

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	05.11.2019	<p style="text-align: center;"><u>BEFORE THE YBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 1424/2018</p> <p style="text-align: right;">Date of Institution 20.11.2018 Date of Decision 05.11.2019</p> <p>Yasir Ali (FC Constable) No.4038 son of Khadim uddin resident of Mehmood Abad Umerzai District Charsadda.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. CCPO (Chief Capital City Police Officer) Police Lines Peshawar. 2. SSP (Senior Superintendent of Police) Operations, Police Lines, Peshawar. 3. IGP (Inspector General of Police) Khyber Pakhtunkhwa Central Polices Offices, Peshawar. <p style="text-align: right;">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Ahmad Hassan-----Member(E)</p> <p style="text-align: center;"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General present.</p> <ol style="list-style-type: none"> 2. The appellant (Ex-Constable) has filed the present service appeal against the order of his dismissal from service dated 24.08.2018 and against the order 15.10.2018 regarding rejection of his departmental appeal. 3. Arguments heard. File perused. 4. Nature of allegations against the appellant Yasir Ali and other

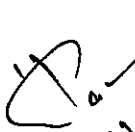
5-11-2019

co-accused officials namely Khanzeb Incharge P.P Tarnab and Constable Jehanzeb No.133 (SPO) is that Incharge P.P Tarnab had stopped vehicle having 18 large size Michelin tyres and subsequently released after taking bribe of worth Rs.241000/-.

5. Departmental action was initiated against all the three (03) accused officials including the appellant. Resultantly vide order dated 24.08.2018 Incharge P.P Tarnab Khanzeb No.1509 and Constable Yasir No.4038 (appellant) were awarded major punishment of dismissal from service while SPO Jehanzeb was struck up from service.

6. Main argument of learned counsel for the appellant was that vide order dated 12.04.2019, the Review Board has provisionally reinstated one of the accused official namely Khanzeb Incharge P.P Tarnab in service with the direction to hold a de-novo inquiry hence the appellant is also entitled to the same treatment.

7. It is not disputed that one of the co-accused official namely Khanzeb Ex-Incharge P.P Tarnab filed revision petition against the order of his dismissal from service dated 24.08.2018 and resultantly vide order dated 12.04.2019, the review board provisionally reinstated him in service with the direction to hold a de-novo inquiry by an officer not below the rank of S.P. Copy of order dated 12.04.2019 is annexed with the rejoinder on behalf of appellant. In view of the circumstances of the case, all the accused officials are sailing in the same boat, as such this Tribunal is of the considered opinion that the appellant has every right to be treated alike.

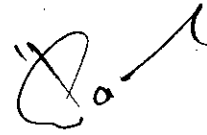

S. 11. 2019

Learned AAG remained unable to rebut the stance taken by learned counsel for the appellant.

8. In view of above, the impugned orders are set aside and the respondents are directed to conduct de-novo inquiry against the appellant too. The appellant is also provisionally reinstated for the purpose of de-novo inquiry. The present service appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member

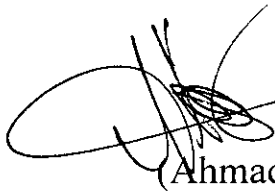


(Muhammad Hamid Mughal)
Member

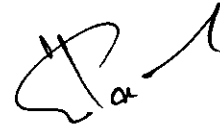
ANNOUNCED
05.11.2019

05.11.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Vide separate judgment of today of this Tribunal placed on file, the impugned orders are set aside and the respondents are directed to conduct de-novo inquiry against the appellant too. The appellant is also provisionally reinstated for the purpose of de-novo inquiry. The present service appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED.
05.11.2019

26.06.2019

Appellant in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Aziz Shah Reader present. Representative of respondent department submitted written reply/comments. Adjourn. To come up for rejoinder if any, and arguments on 20.08.2019 before D.B.


Member

20.08.2019

Appellant alongwith her counsel Miss. Roeda Khan, Advocate and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 01.10.2019 for rejoinder and arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

01.10.2019

Appellant alongwith Mr. Rizwanullah, Advocate present and submitted fresh Vakalatnama. Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant stated at the bar that he has been newly engaged as a counsel for the appellant, thus sought time to file rejoinder. Case to come up for rejoinder and arguments on 05.11.2019 before D.B.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

29.03.2019

Appellant in person present. Written reply not submitted.
Muhammad Raziq representative of the respondent department
present and seeks time to furnish written reply/comments.
Granted. To come up for written reply/comments on 30.04.2019
before S.B



Member

30.04.2019

Counsel for the appellant and Mr. Usman Ghani District
Attorney alongwith Muhammad Raziq, H.C for the respondents
present.

The representative of respondents states that written reply
has been prepared but not signed by the respondents as yet,
therefore, he requests for a short adjournment.

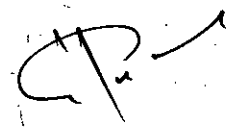
Adjourned to 21.05.2019 for submission for requisite
reply/comments.



Chairman

21.05.2019

Appellant in person present. Written reply not submitted.
Muhammad Raziq H.C representative of respondent department present
and seeks time to furnish written reply/comments. Granted by way of
last chance. To come up for written reply/comments on 26.06.2019
before S.B.



Member

21.12.2018

Learned counsel for the petitioner present. Preliminary arguments heard.

The appellant (Ex-Constable) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order dated 24.08.2017 whereby he was awarded major punishment of dismissal from service and against the order dated 15.10.2018 through which the departmental appeal of the appellant was rejected.

Points urged need consideration. The appeal is admitted for regular hearing subject to all just/valid legal objections. The appellant is directed to deposit security and process fee within 10 days thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 07.02.2019 before S.B

Appellant Deposited
Security & Process Fee



Member

07.02.2019

Counsel for the Petitioner and Addl. AG alongwith Ihsanullah, H.C for the respondents present.

Representative of respondents states that a CPLA has been preferred before the Apex Court against the judgment under execution in which no date of hearing has been fixed so far.

The respondents shall produce on the next date any order of Apex Court suspending or setting aside the judgment under execution, as the case may be, or else the implementation report in the matter.

28
Adjourned to 21.03.2019 before S.B.



Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1424/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/11/2018 <i>24-11-2018</i>	<p>The appeal of Mr. Yasir Ali Khan resubmitted today by Mr. Noroz Khan 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;"><i>[Signature]</i> REGISTRAR <i>23/11/18</i></p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <i>20-12-2018</i></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
2-		

The appeal of Mr. Yasir Ali F. Constable 4038 son of Khadim-Ud-Din received today i.e. on 20.11.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of respondent no. 4&5 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- The law under which appeal is filed is wrong.

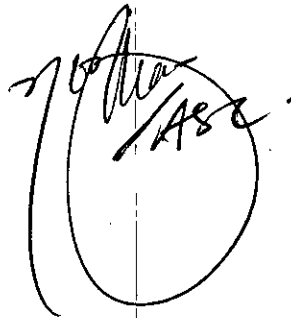
No. 2260 /S.T,

Dt. 22/11/2018.


REGISTRAR 22/11/19
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noroaz Khan Adv. Pesh.

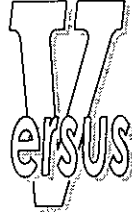
objections removed
Re-Submitted on 23/11/2018


/Asc.

Before the Services Tribunal Khyber Pakhtunkhwa Peshawar

Service Appeal. No. 1424 of 2018.

Yasir Ali
(Appellant)



CCPO & Others
(Respondents)

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4	Departmental appeal	B	10-11
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Dated. 20/11/2018.

Appellant

Through

NOROZ KHAN

Advocate Supreme Court of Pakistan.

AMBER NAWAZ KHAN

Advocate High Court Peshawar.

Office. 14-A Haroon Mansion Khyber Bazaar Peshawar.
Mob-0333-9159998.Tel.091-5522107, Fax.2562268.

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal. No. 1424 of 2018.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1661

Dated 20-11-2018

**Yasir Ali (FC constable) No. 4038 son of Khadim uddin resident
of Mehmood abad Umerzai Distirct Charsadda . Cell No. 0333-
9192025.**

(Appellant)



1. CCPO (Chief Capital City Police), Police Lines Peshawar.
2. SSP (Senior Superintendent of Police) Operations, Police Lines Peshawar.
3. IGP KP (Inspector General of Police(Central Police Offices)Peshawar.

(Respondents)

**SERVICE APPEAL U/S 4 KP SERVICES TRIBUNAL ACT 1974 TO
SET ASIDE THE ORDER No. 1150-55/PA DATED 15/10/2018,
AND REINSTATE THE APPELLANT ON HIS POST OF CONSTABLE**

Filed to-day
20/11/18
Prayer-
Respectfully sheweth,
and filed.
Registered 23/11/18

On acceptance of this Service Appeal in hand, the Order No. 1150-55/PA Dated Peshawar the 15/10/2018 of respondent for the Dismissal of the appellant from service, after rejection of Departmental Appeal of the appellant may kindly be set aside and the appellant may kindly be reinstated with back benefits on his post accordingly. And any other remedy may also be awarded not specifically mentioned.

Respectfully sheweth,

The appellant humbly submits as under:

1. That the appellant along with other staff of police is wrongly been struck off from his respectable service and capital punishment is delivered. (copy of the Order No. 1089-94/PA, dated Peshawar the 24/08/2018 of SSP(Operations, Peshawar) is hereby attached as annexure "A").

2. That feeling aggrieved from the Order No. 1089-94/PA, dated Peshawar the 24/08/2018 of SSP(Operations) Peshawar, the appellant filed Departmental Appeal before the worthy CCPO(Peshawar) which was also dismissed/rejected. (Copy of the **departmental appeal** and copy of the **impugned Order No. 1150-55/PA, dated Peshawar** the 15/10/2018 of CCPO Peshawar is here by attached as annexure "B & C").
3. That feeling aggrieved from the impugned Order No. 1150-55/PA, dated Peshawar the 15/10/2018 of CCPO Peshawar, the appellant file the service appeal before this honourable on the following amongst other grounds:

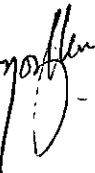
ON GROUNDS:

1. That the impugned Order No. 1150-55/PA, dated Peshawar the 15/10/2018 of CCPO Peshawar, is liable to be set aside as it is made in hurry.
2. That while dismissing/rejecting the departmental appeal the appellant the respondent did not applied independent mind.
3. That the said order is the result of misreading and non reading of evidence as well as departmental inquiry.
4. That the said impugned Order is against the facts and circumstance of the case.
5. That the said order is illegal, facts on file, and void.
6. That the said order is not maintainable because of insufficient evidence.
7. That no proper value was given to the departmental inquiry which is infavour of the appellant.
8. That major punishment is awarded to the appellant, and not keeps in view the spotless career of the appellant.
9. That the said order is against the humanitarian rights hence liable to be set aside.

FACTS

1. That the appellant is honest and committed with his duty/service, as the service record of the appellant became clear than crystal.
2. That the appellant was performing their duty as GD (on General Duty) deliberately, in the supervision of Khanzeb Khan Asi. Along with other police officials.
3. That the appellant was performing his job as "IBADAT".
4. That the appellant is innocent and not involve in any bribery or corruption.
5. That in fact the complainant "Shakirullah" is a smuggler by profession, he wants free hands of smuggling and wants to remove his hurdles from his way of smuggling.(his data could be collected and inquire from the Police station Gulbahar and Chamkani.

6. That the complainant "Shakirullah" Created this fake baseless drama against the appellant as well as the senior officer Khanzeb Asi, without any solid proof. (copy of the complaint along with documents is hereby attached as annexure "D").
7. That all of the custom papers provided by the complainant are not on the name of complainant and even the receipts of the merchant is manipulated and dates are altered and factitious to use against the appellant.
8. That no overt act of the appellant is mentioned.
9. That one sided primary inquiry was conducted with negative recommendations against the appellant, while no opportunity of hearing was given to the appellant/defense. Which is against the natural Justice? On the basis of this one sided enquiry (copy of the primary inquiry is hereby attached as annexure "E")
10. That the appellant was charge sheeted. (copy of the charge sheet along with statement of allegations is attached as annexure "F & G").
11. That the Khanzeb and his staff including the appellant is hurdle of his way of smooth smuggling, as the appellant and Khanzeb Asi are dutiful staff of the police.
12. That as the Khanzeb Asi along with appellant previously recovered some notified items of smuggling and hand over to the Custom authorities, and also charged some of the people U/S 107 for creating hurdle in the peace, due to this action of Khanzeb Asi, the complainant smuggler "Shakirullah" was unhappy and threatened the appellant and his senior official Khanzeb Asi with serious consequences. As evident from the Daily Dairies of the Police post Tarnab. (copies of the Daily Diaries are hereby attached as annexure "H").
13. That final show cause Notice was issued to the appellant, while the same stance was adopted by the appellant in his reply. (Copy of the final show cause Notice and reply is attached as annexure "I & J")
14. That proper open inquiry against the appellant, were conducted, and statements of the appellant are recorded. (Final remarks of the inquiry are also mentioned in the final show cause List in annexure "I").
15. That in the open inquiry the appellant as well as the other official were found innocent as the allegations are found baseless and insufficient. and made recommendation to exonerate the appellant.
16. That the appellant as well as co-police officers of police are respectable persons, who believe on performance of their duty.
17. That due to the hands of a smuggler and his bad ideas and fake allegations the moral of the dutiful police officials will be degraded and the crimes and smuggling will be encouraged.
18. That without any baseless and unproved allegations of notorious smugglers, the families and children of the appellant are on fasting, as the said service of the appellant is one of the source of earning bread for them.





