clerks have checked thoroughly all supporting vouchers/TA bills and submitted Para wise fresh report on the basis of utilized funds.

✓ PARA NO 01 EXPENDITURE UNDER HEAD OF TA OTHERS AMOUNTING TO RS:- 276605/-

All TA bills in the names of those officials who are mentioned by name in Audit Para No 1 were thoroughly checked according to the Attendance Register of the office of SP, Investigation, Kohat. The observations made by the Range Auditor are correct, except some payment of the following officials which are already shown in Attendance Register for the purpose of official duty. Therefore, an amount of Rs: - 15,959/- is required to be deducted from the total amount of Rs:- 276605/- However, the name of FC Fayaz Khan and HC Dalil Khan mentioned at Serial No 09 and 16 were not found in the Attendance Register while they have claimed a sum of Rs:- 13 960/ and Rs:- 9150/-

i.	HC Ibne Raza	5208/-
ii.	Asstt: Grade Clerk	9251/-
iii.	<u>FC Arshad Mehmood</u>	<u>1500/-</u>
	Total	15959/-

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In view of above, the review committee also made suggestion that a sum of Rs.15959/- may be Re-trenched and the remaining amount is required to be deducted from the claimant as they have already admitted during cross questioning of departmental proceedings for reviewing the TA Bills.

➤ PARA NO 02 EXPENDITURE OF RS.15, 99,950/- UNDER OF COST OF INVESTIGATION CHARGES

All supporting bills of the subject head of account were checked thoroughly one by one in the light of specific purpose and fix rates already recorded by the Auditor in Para No 02. The observations made by the Range Auditor is quite clear, but according to the Standing Order No 06 more than 70% Funds were required to be finalized on hiring/conveyance charges in connection with purpose of preparation of Site Plan, collection of evidence and its onward dispatch to laboratory including traveling cost, traveling of Police party to scene of crime of witness, arrest of accused person travelling of Police party, Side Inspection, Identification Parade to end from Jail/Court etc, while the said purpose have already been indicated by the Claimant in such cost of bills. Hence, the cost of Investigations Fund have been utilized and correctly drawn under the rules. Therefore, the same payment was made regularly to the concerned Officers during Financial year 2012-13. So, the Para in question has been recommended to be settled.

➤ PARA NO 03 EXPENDITURE OF RS.93998/- UNDER HEAD OF OFFICE STATIONARY CHARGES

Recommendations of the Audit Party is quite clear regarding cutting in Stock Register which was required to be attested by the Gazetted Officer which have already been attested by the DDO concerned. Therefore, the Para has been recommended for settlement.

➤ PARA NO 04 EXPENDITURE OF RS.1100927/- UNDER HEAD OF POCHARGES

Complete Record on account of POL charges have been checked which is available in the office of SP, Investigation Kohat. Hence, the same Para has been recommended for settlement.

➤ PARA NO 05 EXPENDITURE OF RS.37396/- UNDER HEAD OF TRANSPORT REPAIR.

Under this Head, the Observations made by Range Auditor are correct. But APR is required to be signed from the concerned supplier and to be attested from a Gazetted Officer i.e. DDO concerned. After that the Pare is recommended to be settled.

5. REVIEW REPORT OF ENQUIRY COMMITTEE.

The above mentioned Report was submitted to the Regional Police Officer Kohat by the Enquiry Committee with the contents that Auditing is a specialized job which requires meticulous perusing and understanding of Financial Documents. Therefore, Pay Officers of Karak and Hangu were requisitioned to pursue the record and give their expert opinions on the charges leveled against Asstt: Grade Clerk Mohammad Iqbal. Both the Pay Officers have furnished their report wherein they have found mismanagement and embezzlement in TA/DA whereas in the rest of the charges they have found no omission which can be rectified. They have further stated that in the light of expert report, this Committee has found Asstt: Grade Clerk Mohammad Iqbal as guilty of over sight and mis-management in drawl of disbursement in TA/DA funds along with DDO, who is overall responsible for accuracy and transparency in drawl and disbursement while the amount is recommended to be recovered from all officials who have received this TA/DA.

6. RECOMMENDATIONS OF RPO, KOHAT.

On receiving the above mentioned Review Report submitted by the Enquiry Committee, Regional Police Officer, Kohat has sent a letter to this office with the recommendations that Asstt: Grade Clerk Mohammad Iqbal should be given Major Punishment due to corruption and mis-management in drawl and disbursement of TA/DA. Similarly, DDO i.e. Mr. Mohammad Idrees Khan the then SP, investigation Kohat has also been recommended for necessary Legal action being found guilty of oversight and mis-management in drawl and disbursement of TA/DA.

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7. ISSUENCE OF FINAL SHOW CAUSE NOTICE.

After the recommendations of Regional Police Officer, Kohat, he was issued Final Show Cause Notice on the review Findings Report of Enquiry Committee vide this office Letter No 1183/E-V Dated 24.02.2015.

8. REPLY TO FINAL SHOW CAUSE NOTICE.

In response to the same, he submitted his reply with the contents that:-  
"The Enquiry Committee in their Initial Report submitted to the high ups has exonerated him from the charges/allegations leveled against him while in the second Review Enquiry Report has held him guilty of the oversight and mis-management in drawl of TA/DA Funds and recommended that the amount to be recovered from the officials who have received the TA/DA amount. He has further submitted that SP, Investigation, Kohat has already clarified the objections and has submitted his reply to the RPO, Kohat that the official who were posted in the office were present in the office and then they were deputed for official duties to Peshawar etc: during official hours. Due to this reason, their Attendance was existing in the Attendance Register. They were deputed for official duty hence, their journey was mentioned by the officials as "BAKAR-E-SARKAR". All the TA Bills were received to Account Branch through proper channel. After proper scrutiny according to TA Rules, the claimants were paid the amount of their TA/DA with the proper permission of the DDO. The DDO has sanctioned the bills and his signatures are existing on each and every TA Bill. The concerned Claimants admitted during the course of Enquiry that they have submitted their bills and received the amount correctly. Therefore, requested for exoneration of the charges and to file the Enquiry. He also requested to give a chance before your good self for personal hearing.

After submission his reply of Final Show Cause Notice, he has appeared before the Competent Authority on 15.04.2015 for personal hearing and questioned about the matter but could not satisfy the Competent Authority i.e. Deputy Inspector General of Police, Hqrs: Khyber Pakhtunkhwa, Peshawar.

Hence, in the light of the recommendations of Regional Police Officer, Kohat vide his office Letter No 173/RA Dated 06.01.2015, he was awarded Major Punishment of reversion from Asstt: Grade Clerk to Senior Clerk vide this office Order Endst: No 4559-67/E-V Dated 06.07.2015.

Now, the said official has submitted the instant Appeal against the said punishment to the next higher Forum i.e. the Worthy Additional Inspector General of Police, Hqrs: Khyber Pakhtunkhwa, Peshawar for setting aside the said punishment which was awarded to him by Deputy Inspector General of Police, Hqrs: Khyber Pakhtunkhwa, Peshawar.

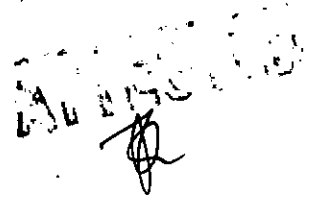
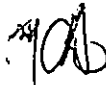
Upon perusal of his application, the Competent Authority, has asked comments from your office to proceed further into the matter.



(PERVEZ ELAHI)

Registrar,

For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.



From: The Addl Superintendent of Police,  
Kohat

To: The Deputy Inspector General of Police,  
Kohat Region, Kohat

No. V.C. /PA dated Kohat the 24/09/2014

Subject: DEPARTMENTAL ENQUIRY

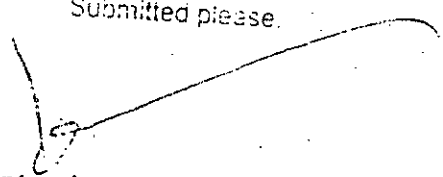
Memo -

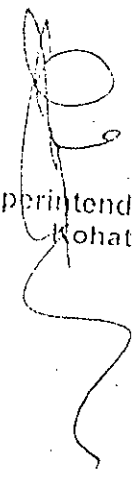
in continuation of this office Memo No 52/PA dated 30/09/2014

It is submitted that auditing is a specialized job which requires meticulous work and understating of financial document. The earlier enquiry sent vide above referred letter was conducted as a routine departmental enquiry, however, after the observation of Deputy Inspector General of Police, Kohat Region, Kohat, pay officers of Hangu & Karak were requisitioned to thoroughly peruse the record and give their expert opinion on the charges leveled in the charge sheet. Both pay officers have furnished their report wherein they have found mismanagement and embezzlement in TA/DA charges whereas in the rest of the charges they found omissions which can be rectified.

In the light of expert report attached with this enquiry report, this committee finds Pay Officer Assistant Grade Clerk Muhammad Iqbal guilty of oversight and mismanagement in drawl and disbursement in TA/DA funds alongwith CDO, who is overall responsible for accuracy and transparency in drawl and disbursement while the amount is recommended to be recovered from all the officials who have received this TA/DA amount.

Submitted please.

  
Superintendent of Police,  
CTD, Kohat

  
Addl: Superintendent of Police  
Kohat

ATTESTED  


**Better Copy Annexure-G**

From           The Addl: Superintendent of Police  
                  Kohat.

To               The Deputy Inspector General of Police  
                  Kohat Region, Kohat.

Subject:        **DEPARTMENTAL ENQUIRY.**

Memo:-

In continuation of this office Memo No. 52.PA dated  
30.09.2010

It is submitted that auditing is a specialize and understating of financial document. The early enquiry sent vide above retired letter was conducted as a routine departmental enquiry, however, after the observation of Deputy Inspector General of Police, Kohat Region, pay officers of Hangu & Karak were requisitioned to thoroughly peruse the record and give their expert opinion on the charges leveled in the charge sheet. Both pay officers have furnished their report wherein they have found mismanagement and embezzlement in TA/DA charges whereas in the rest of the charges they found omissions which can be rectified.

In the light of expert report attached with the enquiry report, this committee finds Pay Officer Assistant Grade Clerk Muhammad Iqbal guilty of oversight and management in drawl and disbursement in TA/DA funds along with DDO, who is overall responsible for accuracy and transparency in drawl and disbursement while the amount is recommended to be recovered from all the officials who have received this TA/DA amount.

Submitted please.

Superintendent of Police,  
CTD, Kohat.

Addt: Superintendent of Police  
Kohat.

**PARA NO. 3 EXPENDITURE OF RS. 93998/- UNDER HEAD OF THE STATIONARY CHARGES.**

Recommendations of the Audit party is quite clearly regarding caution in stock register which was required to be attested by the gazzated officer which was already been attested by DDO concerned Therefore the Para is recommends settlement please.

**PARA NO. 4 EXPENDITURE OF RS. 93998/- UNDER HEAD OF THE STATIONARY CHARGES**

Complete record on account of POL charges are thoroughly checked which is available in the office of SP Investigation Kohat. Hence para recommended for settlement.

**PARA NO. 5 EXPENDITURE OF RS. 37396/- UNDER HEAD OF TRANSPORT REPAIR.**

Observation made by Range Auditor is correct, but APR is required to be sign from the concerned supplier and also required to attest from gazzated officer i.e DDO is concerned. After that the Para is recommended to be settled, please.

**Israeel Khan**  
Assistant Grade Clerk/  
Pay Officer, DPO Officer, Hangu.

**Ameen Ullah**  
Assistant Grade Clerk/  
Pay Officer, DPO Officer, Hangu

REPORT REGARDING RE-CHECKING SUPPORTING BILLS / VOUCHERS OF VARIOUS HEAD OF ACCOUNTS FOR THE YEAR 2012-13 IN LIGHT OF INTERNAL AUDIT REPORT OF SP INVESTIGATION KOHAT, WHICH WAS CONDUCTED BY RANGE AUDITOR KOHAT

We find following Assistant Clerks were directed by Additional Superintendent of Police Kohat for the subject cited purpose, vide his office signal No. 2775/PA dated 15-11-2014

For further process all supporting vouchers / bills of the following head of account are thoroughly checked in light of account view and submitted parwise report on the basis to utilize the fund.

PARA NO.1 EXPENDITURE UNDER HEAD OF TA OTHER AMOUNTING TO RS. 276605/-

In this connection all supporting TA bills in the name of those officials which are by name mentioned in audit para No. 1 are thoroughly checked in light of attendance register of the office of SP Investigation Kohat. The observation made by Range Auditor is correct, except some payment of the following officials which are already shown in attendance register for the purpose of official duty. Therefore, the below amount is required to be deducted from the total amount of Rs. 276605/-. Moreover, the name of FC Fayyaz Khan and HC Dalil Khan mentioned at S.No. 09 and 16 are not found in the attendance register, while they have been claimed a sum of Rs. 13650/- and Rs. 9150/- respectively.

1.	HC Ibne Raze	Rs. 5208/-
2.	Asst Grade Clerk Iqbal Khan	Rs. 9251/-
3.	FC Arshad Mehmood	Rs. 500/-
	<b>Total:</b>	<b>Rs. 15959/-</b>

In view of above it is suggested that a sum of Rs. 15959/- may please be Re-trenched and the remaining amount is required to be deducted from the claimant, as they have already been admitted during cross question of departmental enquiry for receiving the TA amounts.

PARA NO. 2 EXPENDITURE OF RS. 1599950/- UNDER HEAD OF COST OF INVESTIGATION CHARGES

In this connection that it is submitted that the supporting bill of the subject cited head of accounts are thoroughly checked one by one in light of specific purpose and fix rates already recorded by Auditor in para No. 2 above. During the course of the said bills the observation made by Range Auditor is quite clear, but according to standing order No. 6 more than 70% funds are required to be utilized on hiring / conveyance charges in connection with the purpose of preparation of site plans, conveyance of evidence to laboratory including travelling cost, travelling of police party to scene of crime of witnesses, arrest of accused person, travelling of police party, side inspection, identification parade to end from jail / court etc, while the said purpose have already been indicated by the claimant in such cost bills. Therefore, the cost of investigation fund are utilized and correctly drawn under the rules and the same payment

ATTESTED

is regularly received by the concerned officers during the financial year 2012-13. Therefore, the para is recommended to be settled, please.

PARA NO. 3 EXPENDITURE OF RS. 93998/- UNDER HEAD OF OFFICE STATIONARY CHARGES


Recommendation of the Audit party is quite clear regarding cutting in stock register which was required to be attested by the gazzated officer, which have already been attested by the DDO concerned. Therefore the para is recommended for settlement, please.

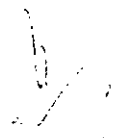
PARA NO. 4 EXPENDITURE OF RS. 1100927/- UNDER HEAD OF POL CHARGES

Complete record on account of POL charges are thoroughly checked which is available in the office of SP Investigation Kohat. Hence para recommended for settlement.

