

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 515/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09/04/2014	<p>The appeal of Mr. Shaheed Ur Rehman presented today by Mr. Shahid Qayum Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	14-4-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>9-5-2014</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

Appeal No. 515/2014
Mr. Shahed-ur-Rehman,

3. 09.05.2014

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 01.01.2014, he filed departmental appeal on 06.01.2014, which has not been responded within the statutory period of 90 days, hence the present appeal on 09.04.2014. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. Appellant has also filed an application for suspension of the impugned order dated 01.01.2014. Notice of application should also be issued to the respondents for reply/arguments. To come up for written reply/comments on main appeal on 04.08.2014 as well as reply/arguments on application on 11.06.2014.

Appellate Court Fee
200/- Bank
Receipt No. 101/14
Filed

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Member

This case be put before the Final Bench T for further proceedings.

[Handwritten signature]
Chairman

4. 09.05.2014

[Handwritten signature]
23/05/2014

23.5.2014

Counsel for the appellant and AAG for the respondents present. The learned counsel for the appellant moved application for early hearing of the appeal as well as amendment in the appeal or withdrawal of the appeal with permission to file fresh one. On the application of the learned counsel for the appellant, the appeal was requisitioned. The learned counsel for the appellant stated that the appellate authority i.e DIG of Police, Kohat Region, Kohat (respondent No. 2) has modified the order of the competent authority and converted the penalty of compulsory retirement into that of one step reversion to the rank of constable vide order dated 19.5.2014. Since order of the appellate authority has not only changed nature of the penalty but also nature of the appeal, amendment in the appeal may not serve the purpose, and the appellant is, therefore, allowed to withdraw the appeal, with permission to file a fresh appeal within the period of limitation prescribed by the law for the purpose. The appeal is disposed of accordingly, with no order as to costs.

ANNOUNCED
23.5.2014

[Handwritten signature]
Chairman

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 515 /2014

Shaheed Ur Rehman..... Appellant

Versus


Provincial Police Officer and others..... Respondents

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Appellant

Through


Shahid Qayum Khattak
Advocate, High Court
Peshawar

Dated: /04/2014

Mob No: 0333-9195776

①

**BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. 515 /2014

Shaheed Ur Rehman S/o Gul Adam Khan R/o Village

Shah Qaiser Banda Takht-e-Nasrati Karak..... Appellant

Versus

1. Provincial Police Officer/ Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police Kohat Region, Kohat.
3. District Police Officer, Karak
4. Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar

Khyber P. Prov
No. 532
09/4/2014

.....Respondents

u/s-4 of the Service Tribunal Act 1974.
APPEAL/AGAINST THE ORDER DATED 01/01/2014 PASSED BY
RESPONDENT NO. 1 BY WHICH MAJOR PENALTY OF
COMPULSORY RETIRMENT FROM SERVICE HAS BEEN
AWARDED TO THE APPELLANT AND THE REPRESENTATION OF
THE APPELLANT FILED ON 06/01/2014 HAS NOT YET BEEN
DECIDED BY THE RESPONDENT NO. 2

PRAYER

On accepting this service appeal, the impugned order bearing OB No. 10 dated 01/01/2014 may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable in the eyes of law and the appellant may please be reinstated on his post with all back benefits of pay and service.

Respectfully Sheweth;

1. That appellant joined police department as constable in the year, 1995 and has rendered satisfactory service in the Department for the last 18 long years and has earned promotion to the rank of Head Constable and performed his duties with full zeal and enthusiasm.