19. That the families and children are looking with rolling tears towards this service appeal as feeling helpless and needs mercy, and a hope are still existed for earning bread in the shape of re-instatement on the service of Police.

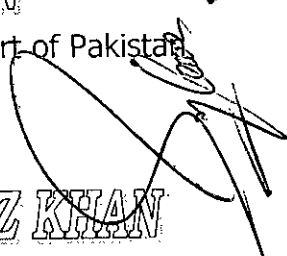
20. That the protective hand is liable to required on the heads of the police officials for the sack and dignity of the police and the baseless allegations of the complainant/ notorious smugglers are liable to be discouraged and the appellatant are liable to be reinstated accordingly.

21. That some grounds will be raised at the time of hearing.

Dated. 20/11/2018.


Appellant
Through


NOROZ KHAN
Advocate Supreme Court of Pakistan

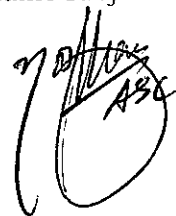

AMEER NAWAZ KHAN
Advocates High Court Peshawar.
Office.14-A Haroon Mansion Khyber Bazaar Peshawar.
Mob-0333-9159998.Tel.091-5522107

Verification/Certificate

I, Yasir Ali (FC) Constable doe hereby declare that the contents of this service appeal are correct to the best of my knowledge and believe and nothing has been concealed and prior to this appeal no service appeal is filed before this Honourable tribunal on the same subject matter.

LAW BOOKS.

1. Constitution of Islamic Republic of Pakistan 1973.
2. Estacode for Khyber Pakhtunkhwa,
3. Services Laws.
4. Police Rules.
5. Law books as per need.


YASIR ALI

Before the Services Tribunal Khyber Pakhtunkhwa Peshawar

Service Appeal. No. _____ of 2018.

Yasir Ali
(Appellant)



CCPO & Others
(Respondents)

AFFIDAVIT

I, Yasir Ali son of Khadim uddin resident of Mehmood abad Umerzai District Charsadda do hereby declare that the contents of this Service Appeal are true and correct and nothing has been concealed from this Honourable Court.

Deponent

Dated.20/11/2018.



20 NOV 2018

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal. No. _____ of 2018.

Yasir Ali
(Appellant)CCPO & Others
(Respondents)

ADDRESSES OF PARTIES

Appellant

Yasir Ali (FC constable) No. 4038 son of Khadim uddin resident of Mehmood abad Umerzai Distirct Charsadda . Cell No. 0333-9192025.

Respondents

1. CCPO (Chief Capital City Police), Police Lines Peshawar.
2. SSP (Senior Superintendent of Police) Operations, Police Lines Peshawar.
3. IGP KP (Inspector General of Police(Central Police Offices)Peshawar.

Dated. 20/11/2018.

Appellant
Through

NOROZ KHAN

Advocate Supreme Court of Pakistan

AMBER NAWAZ KHAN

Advocates High Court Peshawar.

Office.14-A Haroon Mansion Khyber Bazaar
Peshawar. Mob-0333-9159998.Tel.091-5522107,
Fax.2562268.



ORDER

This office order will dispose of the departmental enquiry initiated against IHC Khanzeb Khan No. 1509, Constable Yasir No.4038 Constable Jehanzeb No. 133 (SPO) vide this office No. 45/E/PA dated 25.05.2018 on the basis of following charges:-

As per findings of the preliminary enquiry conducted by SDPO Chamkani, that they while posted at PS Chamkani have stopped vehicle bearing No. 2311/SW having 18 large size Michelin Tyres and subsequently released the same after taking bribe of worth Rs. 241000/- from the smuggler.

Proper departmental proceedings were initiated against him and Mr. Hassan Jehagir Watto, ASP Gulbahar, Peshawar was appointed as Enquiry Officer to probe the charges leveled against the accused officials. The Enquiry Officer mentioned in his findings that applicant could not provide any concrete evidence to connect the accused officials with the charges and recommended that the enquiry may be filed.

Findings of the EO were perused. The undersigned do not agree with the findings of EO on the followings scores:-

- i) IHC Khanzeb has a persistent reputation of being corrupt. He has been suspended twice and then dismissed from service on the charges of corruption and having links with smugglers.
- ii) Similarly, Constable Yasir Ali No. 4038 manipulated his postings in PS Chamkani, Pahari Pura and Hayatabad only which also shows his ulterior motives. Besides, he carries a very bad reputation and reportedly has links with smugglers.
- iii) General reputation of SPO Jehanzeb No. 133 was checked. He also carries a bad reputation and reportedly has links with smugglers.

Final Show Cause Notices were served upon the accused officials. Their written replies were obtained and perused. The same were found unsatisfactory. They were heard in person in OR. An ample opportunity was provided to them for defense. They failed to defend themselves with plausible grounds. Hence, the allegations leveled against them stand proved. Therefore, the undersigned being competent under the law, awards IHC Khanzeb No. 1509 and Constable Yasir No. 4038 major punishment of "dismissal from service. SPO Jehanzeb No. 133 is hereby "struck off" from service.

SENIOR SUPERINTENDENT OF POLICE,
OPERATIONS, PESHAWAR

No. 1089-94 /PA, dated Peshawar, the 24/08 /2018.

Copy for information to:

1. The Capital City Police Officer, Peshawar.
2. SP Rural: Peshawar.
3. SDPO Chamkani Peshawar.
4. EC-I/EC-II/OASI/CRC.
- ✓ 5. FMC along with complete enquiry file containing 48 pages.

ATTESTED

AMEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142007 091-5522107

Before the worthy Chief Capital City Police Officer Peshawar

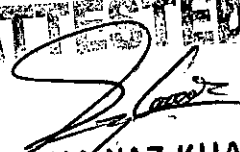
DEPARTMENTAL APPEAL AGAINST THE ORDER
No. 1089-94/PA, Dated Peshawar, the 24/08/2018
wherby the appellant is wrongly been
"STRUCK OFF FROM SERVICE"

Respected sir,

The appellant humbly submits as Under:

1. That the appellant is honest and committed with his service and the service record of the appellant became clear than crystal.
2. That the appellant was performing their duty as GD deliberately, in the supervision of Khanzeb khan Asi. Along with other police officials.
3. That the appellant perform his job as "IBADAT".
4. That the appellant along with other staff of police is wrongly been struck off from his respectable service and capital punishment is delivered.
5. That the appellant is innocent and not involve in any bribery or corruption.
6. That in fact the complainant "Shakirullah" is a smuggler by profession, he wants free hands of smuggling and wants to remove his hurdles from his way of smuggling. (his data could be collected and inquire from the Police station Gulbahar and Chamkani.
7. That the Khanzeb and his staff including the appellant is hurdle of his way of smuggling because of dutiful staff of the police.
8. That as the Khanzeb Asi along with us previously recovered some notified items of smuggling and hand over to the Custom authorities, and also charged some of the people U/S 107 for creating hurdle in the peace, due to this action of Khanzeb Asi, the complainant smuggler "Shakirullah" was unhappy and threatened us with serious consequences. As evident from the Daily Dairies of the Police post Tarnab.
9. That the complainant "Shakirullah" Created this fake baseless drama against us, without any solid proof.
10. That all of the custom papers provided by the complainant are not on the name of complainant and even the receipts of the marchant is manipulated and dates are altered and factitious to use against the appellant.

ATTESTED


AMEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142007 091-5522107

11. That during preliminary inquiry no opportunity of hearing is provided to the appellant.
12. That proper inquiry against the appellant, were conducted show cause notices are issued to us, our statements are recorded.
13. That in the open inquiry the appellant as well as the other official were found innocent and the baseless allegations leveled against the appellant were not proved because of lack of evidence, and in the inquiry the appellant along with other officials were found innocent and recommended to exonerate them from charge.
14. That the appellant as well as co officers of police are respectable persons, who believe on performance of their duty.
15. That due to the hands of a smuggler and his bad ideas and fake allegations the moral of the police will be degraded and the crimes and smuggling will be encouraged.
16. That without any baseless and unproved allegations of a notorious smuggler, the families and children are on fasting as one of the source of earning bread.
17. That the families and children are looking with rolling tears towards this departmental appeal with mercy, and a hope are still existed for earning bread in the shape of re-instatement on the service of Police.
18. That the protective hand is liable to required on the heads of the police officials for the sake and dignity of the police, and the baseless allegations of the complainant smuggler is liable to be quashed and the appellant are liable to be exonerate , and they will be secured from fasting.

Prayer.

It is therefore, prayed that on acceptance of this departmental appeal the appellant may kindly be exonerated from the baseless charge level against him and order to re-instate the appellant accordingly.

Dated 03/09/2018.

Appellant
Yasir Ali(FC constable) No. 4038
Cell No. 0333-9192025.

ATTESTED

AMEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142007 091-5522107



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Phone No. 091-9210989

Fax No. 091-9212597

ORDER.

This order will dispose off the departmental appeal preferred by Ex-Constable Yasir Ali No.4038 who was awarded the major punishment of "Dismissal from service" by SSP/Operation Peshawar vide No.1089-94, dated 24-08-2018.:

- 2- The allegations leveled against him were that he while posted at Police Post Tarnab Chamkani alongwith Incharge PP Tarnab and SPO Jehanzeb, stopped a vehicle bearing Registration No.2311/SW having 18 large size Michelin tyres and subsequently released after taking bribe of Rs.241000/-
- 3- He was issued proper charge sheet and summary of allegations by SSP/Operations Peshawar and SDPO Gulbahar was appointed as enquiry officer. The enquiry officer after conducting proper departmental enquiry and exonerated the constable of the charges leveled against him. However, the competent authority i.e SSP/Operations Peshawar not agreed with the findings of the enquiry officer and issued him final show cause notice and his written reply was also found unsatisfactory by the competent authority, hence he was awarded the above major punishment by SSP/Operations Peshawar.
- 4- He was heard in person in O.R. The relevant record perused along with his explanation but the appellant failed to submit any plausible explanation. Therefore his appeal to set aside the major punishment awarded to him by SSP/Operations Peshawar vide No.1089-94, dated 24-08-2018 is dismissed/rejected.

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

No. 1150-55 /PA dated Peshawar the 15/10/ 2018

Copies for information and n/a to the:-

1. SSP/Operations Peshawar.
2. BO/OASI/CRC for making necessary entry in his S.Roll.
3. FMC along with FM
4. Official concerned.

AMEER KHAN
AMEER KHAN KHAN
Advocate High Court
14-A Nazim Mansion
Khyber Block Peshawar
0333-911107 091-5522107

محکمہ خزانہ آئی جی پی صاحب آفنا فیملی پشاور

عنوان: درخواست برائے قانونی کارروائی کے برخلاف مسلمان خانزب A.S.I. منشی یاسر، گن میں جہازب پولیس چوکی تریاب فارم پشاور۔

جناب عالی اس کی ذیل عرض کرتا ہے۔

یہ کہ مسائل ایک معزز خاندان سے تعلق رکھتا ہے۔ اور باب داتا میں بذات خود ٹرانسپورٹ کا کام کرتا ہوں اور مورخہ 10.03.2018 کو میرا بھتیجا عاقب اللہ گاڑی دیش رجسٹریشن B-3149 میں پشاور سے اسلام آباد جا رہا تھا اور تریاب فارم پولیس چوکی کا انچارج خانزب خان A.S.I. جی بی روڈ پر روکا اور میرے بھتیجے سے پوچھا کہ کیا کام کرتے ہو اس نے بتایا کہ میرے چچا کا جدید ٹرانسپورٹ کبھی کے نام کبھی چلا رہا ہے۔ A.S.I. نے کہا کہ آپ کے پاس تو اس روڈ پر بہت گاڑیاں چل رہی ہے اور بھتیجا عاقب اللہ سے ماہواری رقم کا مطالبہ کیا۔ اور عاقب اللہ رقم دینے سے انکاری ہوا اور انکاری ہونے کی وجہ سے عاقب اللہ کو زیر دفعہ 107 Crpc کے تحت چالان کیا اور گاڑی B-3149 دیش کو چھوڑ دیا۔ اور اس کے بعد مورخہ 15.03.2018 علاقہ چکنی میں سرچ آپریشن تھا اور اس میں A.S.I. خانزب کے کہنے پر آری اور پولیس والوں نے ہمارے گھر کی نشاندہی کی اور کہا کہ لوگ تباہی ہے اور اس تباہی لوگوں کی چیک کرے لیکن کسی قسم کا کوئی بھی غیر قانونی چیز نہ مل سکا۔