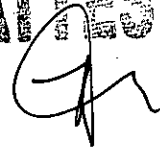
PARA NO. 5 EXPENDITURE OF RS. 37396/- UNDER HEAD OF TRANSPORT REPAIR

Observation made by Range Auditor is correct, but APR is required to be sign from the concerned supplier and also required to attest from gazzated officer i.e DDO is concerned. After that the para is recommended to be settled, please.

  
Israel Khan,  
Assistant Grade Clerk/  
Pay Officer, DPO Office Hangu

  
Ameen Ullah,  
Assistant Grade Clerk/  
Pay Officer, DPO Office Karak

ATTESTED







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

No. 1183 /E-V, dated Peshawar 24/2 /2015

23

To : ✓ The District Police Officer,  
Chitral.

Subject: DEPARTMENTAL ENQUIRY AND TRANSFER TO SOME  
REMOTE REGION ON COMPLAINT BASIS/FINAL SHOW  
CAUSE NOTICE.

Memo:

Please refer to Regional Police Officer, Kohat Region's letter No.7717/RA dated 21.08.2014, on the subject noted above.

Please serve the attached Show Cause Notice upon the then Assistant Grade Clerk Muhammad Iqbal presently posted in your office and return its duplicate copy duly signed by the recipient as token of receipt for the record of this office.

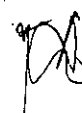
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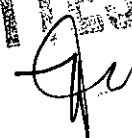
(PERVEZ ELAHI)

Registrar

For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.



ATTESTED





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

Ph: 091-9210545 Fax: 091-9210927

No

/SE-V

Dated Peshawar the /2015

### FINAL SHOW CAUSE NOTICE.

1. WHEREAS, you Asstt: Grade Clerk Mohammad Iqbal while posted to office of the SP, Investigation, Kohat, has committed gross misconduct as defined in Govt. servants (Efficiency and Discipline Rules 2011), resultantly you were Charge Sheeted and served with a statement of allegations and Mr. Mansoor Aman Addl: SP/Kohat and Ihsan Ullah, Acting SP, CTD, Kohat were appointed as Enquiry Officers to conduct the Subject Enquiry.
2. WHEREAS, the Enquiry Committee has finalized the Enquiry proceedings, giving you full opportunities of defence i.e. personal hearing as well as cross examination of the witnesses and the statements of all PWS were recorded in your presence, besides audience to relevant record. Consequent upon the completion of Enquiry proceeding, the Enquiry Committee held you guilty of oversight and mis-management in drawal of TA/DA funds. A copy of the findings of the Enquiry Officer is enclosed.
3. AND WHEREAS, on going through the finding and recommendation of Enquiry Committee, the material placed on record and other connected papers including your defence before the said Inquiry Officers; I am satisfied that you have committed the misconduct and are guilty of the charges leveled against you as per statement of allegations conveyed to you which stands proved and render you liable to be awarded punishment under the said rules.
4. NOW THEREFORE, I, Mubarak Zeb DIG/Headquarters Khyber Pakhtunkhwa, Peshawar as Competent Authority have tentatively decided to impose upon you, any one or more penalties including the penalty of "dismissal from Service" under Section 4 of Govt. servants (Efficiency and Discipline Rules 1974/ (amended in 2011).
5. You are, therefore, required to show cause within seven days of the receipt of this Final Show Cause Notice, as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defence to offer and an exparte action shall be taken against you. Meanwhile also intimate that whether you desire to be heard in person or otherwise.

(MUBARAK ZEB)PSP  
DIG/HQrs.

For Inspector General of Police,  
Khyber Pakhtunkhwa  
Peshawar.

ATTESTED

STATEMENT OF MUHAMMAD IQBAL ASSISTANT GRADE CLERK THE  
THEN PAY OFFICER INVESTIGATION WING KOHAT

Respected Sir,

In response to the final show cause notice issued by the Worthy Deputy Inspector General of Police HQrs Khyber Pakhtunkhwa Peshawar vide Memo No. 1183/E-V dated 24.02.2015.

It is submitted that the enquiry committee in their initial report submitted to the high ups vide Memo No. 52/ASP dated 30.09.2014 has exonerated me from the allegations leveled against me (copy enclosed at F/A). And in the second report the committee held me guilty of the oversight and mis-management in drawl of TA/DA funds and recommended that the amount to be recovered from all the officials who have received the TA/DA amount.

In this respect, it is submitted that the Superintendent of Police Investigation Wing Kohat has already clarified the objection and submitted reply to the Deputy Inspector General of Police Kohat Region Kohat (copy enclosed at F/B). The Superintendent of Police Investigation Kohat in his reply has mentioned that the official who were posted in the office were present in the office and then they were deputed for official duties to Peshawar etc during office hours, due to the reason their attendance are exists in the attendance register. They were deputed for official duty therefore they have mentioned purpose of journey as "BAKAR E SARKAR".

The TA bills were received to the Account Branch through proper channel and the same were scrutinized according to the TA rules. The claimants were paid the amount of their TA claim on the proper permission of the DDO. The DDO has sanctioned the bills and his signatures are existing on every and each bill. All the claimants admitted during the course of enquiry that they have submitted bills and received the amount correctly (copy of their statements are enclosed).

It is therefore requested that I may kindly be exonerated from the charges leveled against me and the Enquiry may kindly be filed please.

It is further requested that I may kindly be given a chance to appear before your good self for personal hearing please.

Yours Obediently,

(MUHAMMAD IQBAL)  
Assistant Grade ClerkATTESTED  
2



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE  
PESHAWAR  
Ph: 091-9210545 Fax: 091-9210927

No 4558 IE-V,

Dated

Peshawar the 6-7 /2015.

ORDER

This order will dispose of the Departmental Enquiry against Asstt: Grade Clerk Mohammad Iqbal who while posted in Investigation Wing, Kohat committed the following acts of omission/commission:-

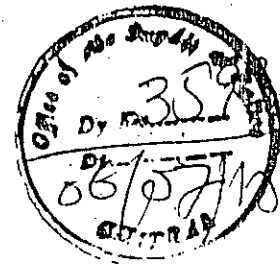
2. As reported by RPO, Kohat that while he was posted as Pay Officer in the office of Investigation, Kohat, after the course of Internal Audit some Major misappropriation amounting to Rs:- 30,71,480/- were found on his part. Detail of the same misappropriation is as under:-

- i). Vide para-02 of the Internal Audit, he has drawn TA bills of amounting to Rs: 2,76,605/- in the names of Police officials/Ministerial Staff while according to Attendance Register they were present on duty in the office.
- ii). Vide para-03 of the Internal Audit, he has drawn amounting to Rs: - 15,99,950/- under the code cost of Investigation for only Hiring of Private Vehicles and not for any other purpose which is against the orders/instructions of the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar duly conveyed to all Heads of Police Offices Khyber Pakhtunkhwa, Peshawar vide Endst: 3307-47/C-1 dated 10.05.2007.
- iii). Vide para-05 of the Internal Audit, he has drawn amounting to Rs:- 11,00,927/- under head of A03807-POL Charges and didn't produce the record of it.
- iv). Vide para-07 of the Internal Audit, he has drawn amounting to Rs: - 93,998/- under head A039901-Office Stationary by over writing and Manipulations in the Stock Register. Besides, no application was available to whom the Stationary items were issued. Even a single application duly sanctioned/issued by any Competent Authority was not available on the record as well as any APR.

3. On the score of above mentioned allegations, he was issued Charge Sheet with Statement of Allegations and a Committee comprising of the following Officers was constituted to probe into the matter under the Khyber Pakhtunkhwa Civil Servant Efficiency and Discipline Act, 1973 (amended in 2011).

- Mr. Mansoor Aman, Addl : SP Kohat.
- Mr. Hassan Ullah, Acting SP, CTD, Kohat.

4. During the course of enquiry, the Enquiry Committee checked the whole record of the relevant heads of Accounts maintained in the office of SP, Investigation, Kohat with the Accounts knowing Ministerial Staff minutely. But no mis-appropriations were found in the mentioned relevant heads of Accounts except under head of TA/DA on the part of Asstt: Grade Clerk Mohammad Iqbal. The detail of the same is as under:-



EC  
for m/c  
District Police Officer  
Kohat

ATTESTED

## Better Copy Annexure-J

### ORDER

This order will dispose of the Departmental Enquiry against Assistant Grade Clerk Mohammad Iqbal who while posted in investigation wing, Kohat committed the following acts of omission/commission:—

2. As reported by RPO, Kohat that while he was posted as Pay Officer in the Office of Investigation, Kohat, after the course of internal Audit some Major misappropriate amount to Rs. 30,71,480/- were found on his part. Detail of the same misappropriation as under:-

- i. Vide Para-2 of the internal Audit, he has drawn TA bills of amounting to Rs. 2,76,605/- in the names of Police officials/Ministerial Staff while according to Attendance Register they were present on duty in the office.
- ii. Vide Para-03 of the Internal Audit, he has drawn amounting to Rs. 15, 99, 950/- under the code cost of investigation for only Hiring of Private Vehicles and not for any other purpose which is against the orders/instructions of the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar duly conveyed to all Heads of Police Officers Khyber Pakhtunkhwa, Peshawar vide Endst: 3307-47/C-1 dated 10.05.2007.
- iii. Vide Para-05 of the Internal Audit, he has drawn amount to Rs. 11,00927/- under head of A03807-POL charges and didn't produce the record of it.
- iv. Vide Para-07 of the Internal Audit, he has drawn amounting to Rs. 93, 998/- under head A039901-Office Stationary by over writing and Manipulations in the Stock Register. Besides, no application was available to whom the station items were issued. Even a single application duly sanctioned/issued by any Competent authority was not available on the record as well as any APR.

3. On the score of above mentioned allegations, he was issued Charge Sheet with statement of allegations and a committee comprising of the following officers was constitute into the matter under the Khyber

Pakhtunkhwa Civil Servant Efficiency and Disciplinary Rules 1973  
(amended in 2011)

- . Mr. Mansoor Aman, Addl: SP Kohat.
- . Mr. Ihsan Ullah, Acting CTD, Kohat.

4. During the course of enquiry, the Enquiry Committee checked the whole record of the relevant head of Accounts maintained in the office of SP, Investigation Kohat with the Accounts knowing Ministerial Staff minutely. But no mis-appropriations were found in mentioned relevant heads of Accounts except under head of TA/DA on the part of Assistant Grade Clerk Mohammad Iqbal. The detail of the same is as under:-



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE  
PESHAWAR  
Ph: 091-9210545 Fax: 091-9210927

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PARA NO 01 EXPENDITURE UNER THE HEAD OF TA OTHERS AMOUNTING TO RS:- 2,76,605/-

5. All TA Bills in the names of those officials who were mentioned by name in Audit Para No 1 were thoroughly checked. According to the Attendance Register maintained in the Office of the SP, Investigation, Kohat, the observations made by the Range Auditor were found correct except some payment of the following officials which are already shown in Attendance Register for the Purpose of official duty. Therefore, an amount of Rs: - 15,959/- is required to be deducted from the total amount of Rs:-2,76,605/-

S No	Name, Rank/Designation of Official	Amount to be recovered
i.	Asstt: Grade Clerk Mohammad Iqbal	9251/-
ii.	HC Ibne Raza	5208/-
iii.	FC Arshad Mchmond	1500/-
	Total amount	15959/-

6. Moreover, the names of FC Fayaz Khan and HC Dallil Khan mentioned at Serial No 09 and 16 were not found in the Attendance Register while they have claimed a sum of Rs: - 13,960/- and Rs: - 9150/- respectively. Therefore, the Enquiry Committee made a suggestion that a sum of Rs:- 15959/- may be re-trenched from the whole amount as stated above and the remaining amount is required to be deducted from the claimants as they have already admitted during cross questioning in the departmental proceedings as per the detail list of claimants given below:-

S. No	Name of Officer/Official	Total verable Amount	Retrenched Amount	Not Recoverable Amount
1.	FC Waheed Gul No.65	12600/-		12600/-
2.	FC S. Ibne Raza	43650/-	5208/-	38442/-
3.	FC Faqir Shan	27160/-		27160/-
4.	Asstt: Mohammad Iqbal	33420/-	9251/-	24169/-
5.	FC Arshid Mahmood	24040/-	1500/-	22540/-
6.	JC Shad Hussain	27300/-		27300/-
7.	JC Saifi Ullah	19420/-		19420/-
8.	FC Noor Zaman	3120/-		3120/-
9.	FC Fayaz Khan	13960/-		13960/-
10.	ASI Zardad Khan	11405/-		11405/-
11.	FC Risal Khan	12985/-		12985/-
12.	FC Sharif Khan	14420/-		14420/-
13.	JC Mashkoor Hussain	12490/-		12490/-
14.	JC Tatheer Hussain	8855/-		8855/-
15.	HC Dallil Khan	9150/-		9150/-
	Total	276605/-	15959/-	260646/-

7. The amount may be recovered from the claimants for depositing in the Govt Treasury under the relevant head of Accounts accordingly.

8. The Enquiry Committee has found Asstt: Grade Clerk as guilty of over sight and mis management in drawal and disbursement in TA/DA-funds. Therefore, in the light of the Enquiry Committee Report, he was recommended to be awarded Major Punishment by the Regional Police Officer, Kohat being a supervisory officer.

9. Hence, on submissions of Finding of the Enquiry Committee, he was issued Final Cause Notice with a chance to appear before the undersigned. In response to the Cause Notice submitted his reply and also appeared in Orderly Room for personal hearing before the undersigned but even than he could not give satisfactory reply.

ATTESTED



**OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE PESHAWAR**

---

**PARA NO 01 EXPENDITURE UNDER THE HEAD OF TA OTHERS  
AMOUNTING TO RS. 2, 76,605/-**

5. All TA Bills in the names of those officials who were mentioned by name in Audit 1 were thoroughly checked. According to the Attendance Register maintained in the Office of the SP, Investigation, Kohat, the observation made by the Range Auditor were found correct except some payment of the following officials which are already shown in Attendance Register for the purpose of official duty. Therefore, an amount of Rs. 15, 959/- is required to be deducted from the total amount of Rs. 7, 766, 05/-

6. Moreover, the names of FC Fayaz Khan and HC Dalil Khan mentioned at Serial No. 09 and 16 were not found in the Attendance Register while they have claimed a sum of Rs. 13, 960/- and Rs. 9150/- respectively. Therefore, the Enquiry Committee made a suggestion that a sum of Rs. 13959/- may be re-trenched from the whole amount as stated above and the amount is required to be deducted from the claimants as they have already admitted cross questioning in the departmental proceedings as per the detail list of claimants given below:-

7. The amount may be recovered from the claimants for depositing in the Govt: Treasury under the relevant head of Accounts accordingly.