9/4/14

9/4/14

(2)

2. That respondent No. 3 issued a charged sheet to the appellant on 10/12/2013 containing the allegation of corruption and numerous bad entries in the service record which has properly been replied by the appellant on 16/12/2013. (Copies of charge sheet and reply are attached)
3. That after the reply of appellant an enquiry was conducted fully exonerated him from the allegation leveled in the charged sheet. (Copy of the enquiry report is attached)
4. That after the receipt of the enquiry report respondent No. 3 issued the impugned order dated 01/01/2014 by awarding major penalty of compulsory retirement from service contrary to the rules and regulation. (Copy Impugned order dated 01/01/2014 is attached)
5. That Appellant filed representation against the said order to respondent No. 2 on 06/01/2014 but so far the same has not been decided by the leaned respondent No. 2. The ground taken in the the same may please be considered as an integral part of this appeal (Copy of representation is attached)
6. That as the statutory period for filling Appeal is expiring hence, the petitioner filling this appeal on the following amongst other grounds inter alia:

GROUNDS:

- a. That the impugned orders is illegal, unlawful, without authority, based on mala fide, void abinitio thus untenable in the eyes of law and is liable to be set aside.
- b. That the order of respondent No. 3 is very much harsh and is against the principle of natural justice.
- c. That the respondent No. 3 has not issue any show cause notice nor any proper opportunity of hearing has been provided to appellant thus the impugned order is nullity in the eyes of law and is liable to be set aside.

S/A

③

- d. That as per enquiry report allegation leveled in the charge sheet has not been proved but still respondent No. 3 has passed an order on the basis of mere allegation based on rumors. It is pertinent to mention that casualness and irresponsible attitude of the respondent and enquiry officer has to be seen that all the proceeding has been taken against appellant mentioning his wrong name.
- e. That the case of appellant has been treated in very arbitrary manners and no evidence what so ever has been brought on record to substantiate the allegation leveled against appellant.
- f. That the impugned order has been passed in violation of law and rules of disciplinary proceedings and principles of natural justice. Enquiry officer has reported in clear terms that charges of corruption did not stand proved as evidence of any kind was not procured in support of the charges. The authority wrongly and malafidly based the impugned order on assessments and speculations, therefore the impugned order is bad in law.
- g. That the opinion of enquiry officer that there were rumors about the involvement of appellant in corruption has no legal value because enquiry proceedings are quasi judicial proceedings therefore it was incumbent upon enquiry officer to probe into the allegations and find out the truth in the light of concrete evidence. In the absence of any proof, the opinion of enquiry officer was against the settled principles governing disciplinary proceedings.
- h. That the enquiry officer in very explicit words has reported that no evidence has been procured to establish the charge and only opined that there were rumors about the involvement of appellant in corruption. District Police Officer Karak imposed major penalty of compulsory retirement from service on appellant on basis of unfounded and baseless assessments. Under the law punishment in departmental proceedings should always be commensurate to the guilt proved through substantive peace of evidence during enquiry.
- i. That the enquiry proceedings against appellant suffered from gross infirmities, illegalities and irregularities as no evidence

~~9/10~~

(4)

what so ever has been produce or cited in the enquiry report nor any witness has been examined before the appellant.

- j. That order passed is with mala fide intention as the good entries recorded in the services recorded of appellant has not been considered at all rather bad entries which with due respect are not available in the record of appellant has been discussed by the respondent. Therefore the impugned order is not sustainable under the law.
- k. That the authority went beyond the scope in accepting the opinion of enquiry officer based on assessments and speculations rather the enquiry officer explicitly stated that no evidence available against appellant. The authority did not examine the departmental file in the light of real controversy.
- l. That the impugned order has been based on hallowed and unfounded assessments of enquiry officer who was otherwise not competent to conduct enquiry, therefore the order is worth set aside.
- m. That no final show cause notice was issued to appellant which is mandatory under the law. Similarly appellant was not personally heard and no opportunity of defense has been provided to appellant.
- n. That That worthy provincial police officer had issued clear order No. 6505-25/OS (Ops) dated 17.08.2013 for disposal of such enquires through committee constituted as provincial and regional level while the case of appellant was disposed of by District Police Officer in violation of above orders. (Copy attached)
- o. That finding of the enquiry officer shows that nothing has been established against appellant which could connect him with the alleged allegation of corruption as no evidence has been collected by the inquiry officer. Mere allegation or opinion does not means that the appellant was involved in corruption thus the impugned order is not tenable in the eyes of law.

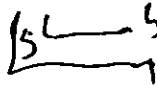
SA

5

- p. That impugned order dated 01/01/2014 is suffered from gross infirmities, illegality , based on no evidence totally contradictory to the enquiry report.
- q. That the learned respondent has not taken into consideration that the rules under which the appellant has been charged are not applicable on him.
- r. That the act of respondent is totally based on discrimination undue victimization.