جناب عالی ہمارے والدہ دل کی سرینس ہے اور گھر کی صلاحیت کے دوران ہماری والدہ بیہوش ہوئی۔ اور A.S.I. خانزب نے مجھے کہا کہ آپ کو بتا چکے گا کہ میں آپ کیساتھ اور آپ خاندان کیساتھ اور کیا کیا کرتا ہوں چکا آپ تصور بھی نہیں کر سکو گے۔ ہمارے جدید ٹرانسپورٹ کبھی کے نام سے پشاور سے راولپنڈی گاڑیاں چل رہی ہے اور ہم اپنے گاڑیوں میں ہمارے اپنے اسل ٹیکرز کے استعمال کیلئے کبھی کبھار ٹائز تار دھبے لے جاتے ہیں اور یہ ٹائز لگیں ہوتے ہیں۔ جب A.S.I. خانزب کو بتا چاہیے شاکر اللہ کے تو ٹائز کو چوکی میں رکھا۔ اور ایک گاڑی C-2011 ہمارے علاقہ نوشہرہ تارو اسل ڈپو میں موجود تھی اسے چوکی تریاب فارم لایا۔ مورخہ 19.03.2018 کو ہماری تین گاڑیاں جن کی رجسٹریشن نمبر 530، 2170، 2011 تھی جس میں نوٹل 18 ٹیکس اور ان سارے ٹائز کا بل آف انٹری بھی تھا۔ جو کہ A.S.I. خانزب نے کسٹم سکوڈ اسپاں انٹرنیشنل بورڈ سکوڈ گاڑی نمبر AA-4613 انسپیکٹر سیف اللہ خان اور ڈرامیو عفت علی کو ہاں بولا یا تو کسٹم والوں نے بل آف انٹری کو چیک کیا اور وہاں چلے گئے تو A.S.I. خانزب نے بل آف انٹری پھاڑی اور ان سب ٹائز کی بل آف انٹری ہمارے ساتھ ریکارڈ میں موجود ہے اور نوٹو کا پی بھی لکھا ہے۔ اور کہا یہ سارے ٹائز میں اس گاڑی کی رجسٹریشن C-2011 میں رکھ دوں گا اور کسٹم والوں کے حوالے کر دوں گا۔ منشی یاسر، خانزب A.S.I. صاحب اور ان کے گن میں جہازب نے کہا میرا تارو اسل ڈپو جانے پر پٹرول خرچ ہوا ہے پٹرول کیلئے 10000/- روپیہ دے دو میں نے دس ہزار روپیہ دے دیے اور پھر گاڑی کو چھوڑ دیا اور کہا سامان کیلئے رات کے اندھیر میں آ جاؤ۔ اور بوج سامان حواگی کا 300000/- روپیہ A.S.I. صاحب نے مطالبہ کیا۔ اور مبلغ 241000/- روپیہ پر فیصلہ کیا اور میں نے A.S.I. خانزب کو منشی یاسر اور گن میں جہازب کے موجودگی میں رقم حوالے کر دیا۔ اور رات کو سامان چھوڑ کر حوالہ کر دیا۔ جناب عالی انٹری کی تقریباً ایک یا دو ڈیٹ باؤنٹ اس جگہ سے ٹرانسفر ہو چکا ہے۔ لیکن انٹری کی سپورٹ پر یہ اپنی جگہ پر مسلسل قائم ہے اور ڈیوٹی دے رہا ہے اور دستوں سے ماہواری اور بہت وصول کرتے ہے جس میں A.S.I. خانزب اور دیگر افسران شامل ہیں۔ اسکے بعد 22.03.2018 صبح 7:00 بجے گاڑی 2311 کو روکا سواری تارو تین گھنٹے چوکی کیساتھ کھڑے رکھا جس میں ہمارے 06 عدد بڑے سائز ٹیکس ٹائز تھے جو کہ وہ ہم کو ابھی تک نہ کسٹم والوں سے ملے ہیں اور نہ پولیس والوں سے اور روز ناچے میں لکھے ہیں (روز ناچے نوٹو کا پی ہے) اور باقی سامان کلینڈر اور کلینڈر کے رشتہ داروں کا تھا۔ پھر میرے ذرا تیر سے کہا ایک اکٹہ 100000/- روپیہ دینا ہوگا۔ اور میرے ذرا تیر ٹیکس سے ایک لاکھ روپیہ لے لیا کہا سامان کیلئے رات کو آ جاؤ۔ میں نے A.S.I. صاحب سے نوٹن پر بات کی کہ آپ نے تو 241000/- روپیہ لیا ہے ابھی ہم کو کیوں تنگ کرتے ہو۔ اور میں نے کہا میں افسران بالا سے درخواست کر رہا ہوں کہ ہمارے اس کے بعد ہم A.S.P. کو پیش ہو گئے اس نے کہا I.G.P. صاحب کو درخواست کرو۔ اور اسکے بعد ٹیکس کو کہا جو میرا ذرا تیر ہے یہ شاکر اللہ نے افسران کو کیوں SMS کیا ہے اور پھر I.G.P. صاحب کو SMS کیا ہے اس نے کہا I.G.P. صاحب کو درخواست دے دو۔ تو اسکے بعد A.S.I. خانزب نے کہا کہ میں نے سارا سامان کسٹم والوں کے حوالے کیا ہے لیکن ہمیں کوئی بھی سامان نہ کسٹم والوں نے دیا ہے اور نہ پولیس والوں نے اور اب تک مجھے کوئی بھی جواب نہیں ملا۔

جناب عالی! میں ایک معزز شہری ہوں اور قبائلی خاندان سے تعلق رکھتا ہوں اور ایک ٹرانسپورٹر ہوں۔ ہمارے خلاف کسی قسم کا کوئی بھی پولیس کیس مقدمات نہیں ہے۔ A.S.I. خانزب ابھی بھی مجھے مختلف قسم کی دھمکیاں دے رہا ہے۔ میں بہت ذہنی پریشان ہوں اگر خدا نخواستہ مجھے یا میرے دیگر خاندان کو کسی قسم کوئی جانی یا مالی نقصان پہنچایا عاقب اللہ محمود کی طرح مجھے نامعلوم جگہ منتقل کیا تو اس کا ذمہ دار پشاور پولیس ہوگا۔ لہذا آپ صاحبوں سے التجا ہے کہ مہربانی کر کے A.S.I. خانزب کے خلاف بذریعہ قانونی پارہ جوئی انکار کی کرے اور اس سخت سزا دی جائے اور مجھے انصاف ملے۔ سائل تمام عمر دعا گو رہے گا۔

0310412018

شاکر اللہ

نوٹو کا پی ٹو:

- S P Ruler Peshawar. 2
- CCPO Peshawar. 1
- ASP Chamkani .4
- SSP Operation. 3
- Home Seceratory . 6
- Chief Seceratory.5

موبائل نمبر: 0301-5310101

DG FIA Hayat Abad Pesh .8 Human Right DG Hayat Abad Pesh. 7

Home & I.A.S. Department
Issue (Circular)
Date

SO, (CP-II) D-

ATTESTED

AMEER NAWAZ KHAN
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142007 091-5522107

23/11-167

SOP

SOP
DS
Date

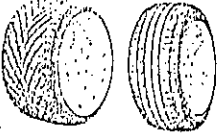
D-

ANNEXURE

Δ-1 14

JAN SHINWARI TYRE DEALERS

نجیب اللہ اینڈ جیب اللہ



جان شینواری ٹائر ڈیلرز

نجیب اللہ: 0333-3334733 جیب اللہ: 0333-3334833

دکان نمبر 36 پاکستان پلازہ حاجی کیمپ پشاور / 091-2652615

تاریخ 19/03/18

بل نام

18 = (کے) سے م/م سے 11/20

927000/-

Skyblueart
0313-759200

ATTESTED

AMEER NAWAZ KHAN

Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142007 091-5522107

D-1

ANNEXURE

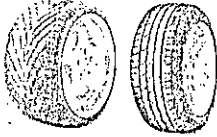
0-2

15

JAN SHINWARI TYRE DEALERS

نجیب اللہ اینڈ جیب اللہ

جان شینواری ٹائر ڈیلرز



نجیب اللہ: 0333-3334733 جیب اللہ: 0333-3334833

دکان نمبر 36 پاکستان پلازہ حاجی کیمپ پشاور / 091-2652615

تاریخ 18/03/11

پن نام

Handwritten signature and date 14/3/11



Handwritten signature and text below the stamp

Skyblueart 0311-7555200

ATTESTED

Handwritten signature of Ameer Nawaz Khan

AMEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142007 091-5522107

D-2

Bill of Export / Baggage Declaration

1261

1. IMPORTER'S/CONSIGNEE'S/PASSENGER NAME & ADDRESS
HAZAM TYRE (SMC-PRIVATE) LIMITED
21-D SHAH SHOPPING CENTRE INDUSTRIAL ESTATE HAYATABAD

2. VESSEL MODE OF
MAERSK SURABAYA

3. PORT OF DISCHARGE
Lahore Chabang

4. NUMBER OF PACKAGES
1220,000

5. GENERAL DESCRIPTION OF GOODS
TYRES WITH TUBES & PLAIN WHITE RUBBER GRADEABLE RADIAL TYRES. SIZE: 11.00R20 - 16PCL QTY: 244 SETS; BRAND: BRIDGESTONE, ORIGIN: THAILAND, CHECK WEIGHT 160K AT DIRECT VEHICLE INSPECTION FOUND, CARO VALUHS: 4410862 KGS, WIDE HUGGT SUP NO: 4410866.

6. SRO / Test Report No & Dt

7. MACHINE NO. & DATE

8. REVENUE RECOVER

9. FOD VALUE

10. FREIGHT

11. CFR VALUE

12. INSURANCE

13. LANDING CHARGES @ 1%

14. OTHER CHARGES

15. ASSESSED VALUE PKR

16. TOTAL REBATE CLAIM/ PROV. ASSMNT US\$ B1

17. TOTAL

18. DECLARANT (OTHER THAN IMPORTER/EXPORTER)
FORWARD CORPORATION 50, TWIN STAR CHAMBERS, NEAR D CCI, OFF. 12, TEL: 021-32412009

19. C.I.A.L. No 1261

20. EXCHANGE RATE
104.600000

21. PAYMENT TERMS
T/W: 11C

22. COUNTRY OF DESTINATION
Pakistan

23. MARKS/CONTAINER NOS.
MSKU2702900, MSKU1100055, MSKU MSKU040140, MSKU0447227

24. LEVY

25. RATE

26. SUM PAYABLE (PKR)

27. CUSTOMER'S SIGNATURE & DATE
Muhammad Tariq

28. BANK STAMP

This is a system generated document, it does not require signature or stamp as defined in sub-section (kka) of Section 2 of Customs Act 1969

06-02-2017

11-20

BS

ATTESTED

AMEER HAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9152907 Cell: 0333-2197

ANNEXURE

PA 504
E/18
18

Pl:
Dy: 21/5/18
e

OFFICE OF THE
SUPERINTENDENT OF POLICE
RURAL DIVISION, PESHAWAR

Memorandum

No. 280 /PA

dated Peshawar the 21/5/2018

To: The Senior Superintendent of Police,
Operations, Peshawar.

Subject: APPLICATION OF SHAKIRULLAH.

Kindly refer to your office Dy: No. 339/OS: dated 08.05.2018 and Dy: No. 316/OS: dated 25.04.2018 on the subject cited above.

2. The "Fact Finding Detail Report" of ASP Chamkani is enclosed herewith for your kind information and perusal please. The undersigned duly agreed with the recommendation of ASP Chamkani and recommend the following Police Officers/Officials for ~~proper departmental proceeding~~

- 1. ASI Khanzeb I/C Tarnab
- 2. FC Yasir No. 4038
- 3. SPO Jchanzeb No. 1363

3. The report is submitted for the kind perusal of the competent authority please.

[Signature]

(SHAKIRULLAH GANDAPUR)
SUPERINTENDENT OF POLICE RURAL,
PESHAWAR.

R/Sir,
If approved, they may issue charge sheet alongwith summary of allegations under intimation of parties concerned, R/Sir

w/SSP-Oper-

PA
Suspended & closed to line, charge sheet.

Senior Superintendent of Police
Operations Peshawar
22/5/18

ATTESTED

[Signature]
ADVOCATE NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142067 091-5522107

H.C.
D.D. 21/5/18

E

TO : THE SP RURAL, PESHAWAR
FROM: THE SDPO CHAMKANI, PESHAWAR
NO. 150 /ST, DATED: 17/ 05 /2018
SUBJECT: APPLICATION OF SHAKIR ULLAH

MEMO:

Please refer to your office diary No. 280/PA dated: 30/04.2018 on the subject cited above.

ALLEGATIONS:

According to the statement of allegations, "Shakir Ullah Afridi alleges that incharge Tarnab ASI Khanzeb, FC Yasir No 4038 and SPO Jahanzeb 1363 had taken 241000 from Shakir Ullah Afridi because the said Police Officers had stopped his vehicle loaded with tyres. The vehicle and tyres were returned to him after the payment of the above mentioned amount.

"PROCEEDINGS:


The alleged officials were summoned to join the enquiry proceedings who appeared before the undersigned and his statement were also recorded.

FINDINGS:

Shakir Ullah Afridi, the complainant was heard. He alleged that incharge PP Tarnab, ASI Khanzeb, FC Yasir 4038 and SPO Jehanzeb 1363 stopped his vehicle bearing No 2311/ SW having 18 large size Michlin tyres. They were legal tyres and had custom duty slip. They were brought to PP Tarnab. At around 08:00 PM, Shakir Ullah Afridi went to PP Tarnab in order to get his tyres. FC Yasir 4038 demanded from him an amount which he paid to him equal to 241000/-. The said tyres were returned to him after payment of money in bribe and they were loaded in vehicles inside PP and were taken back by Shakir Ullah Afridi. Various Police Officers were called, and were inquired about the matter including incharge Tarnab Khan, Zeb ASI, FC Yasir No 4038 SPO Jehanzeb 1363 and cadet Zeeshan MHC PP Tarnab.

It has been proved from their statements that the said vehicle was stopped in the jurisdiction of Nowshera and was brought to Tarnab. Tyres were unloaded from it. They had not been given to custom authorities because there is no roznamcha report of those 18 michlin tyres.

ATTESTED

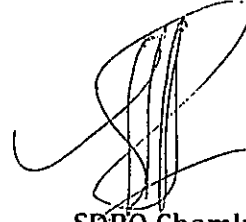

AMEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142007 091-5522107

ADMINISTRATIVE

E-2 20

RECOMMENDATION:

Hence, it is clear from the above that the allegations have been proved true. ASI Khanzeb I/C PP Tarnab, FC Yasir 4038, SPO Jehanzeb are recommended for legal proceedings.



SDPO Chamkani
Peshawar.