8. The Enquiry Committee has found Assistant Grade Clerk as guilty of oversight and not management in drawal and disbursement in TA/DA funds. Therefore, in the light of the Enquiry Committee Report, he was recommended to be awarded Major Punishment by the Regional Police Officer, Kohat being a supervisory officer.

9. Hence, on submission of Finding of the Enquiry Committee, he was issued final show notice with a chance to appear before the undersigned. In response to the submitted his reply and also appeared in Orderly Room for personal hearing before the undersigned but even thane he could not give satisfactory reply.



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE  
PESHAWAR  
Ph: 091-9210545 Fax: 091-9210927

3

10. On going through the findings/recommendations of the Enquiry Committee, the material placed on record, I, MUBARAK ZEB, PSP Deputy Inspector General of Police Khyber Pakhtunkhwa, Peshawar (Competent Authority) while taking a lenient view, hereby order to revert the above mentioned delinquent official Asstt. Grade Clerk Mohammad Iqbal to his lower rank/post as Senior Clerk in (BFS-14) with immediate effect.

11. Moreover, SP, Investigation, Kohat is hereby directed to recover the illegal disbursed amount of Rs: 2, 60,641/- from all concerned claimant officials and to deposit in the Govt. Treasury accordingly under intimation to this office.

(MUBARAK ZEB) PSP

Deputy Inspector General of Police, HQs:  
Khyber Pakhtunkhwa,  
Peshawar.

No. 4559-67 /E-V Dated Peshawar the 6-7 /2015

Copy of above is forwarded for information and necessary action to

the:-

1. Regional Police Officer, Kohat Region with reference to his office Letter No 7717/RA Dated 21.08.2014.
2. Regional Police Officer, Malakand Region at Saidu Sharif Swat.
3. District Police Officer, Kohat.
4. District Police Officer, Chitral.
5. SP, Investigation, Kohat.
6. Addl: SP, Kohat.
7. Acting SP, CTD, Kohat.
8. Registrar, CPO, Peshawar.
9. Office Supdt: Secret, CPO, Peshawar.

ATTESTED

CA

**OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE PESHAWAR**

---

10. On going through the findings/recommendations of the Enquiry Committee, the material placed on record, I, MUBARAK ZEB, PSP Deputy Inspector General of Police Khyber Pakhtunkhwa, Peshawar (Competent Authority) while taking a lenient view, hereby order is revert the above mentioned delinquent official Assistant Grade Clerk Muhammad Iqbal Lower Rank/post as Senior Clerk in BPS-14 with immediate effect.

11. Moreover, SP, Investigation, Kohat is hereby directed to recover the illegal disbursed of Rs. 2, 60, 641/- from all concerned claimant officials and to deposit in the Govt. Treasury accordingly under the intimation to this office.

(MUBARAK ZEB) PSP  
Deputy Inspector General of Police, HQrs  
Khyber Pakhtunkhwa,  
Peshawar.

No. 4559-67/E-V Dated Peshawar 06/2015

Copy of above is forwarded for information and necessary action to the:-

1. Regional Police Officer, Kohat Regional with reference to his office letter No. 7717/RA dated 21.08.2014.
2. Regional Police Officer, Malakand Region at Saidu Sharif Swat.
3. District Police Officer, Kohat.
4. District Police Officer, Chitral.
5. SP, Investigation, Kohat.
6. Addl SP, Kohat.
7. Acting SP, CTD, Peshawar.
8. Registrar, CPO, Peshawar.
9. Office Supdt: Secret, CPO, Peshawar.

Before: The Additional Inspector General Police, Hqrs.  
Khyber Pakhtunkhwa Peshawar

Through: Proper channel

Subject: REPRESENTATION AGAINST THE ORDER OF WORTHY DIGP /  
HQRS KHYBER PAKHTUNKHWA PESHAWAR VIDE OFFICE  
ORDER NO. 4558-67/E-V, DATED 06.07.2015.

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Respected Sir,

It is submitted that I have been awarded punishment of reversion from the post of Assistant Grade Clerk to the post of senior Clerk BPS-14 vide order No. quoted as subject (Copy enclosed at F/A) on the basis of allegations reproduced below:-

- i. Vide para-02 of the Internal Audit, he has drawn TA bills of amounting to Rs. 2,76,605/- in the names of Police official/Ministerial Staff while according to Attendance Register they were present on duty in the office.
- ii. Vide para-03 of the Internal Audit, he has drawn amounting to Rs. 15,99,950/- under the code cost of Investigation for only Hiring of Private Vehicles and not for any other purpose which is against the orders/instructions of the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar, duly conveyed to all Heads of Police Offices Khyber Pakhtunkhwa, vide Endst: 3307-47/C-1 dated 10.05.2007.
- iii. Vide para-05 of the Internal Audit, he has drawn amounting to Rs. 11,00,927/- under head of A03807 POL. Charges and did not produced the record of it.
- iv. Vide para-07 of the Internal Audit, he has drawn amounting to Rs. 93,998/- under head A039901 office Stationary by over writing and Manipulations in the Stock Register. Besides, no application was available to whom the Stationary items were issued. Even a single application duly sanctioned/ issued by any competent Authority was not available on the record as well as any APR.

1. In this connection, I was charge sheeted and an enquiry committee was constituted comprising the following Police Officers vide DIG/Hqrs KPK Peshawar order Endst: No. 30854-V, dated 08.09.2014:-

- i. Mr. Mansoor Aman Additional SP Kohat.
- ii. Mr. Ihsanullah Acting SP CTD Kohat.

1. The enquiry committee after thorough and minute enquiry, submitted finding report to the DIGP/Hqrs KPK Peshawar vide Memo No. 52/PA, dated 30.09.2014 (Copy enclosed at F/B). The enquiry committee recommended the appellant to be exonerated from the charges.

2. On the receipt of the enquiry finding report to the DIGP/Hqrs KPK Peshawar, the same was returned to the PPO, Kohat for recording his views / recommendations. At this stage asking of views/ recommendation of another officer, over the views and recommendation of enquiry committee is also speaks un-justice. According to the rules vide chapter-XI P-170 of the Law of Departmental enquiries against Civil Servant, reversal of finding at the behest of Authorized Officers neither just nor fair. (Copy of the order is enclosed at F/C).

3. The RPO, Kohat directed the P.O.s to conduct re-enquiry into the matter. This order of RPO Kohat is totally against the rules and clear interference in the processes of impartial enquiry. As the RPO, Kohat was not competent authority to passed order of enquiry against Ministerial Staff neither nominated supervisory officer nor member of enquiry committee in the orders passed by the worthy PPO Khyber Pakhtunkhwa Peshawar or DIGP /Hqrs KPK Peshawar.

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4. Acting upon the orders of RPO Kohat the enquiry committee conducted re-enquiry into the matter, submitted another report to the RPO Kohat vide memo No. 159/PA, dated, 29.12.2014, (Copy enclosed at F/D). A 2<sup>nd</sup> finding report in the one and the same enquiry is not under standable and not mentioned in any rules i.e efficiency and discipline rules, law of departmental enquiries against Govt. Civil servants or in Police rules. The enquiry committee in the 2<sup>nd</sup> finding report held the appellant guilty of oversight and mismanagement in drawl and disbursement of TADA fund alongwith DDO, and recommended that amount be recovered from all the officials who have received the TADA amount.
5. The enquiry committee in his 2<sup>nd</sup> report also did not recommended the appellant for punishment.
6. The RPO, Kohat in his separate memo letter recommended the appellant for Major punishment without any cogent proof/reason.
7. The competent authority awarded the appellant Major punishment of reversion to the post of senior clerk merely on the basis of recommendation of RPO Kohat not on the recommendation of the enquiry committee which is clearly mentioned in his order passed against the appellant vide para No. 8 of the said order and did not considered the findings reports and recommendation of E.Os, which is totally un-justice and against rules. As per Law of Departmental enquires against Civil servants rules vide p-171 Chapter XI (Copy enclosed at F/D), exoneration from charges not to be inferred by implication.

## PRAYER:

Keeping in view the above facts, it is humbly requested that the order of punishment passed by the worthy DIG/Hqs KPK, Peshawar vide No. 1558-67/E-V, dated 06.07.2015 may kindly be set-aside.

It is pertinent to submit here that the appellant has been transferred to District Chitral on complaint basis vide order No.3092-99/E-V, dated 08.09.2014 (Copy enclosed F/G) before completion of departmental enquiry, which is against the principle of justice.

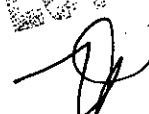
Therefore the appellant may also be transferred that from Chitral as an interim relief.

I hoped that your goodness will provide me justice. I will pray for your long life and prosperity please

Your's Obediently

Dated 07.07.2015

(MUHAMMAD IQBAL)  
Senior Clerk office of the  
DPO Chitral

ATTESTED  


**Better Copy Annexure-K**

**Before:** The Additional Inspector General Police, Hqrs  
Khyber Pakhtunkhwa, Peshawar.

**Through:** Proper Channel

**Subject:** REPRESENTATION AGAINST THE ORDER OF  
WORTHY DIGP / HQRS KHYBER PAKHTUNKHWA  
PESHAWAR VIDE OFFICE ORDER NO. 4558-67/E-V,  
DATED 06.07.2015.

**Respected Sir,**

It is submitted that I have been awarded punishment of reversion from the post of Assistant Grade Clerk to the post of Senior Clerk BPS-14 vide order No. quoted as subject (Copy enclosed at F/A on the basis of allegations reproduced below:-

- i. Vide Para-02 of the Internal Audit, he has drawn amounting to Rs. 2, 76, 605/- in the names of Police officials/Ministerial Staff while according to Attendance Register they were present on duty in the office.
  - ii. Vide Para 03 of the Internal Audit, he has drawn amount to Rs 15, 99, 950/- under the code cost of Investigation for only Hiring of Private vehicles and not for any other purpose which is against the orders/instructions of the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar duly conveyed to all Heads of Police Offices Khyber Pakhtunkhwa, vide Endst. 3307-47/C-1 dated 10.05.2007.
  - iii. Vide Para-05 of the Internal Audit, he has drawn amount to Rs. 11, 009227/- under head of A03807 POL. Charges and did not produced the record of it.
  - iv. Vide Para 07 of the Internal Audit, he has drawn amounting to Rs. 93, 998/- under head A039901 office stationary by over writing and Manipulations in the Stock Register. Besides, no application was available to whom the Stationary items were issued. Even a single application duly sanctioned/ issued by any competent authority was not available on the record as well as any APR.
1. In this connection, I was charge sheeted and an enquiry committed was constituted comprising the following Police Officers vide DIG/Hqrs KPK Peshawar order Endst. No. 3085/E-V dated 08.09.2014.
    - i. Mr. Mansoor Aman, Addl: SP Kohat.
    - ii. Mr. Ihsan Ullah, Acting CTD, Kohat
  2. On the receipt of the inquiry findings report to the DIG/Hqrs KPK Peshawar, the same was returned to the PPO, Kohat for recording his views / recommendations. At this stage asking of views/

recommendations of another officer over the views and recommendation of enquiry committee is also speaks un-justice. According in the rules vide chapter-XI P-170 of the Law of Departmental enquiries against the Govt/ Civil Servant, reversal of finding at the behest of Authorized Officers neither just nor fair. }

3. The RPO, Kohat directed to conduct re-enquiry into the matter. This order of RPO Kohat is totally against the rules and clear interference in the processes of impartial enquiry. As the RPO, Kohat was not competent authority to passed order of enquires against Ministerial Staff neither nominated supervisory officer nor member enquiry committee in the orders passed by the worthy PPO Khyber Pakhtunkhwa Peshawar or DIGP/Hqrs KPK Peshawar. }
4. Acting upon the orders of RPO Kohat the enquiry committee conducted re-enquiry into the matter, submitted another report to the RPO Kohat vide memo No. 159/PA. dated 29.12.2011. copy enclosed at F/D. A 2<sup>nd</sup> finding report in the one and the same enquiry is not under standable and not mentioned in any rules i.e efficiency and discipline rules, law of departmental enquiries against Govt. Civil Servants or in police rules. The enquiry committee in the 2<sup>nd</sup> finding report held the appellatant guilty of oversight and mismanagement in drawl and disbursement of TA.DA find alongwith DDO, and recommended that amount be recovered from all the officials who have received the TA/DA amount. }
5. The enquiry committee in his 2<sup>nd</sup> report also did not recommend the appellatant for punishment.
6. The RPO, Kohat in his separate memo letter recommended the appellatant for Major punishment without any cogent proof/reason.
7. The competent authority awarded the appellatant Major punishment of reversion to the post of senior clerk merely on the basis of recommendation of RPO Kohat not on the recommendation of the enquiry committee which is clearly mentioned in his order passed against the appellatant vide Para No. 8 of the said order and did not considered the findings reports and recommendation E.Os, which is totally un-justice and against rules. As per Law of Departmental enquires against Civil Servant rules vide P-171 Chapter XI (Copy enclosed at F F), exoneration from charges not to be inferred by implication.

**PRAYER:**

Keeping in view the above facts above fact it is humbly requested that order of punishment passed by the worthy DIG Hqrs KPK Peshawar Vide No. 4558-67/F-V, dated 06.07.2015 may kindly be set aside.

It is pertinent to submit here that the appellatant has been transferred to District Chitral on complaint basis vide order No. 3092-99/F-



V, dated 08.09.2014 (Copy enclosed F/G) before completion of departmental enquiry which is against the principles of justice.

Therefore the appellant may also be transferred that from Chitral as an interim relief.

I hoped that your good sell will provide me justice. I will pray for your long life and prosperity please.

Your's obediently  
(MUHAMMAD IQBAL)  
SENIOR CLERK office of the  
DPO Chitral.

Dated 07.07.2015

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	07.03.2018	<p style="text-align: center;"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b></p> <p style="text-align: center;">Service Appeal No. 1404/2015</p> <p>Date of Institution ... 14.12.2015 Date of Decision ... 07.03.2018</p> <p>Muhammad Iqbal, Assistant Grade Clerk (now Senior Clerk) District Police Chitral. R/o Sherkot, District Kohat -----Appellant</p> <p>1. IGP/PPO Khyber Pakhtunkhwa, Peshawar and two others. -----Respondents</p> <p style="text-align: center;"><b><u>JUDGMENT</u></b></p> <p style="text-align: center;"><b><u>MUHAMMAD HAMID MUGHAL, MEMBER (J)</u></b> Learned counsel for the appellant and Mr. Riaz Ahmed Painsa Kheil, Assistant AG alongwith Mr. Arif Saleem, ASI for the respondents present.</p> <p>2. Arguments heard. File perused.</p> <p>3. Learned counsel for the appellant argued that the appellant has preferred the present appeal against the order dated 06.07.2015 whereby the appellant has been reverted from the post of Assistant Grade Clerk (BPS-16) to Senior Clerk (BPS-14). Further argued that the representation of the appellant was not responded. Further argued that the appellant was informed that the departmental authority has kept the representation of the appellant pending due to the present appeal. Learned counsel for the appellant requested that</p>



**ATTESTED**

*[Signature]*  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*[Handwritten mark]*

directions may be issued to the departmental authority to decide the representation filed by the appellant against the impugned order dated 06.07.2015.