ATTESTED



AMEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142... / 091-5522107



314
11-5-18

ANNEXURE

E-3 21

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

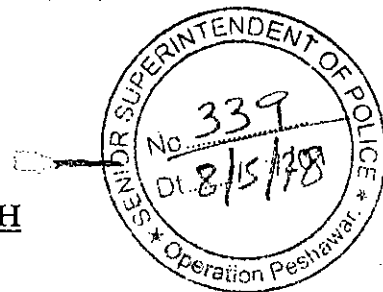
No. 2475 /C. Cell, dated Peshawar the 07/05/2018.

To: The SSP/Operations,
Peshawar.

Subject: APPLICATION OF SHAKIR ULLAH

Memo:

Dear Sir,



Enclosed please find herewith an application/complaint submitted by Shakir Ullah of Peshawar, through Home Department KPK, for necessary action & report by 22/05/2018 as desired by the Worthy Police Chief.

SP/Rural

*For n/a action and
report before target
date*

2

Senior Superintendent of Police
Operation Peshawar

RMS

(I/C C.Cell)

For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

*ASP Khan
SOPD*

Chauhan

[Signature]

*For n/a and
report within
03 days positively*

ATTESTED

AMEER NAWAZ KHAN
Advocate High Court
14-A Haroun Bazaar
Khyber Bazar Peshawar
0333-9142007 031-5522107

[Signature]
SP/Rural
11/05/18
30/04/18



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT**

No. SO (Police-II)/HD/8-8/BK-LK/018
Dated Peshawar the 25/04/2018.

To,

- ✓ 1. The Provincial Police Officer,
Khyber Pakhtunkhwa.
2. The Director,
Public Safety Commission,
Home Department,
Peshawar.



Subject: - APPLICATION / COMPLAINT OF SHAKIR ULLAH.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of an application submitted by Shakir Ullah vide diary No. 6205 dated 09.04.2018 which is self-explanatory for information and further necessary action, please.

Yours Faithfully,

Encls as Above

Endst: No & date of even

Section Officer (Police-II)
Ph No. 091-9210503 Fax No. 9210201

Copy forwarded to:-

1. PS to Secretary Home & TA's Department.

DSP PAS

R/S/10/18

ATTESTED

AMEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mission
Khyber Bazar Peshawar
0333-9142007 031-5522107

ANNEXURE

E-5
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**OFFICE OF THE
SUPERINTENDENT OF POLICE
RURAL DIVISION, PESHAWAR**

Memorandum

No. 322 /PA

dated Peshawar the 21/5/2018

To: The Capital City Police Officer,
Peshawar.

Subject: COMPLAINT NO. 56/2018.

Kindly refer to your office Memo: No. 10075/C.Cell: dated 14.05.2018 on the subject cited above.

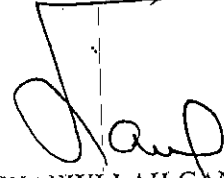
2. The "Fact Finding Detail Report" of ASP Chamkani is enclosed herewith for your kind information and perusal please. The undersigned duly agreed with the recommendation of ASP Chamkani and recommend the following Police Officers/Officials for proper departmental proceeding:-

1. ASI Khanzeb I/C Tarnab
2. FC Yasir No. 4038
3. SPO Jehanzeb No. 1363

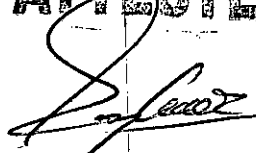
3. The report is submitted for the kind perusal of the competent authority please.

C.P.O. _____
 SSP/O _____
 SSP/I _____
 SP/Cantt _____
 SP/City _____
 SP/Rural _____
 SP/Sec _____
 SP/HQ _____
 SPT/O _____
 SPT. HQ _____
 DSP/L/OS _____
 P.O./C.C. _____
 PA/EC-II _____
 S./C.Cell _____

21/5/18


 (SHAFIULLAH GANDAPUR)
 SUPERINTENDENT OF POLICE RURAL,
 PESHAWAR.

ATTESTED


AMEER NAWAZ KHAN
 Advocate High Court
 14-A Haroon Mansion
 Khyber Bazar Peshawar
 0333-9142007 091-5522107

E-5

TO : THE SP RURAL, PESHAWAR
FROM: THE SDPO CHAMKANI, PESHAWAR
NO: 151 /ST, DATED: 17/05/2018
SUBJECT: COMPLAINT No. 56/2018

ANNEXURE

35
E-6 24

MEMO:

Please refer to your office diary No. 322/PA dated: 14.05.2018 on the subject cited above.

ALLEGATIONS:

According to the statement of allegations, "Shakir Ullah Afridi alleges that incharge Tarnab ASI Khanzeb, FC Yasir No 4038 and SPO Jahanzeb 1363 had taken 241000 from Shakir Ullah Afridi because the said Police Officers had stopped his vehicle loaded with tyres. The vehicle and tyres were returned to him after the payment of the above mentioned amount.

PROCEEDINGS:

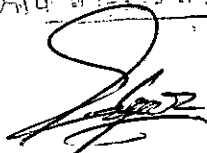
The alleged officials were summoned to join the enquiry proceedings who appeared before the undersigned and his statement were also recorded.


FINDINGS:

Shakir Ullah Afridi, the complainant was heard. He alleged that incharge PP Tarnab, ASI Khanzeb, FC Yasir 4038 and SPO Jehanzeb 1363 stopped his vehicle bearing No 2311/ SW having 18 large size Michlin tyres. They were legal tyres and had custom duty slip. They were brought to PP Tarnab. At around 08:00 PM, Shakir Ullah Afridi went to PP Tarnab in order to get his tyres. FC Yasir 4038 demanded from him an amount which he paid to him equal to 241000/-. The said tyres were returned to him after payment of money in bribe and they were loaded in vehicles inside PP and were taken back by Shakir Ullah Afridi. Various Police Officers were called, and were inquired about the matter including incharge Tarnab Khan Zeb ASI, FC Yasir No 4038 SPO Jehanzeb 1363 and cadet Zeeshan MHC PP Tarnab.

It has been proved from their statements that the said vehicle was stopped in the jurisdiction of Nowshera and was brought to Tarnab. Tyres were unloaded from it. They had not been given to custom authorities because there is no roznamcha report of those 18 michlin tyres.

ATTESTED


AMEER NAVAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142037 091-5522107



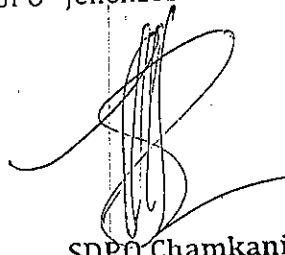
E-6

RECOMMENDED

E-7 25

RECOMMENDATION:

Hence, it is clear from the above that the allegations have been proved true. ASI Khanzeb I/C PP Tarnab, FC Yasir 4038, SPO Jehanzeb are recommended for legal proceedings.

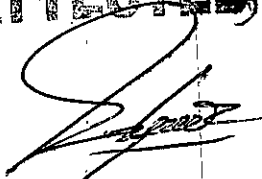


SDPO Chamkani
Peshawar.

17/05/18

legal proceedings

ATTESTED



AMIR NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142007 091-5522107



(48)

ANNEXURE

E-8 26

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

E-mail: sspoperations2448@gmail.com
Phone. 091-9210508
Fax. 091-9213054

ORDER

The following officials of PS Chamkani are hereby placed under suspension and closed to Police Lines Peshawar with immediate effect:-

1. ASI Khanzeb Khan I/C PP Tarnab
2. Constable Yasir No. 4038
3. Constable Jehanzeb No. 133 (SPO)

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

**SENIOR SUPERINTENDENT OF POLICE,
OPERATIONS, PESHAWAR**

No. 734-37 /PA, dated Peshawar the 25/08 /2018

CC for information and n/action to the:-

- i. The Capital City Police Officer, Peshawar.
- ii. SP Rural Peshawar
- iii. EC-II/OASI/PO/FMC.

ATTESTED

AMEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142007 091-5522107

Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against ASI Khanzeb Khan I/C PP Tarnab alongwith Constable Yasir No. 4038 and Constable Jehanzeb No. 133 SPO PS Chamkani Peshawar.

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


Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I Senior Superintendent of Police, Operations, Peshawar hereby charge you ASI Khanzeb Khan I/C PP Tarnab alongwith Constable Yasir No. 4038 and Constable Jehanzeb No. 133 SPO PS Chamkani Peshawar on the basis of following allegations:

- A preliminary enquiry conducted by SDPO Chamkani vide his office memo No.150/St dated 17.05.2018 that you while posted as I/C PP Tarnab has stopped vehicle bearing No. 2311/SW having 18 large size Michelin tyres and subsequently released him after taking bribe of worth Rs. 241000/-from him through Constable Yasir 4038 & SPO Jehanzeb 1363.
- By doing so, you have committed gross misconduct and render yourself liable for disciplinary action.

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

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

ATTESTED


AMEER NAWAZ KHAN
Advocate High Court
14-A Harooni Mansion
Khyber Bazar Peshawar
0333-9142007 031-5522107


SR SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR

DISCIPLINARY ACTION

ANNEXURE

G. 28

I, Senior Superintendent of Police Operations, Peshawar as competent authority, am of the opinion that **ASI Khanzeb Khan I/C PP Tarnab alongwith Constable Yasir No. 4038 and Constable Jehanzeb No. 133 SPO PS Chamkani Peshawar** have rendered themselves liable to be proceeded against, as they committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.

STATEMENT OF ALLEGATIONS

- i) A preliminary enquiry conducted by SDPO Chamkani vide his office memo No.150/St dated 17.05.2018 that he while posted as I/C PP Tarnab has stopped vehicle bearing No. 2311/SW having 18 large size Michelin tyres and subsequently released him after taking bribe of worth Rs. 241000/-from him through Constable Yasir 4038 & SPO Jehanzeb 1363.
- ii) By doing so, they have committed gross misconduct and render themselves liable for disciplinary action.

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

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

**SR SUPERINTENDENT OF POLICE,
(OPERATIONS), PESHAWAR**

No. 45 E/PA, dated Peshawar the 25 / 05 /2018.

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

ATTESTED

AMEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142007 091-5522107

OPEN Enquiry

ANNEXURE



OFFICE OF THE ASSISTANT SUPERINTENDENT OF POLICE, GULBAHAR CIRCLE PESHAWAR

NO. 05 /E/S, DATED PESHAWAR THE 07/07/18

Subject: - DISCIPLINARY ACTION AGAINST ASI KHANZEB I/C PP TARNAB, CONSTABLE YASIR NO.4038 AND CONSTABLE JEHANZEB NO.133 SPO PS/CHAMKANI.

Reference: Please refer to your office Memo: No. 45/E/PA (SSP/Operations), dated 07/07/2018 on the subject cited above.

STATEMENT OF ALLEGATIONS

- i. Preliminary enquiry conducted by SDPO Chamkani vide his office memo: No.150/St: dated 17.5.18 that he while posted as I/C PP Tarnab has stopped vehicle bearing No.2311/SW having 18 large size Michelin tires and subsequently released him after taking bribe of worth Rs.241000/- from him through Constable Yasir 4038 & SPO Jehanzeb 1363.
ii. By doing so, they have committed gross misconduct and renders themselves liable for disciplinary action.

On the basis of the above allegations, charge sheet and summary of allegations against them were prepared by the Worthy Senior Superintendent of Police Operations Peshawar and the undersigned was appointed as enquiry officer.

FIN FINDING/RECOMMENDATION:-

From the perusal of documents, statements & evidence on record, the undersigned came to the conclusion that:-

- 1. The alleged ASI & Constables did seize the tyres and merchandise but they handed over the same to customs officials and made a proper entry in the "daily diary" as well.
2. As far as the allegation of bribery is concerned, the complainant couldn't substantiate his complaint through any cogent or incriminating evidence against the alleged ASI & Constables.
3. In view of the aforementioned facts, the undersigned is of the opinion that the allegations leveled against the alleged ASI & Constables could not be proved. This enquiry may be filed in the best interests of justice.

Handwritten signature of the enquiry officer.

ATTESTED AMEER NAWAZ KHAN Advocate High Court 14-A Haroon Mansion Khyber Bazar Peshawar 0333-9142067 031-5522107

المعلم

33/1/1/1/1/1

بسم الله الرحمن الرحيم

الحمد لله الذي جعلنا من خلقه
 انفسنا من خلقه
 (1) نور خان ولد ملا محمد خان
 (2) نور خان ولد ملا محمد خان
 (3) نور خان ولد ملا محمد خان
 (4) نور خان ولد ملا محمد خان
 (5) نور خان ولد ملا محمد خان
 (6) نور خان ولد ملا محمد خان

انتم جميعا

الحمد لله الذي جعلنا من خلقه
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 (1) نور خان ولد ملا محمد خان
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انتم جميعا

33/1/1/1/1/1

ATTESTED

[Signature]

AMEER NAWAZ KHAN
 Advocate High Court
 14-A Heroon Mansion
 Khyber Bazar Peshawar
 0333-9142007 091-5522107

Handwritten notes and signatures in Urdu, including a signature at the top right and several lines of cursive text.

Handwritten signature and notes.

MHC PP F 10000
22/3/18

JEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar, Peshawar
0333-914207 / 033-5522107

صالح لہنوار

تقلم نمبر 18 روزانہ 22 18 53

جوگی سرما۔

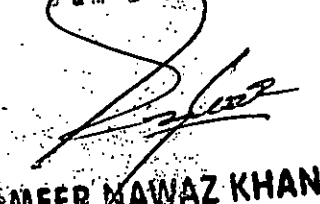
در 18-10-1993
انور پٹیل

خانہ نمبر 51، آئی ڈی 25، 194، 25، 22، 18، 22، 18
گتت آئی ڈی کوئی نمبری 2311 کو روکنے کا ارشاد ہے۔ گٹت کو
پہنچانہ نمبر 194، 25، 22، 18 کو روکنے کے لیے گٹت سے بڑے نمبر
2311 اور 2312 کو روکنے کے لیے گٹت سے بڑے نمبر
2313 اور 2314 کو روکنے کے لیے گٹت سے بڑے نمبر

فلاحی سہولت خانہ ساکن وارنٹ نمبر 18، 22، 18، 22، 18
ماہ ساکن کے بارے میں کسی قسم کی دشمنی یا اذیت کا
بھی نہ ہوگا۔ یہ نوٹ کر کے گٹت سے بڑے نمبر 2311
بیلڈ ساکن اتار کر ہوئی بنا دیا گیا۔ گٹت سے بڑے نمبر
2312 اور 2313 کے سوا کسی اور نمبر سے اذیت
گٹت کو مانا نہیں جائے گا۔ گٹت سے بڑے نمبر 2314
دوران میں گٹت کے لیے آئی ڈی کے ہوا میں

در وقت 28:12:28 آئی ڈی کے لیے
سے گٹت کے لیے آئی ڈی کے لیے
ہی ہو گئے ہیں۔ آئی ڈی کے لیے
بیمار کا علاج کیا گیا ہے۔ آئی ڈی کے لیے
گانے کے بدلے آئی ڈی کے لیے
ماہ کو شکایت کروائی۔ آئی ڈی کے لیے
خون اسی دوران بات کرنے سے
ناجائز ہے۔ اور ان کے ساتھ
ملی ہے۔ کسی بھی قسم کا
بلڈ کرنے کی صورت میں
عدوہ شخص نے غم و غصے کا
لوگ اور آئی ڈی کے لیے

ATTESTED


AMEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142007 091-5522107

آئیے سوچیں اس شخص کی صورت و تحمل کا مطالعہ کرتے ہوئے کتنی
 دماغی طاقت اور بیشتر کے ذمہ دار شخص کو بتانا کہ یہ اس
 ماہر صاحبان کے احکامات کے مطابق نان کھنڈ پیڈ سٹامپ
 کو حوالہ دے گا۔ چونکہ ان ماہر صاحبان میں سے ایک کسٹمر حکام
 سے سیکھنے سے یہ ایسا کہی ہے۔ کہ اس سلسلے میں کسی بھی شخص
 سے کوئی رعایت نہیں لیرتی جائے۔ اطلاع رپورٹ دینے اور
 مذکورہ ماہر صاحبان کے بارے میں نذرانہ خورد سٹامپ
 کسٹمر حکام کو حوالہ دے کے سلسلے میں نذرانہ سرکاری
 کیلے ہوں اطلاع دی جا رہی ہے۔ کسٹمر حکام کے جوئی نذر
 کو حوالہ دینا جائے گا۔ ان میں سے کسی نذرانہ خورد سٹامپ
 اطلاع ہوں صاحب عالی

(36)

فصل مطابق اصل کے

MHC-PP-Toronto
22/3/18

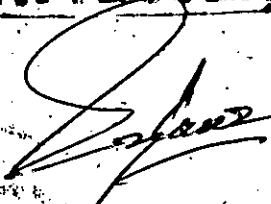
تقدیر بری ریفرنس نمبر 22-03/18

منجملہ قریبی

مدعی والہی صاحبہ خانہ کی طرف سے 22-03/18 سے 22-03/18 تک
 راجہ محمد علی صاحبہ کی طرف سے 22-03/18 سے 22-03/18 تک
 مدعیہ خانہ کی طرف سے 22-03/18 سے 22-03/18 تک
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امیر نواز خان
 امیر نواز خان
 امیر نواز خان

فنا علی
 نعل مطاوعہ
 MHC-PP-Tamab
 22/3/18

ATTESTED

AMEER NAWAZ KHAN
 Advocate High Court
 14-A Haroon Mansion
 Khyber Bazar Peshawar
 0333-9142007 091-5522107

حکومت عالی

نشتر کو کہ چارج تہمت فوراً منسوخ ہو کر من ASI جب انسپشن
 بالہ کے احکامات کے مطابق اپنا نام اور چوک تریباہ فارم مشاور اپنے فرائض سر انجام دے رہا
 تھا تو اس وقت فوراً 10⁰³/₁₈ کو بددیوان گشت انسپشن بالہ کے احکامات کے مطابق
 جی ٹی روڈ کشمیر ناکہ بندی کر کے گاڑیوں وغیرہ کی چیکنگ شروع کر کے بسنس نمبر 4692
 4692 کشمیر سے بظرف کو نمبر 5 آتی ہوئی کیچڑ من چیکنگ شروع کر کے جن میں سے منسوخ
 ہو کر ولد ولد ولادت خان سکندر افغان کشان جلی پوری سے تین عدد تھان غیر ملکی کپڑا اور
 ولد محمد نواز سکندر سکندر کو دھما حال جیلوہرہ کے دو عدد تھان غیر ملکی کپڑا، قدیم اللہ ولد
 رمضان سکندر اور دیگر کے 10 عدد تھان 08 جوڑے غیر ملکی کپڑا اور آئینہ ہو کر جبکہ فوٹو گار
 نمبر 7139-2 جسکی ڈرائیوٹر مسی حاجی گل ولد شہباز بن سکندر پختون گل کسٹم سر رہا تھا
 جسکی فوٹو گار سے 04 عدد پلڈ شیک تبدیل پر تبدیل سے 06 عدد جوڑے غیر ملکی (نان گشت
 کپڑا اور آئینہ ہو جملہ درجہ بالہ ننان کسٹم سامان بچہ فوٹو گار فتنہ کرہ بالہ کسٹم حکام کو حوالہ کرنے
 کیلئے چوک لے لیا گیا اس دوران سیمان 1 نور جان ولد ملال سکندر اٹول آیا د نمبر 5 جیت
 الہ جمان ولد علی رحمان سکندر رشید گشت 3 عاقبے ولد ساوید خان سکندر جیلوہرہ نے چوک آ کر
 چیخے و لپکار شروع کر کے درجہ بالہ ننان کسٹم پلڈ سامان چھوڑنے کو کہا اور آٹا دہ بہ نسیاد ہو کر
 مال اتہ چھوڑنے کی عورت میں سنگین نتائج کا دکھایا میں - من ASI نے انتہائی عسر و محل کاف
 کرتے ہوئے جملہ درجہ بالہ افراد کو بحوالہ 06 روز تاچ 10⁰³/₁₈ زیر دفعہ 107/151 من ف حفظا
 کی خاطر پابندی نہ کر کے کیلئے چالان عدالت کیا - اور جملہ درجہ بالہ سامان ننان کسٹم
 بحوالہ 15 روز تاچ 10⁰³/₁₈ کسٹم انسپشن تہذیب و خان کو حوالہ کر کے اس سے روز تاچ میں در
 بالہ ننان کسٹم سامان کی دھول کا دستخط ثبت کیا ہے - اس طرح فوراً 22⁰³/₁₈ کو بددیوان
 گشت کو جیت نمبر 2311 کو رکھنے کا اشارہ کر کے بددیوان چیکنگ گاڑی نمبر 09 سے
 عدد تھان کپڑا 02 بوری چائے اور 06 عدد بڑے ٹائرن ننان کسٹم پلڈ برآمد ہو کر بددیوان
 ڈرائیوٹر نے اپنا نام امیر اللہ ولد میر دل سکندر واحد گشت ہی تبدیل کیا - گاڑی سے فتنہ کرہ بالہ ننان
 کسٹم پلڈ سامان اتار کر چوک کسٹم حکام کو حوالہ کرنے کیلئے لے لیا گیا جبکہ فتنہ کرہ بسنس کو سوار
 جن میں خواتین، بچے اور صغیر العمر اشخاص سوار تھے انکے احترام میں گاڑی کو ننان کسٹم پلڈ
 سامان اتار کر چھوڑ دیا گیا - چند لمحوں بعد من ASI کے فوٹو نمبر 525534-0334 یہ
 بدوقت 12:28 بجے فوٹو نمبر 2781010-0345 سے کال کر کے ایک شخص نے اپنے آپکو
 نامی شخص متعارف کرواتے ہوئے بتلے یا کہ آپکی وجہ سے میرا کاروبار تباہ ہو چکا ہے میر
 بار اپنا مال بکھیرے جانے کے بدلے آپ سے انتہام لوں گا اور اس سلسلے میں انسپشن بالہ کو
 کروں گا - من ASI نے اس سلسلے میں بحوالہ 18 روز تاچ 22⁰³/₁₈ ایک تفصیلی رپورٹ
 چوک تریباہ کے روز تاچ میں درجہ کیا ہے - فتنہ کرہ بالہ کوڑے سے بکھرا گیا ننان کسٹم پلڈ
 بحوالہ 05 روز تاچ 22⁰³/₁₈ کسٹم فوٹو نمبر سکواڈوں کے انچارج انسپشن تہذیب و انسپشن
 عبدالواجد کو حوالہ کیے جن سے روز تاچ میں سامان ننان کسٹم پلڈ کی دھول کے دستخط ملے اور
 ثبوت ثبت کر کے ہیں - جملہ تفصیلات ہمراہ چارج شیٹ میراے ملکہ حاکم کف

در خواست کنندہ شاکر نامی سکندر محمد علی شخص ہے جس نے اب مجھ سے انتقام لینے کی خاطر
 ایس آر ایف کے ایک من گھڑت اور جھوٹی درخواست دی ہے من ASI نے انسپرن بالدر کے
 احکامات کے مطابق نان کسٹ سماں کسٹ حکام کو حوالہ کر کے باقاعدہ رپورٹس میں دستخط
 کئے ہیں۔ نیز من ASI نے فورم 10³ / 18 کو جہان کسٹ بیڈ سماں میٹر کسٹ کو حوالہ
 کیا تھا اس سماں کو چھوڑنے کی خاطر درخواست کنندہ شاکر کا مقبعا عاقبت درگاہ وید
 خان سکندر جیلوہ آیا تھا اور اپنے بیٹے دیگر ساتھیوں کو لایا تھا اور سماں نہ چھوڑنے کی صورت
 میں من ASI کو سنگین نتائج کی دھمکیاں دیں تھیں جن کو من ASI نے بحوالہ ورد 56 رپورٹس
 10³ / 18 میں درج ASI 107 میں حسب ضابطہ کرنا کر کے چالرن عدالت کیا تھا۔ استغاثہ زیر
 درج 107 میں من ASI کا پورا پورا بیروت سمراہ چارج ٹیٹ کیا ہے۔ من ASI نے در
 جہ 151 میں درخواست کنندہ اور اسکے بیٹے کا نان کسٹ سماں میٹر کسٹ حکام کو حوالہ کیا ہے
 اس کی وجہ سے یہ استخام من ASI سے کسی نہ کسی طریقے سے انتقام لینے کی کوشش
 کر رہے ہیں۔ من ASI نے اسکے علاوہ نہ کبھی دیکھی گاڑی بکری ہے اور نہ ہی رقم لیا ہے اور
 نہ ہی رقم کا مطالبہ کیا ہے۔ یہ صرف اور صرف انتقامی کاروائی کے طور پر میرے
 افسرانہ الزامات عائد کرنے کی کوشش کی گئی ہے۔ انسپرن بالدر جیس قسم کی اس بارے میں
 کتشل کرنا چاہئیں تو من ASI اسکے لیے تیار ہے۔ چارج ٹیٹ کے بعد فصل جواب واپس ارسال
 شدت ہے۔

Signature

ASI - P - dine - Pesh.