4. Admittedly the departmental authority has not yet decided the representation filed by the appellant against the original order. Consequently in view of the submission made by the learned counsel for the appellant the departmental authority is directed to decide the representation of the appellant within a period of three months of the receipt of this order. Needless to mention that after the decision of the departmental representation of the appellant he may file service appeal there against in accordance with law/rules. The present appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
07.03.2018

*Sd/- M. Hamid Mirza*  
*Member*

*Sd/- M. Anis Khan Kundi*  
*Member*

Certified to be true copy

*[Signature]*  
Khair M. Minkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of \_\_\_\_\_ 07-03-18  
Number of Words \_\_\_\_\_ 800  
Copying Fee \_\_\_\_\_ 6  
Urgent \_\_\_\_\_  
Total \_\_\_\_\_ 6  
Name of Applicant \_\_\_\_\_  
Date of Completion of \_\_\_\_\_ 29-3-18  
Date of \_\_\_\_\_ 29-3-18

AT *[Signature]*



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

Ph: 091-9210545 Fax: 091-9210927

14

No 2243-49/E-V,

Dated

Peshawar the, 04/05/2018.

**ORDER.**

This order will dispose of the departmental representation submitted by Senior Clerk Muhammad Iqbal against his reversion order from Astt: Grade Clerk (BPS-16) to lower rank of Senior Clerk (BPS-14).

Brief facts of the case are that several complaints regarding embezzlement against Astt: Grade Clerk Muhammad Iqbal Pay Officer of SP/Investigation Kohat were received to RPO/Kohat. Upon which internal Audit was carried out and after the course of internal audit some major mis-appropriation were found on his part. On the score of above mentioned allegations he was issued Charge Sheet with statement of allegations and enquiry Committee was constituted to probe into the matter. The enquiry Committee in his finding report intimated that they are of the view that allegation leveled against Astt: Grade Clerk Muhammad Iqbal are not based on facts, hence he is recommended to be exonerated from the charges. After perusal of which the competent authority returned the same enquiry to RPO/Kohat with the request to look into the matter, review enquiry report, make a final recommendation.

The Enquiry Committee checked the whole record of the relevant heads of accounts and mis-appropriations were found in TA/DA on the part of Asstt: Grade Clerk Muhammad Iqbal, and found him guilty of over sight and mis-management in drawal and disbursement in TA/DA funds. The RPO/Kohat being a supervisory officer recommended the accused official for major punishment.

In view of the above, he was issued Final Show Cause Notice with a chance to appear before the competent authority. In response he submitted his reply and also appeared in OR for personal hearing, but even than he could not give satisfactory reply. Thus, major punishment of reversion was awarded to Muhammad Iqbal from Astt: Grade Clerk (BPS-16) to lower rank Senior Clerk (BPS-14) by the competent authority vide Order No. 4558-67/E-V, dated 06.07.2015.

Against the said order he submitted departmental appeal/representation to the next higher authority. In this connection, he was called in OR held on 02-05-2018 at CPO Peshawar, wherein the appellant was heard in person in detail but he failed to offer any plausible grounds/reason in his defense. Hence, his appeal has no substance.

Keeping in view the position explained above, the departmental appeal/representation submitted by the Senior Clerk Muhammad Iqbal is hereby rejected/filed by the competent Authority.

Order announced.

Sd/-

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

**Endst: No. & date even.**

Copy forwarded to the:-

1. Addl: Inspector General of Police: HQrs, CPO Peshawar
2. Deputy Inspector General of Police: HQrs, CPO Peshawar
3. Regional Police Officer, Kohat Region
4. Assistant Inspector General of Police Legal, CPO Peshawar.
5. PA to the Assistant Inspector General of Police Estt., CPO Peshawar.
6. Registrar, CPO, Peshawar.
7. Office Supdt: Secret & CPB, CPO, Peshawar.

(IRFAN ULLAH KHAN) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

ATTESTED

04/05/2018

ICE DEPTT: **AUDIT NOTE ON THE ACCOUNT OF SP INVESTIGATION KOHAT FOR THE YEAR 2012-2013 CONDUCTED BY AG AUDITORS.**

Remarks by DIG

Comments by IGP

Sr. No. AP-265

39

30

PAGE NO

Caption of Para's.

**EXCESS PAYMENT OF RS.389640 ON ACCOUNT OF NON DEDUCTION OF VARIOUS FUNDS.**

**Criteria:-**  
According to police department notification various deductions are made from the pay of staff as mentioned below:-

S#	Designation	BF	WF	EDU	NPF	SF	MF	Mis	Total
1	Steno/Insp.	35	5	75	20	3	2	50	190
2	SI / ASI	35	30	75	20	5	1	20	186
3	SC/JC	35	30	75	20	5	1	20	151
4	HC/FC	35	15	50	10	5	1	20	150
5	Class IV	15	5	10	5	1	1	10	47

**Fact:-**  
While going through the accounts record of SP Investigation Kohat for the year 2012-14, it was noticed that various funds a rates given above were not recovered and deposited in the bank, which resulted into overpayment of Rs. 389640 \*2 to 111 No. of police official (detail attached with original para and also handed over to concerned pay officer).

The amount is based on financial year 2011/2012 and 2012/2013, therefore effort should be made for recovery from previous years as well along with the officials who transferred out.

**Reply of the department:-**  
Detail reply will be given after consulting the record and ex-pay officer.

**Recommendations:-**  
The recovery may be made under intimation to audit and responsibility may be fixed against the concerned staff responsible for recovery of the funds and deposit into the bank.

Reply by SP Invest Kohat

The salary of Police contingent has been shifted to banks. Individual are receiving Pay from bank through Cheque. They are not depositing the departmental funds. They have been directed time and again to deposit the funds regularly but in vain. In this connection correspondence are under process made between AG KPK and IGP KPK Peshawar to introduce a strategy for the depositing / recovery of departmental funds. Moreover the Police officers / Officials receiving pay through DDO are regularly depositing the funds.  
The Para may please be dropped.

A-266

**OVERPAYMENT OF RS.72258 ON ACCOUNT OF CONVEYANCE ALLOWANCE.**  
**CRITERIA.**

According to supplementary Rule 7-A, conveyance allowance is not during the leave.

**FACT:-**  
While going through the accounts record of SP Investigation Kohat for the year 2012/2013 it was noticed that a sum of Rs.72258 was paid to 15 No. of police officials ( detail attached in original para & handed over to concerned pay officer) during the period of eared leave which is not admissible and needs recovery under intimation to audit.

**Reply of the department:-**  
Detail reply will be given after consulting the record and ex- pay officer.

**Recommendations:-**  
The recovery may be under intimation to audit and responsibility may be fixed against the concerned staff responsible for recovery of the fund and deposit into the bank.

The Individual has been retired on pension. The DAO Kohat has been addressed vide this office Memo No.1278dt:11 / 03 / 2014. to recovere the amount of over payment from has pension at on early date. While payment of Conveyance allowance was not made it. HC kalamat Khan. Moreover recovery has been made from ASI Ghulam Rabani. The Para may please be dropped.

Dropped

AG

RECEIVED  
 13/05/2013

payment of previous year liability from current years budget is irregular which needs justification and regularization from competent forum under intimation to audit.

**Recommendations:-**

Detail inquiry may be conducted as the bills of 2011 were also paid from the current years budget and why the bill were delayed so long.

The Purchase has been made in the competency of the DDOs after observing all coddle formalities required under the rules. The purchase was made in various date as and when necessary. The amount of each bill was not huge to adope open tender system. It is requested that the Para may please be dropped.

*D> dropped.*

A-270

**IRREGULAR EXPENDITURE OF RS.95114 ON ACCOUNT OF PURCHASE OF DIFFERENT STORE ITEMS.**

According to Para 144 of GFR VOL-1 at least 03 quotations shall be obtained for ensuring economy measures if the bill is equal is equal to or greater than Rs.4000/-

**Facts:-**

While going through the accounts record of SP Investigation Kohat for the year 2012-2013, it was noticed that a sum of Rs.95114/- was shown incurred on the purchase of different store items. The expenditure is held irregular on the ground that either quotation was called nor any comparative statement were found on the record. Payment was done on mere single hand receipt. More over no receipt and issue was available on stock. The same needs justification and regularization under intimation to audit.

S#	Name of supplier	Description	Cheque No.	Date	Amount.
1	Naeem & Company	New toner	0779129	27/4/13	5000/-
2	Do	New toner	0778769	3/4/13	4300/-
3	Kohat Computer	New toner	0779951	4/6/13	5000/-
4	Ayaz sons	Stationery	0779958	3/5/13	4650/-
5	Do	Stationery	0779362	9/1/13	5000/-
6	Do	Stationery	0690318	3/10/13	27858/-
7	Do	Stationery	0687216	15/8/12	14815/-
8	Do	Stationery	0688585	15/8/12	4992/-
9	Do	Stationery	0688571	15/8/12	9304/-
10	Do	Stationery	0688581	15/8/12	4895/-
11	S&K Furniture	Furniture Repair	0779949	4/6/13	4300/-
12	Al Sayed Furniture	Furniture Repair	0779602	16/5/13	5000/-
				<b>Total Rs.</b>	<b>95114/-</b>

department:-

PAGE NO

40

28

ATTACHED

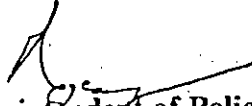
41

<p>Recommendation:- Inquiry may be conducted against the concerned staff for deliberation of the GFR and for Fixing responsibility beside regularization from the competent forum under intimation to audit:-</p>			
<p><b>NON PRODUCTION OF INTERNAL AUDIT REPORT.</b> Criteria. According to para 13 of GFR, internal audit is required to be an officer not working in the accounts once in a year and the report should be sent to audit. Facts:- While going through the accounts record of SP Investigation Kohat for the year 2012/2013, it was noticed that internal audit was not carried out which is violation of General Financial Rules. Reply of the department:- Detail reply will be given after consulting the record and ex-pay officer. Recommendations:- Internal audit may be conducted and report be produced to audit.</p>	<p>A Proper audit cell is performing at CPO Peshawar and they are conducting internal audit regularly. The Para may please be dropped.</p>		

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PAGE NO

  
 Superintendent of Police,  
 Investigation Wing Kohat.  
 A

**VAKALAT NAMA**

NO. \_\_\_\_\_/2018

IN THE COURT OF Service Tribunal Peshawar

Muhammad Iqbal (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Police Deptt. (Respondent)  
(Defendant)

I/We, Muhammad Iqbal

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

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

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

[Signature]  
(CLIENT)

ACCEPTED

[Signature]  
**M. ASIF YOUSAFZAI**  
Advocate Supreme Court  
Peshawar.

[Signature]  
**Taimur Ali Khan**  
Adv.

**OFFICE:**

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



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

Service appeal No. 769/2018

Muhammad Iqbal, Assistant Grade Clerk  
(Now Senior Clerk) District Police Chitral

Appellant.

**VERSUS**

Provincial Police Officer,  
Khyber Pakhtunkhwa, and others

Respondents.

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.**

**Respectively Sheweth:-**

Parawise comments are submitted as under:-

**Preliminary Objections:-**

1. That the appellant has got no cause of action.
2. That the appeal is not maintainable in the present form.
3. That the appellant has not come to this Hon: Tribunal with clean hands.
4. That the appeal is badly time barred.
5. That the appeal is bad for misjoinder of unnecessary parties and non-joinder of necessary parties.

**FACTS:-**

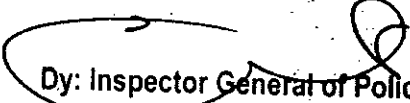
1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Correct to the extent that enquiry committee has submitted its report with the recommendation that the appellant is to be exonerated from the charges leveled against him but the competent authority returned enquiry report with the request to look into the matter, review the inquiry report and make final recommendation.
5. Correct, the inquiry committee held him guilty of the charge and submitted inquiry report to the competent authority with recommendations.
6. Pertains to record.
7. That the appellant was found guilty of oversight and mismanagement, in accuracy of disbursement in TA/DA funds and awarded punishment to reduction from Assistant Grade Clerk to the post of Senior Clerk.
8. Pertains to record, however, it is submitted that in pursuance of judgment of the Honorable Tribunal dated 07.03.2018, the departmental representation / appeal was processed by competent authority at CPO Peshawar. The appellant was heard in person in orderly room held on 02.05.2018, but the appellant failed to offer any plausible ground / reasons in his defense. Therefore, the departmental appeal / representation of the appellant was rejected vide order dated 04.05.2018.
9. The appellant has got no cause of action to file the instant appeal.


**GROUNDS:-**


- A. Incorrect. The orders were passed by the authorities in accordance with law & rules after proper departmental proceedings conducted on merits.
- B. Incorrect, the appellant was associated during course of inquiry proceedings, heard in person by the competent authorities, but failed to defend himself.



- Incorrect. Infact the competent authority was not satisfied with the enquiry report on the basis of facts and because of others sufficient grounds therefore, it has been remanded back vide letter No. 3925/E-V dated 30.10.2014 for reviewing inquiry report and submission of final recommendations as per rules 14 sub rule 6 of the Government Servants (E & D) Rule-2011.
- D. Incorrect. Infact the initial inquiry report was remanded back to Inquiry Committee for reviewing and submission of final recommendations, upon which inquiry committee has submitted its final recommendation report vide No. 24.12.2014. Hence, no fundamental right of the appellant was violated.
- E. Incorrect, there is mechanism of internal audit of the accounts.
- F. Incorrect, the competent authority was not satisfied therefore, it has been returned to the inquiry committee under rule 14 sub rule-6 KPK Government Servant (E & D) 2011 for reviewing and final recommendation. Upon which in the light of expert report the inquiry committee submitted its final report and recommended the appellant for major punishment.
- G. Incorrect, the appellant was associated with the inquiry proceedings and in the light of inquiry report the appellant was held guilty of oversight and mismanagement in drawl and disbursement in TA/DA founs.
- H. Correct to the extent that the appellant was initially exonerated by the enquiry committee but the competent authority was not satisfied therefore, it has been returned to the inquiry committee under rule 14 sub rule-6 KPK Government Servant (E & D) 2011 for reviewing and final recommendation. Upon which in the light of expert report the inquiry committee submitted its final report and recommended the appellant for major punishment.
- I. Incorrect. The whole inquiry proceedings were initiated in accordance with law & rules in which the appellant was held guilty.
- J. Incorrect. Infact the charges leveled against the appellant have been proved in a proper departmental proceedings conducted in accordance with law and rules.
- K. Incorrect, a proper departmental proceedings was initiated against the appellant on the charges of mismanagement and embezzlement purely on merits and in accordance with law and rules in which he was held guilty.
- L. Incorrect, the appellant has not been finalized twice, as transfer / posting of government servant is a routine matter.
- M. The respondents may also be allowed to advance any other grounds at the time of hearing.