01 - 06 - 18

خان زب ASI کیس لائن نیپار
1509

(34)

جو انٹونو چارج شدہ جا رہا ہے اس کا جواب

آپ کے حروف ذمہ سے جو رقم میں تقریباً 8/9 ماہ سے
 چولی ترناب میں ڈیوٹی سرانجام دے رہے ہیں اور اس عرصہ
 میں مختلف ایجنسیوں پر لگنے والے ہیں اور $10\frac{3}{18}$ اور
 $22\frac{3}{18}$ کو بھی فیس روٹین چولی میں ڈیوٹی پر لگنے والے تھے۔
 چونکہ مختلف ایجنسیوں میں جی بی کوئی غیر قانونی مال پکڑتے
 چولی لگتے اپنی کارروائی کے سبب ضبط عمل میں آتے ہیں اس
 حوالہ سے اور حروف اپنی سیکورٹی ڈیوٹی سرانجام دیتا تھا اور جو حال
 میں تھیں وہ دیتا تھا اسلیٰ جو حریف سیکورٹس میں شامل
 ہو کر من مائل اپنی ڈیوٹی سرانجام دیتا۔ من مائل دیگر کسی
 قسم کی کسی بات میں نہ تو شامل ہے اور نہ ہی صدر اس کے
 ساتھ کسی قسم کا کوئی تعلق واسطہ ہے۔ چونکہ چولی ایجنسی
 نے لاکر ڈرہے درج و روز نامہ کے کارروائی کے سبب ضبط عمل
 میں لائی ہے جو کہ روز نامہ کے معاملات سے جدا کوئی
 سرکار کا نام ہے اور نہ ہی اس بات میں کسی قسم کی کسی بھی
 شخص سے تعلق لگتا ہے اور نہ ہی اس کے ساتھ ہیں پڑا ہوا
 چونکہ میں ایک کینسل ہوا اور حروف نے ڈیوٹی پر پڑا ہوا
 حروف سیکورٹی ڈیوٹی کے علاوہ دیگر معاملات سے لے کر
 ہیں۔ میں اپنی ڈیوٹی انتہائی اہم ندری، جانفشانی
 سے سرانجام دیتا ہوں۔ جو اس بات کے حوالہ سے ہے

Handwritten signature

اور یہاں بھی میں نے جو کچھ لکھا ہے وہ سب سچا ہے۔

مستحق کسی قسم کی کوئی شہادت نہیں ہے۔

اور نہ ہی میں نے جو کچھ الزام عائد کیا ہے وہ سب سچا ہے۔

حالات سے باہر اور نہ تو میں کسی سے رقم کا مطالبہ

رہتا ہوں اور نہ ہی مجھے کسی فریب ہے۔

اور وہ میری شہادت اور الزام ہے جو شروع کرنے کا طریقہ

ہے۔ تاکہ میں اس کے بارے میں بھی کوئی شہادت

دے سکوں۔ اور الزام کا حصہ نہ ہوں۔

الزہام کی بات ہے۔ جو کہ میری شہادت ہے۔

جو کوئی الزام میری شہادت سے شروع ہوا ہے۔

یہی بیان ہے۔

10/6/01

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امیر نواز خان

4038

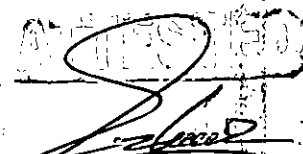
ATTESTED

AMEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mahsion
Khyber Bazar Peshawar
0333-9142007 091-5522107

صداقت نامہ

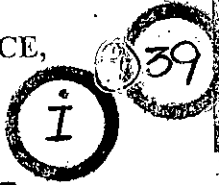
شہداء عزیزانہ کے درمیان صداقت نامہ
عقد کرنے سے پہلے یہ اعلان کیا گیا کہ صدر
ڈویژن سرائیام کے ریٹائرمنٹ کے لیے اس نے اس دوران
مقررہ کیے گئے سروس سے ریٹائر ہو گیا ہے اور اس میں ریٹائرمنٹ
مقرر کیے گئے ہیں اور اس نے ریٹائر ہو کر ریٹائرمنٹ کے لیے اس نے
مقررہ کیے گئے ہیں اور اس نے ریٹائر ہو کر ریٹائرمنٹ کے لیے اس نے
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مقررہ کیے گئے ہیں اور اس نے ریٹائر ہو کر ریٹائرمنٹ کے لیے اس نے

امیر نواز خان صاحب نے 1363 سنہ 1944 میں تیار کیا گیا ہے


AMEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142007 091-5522107



OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE,
(OPERATIONS),
PESHAWAR
Phone. 091-9213054



ANNEXURE

FINAL SHOW CAUSE NOTICE
(Under Police Disciplinary Rules, 1975)

1. I, Senior Superintendent of Police, Operations, Peshawar as competent authority, under the Police disciplinary Rules 1975, do hereby serve you ~~Constable~~ **Constable Yasir No. 4038** while posted at **PP Tarnab PS Chamkani** as follows:-
2. (i) That consequent upon the completion of departmental enquiry conducted against you by Mr. Hassain Jahangir Watto, ASP Gulbahar, Peshawar.
(ii) Ongoing through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the said officers;

I do not agree with the findings of the Enquiry Officer and am satisfied that you have committed the follow misconducts:


That you alongwith I/C PP Tarnab and SPO Jehanzeb have stopped vehicle bearing No. 2311/SW having 18 large size Michelin tyres and subsequently released him after taking bribe of worth Rs. 241000/-.

3. As a result thereof I, as Competent Authority decided to impose upon you major/minor penalty including dismissal from service under the said Rules.
4. You are, therefore, require to Show Cause as to why the aforesaid penalty should not be imposed upon you.
5. If no reply to this notice is received within **7-days** of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
6. You are at liberty to be heard in person, if so wished.

**SR: SUPERINTENDENT OF POLICE,
OPERATIONS, PESHAWAR**

No. 1075 /PA dated Peshawar the 16 - 08 - 2018

ATTESTED


AMEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142007 031-5522107

صدا علی

شماره نائن شوکار نوٹس سرور سے فرستے ہیں کہ میں ایک
 نے بیلڈم انوٹری اپنے انوٹری انٹر ASP صاحبہ گنڈی کھڑوکار
 نوٹس کا تحریری جواب دیا تھا۔ جو کہ مکمل حقیقت پر مبنی ہے۔ لہذا وہی
 سابقہ شوکار نوٹس کا جواب ایسے نائن شوکار نوٹس کا جواب تصور
 کر کے پورے خلاف جواب انوٹری میں ہے۔ اس کو ختم کرنے کے لیے
 اس کو کھینچا ہے۔

کشیپ ٹرسٹی 4038 صفحہ نوٹس ہارون منیاد

ATTESTED

AMEER NAWAZ KHAN
 Advocate High Court
 14-A Haroon Mansion
 Khyber Bazar Peshawar
 0333-9142007 091-5522107

WAKALAT NAMA

Before the Services Tribunal Khyber Pakhtunkhwa Peshawar

Service Appeal. No. _____ of 2018.

Yasir Ali
(Appellant)

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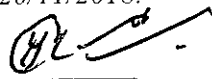
CCPO & Others
(Respondents)

From: I, Yasir Ali (FC) son of Khadim Uddin (Appellant) For the captioned title Service Appeal do hereby appointed & constitute the below mentioned counsels in subject proceedings and authorize him to appear plead etc. Compromise withdraw or refer the matter for arbitration for me/us without any liability of his default and receive all sums and amounts payable to me/us and do all such acts which he may deem necessary for protecting my/our interests in the matter. He is also authorized to file appeal, Revision, Review, Application for Restoration or application for setting aside ex-parte decree proceedings on my/our behalf.

In case if the parties arrives in compromise or any other proceedings, which puts an end to the litigation, fee paid to the counsel as a whole or in installment shalln't be refundable.

My/our counsel shalln't be responsible for the consequences of any of my/our illegal act or acts. This Wakalat Nama is signed by me/us after having read fully and understood the contents of it. Moreover there is no agreement.

Dated. 20/11/2018.



(Client)

Attested & Accepted by


NOROZ KHAN

Advocate Supreme Court of Pakistan

AMEER NAWAZ KHAN

Advocates High Court Peshawar

Office:

14-A Haroon Mension Khyber Bazar Peshwar. Tel-091-5522107 Mob. 0333-9159998

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

Service Appeal No.1424/2018.

Yasir Ali Ex-Constable Peshawar.....**Appellant.**

VERSUS.

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Senior Superintendent of Police Operations, Peshawar..... Respondents.

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

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS.

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

FACTS:-

- 1- Para No.1 is incorrect. In fact the appellant while posted at PS Chamkani along with Two Others, stopped a vehicle bearing Registration No. 2311/SW having 18 Large Size Michelin Tyers and subsequently released after taking bribe of Rs.241000/-. After fulfilment of all codal formalities, he was awarded the major punishment of dismissal from service.
- 2- Para No.2 is correct to the extent, that the appellant filed departmental appeal which after due consideration was filed/rejected because the charges leveled against him were proved.
- 3- That appeal of the appellant being devoid of merits may kindly be dismissed.

GROUND:-

1. Incorrect. The punishment order passed by the competent authority is as per law/rules and liable to be upheld.
2. Incorrect. The appellant was treated as per law/rules. The appellant availed the opportunity of defence, but he could not produce cogent evidence in his defense.
3. Incorrect. The allegations were proved against him, hence he was awarded the major punishment.
4. Incorrect. The punishment order passed by the competent authority as per law/rules.
5. Incorrect. The punishment order is just legal and has been passed in accordance with law/rules.
6. Incorrect. After fulfilment of all codal formalities, he was awarded major punishment of dismissal from service.
7. Incorrect. The appellant was provided full opportunity of defence, but he filed to defend himself.
8. Incorrect. The appellant was found guilty of misconduct.
9. Incorrect. The punishment order is in accordance with law, therefore liable to be upheld.

FACTS:-

- 1- Incorrect. The duty of police is to protect life, property and liberty of citizens, preserve and promote public peace but he ^{despite} being a member of disciplined force deviated himself from his lawful duty and indulged himself in misconduct.
- 2- Incorrect. The appellant along with Khanzeb and SPO Jehanzeb, stopped a vehicle having 18 Large Size Michelin Tyres and subsequently released after taking bribe of Rs. 241000/-. The allegations were proved and constituted gross misconduct.
- 3- Incorrect and denied. The appellant committed a gross misconduct and he defamed the image of police department in the eyes of general public.
- 4- Incorrect. The alleged complaint was preliminary enquired into by SDPO Chamkani, the complainant Shakir Ullah said that the appellant demanded from him an amount which he paid to him equal to 241000/-. The said tyres were returned to him after payment of money in bribe.
- 5- Para for the appellant to prove. In the instant case allegations of bribery were proved.

- 6- Para already explain above.
- 7- Incorrect. The complaint was initially enquired into by SDPO Chamkani, who found him guilty of the charges. (Preliminary enquiry is attached)
- 8- Incorrect. Para already explained in the above para.
- 9- Incorrect. The primary enquiry was conducted by SDPO Chamkani, who found him guilty of misconduct.
- 10- Para correct to the extent that he was issued charge sheet, statement of allegations.
- 11- Incorrect. Presence of such black sheep in police force and any kind of leniency will encourage the misuse of authority. The appellant was found guilty of misconduct.
- 12- Para No.12 is incorrect and misleading. Actually the appellant and ASI Khanzeb misused official authority for gaining illegal gains and report incorporated in the daily diary by the appellant and ASI Khanzeb has been made just to save their skin and show wrong picture to the high ups.
- 13- Para No.13 is correct to the extent that appellant in reply to final show cause notice has taken the alleged stance but the same was neither plausible nor lawful/^{and}convincing.
- 14- Para No.14 is correct to the extent that after submission of finding report by the enquiry officer, the competent authority has minutely gone through it, the material on record and other connected paper including the defense of appellant was examined and remarked that **"I do not agree with the findings of the Enquiry Officer and am satisfied that you have committed the following misconducts.**
That you alongwith I/C Tarnab and SPO Jehanzeb have stopped vehicle bearing No.2311/SW having 18 large size Michelin tyres and subsequently released him after taking bribe of worth RS.241000/". Moreover the remarks of enquiry officer though are not mentioned in the Final Show Cause Notice, but the Competent Authority has shown plausible reason for issuing Final Show Cause Notice and tentatively imposing major/minor penalty.
- 15- Para No.15 is incorrect. As per Apex Court judgment and law, the Competent Authority is not bound to follow the recommendation of the enquiry officer rather the Competent Authority should apply his own independent mind and ^{to} will decide the issue in accordance with the material available. SSP/Operations being the Competent Authority gave the reason for not

agreeing with the finding of enquiry officer and that reasons were mentioned in the punishment order dated 24.08.2018.

- 16- Para No. 16 incorrect. The previous record of the appellant is not satisfactory. He carries a very bad reputation and reportedly has links with smugglers which is evident from the order dated 24.08.2018. Moreover the appellant was found guilty in the preliminary enquiry report.
- 17- Para No. 17 is incorrect. Replying respondents being senior members of the disciplined force are duty bound to ensure safety of public and their property as well, for the very reason a close check is kept upon the subordinates to avoid and eradicate misuse of official authority in the discharge of duty.
- 18- Para No.18 is incorrect that the appellant himself is responsible for the situation by committing gross misconduct.
- 19- Para No.19 already explained in para No.18 above.
- 20- Para No.20 is incorrect. Actually rights of police officials are fully reserved under the law and they are dealt with under relevant law.
- 21- Respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

PRAYER.

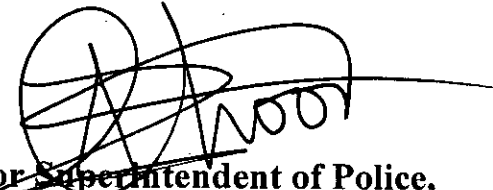
It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merits and legal footing, may kindly be dismissed.



**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**



**Capital City Police Officer,
Peshawar.**



**Senior Superintendent of Police,
Operations, Peshawar.**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

Service Appeal No.1424/2018.

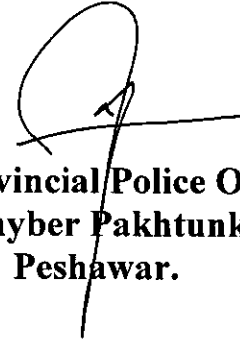
Yasir Ali Ex-Constable Peshawar.....Appellant.

VERSUS.

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Senior Superintendent of Police Operations, Peshawar..... **Respondents.**

AFFIDAVIT.

We respondents 1, 2, &3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.



**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**



**Capital City Police Officer,
Peshawar.**



**Senior Superintendent of Police,
Operations, Peshawar.**

(11)

CHARGE SHEET

Whereas I am satisfied that a Formal Enquiry as contemplated by Pol 1975 is necessary & expedient in the subject case against **ASI Khanzeb Kha Tarnab alongwith Constable Yasir No. 4038 and Constable Jehanzeb No. PS Chamkani Peshawar.**

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

Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I Senior Superintendent of Police, Operations, Peshawar hereby charge you **ASI Khanzeb Khan I/C PP Tarnab alongwith Constable Yasir No. 4038 and Constable Jehanzeb No. 133 SPO PS Chamkani Peshawar** on the basis of following allegations:

- A preliminary enquiry conducted by SDPO Chamkani vide his office memo No.150/St dated 17.05.2018 that you while posted as I/C PP Tarnab has stopped vehicle bearing No. 2311/SW having 18 large size Michelin tyres and subsequently released him after taking bribe of worth Rs. 241000/-from him through Constable Yasir 4038 & SPO Jehanzeb 1363.
- By doing so, you have committed gross misconduct and render yourself liable for disciplinary action.