  
**Dy: Inspector General of Police,**  
**Head Quarters, KPK Peshawar**  
(Respondent No. 2)

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

  
**Regional Police Officer,**  
**Kohat**  
(Respondent No. 3)

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

Service appeal No. 769/2018

Muhammad Iqbal, Assistant Grade Clerk  
(Now Senior Clerk) District Police Chitral

..... Appellant

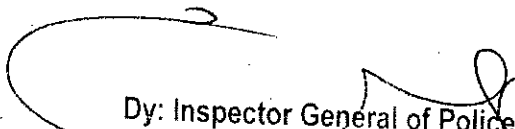
**VERSUS**


Provincial Police Officer,  
Khyber Pakhtunkhwa, and others


..... Respondents

**COUNTER AFFIDAVIT**

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.

  
Dy: Inspector General of Police,  
Head Quarters, KPK Peshawar  
(Respondent No. 2)

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

  
Regional Police Officer,  
Kohat  
(Respondent No. 3)

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

**Service Appeal No. 769/2018**

Muhammad Iqbal

VS

Police Deptt:

.....  
**REJOINDER ON BEHALF OF APPELLANT**  
.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-5) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

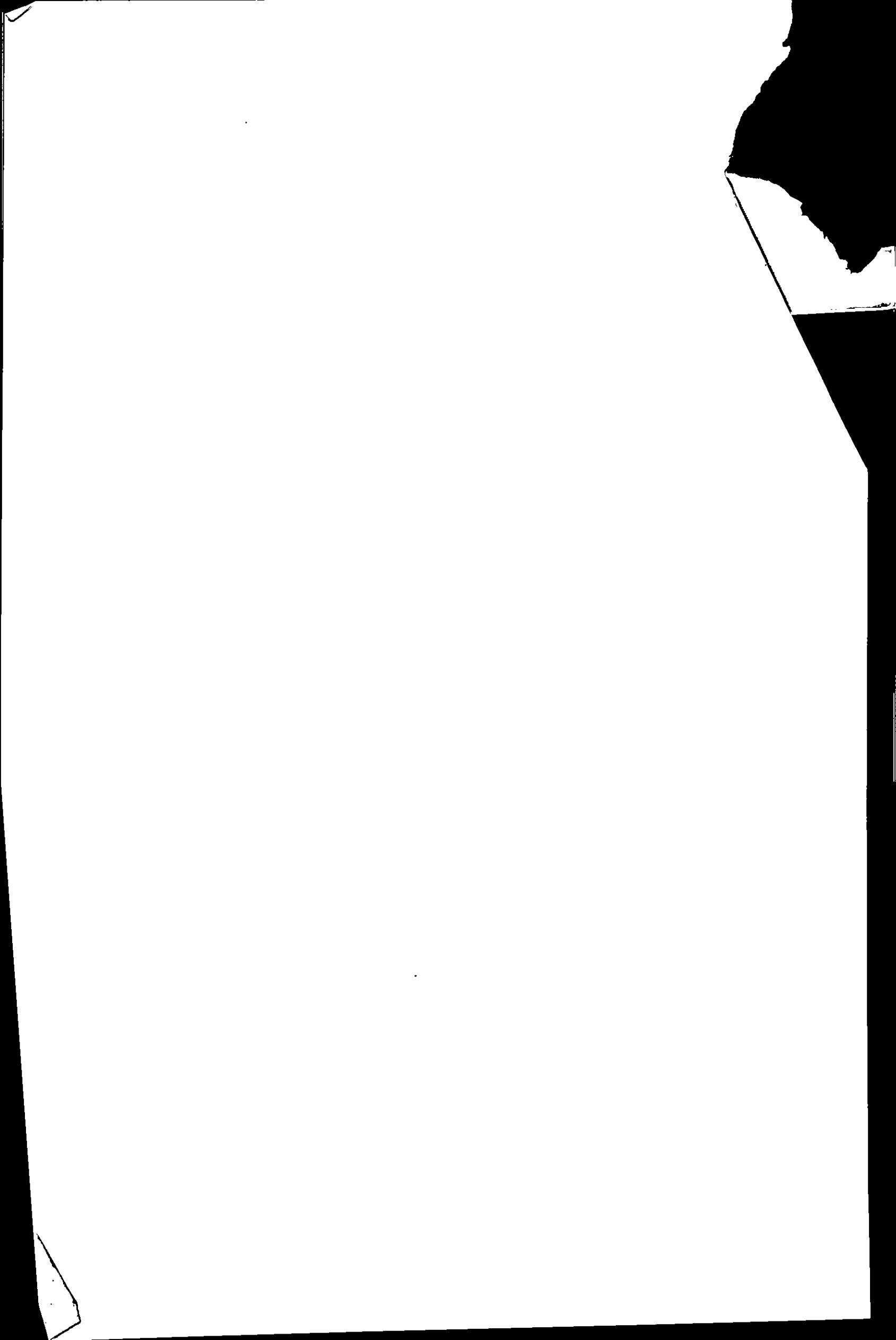
**FACTS:**

1. Admitted correct by the respondents as the service record of the appellant is present with the department.
2. Admitted correct by the respondents as the service record of the appellant is present with the department.
3. Admitted correct by the respondents as the service record of the appellant is present with the department.
4. It is correct that the appellant was exonerated by the inquiry committee but the respondent No.3 instead of giving recommendation on that inquiry report inserted other two person for rechecking supporting/Bill Vouchers of various head of accounts without associating the appellant in the whole process of rechecking which is against the name of justice and fair play.
5. It is correct that the appellant held responsible by the inquiry committee, but without associating in the whole process of rechecking, which is not permissible under the law.
6. Admitted correct by the respondents as the service record of the appellant is present with the department.

7. Incorrect. The appellant was found guilty without providing proper opportunity of defence which is violation of law and rules therefore the impugned orders are liable to be set aside.
8. Incorrect. No opportunity of defence and personal hearing was provided to the appellant and the departmental appeal of the appellant was rejected without good ground.
9. Incorrect. The appellant has good cause of action to file this instant appeal in this Honourable Tribunal which is liable to be accepted.

**GROUND:**

- A) Incorrect. The impugned orders are not in accordance with law, facts, norms of justice and material on record, therefore not tenable and liable to set aside.
- B) Incorrect. No proper opportunity of defence was provided to the appellant during the whole proceeding.
- C) Incorrect. While para C of the appeal is correct.
- D) Incorrect. While para D of the appeal is correct.
- E) Incorrect. While para E of the appeal is correct.
- F) Incorrect. Respondent No.3 was the complainant in the instant case which cannot reviewing inquiry committee which was already exonerated by the inquiry committee.
- G) Incorrect. The inquiry committee rechecked supporting/Bill Vouchers of various head of accounts without associating the appellant in the whole process of rechecking, which is violation of law and rules.
- H) Incorrect. While para H of the appeal is correct.
- I) Incorrect. The inquiry proceeding was not in accordance as no proper opportunity of defence was provided to the appellant during the inquiry proceeding but despite that the appellant was held responsible which is not permissible under the law and rules.
- J) Not replied according to para C of the appeal. Moreover para C of the appeal is correct.
- K) Incorrect. While para K of the appeal is correct.
- L) Incorrect. While para L of the appeal is correct.



M) Legal.

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

APPELLANT

Through:

*M. Asif Yousafzai*  
**M.ASIF YOUSAFZAI**  
**ADVOCATE SUPREME COURT**

*Taimur Ali Khan*  
**&**  
**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT.**

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

*[Signature]*  
DEPONENT







**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 2502 /ST

Dated: 16/12 /2021

All communications should be  
addressed to the Registrar KPK Service  
Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262


To

The Deputy Inspector General of Police Headquarters,  
Government of Khyber Pakhtunkhwa,  
Peshawar.


Subject: JUDGMENT IN APPEAL NO. 769/2018 MR. MUHAMMAD IQBAL.

I am directed to forward herewith a certified copy of Judgement dated  
21.10.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

P-1



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

Dated: 27/11/2020

**NOTIFICATION**

No. 4391-97 /E-V, **RETIREMENT ON SUPERANNUATION:-** On attaining the age of superannuation, Senior Clerk Muhammad Iqbal of Police Training School, Kohat is hereby retired from service w.e.f 19.11.2020 (A.N).

Office of The  
Deputy Inspector General of Police,  
Training, Khyber Pakhtunkhwa,  
Peshawar.


Dist No 3215 /Trg  
on 30/11/2020

Sd/-  
**RAI BABAR SAEED PSP**  
Deputy Inspector General of Police, H  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar

**Enlist: No. & date even.**

**Copy forwarded to the:-**

- o Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
- o Superintendent of Police, Training Khyber Pakhtunkhwa w/r to his office letter No. 9516/Trg: dated 16.11.2020.
- o Director, Police Training School, Kohat.
- o Distnet Accounts Officer, Kohat.
- o Registrar CPO, Peshawar.
- o Office Superintendents, Secret & CP Branch CPO, Peshawar.

  
**(ZAHOOR BABAR AFRIDI)**  
AIG/Establishment  
For Inspector General of Pol  
Khyber Pakhtunkhwa,  
Peshawar.

Bc  
Scanned with CamScanner

P-2



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

Dated: 27/11/2020

ORDER

No. 4398-4407 /E-V, Whereas Senior Clerk Muhammad Iqbal (BPS-14) of Police Training School Kohat has not availed LPR laying at his credit.

And whereas, 365-days leave encashment is admissible to the said officer in lieu of LPR under the Civil Servant Revised Leave Rules, 1981 which is admissible to him according to his Leave Account Form duly verified by Director Police Training School Kohat.

Now therefore, in exercise of the powers conferred upon me, under Rules 20(2) of the Khyber Pakhtunkhwa Civil Servant Revised Leave Rules 1981, sanction is hereby accorded to the encashment of 365-days leave salary in lieu of LPR to Senior Clerk Muhammad Iqbal of Police Training School Kohat in terms of Finance Department letter No. SO(FR)FD5-2/2005/Vol-V, dated 13.12.2012.

Office of The  
Dy. Inspector General Of Police  
Training, Khyber Pakhtunkhwa,  
Peshawar

Dy. No. 3216 /Trg  
dt. 30/11/2020

Sd/-

**RAI BABAR SAEED PSP**  
Deputy Inspector General of Police, HQrs,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar

Endst: No. & date even.

Copy forwarded to the: -

- o Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
- o Deputy Inspector General of Police, Finance & Procurement Khyber Pakhtunkhwa, Peshawar.
- o Superintendent of Police, Training Khyber Pakhtunkhwa w/r to his office letter No. 9516/Trg: dated 16.11.2020.
- o Director, Police Training School, Kohat.
- o District Accounts Officer, Kohat.
- o Registrar CPO, Peshawar.
- o Budget Officer, CPO Peshawar.
- o Office Superintendents, Secret & CP Branch CPO, Peshawar.

EC/Accountant  
7/11/2020  
M.A.

(ZAILOOR BABAR AFRIDI) PSP  
All Establishment  
For Inspector General of Police,

Phone No: 9260112.  
Fax No: 9260114.

R1

From: - The Regional Police Officer,  
Kohat Region, Kohat.

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

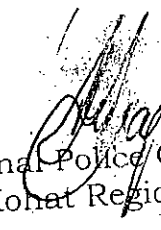
No. 2306 /EC, Dated Kohat the 02/03/2016.

Subject: - DEPARTMENTAL ENQUIRY AND TRANSFER TO SOME  
REMOTE REGION ON COMPLAINT BASIS.

MEMO:

It is submitted that Senior Clerk Muhammad Iqbal presently posted at district Upper Dir has preferred a service appeal in Service Tribunal for setting aside the punishment order of reversion from the rank of Asstt. Grade Clerk to Senior Clerk vide your office order Endst: No.4559-67/E-V, dated 06.07.2015. On his service appeal, para wise comments have been requisitioned from this office by Service Tribunal.

It is, therefore, requested that his enquiry file may kindly be sent to this office in connection with his service appeal please.

  
Regional Police Officer,  
Kohat Region.

cc: psp legal Kohat for information w/r to  
his memo. no 3916/DB dt. 19.2.2016 -



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

Ph: 091-9210545 Fax: 091-9210927

P-2

No 1630 /E-V Dated Peshawar the 16-3 /2016

2327  
17/03/016

To, ✓  
The Regional Police Officer,  
Kohat Region.

**SUBJECT** DEPARTMENTAL ENQUIRY AND TRANSFER TO REMOTE  
REGION ON COMPLAINT BASIS OF MUHAMMAD IQBAL EX-  
ASSTT GRADE CLERK

MEMO:

Please refer to this office Letter No 1306/EC Dated 02.03.2016, on the  
subject noted above.

The Enquiry File (in Photo State) containing of 578 pages of Ex-Asstt:  
Grade Clerk Muhammad Iqbal (now Senior Clerk) is sent herewith in connection with  
his Service Appeal which may please be acknowledged.

(PERVEZ ELAHI)

Registrar,

For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

*Dr EC*  
*17/3*  
*17/16*  
No 2980-81 1006 EC  
dt. 18-03-2016

✓ copy to osd legal  
along with enquiry file in r/o  
S.C Muhammad Iqbal is sent  
herewith for further reaction p1.  
as requested vide memo. no: 3916/23  
19.2.2016.  
2) osd helmt for information p1.

DIG POLICE  
KOHAT  
17/3/2016

*DSP*  
*17/3/16*

①

SP-3

From: The Deputy Inspector General of Police,  
Kohat Region, Kohat.

To: The Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.

No. 7717 /RA, Dated Kohat the 21/8 /2014.

Subject: **DEPARTMENTAL ENQUIRY AND TRANSFER TO  
SOME REMOTE REGION ON COMPLAINT BASIS.**

Memo:

Kindly refer to this office Endst: No.10189/A, dated 27.12.2013  
alongwith Audit Note.

It is submitted that several complaints regarding embezzlement against  
Asstt: Grade Clerk Muhammad Iqbal the then Pay Officer, SP Investigation office Kohat  
was received to the undersigned. Therefore he was transferred to the office of SP  
Investigation Karak on complaint basis and Internal Audit under five head of accounts  
on the accounts of SP Investigation Kohat, pertaining to the posting period of Pay  
Officer Muhammad Iqbal, presently posted in the office of SP Investigation, Karak was  
carried out.

After the course of internal audit, contents of the complaints were  
proved against him and it has been came to know that heavy amount was mis-  
appropriated.

The audit report was conveyed to SP Investigation Kohat under  
intimation to CPO Peshawar vide this office Endst: quoted above. The concerned office  
failed to submit sound and cogent reply therefore the same was returned vide this  
office Memo: No. 5665/RA, dated 11.6.2014 for reply within a week time followed by  
reminder No. 6238/A, dated 27.6.2014 but all in vain. (Photo copies are submitted  
herewith for ready reference).

Detail amounts of some major mis-appropriation are appended below:-

1. Para No. 2. TA bills amounting to Rs. 276605/- were drawn on the  
names of Police officials/Ministerial Staff while according to  
attendance register they were present on duty in the office.
2. Para No.3:- Mis-appropriation of Rs. 15,99,950/- under code Cost  
of investigation were drawn un-necessary for only Hiring of  
private vehicles and not for any other purpose which is also  
against the orders/instruction of the Worthy Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar, conveyed to all heads of Police  
Offices of Khyber Pakhtunkhwa vide Endst: No. 3307-47/C-I, dated  
10.5.2007.

2/1/14  
78

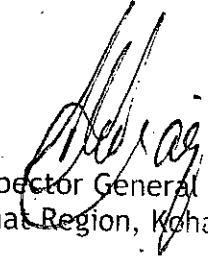
(13)

7P-4

3. Para No. 5:- Non production of record amounting to Rs.11,00927/- under head A03807- POL charges.
4. Para No. 7:- Mis-appropriation of Rs. 93998/- under head A03901- Office Stationery by overwriting and Manipulations in stock register. Besides, any applications is not available to whom the stationery items were issued. Even a single application duly sanctioned/issued by any competent authority is not available on record as well as any APR.


It is therefore requested that departmental enquiry may kindly be initiated against Asstt: Grade Clerk Muhammad Iqbal the then Pay Officer of SP Investigation Kohat, presently posted in the office of SP investigation Karak for recovery of Rs. 30,71,480/- or production of solid proof/supporting documents/proper & Valid record under the rules duly completed in all respect.

It is further requested that he may please be transferred and posted on complaint to some remote Region of the Province with the orders to be not posted in future on any independent or Account post, please.

  
Deputy Inspector General of Police,  
Kohat Region, Kohat.

No. \_\_\_\_\_/RA,

Copy of above is forwarded for information to the Superintendent of Police, Investigation Kohat with reference to this office Memo: No. 5665/RA, dated 11.6.2014 followed by reminder No. 6238/A, dated 27.6.2014.

  
Deputy Inspector General of Police,  
Kohat Region, Kohat.

(5 P-5)

The Deputy Inspector General of Police,  
Kohat Region, Kohat.

To :-

The Superintendent of Police,  
Investigation Wing, Kohat.

No: 5665 /RA, Dated Kohat the 11-6- /2014.

Subject:

**INTERNAL AUDIT ON THE ACCOUNTS OF SUPERINTENDENT  
OF POLICE, INVESTIGATION KOHAT FOR THE FINANCIAL  
YEAR 2012-13.**

Memo: -

Please refer to your office Memo: No.3021/PO, dated 26.5.2014.  
Reply of the audit note cited as subject, received with your above  
quoted reference is returned herewith with the remarks that the same may be  
submitted to this office together with supporting documents duly attested by a  
Gazetted Officer within a period of one week positively for justification.

*bc*  
  
Deputy Inspector General of Police,  
Kohat Region, Kohat.



From: -

The Dy: Inspector General of Police,  
Kohat Region, Kohat.

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7

To: -

The Superintendent of Police,  
Investigation Wing, Kohat.

11

No. 6238 /A, Dated Kohat the 27/6 /2014.

Subject:-

INTERNAL AUDIT ON THE ACCOUNTS OF  
SUPERINTENDENT OF POLICE, INVESTIGATION  
KOHAT FOR THE FINANCIAL YEAR 2012-2013.

MEMO:

Please refer to your office Memo: No. 3021/PO, dated  
26.05.2014 and this office Memo: No. 5665/RA, dated 11.06.2014.

The requisite report is still awaited, which may be expedited.

AC

Dy: Inspector General of Police,  
Kohat Region, Kohat.

11

9 P-7

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### KOHAT REGION

#### Sanctioned Strength of Kohat Region

	RPO (BS-20)
Sanction	1
Present	1
Shortfall	0
Excess	0

S. No	Post Held	Name of officer	B.S	Date of posting
1.	DIG/Kohat, Region Kohat	Dr. Ishtiaq Ahmad Khan	20	14.04.2013

#### Sanctioned Strength of Kohat District

	DPOs (BS-19)	SP (BS-18)	ASsP (BS-17)	DSP (BS-17)	DSP Legal (BS-17)
Sanction	1	1	1	1	1
Present	1	0	1	2	1
Shortfall	0	1	0	0	0
Excess	0	0	0	1	0

S. No	Post Held	Name of officer	B.S	Date of posting
1.	DPO/Kohat	Mr. Muhammad Saleem	18	29.07.2013
1.	ASP/HQrs: Kohat	Mr. Mansoor Aman, ASP	17	05.09.2013
2.	SDPO/Lachi, Kohat	Mr. Sona Khan, Inspector	16	06.08.2013
3.	SDPO/City Kohat	Mr. Lal Farid DSP	17	11.09.2012
4.	SDPO/Saddar Kohat	Mr. Mirzali Khan DSP	17	30.01.2014
5.	DSP/Legal Region office Kohat	Mr. Imtiaz Gul, DSP/Legal	17	30.07.2013
6.	At the disposal of RPO Kohat	Shoukat Ali Shah Acting DSP	16	25.10.2013

#### Sanctioned Strength of Kohat Investigation

	SP (BS-18)	ASsP (BS-17)	DSP (BS-17)	DSP Legal (BS-17)
Sanction	1	0	0	0
Present	DSP is working as SP/Invest:	0	0	0
Shortfall	1	0	0	0
Excess	0	0	0	0

S. No	Post Held	Name of officer	B.S	Date of posting
1.	SP/Inves: Kohat	Mr. Bashir Ahmad Syed, DSP	17	03.09.2013

P-8  
(11)

From : The Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.

To : All Heads of Police Offices,  
in Khyber Pakhtunkhwa.

All Office Superintendents,  
in CPO.

No. 727-91 /E-V, dated Peshawar the 07 10 2014.


Subject : PUNISHMENT.

Memo :

As approved by the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar disciplinary case of ministerial staff will be dealt by the officers noted against their designations:-

S.NO.	DESIGNATION	
1.	Addl: IGP/HQrs:	Office Superintendents & Stenographers
2.	DIG/HQrs:	Assistants, Steno Typists & Senior Clerks
3.	AIG/Establishment	Junior Clerks & Class IV

2. The above mentioned officers are also authorized to issue transfer / posting orders of the above mentioned Ministerial Staff. Therefore, Explanations / Charge sheet with Statements of Allegation will also be issued under their signature please.

  
(MIAN MUHAMMAD ASIF)  
Addl: IGP/HQrs;  
For Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.  
4/3

13

P-9

46

From : The Provincial Police Officer,  
Khyber Pakhtunkhwa.  
Peshawar.

To : The Regional Police Officer,  
Kohat Region, Kohat

No. 3085 /E-V dated Peshawar the 8/9 /2014.

Subject: **DEPARTMENTAL ENQUIRY AND TRANSFER TO SOME REMOTE  
REGION ON COMPLAINT BASIS**

Memo:

Please refer to your office Memo No. 7717/RA, dated: 21.08.2014.

Please serve the attached charge sheet and statement of allegations upon Muhammad Iqbal Assistant Grade Clerk of SP/Investigation, Karak and return its duplicate copy as token of receipt for the record of this office.

Encl: (2)

*(Handwritten signature)*  
**(FARHAD ALI)**  
Registrar  
For Provincial Police Officer,  
Khyber Pakhtunkhwa  
Peshawar

15

P-10

19

## CHARGE SHEET

I, Mubarak Zeb, Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa Peshawar as a competent authority, hereby charge you Mr. Mohammad Iqbal, Asstt: Grade Clerk presently posted in the office of SP, Investigation, Karak as follows:-

As reported by RPO, Kohat that while you were posted as Pay Officer in the office of SP, Investigation, Kohat, after the course of Internal Audit some Major misappropriation (amounting to Rs:- 30,71,480/-) were found on your part. Detail of the same misappropriation is appended below:-

1. Vide para-02 of the Internal Audit, you have drawn TA bills of amounting to Rs: 2,76,605/- on the names of Police officials/Ministerial Staff while according to Attendance Register they were present on duty in the office.
2. Vide para-03 of the Internal Audit, you have drawn amounting to Rs: - 15,99,950/- under the code cost of Investigation un-necessary for only Hiring of Private Vehicles and not for any other purpose which is against the orders/instructions of the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar duly conveyed to all Heads of Police Offices Khyber Pakhtunkhwa, Peshawar vide Endst: 3307-47/C-I dated 10.05.2007.
3. Vide para-05 of the Internal Audit, you have drawn amounting to Rs:- 11,00,927/- under head of A03807-POL Charges and didn't produce the record of it.
4. Vide para-07 of the Internal Audit, you have drawn amounting to Rs: - 93,998/- under head A039901-Office Stationary by over writing and Manipulations in the Stock Register. Besides, any application is not available to whom the Stationary items were issued. Even a single application duly sanctioned/issued by any Competent Authority is not available on the record as wells as any APR.

2. Your said act of negligence depicts height of inefficiency, disobedience, indiscipline attitude and lack of professionalism which amounts to grave misconduct on your part warranting stern disciplinary action against you.


3. By the reason of the above, you appear to be guilty of misconduct as defined in Rules-3 (i) of Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) Rules- 2011, and have rendered yourself liable to all or any of the penalties specified in Rules-4 of the said ibid.

4. You are, therefore required to submit your written defence **within 07 days** of the receipt of this Charge Sheet to the Enquiry Officer.

5. Your written defence, if any, should reach to the enquiry officer **within the specified period** failing which it shall be presumed that you have no defence to put in and in that case, exparte action will be taken against you.

6. Also intimate as to whether you desire to be heard in person or otherwise.

7. Statement of allegation is enclosed herewith.

  
(MUBARAK ZEB) PSP  
Deputy Inspector General of Police, HQrs:  
Khyber Pakhtunkhwa,  
Peshawar.

(17) P-11  
21

**DISCIPLINARY ACTION**

I, Mubarak Zeb, Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa Peshawar as competent authority, is of the opinion that you, Mr. Mohammad Iqbal, Asstt: Grade Clerk presently posted in the office of SP, Investigation, Karak have rendered yourself liable to be proceeded against as you have committed the following acts/omission within the meaning of Rule 4 of the Khyber Pakhtunkhwa Civil Servant Efficiency and Discipline Rules 2011.

**STATEMENT OF ALLEGATION**

As reported by RPO, Kohat that while he was posted as Pay Officer in the office of SP, Investigation, Kohat, after the course of Internal Audit some Major misappropriation (amounting to Rs:- 30,71,480/-) were found on his part. Detail of the same misappropriation is appended below:-


1. Vide para-02 of the Internal Audit, he has drawn TA bills of amounting to Rs: 2,76,605/- on the names of Police officials/Ministerial Staff while according to Attendance Register they were present on duty in the office.
2. Vide para-03 of the Internal Audit, he has drawn amounting to Rs: - 15,99,950/- under the code cost of Investigation un-necessary for only Hiring of Private Vehicles and not for any other purpose which is against the orders/instructions of the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar duly conveyed to all Heads of Police Offices Khyber Pakhtunkhwa, Peshawar vide Endst: 3307-47/C-I dated 10.05.2007.
3. Vide para-05 of the Internal Audit, he has drawn amounting to Rs:- 11,00,927/- under head of A03807-POL Charges while he didn't produce the record of it.
4. Vide para-07 of the Internal Audit, he has drawn amounting to Rs: - 93,998/- under head A039901-Office Stationary by over writing and Manipulations in the Stock Register. Besides, any application is not available to whom the Stationary items were issued. Even a single application duly sanctioned/issued by any Competent Authority is not available on the record as wells as any APR.

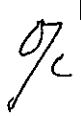
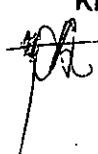
2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an enquiry committee consisting of the following is constituted under the Rules.

- i. Mr. Mansoor Aman, Addl SP Kohat
- ii. Mr. Ihsanullah, Acting SP CTD Kohat

3. The enquiry committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within 25 days of the receipt of this order, recommendations as to punishment or the appropriate action against the accused.

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

  
**(MUBARAK ZEB) PSP**  
Deputy Inspector General of Police, HQrs:  
Khyber Pakhtunkhwa,  
Peshawar.

(21)


P-13

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CRA/17840/EB

DEPARTURE REPORT.

In compliance with the order of worthy Provincial Police Officer, Khyber Pakhtunkhwa Peshawar vide order Endst:No.3092-99/E-V, dated 08.09.2014, I submit my departure report to-day on 15.09.2014 (A.N) please.

  
(Muhammad Iqbal)  
Assistant Grade Clerk  
Inv: Office Karak

OFFICE OF THE SUPERINTENDENT OF POLICE INVESTIGATION WING KARAK

No. 5608/14 Inv: dated Karak the, 15/9 /2014.

Copy of above for favour of information is submitted to:-

1. ✓ The Additional Inspector General of Police /HOs; Khyber Pakhtunkhwa Peshawar.
2. The Addl: Inspector General of Police, Investigation Khyber Pakhtunkhwa Peshawar.
3. The Deputy Inspector General of Police, Kohat Region Kohat.
4. The Deputy Inspector General of Police, Malakand Region.
5. The District Police Officer Chitral.
6. The Superintendent of Police, Investigation Wing, Kohat.
7. The District Accounts Officer Kohat.



Superintendent of Police,  
Investigation Wing, Karak



(23) P-14

Phone No: 9260112.

Fax No: 9260114.

From: - The Dy: Inspector General of Police  
Kohat Region, Kohat.

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

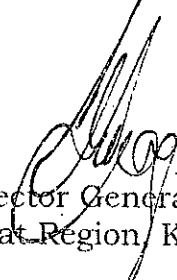
No. 8800 /EC, Dated Kohat the 19 / 09 / 2014.

Subject: - DEPARTMENTAL ENQUIRY AND TRANSFER TO  
SOME REMOTE REGION ON COMPLAINT BASIS.

MEMO:

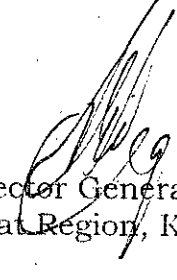
Kindly refer to your office Memo: No. 3085/E-V, dated  
08.09.2014.

It is submitted that charge sheet and statement of  
allegations in respect of Asstt: Grade Clerk Muhammad Iqbal of  
SP Investigation office Karak has properly been served upon him.  
Duplicate copy of the same duly signed is enclosed herewith as token of  
receipt please.