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

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


**SR SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR**

DISCIPLINARY ACTION

(12)


I, Senior Superintendent of Police Operations, Peshawar as competent authority, am of the opinion that **ASI Khanzeb Khan I/C PP Tarnab alongwith Constable Yasir No. 4038 and Constable Jehanzeb No. 133 SPO PS Chamkani Peshawar** have rendered themselves liable to be proceeded against, as they committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.

STATEMENT OF ALLEGATIONS

- i) A preliminary enquiry conducted by SDPO Chamkani vide his office memo No.150/St dated 17.05.2018 that he while posted as I/C PP Tarnab has stopped vehicle bearing No. 2311/SW having 18 large size Michelin tyres and subsequently released him after taking bribe of worth Rs. 241000/-from him through Constable Yasir 4038 & SPO Jehanzeb 1363.
- ii) By doing so, they have committed gross misconduct and render themselves liable for disciplinary action.

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

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


SR SUPERINTENDENT OF POLICE,
(OPERATIONS), PESHAWAR

No. 45 E/PA, dated Peshawar the 25 / 05 /2018.

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

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OFFICE OF THE
ASSISTANT SUPERINTENDENT OF POLICE
GULBAHAR CIRCLE PESHAWAR
05 /E/S, DATED PESHAWAR THE 07 /18

DISCIPLINARY ACTION AGAINST ASI KHANZEB I/C PP TARNAB, CONSTABLE YASIR NO.4038 AND CONSTABLE JEHANZEB NO.133 SPO PS/CHAMKANI.

Please refer to your office Memo: No. 45/E/PA (SSP/Operations),
/2018 on the subject cited above.

SIA
STATEMENT OF ALLEGATIONS

- i. Preliminary enquiry conducted by SDPO Chamkani vide his office memo: No.150/St: dated 17.5.18 that he while posted as I/C PP Tarnab has stopped vehicle bearing No.2311/SW having 18 large size Michelin tires and subsequently released him after taking bribe of worth Rs.241000/- from him through Constable Yasir 4038 & SPO Jehanzeb 1363.
- ii. By doing so, they have committed gross misconduct and renders themselves liable for disciplinary action.

On the basis of the above allegations, charge sheet and summary of allegations against them were prepared by the Worthy Senior Superintendent of Operations Peshawar and the undersigned was appointed as enquiry officer.

FIN
FINDING/RECOMMENDATION:-

From the perusal of documents, statements & evidence on record, undersigned came to the conclusion that:-

1. The alleged ASI & Constables did seize the tyres and merchandise but ~~they~~ handed over the same to customs officials and made a proper entry in the "daily diary" as well.
2. As far as the allegation of bribery is concerned, the complainant couldn't substantiate his complaint through any cogent or incriminating evidence against the alleged ASI & Constables.
3. In view of the aforementioned facts, the undersigned is the opinion that the allegations leveled against the alleged ASI & Constables could not be proved. This enquiry may be filed in the best interest of justice.

[Handwritten signature]



OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE,
(OPERATIONS),
PESHAWAR
Phone. 091-9213054

7

FINAL SHOW CAUSE NOTICE
(Under Police Disciplinary Rules, 1975)

1. I, Senior Superintendent of Police, Operations, Peshawar as competent authority, under the Police disciplinary Rules 1975, do hereby serve you **Constable Yasir No. 4038 while posted at PP Tarnab PS Chamkani** as follows:-
2. (i) That consequent upon the completion of departmental enquiry conducted against you by Mr. Hassain Jahangir Watto, ASP Gulbahar, Peshawar.
(ii) Ongoing through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the said officers;
I do not agree with the findings of the Enquiry Officer and am satisfied that you have committed the follow misconducts:
That you alongwith I/C PP Tarnab and SPO Jehanzeb have stopped vehicle bearing No. 2311/SW having 18 large size Michelin tyres and subsequently released him after taking bribe of worth Rs. 241000/-.
3. As a result thereof I, as Competent Authority decided to impose upon you major/minor penalty including dismissal from service under the said Rules.
4. You are, therefore, require to Show Cause as to why the aforesaid penalty should not be imposed upon you.
5. If no reply to this notice is received within **7-days** of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
6. You are at liberty to be heard in person, if so wished.

**SR: SUPERINTENDENT OF POLICE,
OPERATIONS, PESHAWAR**

No. 1075 /PA dated Peshawar the 16 - 08 - , 2018

شورس نائنس شوکار نوٹس سرحد سے فرسٹ ہوں کہ میں کئی
 نے بسندہ انکو نوٹس اپنے انکو نوٹس انسر ASP صاحبہ گنیں کر شوکار
 نوٹس کا نوٹس جواب دیا تھا جو کہ مکمل حقیقت پر مبنی ہے۔ لہذا وہی
 سابقہ شوکار نوٹس کا جواب ایسے نائنس شوکار نوٹس کا جواب تصور
 کر کے میرے خلاف براہ کو نوٹس مل رہا ہے۔ اس کو ختم کرنے کے لیے
 اس کو جاننا ہے۔

کشیپ پارسٹی 4038 صفحہ نوے لائن سید

جناح اول

جو المشورہ چارج شیڈ جادوہ جا۔ آء ڈی صاحب

آئی آر لین جو عرض خدمت چوونم میں تقریباً 8/9 ماہ سے

چولی ترناب میں ڈیوٹی سرانجام دے رہا ہوں۔ اور اس درمیان

میں تحریف ایچ آر جن لینائن پوتے رہے ہیں۔ اور 10³/₁₈ اور

19³/₁₈ کو بھی صوبہ روہین چولا میں ڈیوٹی پر لینائن تھا۔

چوونم تحریف ایچ آر جان جی بی کوئی غیر قانونی مال پڑتے

چولی لہتے اپنی کارروائی صوبہ ضابطہ عمل میں لہتے من مائل

حرف اور حرف اپنی سیکورٹی ڈیوٹی سرانجام دیتا تھا اور جو مال

مجھے توپیل میں دیتا تھا اسلی تحویل صدر خزانہ میں مائل

سیکر من مائل اپنی ڈیوٹی سرانجام دیتا۔ من مائل دید کسی

قسم کی کسی بات میں نہ تو مائل ہے اور نہ ہی صدر اسے

ساقہ کسی قسم کا کوئی تعلق واسطہ ہے۔ چوونم چولی ایچ آر

نے لاکر صدر نے درج روزنامہ کے کارروائی صوبہ ضابطہ عمل

میں لائی ہے جو روزنامہ کے معاملات سے مدرا کوئی

سہرہ کارن ہے اور نہ ہی اس بات میں نے کسی قسم کی کسی بھی

شخص سے زعم لگائی ہے اور نہ ہی اس صوبہ میں پڑا ہوں

چوونم میں ایک کنسیل ہوں اور حرف 5 ڈیوٹی پر پڑتا ہوں

حرف سیکورٹی ڈیوٹی سے علاوہ دید معاملات سے لاعلم

ہوں۔ میں اپنی ڈیوٹی انتہائی اہم انداز میں جانتی ہوں

سے سرانجام دیتا ہوں جو اس بات سے ماوا فہم ہوتے ہیں

مبتلا اثر میں بھی ہیں جو کہ پیدائش میں لبتیاں ہوا ہوں۔ قیدم
مصلحت کسی قسم کی کوئی سہولت کسی نے نہیں ہے

اور نہ ہی کسی نے جو ہر الزام عائد کیا ہے۔ جو نام میں ان
حالات سے بااثر ہے۔ اور نہ تو میں کسی سے رقم کا مطالبہ

رہتا ہوں اور نہ ہی مجھے کسی سے اسلی فرماواں ہے۔ جو ہر الزام میں
اور عرفی منبری سے ہوا اور ایمانداراں جو ہر الزام کی کسی کا طرہ گھاٹا

ہیں گھاٹا ہے۔ جو ہر الزام میں بھی ہے۔ جو ہر الزام کا الزام
واسطہ میں ہے جو ہر الزام میں بھی ہے۔ جو ہر الزام میں بھی ہے

الزمام کی حالت میں کسی کی مثال ہے۔ یہ ہمارا ہوا ہے جو ہر
کو کوئی ایمانداراں منبری سے ہوا ہے۔ جو ہر الزام میں بھی ہے

یہی بیان ہے جو ہر الزام میں بھی ہے۔ جو ہر الزام میں بھی ہے

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ادرس
کنسٹریبل یا سپرنٹنڈنٹ
4038

TO : THE SP RURAL, PESHAWAR
FROM: THE SDPO CHAMKANI, PESHAWAR
NO. 150 /ST, DATED: 17/ 05 /2018
SUBJECT: APPLICATION OF SHAKIR ULLAH

MEMO:

Please refer to your office diary No. 280/PA dated: 30/04.2018 on the subject cited above.

ALLEGATIONS:

According to the statement of allegations, "Shakir Ullah Afridi alleges that incharge Tarnab ASI Khanzeb, FC Yasir No 4038 and SPO Jahanzeb 1363 had taken 241000 from Shakir Ullah Afridi because the said Police Officers had stopped his vehicle loaded with tyres. The vehicle and tyres were returned to him after the payment of the above mentioned amount.

PROCEEDINGS:

The alleged officials were summoned to join the enquiry proceedings who appeared before the undersigned and his statement were also recorded.

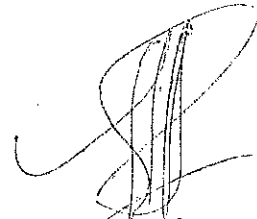
FINDINGS:

Shakir Ullah Afridi, the complainant was heard. He alleged that incharge PP Tarnab, ASI Khanzeb, FC Yasir 4038 and SPO Jehanzeb 1363 stopped his vehicle bearing No 2311/ SW having 18 large size Michlin tyres. They were legal tyres and had custom duty slip. They were brought to PP Tarnab. At around 08:00 PM, Shakir Ullah Afridi went to PP Tarnab in order to get his tyres. FC Yasir 4038 demanded from him an amount which he paid to him equal to 241000/-. The said tyres were returned to him after payment of money in bribe and they were loaded in vehicles inside PP and were taken back by Shakir Ullah Afridi. Various Police Officers were called, and were inquired about the matter including incharge Tarnab Khan Zeb ASI, FC Yasir No 4038 SPO Jehanzeb 1363 and cadet Zeeshan MHC PP Tarnab.

It has been proved from their statements that the said vehicle was stopped in the jurisdiction of Nowshera and was brought to Tarnab. Tyres were unloaded from it. They had not been given to custom authorities because there is no roznamcha report of those 18 michlin tyres.

RECOMMENDATION:

Hence, it is clear from the above that the allegations have been proved true. ASI Khanzeb I/C PP Tarnab, FC Yasir 4038, SPO Jehanzeb are recommended for legal proceedings.



SDPO Chamkani

Peshawar.

CHAMKANI

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No.1424/2018

1. Yasir Ali, (FC Constable) No. 4038 son of Khadim ud Din r/o Mehmoodabad Umerzai District Charsadda.

APPELLANT

VERSUS

1. The Chief Capital City Police Officer, Police Lines, Peshawar.
2. The Senior Superintendent of Police, Operations, Police Lines, Peshawar.
3. The Inspector General of Police, Central Police Office, Peshawar.

RESPONDENTS

**REJOINDER ON BEHALF OF
APPELLANT IN THE ABOVE
CAPTIONED APPEAL**

RESPECTFULLY SHEWETH,

PRELIMINARY OBJECTIONS

- 1-7. All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are estopped by their own conduct to raise any objection.

FACTS

1. Para-1 is incorrect as the allegations levelled against the appellant were termed as fallacious, malicious and misconceived and elaborate reply in this respect was furnished by the appellant. Moreover, the regular inquiry was conducted in which the appellant and other employees were found innocent and it was recommended to drop the inquiry proceedings. But despite thereof, the appellant was awarded harsh and extreme penalty of dismissal from service in utter violation of law.
2. Para No. 2 is incorrect as the departmental appeal was dismissed against the spirit of administration of justice.
3. Para No.3 is also incorrect as the appellant has a good prima-facie case to invoke the jurisdiction of this Hon'ble Tribunal.

GROUND

1. Para-1 is incorrect as the impugned order was passed in utter disregard of law.
2. Same reply as offered in Para-1 of above.
3. Para-3 is incorrect, misconceived and hence, denied as regular inquiry was conducted in a manner prescribed by law in which, complainant duly participated but failed to prove the allegations levelled against appellant through

cogent and concrete evidence and as such, the appellant was exonerated of the allegations in the said inquiry. This view was also taken by the Revisional Authority while accepting the revision filed by Khan Zeb ASI. But despite thereof, the appellant was awarded major penalty.

(Copy of Revisional Order is appended as Annex-A)

4. Para-4 is incorrect as the impugned order was not passed in consonance with law.
5. Same reply as offered in Para-4 above.
6. Para-6 is incorrect as the impugned order was passed without observing legal and codal formalities.
7. Para-7 is incorrect as detail reply is offered in Para-3 above.
8. Para-8 is incorrect as the appellant was not found guilty of misconduct by the inquiry officer in regular inquiry rather exonerated him of the allegations. Thus, the impugned order was bad in law.
9. Same reply as offered in Para-8 above.

Facts

1. Para-I is incorrect as the appellant acted justly, fairly, honestly and also in accordance with law but he was awarded such penalty in utter violation of law.
2. Para-2 is incorrect and that of appeal is correct.