  
Dy: Inspector General of Police,  
Kohat Region, Kohat

No. /EC,

Copy to the SP Investigation Karak for information w/r  
to his office Memo: 5683/Inv: dated 17.09.2014 for information.

  
Dy: Inspector General of Police,  
Kohat Region, Kohat

SF-V

P  
23/9



R 15

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**CHARGE SHEET**

I, Mubarak Zeb, Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa Peshawar as a competent authority, hereby charge you Mr. Mohammad Iqbal, Asstt: Grade Clerk presently posted in the office of SP, Investigation, Karak as follows:-

As reported by RPO, Kohat that while you were posted as Pay Officer in the office of SP, Investigation, Kohat, after the course of Internal Audit some Major misappropriation (amounting to Rs:- 30,71,480/-) were found on your part. Detail of the same misappropriation is appended below:-

1. Vide para-02 of the Internal Audit, you have drawn TA bills of amounting to Rs: 2,76,605/- on the names of Police officials/Ministerial Staff while according to Attendance Register they were present on duty in the office.
2. Vide para-03 of the Internal Audit, you have drawn amounting to Rs: - 15, 99,950/- under the code cost of Investigation un-necessary for only Hiring of Private Vehicles and not for any other purpose which is against the orders/instructions of the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar duly conveyed to all Heads of Police Offices Khyber Pakhtunkhwa, Peshawar vide Endst: 3307-47/C-I dated 10.05.2007.
3. Vide para-05 of the Internal Audit, you have drawn amounting to Rs:- 11,00927/- under head of A03807-POL Charges and didn't produce the record of it.
4. Vide para-07 of the Internal Audit, you have drawn amounting to Rs: - 93,998/- under head A039901-Office Stationary by over writing and Manipulations in the Stock Register. Besides, any application is not available to whom the Stationary items were issued. Even a single application duly sanctioned/issued by any Competent Authority is not available on the record as wells as any APR.

2. Your said act of negligence depicts height of inefficiency, disobedience, Indiscipline attitude and lack of professionalism which amounts to grave misconduct on your part warranting stern disciplinary action against you.

3. By the reason of the above, you appear to be guilty of misconduct as defined in Rules-3 (i) of Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) Rules- 2011, and have rendered yourself liable to all or any of the penalties specified in Rules-4 of the said ibid.

4. You are, therefore required to submit your written defence within 07 days of the receipt of this Charge Sheet to the Enquiry Officer.

5. Your written defence, if any, should reach to the enquiry officer within the specified period failing which it shall be presumed that you have no defence to put in and in that case, exparte action will be taken against you.

6. Also intimate as to whether you desire to be heard in person or otherwise.

7. Statement of allegation is enclosed herewith.



(MUBARAK ZEB) PSP  
Deputy Inspector General of Police, HQrs:  
Khyber Pakhtunkhwa,  
Peshawar.

Received one copy  
of Charge Sheet

HE

15/9/2014

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DISCIPLINARY ACTION

I, Mubarak Zeb, Deputy Inspector General of Police HQrs: Khyber Pakhtunkhwa Peshawar as competent authority, is of the opinion that you, Mr. Muhammad Iqbal, Asstt. Grade Clerk presently posted in the office of SP, Investigation, Karak have rendered yourself liable to be proceeded against as you have committed the following acts/omission within the meaning of Rule 4 of the Khyber Pakhtunkhwa Civil Servant Efficiency and Discipline Rules 2011.

STATEMENT OF ALLEGATION

As reported by RPO, Kohat that while he was posted as Pay Officer in the office of SP, Investigation, Kohat, after the course of Internal Audit some Major misappropriation (amounting to Rs:- 30,71,480/-) were found on his part. Detail of the same misappropriation is appended below:-

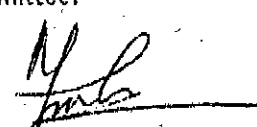
1. Vide para-02 of the Internal Audit, he has drawn TA bills of amounting to Rs: 2,76,605/- on the names of Police officials/Ministerial Staff while according to Attendance Register they were present on duty in the office.
2. Vide para-03 of the Internal Audit, he has drawn amounting to Rs: - 15, 99,950/- under the code cost of Investigation un-necessary for only Hiring of Private Vehicles and not for any other purpose which is against the orders/instructions of the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar duly conveyed to all Heads of Police Offices Khyber Pakhtunkhwa, Peshawar vide Endst: 3307-47, C-I dated 10.05.2007.
3. Vide para-05 of the Internal Audit, he has drawn amounting to Rs:- 11,00,927/- under head of A03807-POL Charges while he didn't produce the record of it.
4. Vide para-07 of the Internal Audit, he has drawn amounting to Rs: - 93,998/- under head A039901-Office Stationary by over writing and Manipulations in the Stock Register. Besides, any application is not available to whom the Stationary items were issued. Even a single application duly sanctioned/issued by any Competent Authority is not available on the record as well as any APR.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an enquiry committee consisting of the following is constituted under the Rules.

- i. Mr. Mansoor Aman, Addl SP Kohat
- ii. Mr. Insanallah, Asstt. SP CID Kohat

3. The enquiry committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within 25 days of the receipt of this order, recommendations as to punishment or the appropriate action against the accused.

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

  
(MUBARAK ZEB) PSP  
Deputy Inspector General of Police, HQrs:  
Khyber Pakhtunkhwa,  
Peshawar.

(29)

CR#17999/EB

Phone No: 9260112.  
 Fax No: 9260114.

From: - The Dy: Inspector General of Police,  
 Kohat Region, Kohat.

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

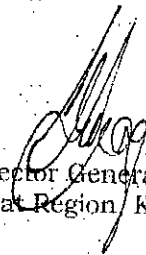
No. 8800 /EC, Dated Kohat the 19 / 9 /2014.

Subject: - DEPARTMENTAL ENQUIRY AND TRANSFER TO  
 SOME REMOTE REGION ON COMPLAINT BASIS.

MEMO:


Kindly refer to your office Memo: No. 3085/E-V, dated  
 08.09.2014.

It is submitted that charge sheet and statement of  
 allegations in respect of Asstt: Grade Clerk Muhammad Iqbal of  
 SP Investigation office Karak has properly been served upon him.  
 Duplicate copy of the same duly signed is enclosed herewith as token of  
 receipt please.

  
 Dy: Inspector General of Police,  
 Kohat Region, Kohat

No. 1 /EC,

Copy to the SP Investigation Karak for information w/r  
 to his office Memo: 5683/Inv: dated 17.09.2014 for information.

  
 Dy: Inspector General of Police,  
 Kohat Region, Kohat

P-18

31

Phone No: 9260112.  
Fax No: 9260114.

From: - The Dy: Inspector General of Police,  
Kohat Region, Kohat.

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

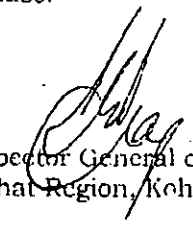
No: 8552- /EC, Dated Kohat the 12 / 09 / 2014.

Subject: - APPLICATION OF HC RANGEEN KHAN OF  
DISTRICT POLICE KOHAT.

MEMO:

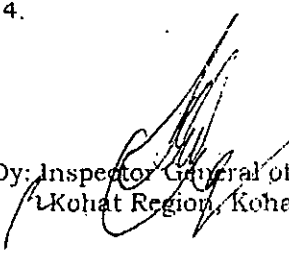
Kindly refer to your office Memo: No. 2871/E-V, dated  
21.08.2014.

It is submitted that charge sheet and statement of  
allegations in respect of Senior Clerk Shah Zaman of DPO office Kohat  
has properly been served upon him. Duplicate copy of the same duly  
signed is enclosed herewith as token of receipt please.

  
Dy: Inspector General of Police,  
Kohat Region, Kohat

No. 8553- /EC,

Copy to the Addl: SP Kohat / E.O for information w/t  
to his office Memo: No. 14, dated 05.09.2014.

  
Dy: Inspector General of Police,  
Kohat Region, Kohat

P-19  
(33)  
00518408/ER

From: The Addl: Superintendent of Police,  
Kohat

To: The Deputy Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar

No 52 /PA dated Kohat the 20/9 /2014.

Subject: DEPARTMENTAL ENQUIRY

Memo: -  
Kindly refer to your Memo No 3085/E-V dated 08.09.2014 (enclosed).  
It is submitted that finding of the departmental enquiry against Assistant Grade Clerk Muhammad Iqbal including departmental enquiry file is submitted herewith for favour of perusal and further necessary action please.

Encl. (98) Papers

By: [Signature]  
Date: [Signature]  
Deputy Inspector General of Police

[Signature]  
Addl: Superintendent of Police,  
Kohat

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FINDING

IN DEPARTMENTAL ENQUIRY AGAINST MUHAMMAD IQBAL ASSISTANT GRADE CLERK

This is a finding in departmental enquiry against Muhammad Iqbal Assistant Grade Clerk for the allegations that: -

1. Vide Para No 02 of the Internal Audit, he has drawn TA Bills of amounting to Rs. 276605/- on the names of officials / ministerial staff while according to attendance register they were present on duty in the office.
2. Vide Para No 03 of the Internal Audit, he has drawn amounting to Rs. 1599950/- under the code cost of investigation un-necessary for only hiring of private vehicles and not for any other purpose which is against the orders / instructions of the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar duly conveyed to all heads of Police Officer in Khyber Pakhtunkhwa, Peshawar vide Endst: No 3307-47/C-I dated 10.05.2007.
3. Vide Para No 05 of the Internal Audit, he has drawn amounting to Rs. 1100927/- under head of AO3807 – POL Charges and did not produce the record of it.
4. Vide Para No 07 of the Internal Audit, he has drawn amounting to Rs. 93998/- under head AO3901 – Office Stationary by overwriting manipulation in the stock register. Besides, any application is not available to whom the stationary items were issued. Even a single application duly sanctioned / issued by any competent authority is not available on the record as well as any APR.

On these allegations he was issued with charge sheet and statement of allegations. The undersigned were appointed as enquiry committee to conduct enquiry into the matter.

On receipt of the enquiry file, necessary enquiry proceedings were adopted. Summoned respondent Assistant Grade Clerk Muhammad Iqbal, Range Auditor Khayal Faqir, PWs present Senior Clerk Aftab ur Rehman Pay Officer, Naib Pay Officer Shad Hussain, Naib Arshid Mehmood, Junior Clerk Safi Ullah, ASI Zardad Reader SP Investigation, Telephone Operator Sharif Khan, Acting PA SP Investigation Risal Khan, heard them in person and recorded their statements.

Opportunity of cross question was given to the respondent Muhammad Iqbal which he availed.

The respondent Assistant Grade Clerk Muhammad Iqbal the then Pay Officer, Investigation Wing, Kohat stated in his statement that he has already submitted a detailed reply of the charge sheet which may please be considered as his present reply to the enquiry committee, however, vide which it is learnt that he had remained posted as Pay Officer Investigation Wing, Kohat during the period from 01.07.2012 to 06.06.2013. On 06.06.2013 he was transferred to Investigation Wing Karak on administrative grounds vide Deputy Inspector General of Police, Kohat Region, Kohat order Endst: No 4024-28/EC dated 06.06.2013 (copy enclosed). While giving the charge he handed over complete record to his predecessor. The subject audit has been carried out in October 2013 and at that days he was serving in Investigation Wing, Karak, therefore, it was the sole responsibility of his predecessor to produce the record to the Audit Party as all the record was lying in the office of Investigation Wing, Kohat. As in routine in every government office whenever Audit Party is conducting Audit of any

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K-21

previous period, the present dealing hand is responsible to produce the requisite record before the Audit Party for processing it.

As far as the objections raised in the audit note, the superintendent of Police Investigation Wing, Kohat has already submitted Para-wise comments of all the objections mentioned in the charge sheet (copy of audit note and comments on it is enclosed).

The respondent further mentioned after the above Internal Audit, the proper Audit was carried out by the Auditor of Accountant General Office, Khyber Pakhtunkhwa, Peshawar. They have also carried out Audit of the same period and found all the record available in the office. The Audit Party had recorded 06 objections in the Audit Note which were later-on discussed in the DAC meeting held in CPO Peshawar on 18.07.2014 in the supervision of Director General Audit, AG Office, Khyber Pakhtunkhwa, Peshawar and Budget Officer CPO Peshawar. After discussion and perusal of record, the Audit objections were set aside / dropped (copy of Audit Note is enclosed for ready reference). The respondent stated that he has drawn all the amount on the proper sanction / approval of competent Authority and the amount was disbursed upon the claimants / owners.

The Range Auditor Khayal Faqir stated in his statement that he has conducted Internal Audit of Investigation Wing, Kohat for the year 2012-13. During the course of Audit the concerned staff of Account Branch have not produced complete record to him, therefore, he has recorded the said observations.

During cross question by the undersigned when he was asked that the respondent Assistant Grade Clerk Muhammad Iqbal was present during the course of Audit. He said that he was not present because he was serving in Karak District. He was further asked that the present staff was directed to produce the record. He replied that they were directed to produce the complete record but they failed to do so. He was asked that the respondent has produce copy of Standing Order regarding payment of cost of investigation and there is any doubt in its authenticity. He replied that the standing order is correct.

Besides this, statement of Senior Clerk Aftab ur Rehman presently posted as Pay Officer, KBI Kohat, Junior Clerk Shad Hussain APO and Arshid Mehmood of Account Branch were recorded. In their statement they disclosed that during Audit days their office was recently shifted from 1<sup>st</sup> floor to ground floor and some official files were misplaced therefore the complete record could not be produced to Audit Party. Later-on, after thorough search, the same record was found out and is available in the office and will be produced if requisitioned by anyone.

Junior Clerk Safi Ullah of the office of SP Investigation Kohat stated that he had proceeded to Peshawar and some other places upon the orders of seniors and did official duty. Afterwards prepared TA Bills, which was subsequently drawn. The amount has been received to him properly.

Similarly, other office staff such as ASI Zardad reader to SP Investigation, Telephone Operator Sharif Khan and acting PA Risal Khan have corroborated the version of Junior Clerk Safi Ullah that they had proceeded to various official assignments and have received TA properly.

During the course of enquiry some of the bills pertaining to POL Charges, Hiring Charges and stationary were checked and found correct such as amount shown drawn were stated by the relevant official / firms received one. Statement of Manager Ghazi Khan Petroleum Kohat, contractor / supplier of POL to Police Department of this district, was recorded. He after

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thorough perusal of the existing drawn bill / record stated that the amounts of these bills have been received to him. He also verified the statement of cheques of the period of audit under report, which is placed on enquiry file.

Similarly, one of the Investigation Officer SI Abdul Rehman disclosed in his statement that admittedly he used to engage private vehicles in connection with investigation purpose and afterward he was submitting bills thereof which were correctly drawn and the payment thereof received to him regularly during the period of the aforesaid Pay Officer.

So far overwriting in the stationary record in duly maintained / stock register, from thorough examination it is learnt that it has been based purely on clerical mistake basis because prior to the period under report when previous record was checked similar cutting was also found out which has been attested by Gazetted officer for attestation of cutting. Moreover, applications for the grant of stationary by various officials, duly sanctioned were found existed on record and necessary compilation / reconciliation was made with the maintained registered and found correct. Actual payees receipt (APR) were found available on record copy of the same are placed on file for ready reference.

Statement of stationary supplier / contractor was recorded who after thorough examination of the existing bills duly drawn in his favour, disclosed that all the payment has been correctly received to him.

### FINDINGS

From the enquiry so far conducted we the enquiry committee came to the conclusion that no misappropriation or malafide in connection with drawl of TA Bills Rs. 276605/- was found out on the part of the said official. Drawl of 1599905/- under the code cost of investigation is found drawn based on rules / regulation and nothing any illegality or irregularity on his part. Rs. 93998/- under head A03901-Office Stationary was also found drawn, accordance with existing record, correctly disbursed. Similarly, complete record of POL Charges amounting to Rs. 1100927/- allegedly not produce during Audit, produced, examined and correct.

The delay in correspondence and non-production of record is the responsibility of then DDO and his pay officer, who is still the Pay Officer of Investigation Wing Kohat.

Therefore, we the enquiry committee are of the view that allegations leveled against Assistant Grade Clerk Muhammad Iqbal are not based on facts, hence he is recommended to be exonerated from the charges.

Submitted please.

Superintendent of Police,  
CTD, Kohat

Addl: Superintendent of Police  
Kohat



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### ORDER SHEET

18.09.2014	<p>Departmental Enquiry file of Assistant Grade Clerk Muhammad Iqbal received today on 18.09.2014. Summoned the defaulter Assistant Grade Clerk and Range Auditor Khayal Faqir, Region Office Kohat on 24.09.2014 at 1000 hrs who conducted the said Internal Audit.</p> <p style="text-align: center;">↓ Enquiry Officer</p> <p style="text-align: right;">↓ Enquiry Officer</p>
24.09.2014	<p>Assistant Grade Clerk Muhammad Iqbal the then Pay Officer, KBI Kohat and Range Auditor Khayal Faqir appeared and recorded their statements. All the relevant record produced before the enquiry committee and checked. The present Pay Officer of KBI Kohat namely Aftab ur Rehman, Shad Hussain and Arshid Mehmood, SI Abdur Rehman the then Investigation Officer, KBI have been summoned for 26.09.2014 at 1000 hrs.</p> <p style="text-align: center;">↓ Enquiry Officer</p> <p style="text-align: right;">↓ Enquiry Officer</p>
26.09.2014	<p>All of them present, recorded their statements. Summoned Junior Clerk Safi Ullah, ASI Zardad Reader to SP KBI, Telephone Operator Sharif Khan, Risal Khan PA to SP KBI, POL Supplier Habib Ullah of Ghazi Khan Patrol Pump, Stationary Contractor Ayaz Shah of Shah Trade Centre, Main Bazaar Kohat for 29.09.2014.</p> <p style="text-align: center;">↓ Enquiry Officer</p> <p style="text-align: right;">↓ Enquiry Officer</p>
29.09.2014	<p>All of them present, heard in person and recorded their statements.</p> <p style="text-align: center;">↓ Enquiry Officer</p> <p style="text-align: right;">↓ Enquiry Officer</p>



P-24  
OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT  
Tel: 0922-9260116 Fax 9260125

No. 157 /PA dated Kohat the 20/01/2021

### OFFICE ORDER

In order to streamline the transfer/posting of Naib Courts in the district, a committee under the head of SP Investigation Kohat comprising of the following officer is hereby constituted.

1. DSP Legal, Kohat
2. DSP HQrs Kohat
3. Reader & OHC of SP Investigation Office Kohat

The committee shall nominate suitable/ efficient official have good reputation for posting within 03 days.

  
DISTRICT POLICE OFFICER,  
KOHAT.

No. 158 /PA dated 20/01/2021

Copy of above is forwarded for information & necessary action to the:-

1. Superintendent of Police Investigation Wing Kohat
2. All concerned

  
DISTRICT POLICE OFFICER,  
KOHAT

43/28

**STATEMENT OF MUHAMMAD IQBAL ASSISTANT GRADE CLERK  
THE THAN PAY OFFICER INVESTIGATION WING KOHAT**

Sir,

In response to the charge sheet issued by the Deputy Inspector General of Police HQrs Khyber Pakhtunkhwa Peshawar vide office Memo No. 3085/E-V dated 08.09.2014 received through the Deputy Inspector General of Police vide his office Endst: No. 8350 / EC dated 10.09.2014.

It is submitted that I have been charge sheeted for the allegations that while I was posted as pay officer Kohat Bureau of Investigation Kohat during the year 2012-2013. After the course of internal audit some major misappropriation amounting to the Rs. 3,07,1480/- were found on my part.

The Auditor Region Office Kohat has prepared the following audit Paras during the course of internal audit for the year 2012-2013.

1. 'Vide Para - 2 of the internal audit, you have drawn TA bills of amounting to Rs. 2,76,605/- on the names of Police Officials/ Ministerial staff while according to attendance register they were present on duty in the office'

Ans: In response to the objection mentioned above, it is submitted that the Superintendent of Police Investigation wing Kohat has already clarified the objection and submitted reply to the Deputy Inspector General of Police Kohat Region Kohat ( Copy enclosed at F/A ). The superintendent of Police Investigation in his reply has mentioned that the officials who were posted in office were present in office then were deputed for official duties to Peshawar etc during office hours, due to the reason their attendance are exits according to the register. They were deputed for official duty therefore they have mentioned purpose of journey as 'BAKARE SARKAR'. It is requested that the Para may please be dropped. It is worth to mention here that the auditor in his report has not mentioned the following details in his objection which are in rotation pre-requisite about which I could submit explanatory reply: -

1. Name of officers/ officials to whom the TA has been paid.
2. Dates on which they have claimed the TA.
3. How much amount has been paid to each and every individual?

Beside this I have drawn all the Budget allotted to the SP Investigation Kohat during the year 2012-2013 and disbursed upon the claimants/owners who have submitted bills and their receipts in shape of acquittance roll/ vouchers and actual payee receipts. are available on record.

The bills so far drawn were claimed by the Police officers / officials and were sanctioned by the DDO (SP Investigation Kohat).

It is also worth mentioning here that the auditor in his report not mentioned that the amount has been misappropriated/ embezzled and not distributed upon the claimants/owners by the pay officer, but it has been mentioned that either proper permission is required to be shown to audit or the amount may be recovered from the officials concerned and deposited into Govt: treasury. Which is evident from the enclosed audit not placed at F/A. On the other side the auditor has not nominated the officials from whom the amount is recoverable.

2 Q. 'Vide Para - 3 of internal audit, he has drawn amounting Rs. 15,99,950/- under Code cost of investigation unnecessary for hiring of private vehicles and not For any other purpose which is against the orders / instructions of the Worthy

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③

Provincial Police Officer Khyber Pakhtunkhwa Peshawar duly conveyed to all heads of Police offices Khyber Pakhtunkhwa, Peshawar vide Endst: No. 3307-47/C-1 dated 10.05.2007.

2. Ans:

In reply to the audit objection of the Para mentioned above the SP Investigation Kohat Has submitted reply (placed at F/A). The SP Investigation in his reply mentioned that the payment has been made according to the standing order No. 3/2007. In most of the bills private vehicle have been engaged for the production of accused to courts proceeded to the spot pointation of side plan etc. therefore the payment was spent on hiring charges. Keeping in view the above the Para may please be dropped.

In this respect it is submitted that the a sum of Rs. 16.00000/- were allotted to the SP Investigation Kohat under head cost of Investigation during the year 2012-2013 which were utilized according to the rules/instructions. The investigations officers have submitted the bills on account of cost of investigation which were sanctioned by the DDO (SP Investigation Kohat). The bills were drawn and the payment was made to the owners/ claimants. The acquittance rolls duly signed by the owners are available on record. In such condition the question of misappropriation does not arise against me.

Q.3

'Vide Para -5 of internal audit, you have drawn amounting to the Rs. 1106927/- under head of AO 3807-POL charges and did not produced record of it.'

Ans.3

The SP Investigation Kohat has submitted reply to the audit which has been placed at F/A. The SP Investigation Kohat in his reply mentioned that all the bills, vouchers etc are available on record which will be shown to next audit.

In this respect it is submitted that a sum of Rs .4000000/- were allotted under head AO 3807 - POL charges during the year 2012-2013 which were utilized on the purchase of POL from POL contractor Ghazi Khan and sons PSO Dealer KDA Kohat. The contractor has submitted the POL bills on monthly basis and the payment was made to him through vendor cheque. All the POL bills have been sanctioned by the competent authority, cheque No. and actual payee receipts duly signed by the dealer are available on record.

Q.4

'Vide Parra -7 of the internal audit he has drawn amounting to Rs. 93998/- under head AO 3901 - office stationary by over writing and manipulation in the stock register. Beside any application is not available to whom the stationary items were issued. Even single application duly sanctioned / issued by the any competent authority is not available on the record as well as any APR'

Ans.4

The SP Investigation Kohat also submitted reply of the said objection (placed at F/A) mentioning therein that issue chits are available on record which will be shown to next audit. The cutting has been attested by a Gazetted Officer.

In this respect it is submitted that the stationery articles were purchased on the Proper sanctioned of competent authority. All the items were taken on stock register and issued to the officers / officials on their written applications for officials use in the office work. The applications are available on record. The payment was made to dealer/ supplier. The actual payee receipts are available on record.

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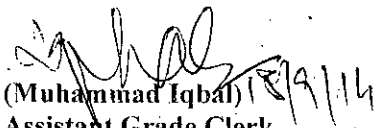
It is worth mentioning here that the Auditors of the office of Accountant General Khyber Pakhtunkhwa, Peshawar have conducted Audit of the same period i.e 2012-2013 and checked all the relevant record and found available at office. The Auditors of AG office have taken 06 objections. Reply of the same was conveyed. The objections were discussed in the DAC meeting held at C.P.O Peshawar on 18.07.2014 in the supervision of Director Audit AG office Khyber Pakhtunkhwa Peshawar and were dropped. (Photocopy enclosed at F/B).

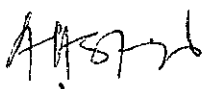
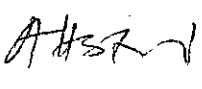


Besides this the Auditor C.P.O Peshawar has also conducted audit of the same period and all the relevant record has also been checked by auditor.

It is pertinent to mention here that when the aforesaid internal audit was carrying out, this time I was serving in Investigation Wing Karak and unexpectedly the undersigned was informed regarding the subject audit neither by Investigation Wing Kohat nor by the auditor. If I was informed I could be able to produce all the relevant record to the auditors which was lying in the said office. This record now can be requisitioned by the honorable enquiry officers for examination and its authenticity.

Keeping in view the facts explain above, it is humbly requested that I may kindly be exonerated from the allegations leveled against me and the enquiry may kindly be filled please.

Yours obediently

  
(Muhammad Iqbal) 18/9/14  
Assistant Grade Clerk.  
The then Pay Officer KBI Kohat.

        
        
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**KBIKOHAT**

**POLICE DEPTT:**  
**AUDIT NOTE ON THE ACCOUNT OF SP INVESTIGATION KOHAT FOR THE YEAR 2012-2013 CONDUCTED BY DIG AUDITORS KOHAT.**

Sr. No.	Caption of Para's	Reply by SP Invest: Kohat	Remarks by DIG	Comments by IGP																				
Para No.1	<p><b>Unauthorized Payment of Rs.55402/- on account of Conveyance Allowance during LPR.</b></p> <p><b>Fact:</b> During the course of internal audit of SP Investigation Kohat it has been Pointed out that the following Police Officials were on LPR from the date mentioned below but they have regularly received conveyance allowance and ration allowance which was not admissible to them.</p> <table border="1" data-bbox="305 646 1044 885"> <thead> <tr> <th>S#</th> <th>Name &amp; Designation</th> <th>Period</th> <th>Conveyance Allow:</th> <th>Ration Allow:</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>HC Kalamat Khan</td> <td>02/08/12 to 30/6/13</td> <td>20210/-</td> <td>7491/-</td> </tr> <tr> <td>2</td> <td>FC Noor Wali</td> <td>1/11/12 to 30/6/13</td> <td>20210</td> <td>7491/-</td> </tr> <tr> <td>3</td> <td></td> <td>Total Rs.</td> <td>40420/-</td> <td>14982/-</td> </tr> </tbody> </table> <p><b>Suggestion:-</b> The amount may be recovered from the official concerned and deposited into Govt. Treasury under intimation to this office.</p>	S#	Name & Designation	Period	Conveyance Allow:	Ration Allow:	1	HC Kalamat Khan	02/08/12 to 30/6/13	20210/-	7491/-	2	FC Noor Wali	1/11/12 to 30/6/13	20210	7491/-	3		Total Rs.	40420/-	14982/-	<p>As per Rules the officials were not entitled to receive conveyance allowance therefore the same was stopped, and was not paid to HC Kalamat Khan which is evident from pay bill kept in this office record. Moreover a proper case has been taken up with DAO Kohat for recovery of conveyance allowance from the pension of FC Noor wali. <i>vide No-1279/A dt 11-3-2014.</i></p>		
S#	Name & Designation	Period	Conveyance Allow:	Ration Allow:																				
1	HC Kalamat Khan	02/08/12 to 30/6/13	20210/-	7491/-																				
2	FC Noor Wali	1/11/12 to 30/6/13	20210	7491/-																				
3		Total Rs.	40420/-	14982/-																				
Para No.2	<p><b>Unauthorized unnecessary and fictitious expenditure of Rs.276605/- under head A03805-TA Other.</b></p> <p>During the course of audit it has been observed that a sum of Rs.276605/- have been drawn out of TA other and shown paid to the office staff during the financial year 2012-13 but according to attendance register of investigation office Kohat, all the staff were remained present on duty during these days. Moreover the TAVDA was shown paid for "BAKARE SARKAR" and DAK duty.</p> <p><b>IMPACT:</b> The amount was unnecessary removed from public exchequer.</p> <p><b>RECOMMENDATION:-</b> The matter being a serious irregularity is reported which needs proper justification and verification. Either proper permission is required to be shown to audit or the amount may be recovered from the officials concerned and deposited into Govt. Treasury under intimation to audit.</p>	<p>The official who were posted in office were present in office then were deputed for official duties to Peshawar etc during office hours due to the reason their attendance are exits according to register. They were deputed for official duty therefore they have mentioned purpose of journey as "BAKARE SARKAR". It is requested that the Para may please be dropped.</p>																						

FORM NO. 1 (2011) 1/11/12