3. Same reply as furnished in para-9 of the grounds above.
4. Para-4 is incorrect as the preliminary inquiry was conducted in utter violation of law as neither the appellant was associated with the said inquiry nor any witness was examined in his presence. He was also not provided any chance of cross-examination. Similarly, he was not provided any opportunity to produce his defence in support of his version. The above defect in enquiry proceeding is sufficient to declare entire process as sham and distrustful. Right of fair trial is a fundamental right by dint of which a person is entitled to a fair trial and due process of law. The appellant has been deprived of his indispensable fundamental right of fair trial as enshrined in Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973.
5. Same reply as offered in Para-8 of grounds above.
6. Para-6 is incorrect and that of appeal is correct.
7. Para07 is incorrect and detail reply offered in Para-4 of the facts above.
8. Para-8 is incorrect and that of appeal is correct.
9. Same reply as offered in Para-4 above.
10. No rejoinder is offered as Para is admitted by the respondents.
11. Para-11 is incorrect and that of appeal is correct.
12. Para-12 is incorrect and that of appeal is correct.

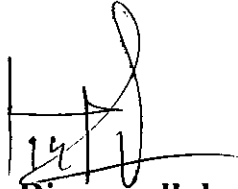
13. Para-13 is also incorrect and that of appeal is correct.
14. Para-14 is incorrect, misconceived and hence denied for the reasons that when competent Authority was not agreed with the findings of inquiry officer then he had two options either to remand the same or nominate another inquiry officer after giving reasons but he had not independent jurisdiction to award punishment as per law laid down by august Supreme Court of Pakistan in various judgments but he failed to do so.
15. Para-15 is incorrect and that of appeal is correct.
16. Para-16 is also incorrect and that of appeal is correct.
17. Para-17 is incorrect and that of appeal is correct.
18. Para-18 is also incorrect and that of appeal is correct.
19. Para-19 is incorrect and that of appeal is correct.
20. Para-20 is also incorrect and that of appeal is correct.
21. Arguments are restricted to the positions taken in the pleadings.

It is therefore, respectfully prayed that while considering the above rejoinder, the appeal may kindly be accepted with special costs.


Appellant

Through

Dated: 04-11-2019


Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar.

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No.1424/2018

1. Yasir Ali, (FC Constable) No. 4038 son of Khadim ud Din r/o Mehmoodabad Umerzai District Charsadda.

APPELLANT

VERSUS

1. The Chief Capital City Police Officer, Police Lines, Peshawar and others.

RESPONDENTS

AFFIDAVIT

I, Yasir Ali, (FC Constable) No. 4038 son of Khadim ud Din r/o Mehmoodabad Umerzai District Charsadda do hereby solemnly affirm and declare that the contents of the accompanied rejoinder are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.



DEPONENT

ATTESTED



57/11/19



OFFICE OF THE *Annex-A*
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/

1138

/19, dated Peshawar the 12/04/2019.

ORDER

This order will dispose of the Revision Petition preferred by Ex-ASI Khan Zeh No. 1509 under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) against the order of his dismissal from service passed by SSP/Operations, Peshawar vide order Endst: No. 1089-94/PA, dated 24.08.2018.

The brief, yet relevant, facts, of the case are that petitioner was dismissed from service by SSP/Operations, Peshawar vide order Endst: No. 1089-94/PA, dated 24.08.2018 on the allegations that as per findings of the preliminary enquiry conducted by SDPO Chamkani, that he while posted as I/C PP Tarnab PS Chamkani along with Constable Yasir No. 4038 and SPO Jehan Zeh No. 133, stopped a vehicle bearing registration No. 2311/SW having 18 large size Michelin tyres and subsequently released after taking bribe of Rs. 2,41,000 from the smuggler. He has a persistent reputation of being corrupt. He has been suspended twice and then dismissed from service on the charges of corruption and having links with smugglers.

His appeal was rejected by Capital City Police Officer, Peshawar vide order Endst: No. 71-77/PA, dated 07.01.2019.

On 13.03.2019, the meeting of Appellate Board was held at CPO Peshawar, wherein the petitioner was present and heard in person.

The Board examined the enquiry papers. In enquiry conducted by Enquiry Officer ASP Gulbahar, Peshawar Mr. Hassan Jehangir Watto, exonerated him in the inquiry. He was dismissed from service by SSP/Operations, Peshawar and his appeal was rejected by the Capital City Police Officer, Peshawar. The appellant appeared and produced proof of handing over the tyres to custom officer as maintained in the enquiry report.

In the absence of any solid incriminating evidence against him and as recommended by the Board the petitioner is hereby provisionally re-instated in service with the direction to hold a de-novo inquiry by an officer not below the rank of SP.

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

Attested
Appellant

(DR. MUHAMMAD ABID KHAN) PSP
Deputy Inspector General of Police, HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. S/ 1139-45/18

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar. One Service Roll, one Paaji-Missal, one Service Book and one enquiry file containing 124 pages of the above named Ex-ASI received vide your office Memo: No. 5013/EC-II, dated 21.02.2019 is returned herewith for your office record.
2. SSP/Operations, Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-III, CPO, Peshawar.

16/4/2019
12/4

Before the Honible Chairaman, NPK Service Tribunal

بعدالت

Service Appeal No. 1424/2018

(Appellant) 2019ء پنجاب

بنام Yasir Ali

vs
Chief Capital city Police
and others.

باعث تحریر آنکہ

بجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکن کارروائی متعلقہ
Peshawar کے لیے Rizwanullah

اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار دیا گیا۔ نیز
ب کوراضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
کری کرنے اجراء اور صوبائی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
مختل کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
انے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
روی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ساحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ
پور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
لہذا اوکالت نامہ لکھ دیا کہ سند ہے۔

Appellant

تقوم 30/11
ماہ September 2019
واہ الب
مقام (Peshawar) کے لئے منظور ہے
30/9/2019
Attest & accepted

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

No. 2054 /ST

Dated 26-11- / 2019

To


The Senior Superintendent of Police Operations,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 1424/2018, MR. YASIR ALI.

I am directed to forward herewith a certified copy of Judgement dated 05.11.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No.1424/2018

1. Yasir Ali, (FC Constable) No. 4038 son of Khadim ud Din r/o Mehmoodabad Umerzai District Charsadda.

APPELLANT

VERSUS

1. The Chief Capital City Police Officer, Police Lines, Peshawar.
2. The Senior Superintendent of Police, Operations, Police Lines, Peshawar.
3. The Inspector General of Police, Central Police Office, Peshawar.

RESPONDENTS

**REJOINDER ON BEHALF OF
APPELLANT IN THE ABOVE
CAPTIONED APPEAL**

RESPECTFULLY SHEWETH,

PRELIMINARY OBJECTIONS

- 1-7. All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are estopped by their own conduct to raise any objection.

FACTS

1. Para-1 is incorrect as the allegations levelled against the appellant were termed as fallacious, malicious and misconceived and elaborate reply in this respect was furnished by the appellant. Moreover, the regular inquiry was conducted in which the appellant and other employees were found innocent and it was recommended to drop the inquiry proceedings. But despite thereof, the appellant was awarded harsh and extreme penalty of dismissal from service in utter violation of law.
2. Para No. 2 is incorrect as the departmental appeal was dismissed against the spirit of administration of justice.
3. Para No.3 is also incorrect as the appellant has a good prima-facie case to invoke the jurisdiction of this Hon'ble Tribunal.

GROUND

1. Para-1 is incorrect as the impugned order was passed in utter disregard of law.
2. Same reply as offered in Para-1 of above.
3. Para-3 is incorrect, misconceived and hence, denied as regular inquiry was conducted in a manner prescribed by law in which, complainant duly participated but failed to prove the allegations levelled against appellant through

cogent and concrete evidence and as such, the appellant was exonerated of the allegations in the said inquiry. This view was also taken by the Revisional Authority while accepting the revision filed by Khan Zeb ASI. But despite thereof, the appellant was awarded major penalty.

(Copy of Revisional Order is appended as Annex-A)

4. Para-4 is incorrect as the impugned order was not passed in consonance with law.
5. Same reply as offered in Para-4 above.
6. Para-6 is incorrect as the impugned order was passed without observing legal and codal formalities.
7. Para-7 is incorrect as detail reply is offered in Para-3 above.
8. Para-8 is incorrect as the appellant was not found guilty of misconduct by the inquiry officer in regular inquiry rather exonerated him of the allegations. Thus, the impugned order was bad in law.
9. Same reply as offered in Para-8 above.

Facts

1. Para-I is incorrect as the appellant acted justly, fairly, honestly and also in accordance with law but he was awarded such penalty in utter violation of law.
2. Para-2 is incorrect and that of appeal is correct.

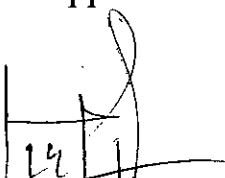
3. Same reply as furnished in para-9 of the grounds above.
4. Para-4 is incorrect as the preliminary inquiry was conducted in utter violation of law as neither the appellant was associated with the said inquiry nor any witness was examined in his presence. He was also not provided any chance of cross-examination. Similarly, he was not provided any opportunity to produce his defence in support of his version. The above defect in enquiry proceeding is sufficient to declare entire process as sham and distrustful. Right of fair trial is a fundamental right by dint of which a person is entitled to a fair trial and due process of law. The appellant has been deprived of his indispensable fundamental right of fair trial as enshrined in Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973.
5. Same reply as offered in Para-8 of grounds above.
6. Para-6 is incorrect and that of appeal is correct.
7. Para-7 is incorrect and detail reply offered in Para-4 of the facts above.
8. Para-8 is incorrect and that of appeal is correct.
9. Same reply as offered in Para-4 above.
10. No rejoinder is offered as Para is admitted by the respondents.
11. Para-11 is incorrect and that of appeal is correct.
12. Para-12 is incorrect and that of appeal is correct.

13. Para-13 is also incorrect and that of appeal is correct.
14. Para-14 is incorrect, misconceived and hence denied for the reasons that when competent Authority was not agreed with the findings of inquiry officer then he had two options either to remand the same or nominate another inquiry officer after giving reasons but he had not independent jurisdiction to award punishment as per law laid down by august Supreme Court of Pakistan in various judgments but he failed to do so.
15. Para-15 is incorrect and that of appeal is correct.
16. Para-16 is also incorrect and that of appeal is correct.
17. Para-17 is incorrect and that of appeal is correct.
18. Para-18 is also incorrect and that of appeal is correct.
19. Para-19 is incorrect and that of appeal is correct.
20. Para-20 is also incorrect and that of appeal is correct.
21. Arguments are restricted to the positions taken in the pleadings.

It is therefore, respectfully prayed that while considering the above rejoinder, the appeal may kindly be accepted with special costs.


Appellant

Through


Rizwanullah
M.A. LL.B

Dated: 04-11-2019

Advocate High Court, Peshawar.

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No.1424/2018

1. Yasir Ali, (FC Constable) No. 4038 son of Khadim ud Din r/o Mehmoodabad Umerzai District Charsadda.

APPELLANT


VERSUS

1. The Chief Capital City Police Officer, Police Lines, Peshawar and others.

RESPONDENTS

AFFIDAVIT

I, Yasir Ali, (FC Constable) No. 4038 son of Khadim ud Din r/o Mehmoodabad Umerzai District Charsadda do hereby solemnly affirm and declare that the contents of the accompanied rejoinder are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.



DEPONENT

ATTESTED





OFFICE OF THE *Annex-A*
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 1138

/19, dated Peshawar the 12/04/2019.

ORDER

This order will dispose of the Revision Petition preferred by Ex-ASI Khan Zeb No. 1509 under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) against the order of his dismissal from service passed by SSP/Operations, Peshawar vide order Endst: No. 1089-94/PA, dated 24.08.2018.

The brief, yet relevant, facts, of the case are that petitioner was dismissed from service by SSP/Operations, Peshawar vide order Endst: No. 1089-94/PA, dated 24.08.2018 on the allegations that as per findings of the preliminary enquiry conducted by SIPO Chamkani, that he while posted as I/C PP Tarnab PS Chamkani alongwith Constable Yasir No. 4038 and SPO Jehan Zeb No. 133, stopped a vehicle bearing registration No. 2311/SW having 18 large size Michelin tyres and subsequently released after taking bribe of Rs. 2,41,000 from the smuggler. He has a persistent reputation of being corrupt. He has been suspended twice and then dismissed from service on the charges of corruption and having links with smugglers.


His appeal was rejected by Capital City Police Officer, Peshawar vide order Endst: No. 71-77/PA, dated 07.01.2019.

On 13.03.2019, the meeting of Appellate Board was held at CPO Peshawar, wherein the petitioner was present and heard in person.

The Board examined the enquiry papers. In enquiry conducted by Enquiry Officer ASP Gulbahar, Peshawar Mr. Hassan Jehangir Watto, exonerated him in the inquiry. He was dismissed from service by SSP/Operations, Peshawar and his appeal was rejected by the Capital City Police Officer, Peshawar. The appellant appeared and produced proof of handing over the tyres to custom officer as maintained in the enquiry report.

In the absence of any solid incriminating evidence against him and as recommended by the Board the petitioner is hereby provisionally re-instated in service with the direction to hold a de-novo inquiry by an officer not below the rank of SP.


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


(DR. MUHAMMAD ABID KHAN) PSP
Deputy Inspector General of Police, HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. S/ 1139-45/19

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar, One Service Roll, one Pajji-Missal, one Service Book and one enquiry file containing 124 pages of the above named Ex-ASI received vide your office Memo: No. 5013/EC-II, dated 21.02.2019 is returned herewith for your office record.
2. SSP/Operations, Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-III, CPO, Peshawar.


AIG/Estt
12/4