It is, therefore, most humbly prayed that by accepting this service appeal, the impugned order bearing OB No. 10 dated 01/01/2014 may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable in the eyes of law and the appellant may please be reinstated on his post with all back benefits of pay and service.

Any other relief not specifically prayed for but deem appropriate in the circumstances of the case may also be granted.




Appellant

Through


Shahid Qayum Khattak
Advocate, High Court
Peshawar

Dated: /04/2014

Certified that as per instruction of my client no such appeal has been filed before this Hon'ble Forum.


Advocate

6

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2014

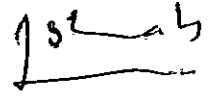
Shaheed Ur Rehman..... Appellant

Versus


Provincial Police Officer and others..... Respondents

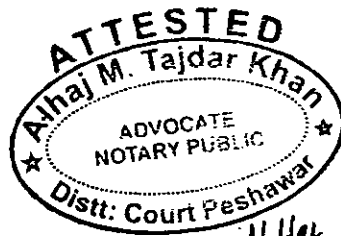
Affidavit


I, Shaheed Ur Rehman S/o Gul Adam Khan R/o Village Shah Qaiser Banda Takht-e-Nasrati Karak, do hereby solemnly affirm and declare on Oath that the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.


Deponent

Identified by


Shahid Qayum Khattak
Advocate




9/4/2014

7

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2014

Shaheed Ur Rehman..... Appellant

Versus

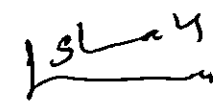
Provincial Police Officer and others..... Respondents

APPLICATION FOR SUSPENSION OF THE IMPUGNED ORDER
DATED 01/01/2014 TILL THE FINAL DISPOSAL OF THIS CASE

Respectfully Sheweth;

1. That the above noted case has been filed before this Hon'ble Forum in which no date of hearing is yet fixed.
2. That the applicants/appellants has got a good prima facie case in his favor and balance of convenience also lies in her favor
3. That if the order dated 01/01/2014 has not been suspended till the disposal of this Appeal then the applicant/ appellants would suffer an irreparable loss and damages.
4. That the grounds of main Petition may please also be considered as integral part of this application.

It is, therefore, respectfully prayed that by accepting this application impugned order dated 01/01/2014 may please be suspended till the final decision of the case.


Applicant/Appellant

Through


Shahid Qayum Khattak
Advocate, Peshawar

8

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2014

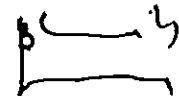
Shaheed Ur Rehman Appellant

Versus


Provincial Police Officer and others.....Respondents

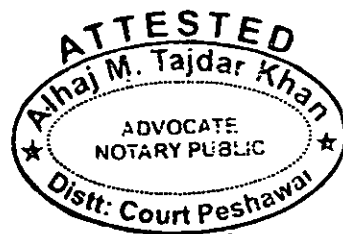
Affidavit


I, Shaheed Ur Rehman S/o Gul Adam Khan R/o Village Shah Qaiser Banda Takht-e-Nasrati Karak , do hereby solemnly affirm and declare on Oath that the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.


Deponent

Identified by


Shahid Qayum Khattak
Advocate




9/4/2014

9

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2014

Shaheed Ur Rehman Appellant

Versus

Provincial Police Officer and others..... Respondents

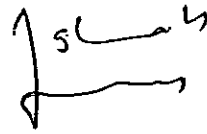
ADDRESS OF THE PARTIES

APPELLANT

Shaheed Ur Rehman S/o Gul Adam Khan R/o Village Shah Qaiser
Banda Takht-e-Nasrati Karak

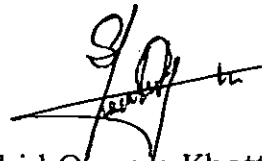
RESPONDENTS

1. Provincial Police Officer/ Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police Kohat Region, Kohat.
3. District Police Officer, Karak
4. Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar



Appellant

Through



Shahid Qayum Khattak
Advocate, High Court
Peshawar

Dated: /04/2014

(10)

No. 17070 TEC

Dated 10/12/2013

CHARGE SHEET

I, Aliq Ullah Khan Wazir, District Police Officer, Karak as competent authority, hereby charge you Head Constable Shahid Zaman No.826 Police Station Latambar as follow:-

"You Head Constable Shahid Zaman No.826 carry bad reputation for corruption. Furthermore your service record carries numerous bad entries, which show your inefficiency, misconduct and ill reputation"

2. By reason of your commission / omission, constitute miss-conduct under Police disciplinary rules-1975 and have rendered your-self liable to all or any of the penalties specified in Police rules-1975 ibid.

3. You are, therefore, required to submit your written defense within 07-days of the receipt of this charge sheet to the enquiry Officer Mr. Gul Jannat Khan SDPO Takht-e-Nasrati Your written defense if any should reach the Enquiry Officers within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

4. Intimate whether you desire to be heard in person.

5. A statement of allegation is enclosed.

13/12/13

ATTESTED TO BE TRUE COPY

District Police Officer, Karak

10-A

BETTER COPY

Dated 10/12/2013

CHARGE SHEET

I Atiq Ullah Khan Wazir, District Police Officer, Karak as competent authority hereby charge you Head Constable Shahid Zaman No. 826 Police Station Latambar as follow:

“ You Head Constable Shahid Zaman No. 826 carry bad reputation for corruption. Furthermore your service record carries numerous bad entries which show your inefficiency, misconduct and ill reputation.

2. By reason of your commission / omission, constitute miss-conduct under Police disciplinary rules-1975 and have rendered your self liable to all or any of the penalties specified in Police rules-1975 ibid.
3. You are, therefore, required to submit your written defense within 07- days of the of the receipt of this charge sheet to the enquiry Officer Mr. Gul Jamal Khan SDPO Takt-e-Nasrati. Your written defense if any should reach the Enquiry Officers within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
4. Intimate whether you desire to be heard in person.
5. A statement of allegation is enclosed.

District Police Officer Karak

13/12/13
ATTESTED TO BE TRUE COPY

(11)

No. _____ /EC
Dated _____ /2013

DISCIPLINARY ACTION

1. I, Atiq Ullah Khan Wazir Police Officer, Karak as competent authority, is of the opinion that Head Constable Shahid Zaman No.826 Police Station Latambar has rendered him liable to be proceeded against departmentally on the charges of committing misconduct and negligence in duty.

Head Constable Shahid Zaman No.826 carries bad reputation for corruption. Furthermore his service record carries numerous bad entries, which show his inefficiency, misconduct and ill reputation.

2. The enquiry Officer Mr. Gul Jamal SDPO Takht-e-Nasrati shall in accordance with provision of the Police disciplinary rules-1975 may provide reasonable opportunity of hearing to the accused official, record his finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

3. The accused official shall join the proceeding on the date, time and place fixed by the enquiry committee.

(Signature)
District Police Officer, Karak

No. 17071-72 /EC.(enquiry), dated 10/12 /2013

Copy to:-

1. The enquiry Officer for initiating proceeding against the accused under the Provision of Police disciplinary rules-1975.
2. Head Constable Shahid Zaman No.826 Police Station Latambar.

(Signature)
ATTESTED TO BE TRUE COPY

11-A

BETTER COPY

DISCIPLINARY ACTION

1. I, Atiq Ullah Wazir Police Officer, Karak, as competent authority is of the opinion that Head Constable Shahid Zaman No. 826 Police Station Latambar has rendered him liable to be proceeded against departmentally on the charges of committing misconduct and negligence in duty.

“ Head Constable Shahid Zaman No. 826 carries bad reputation for corruption. Furthermore his service record carries numerous bad entries which show his inefficiency, misconduct and ill reputation.

2. The enquiry Officer Mr. Gul Jamal SDPO Takht-e-Nasrati shall in accordance with provision of the Police disciplinary rules-1975 may provide reasonable opportunity of hearing to the accused official, record his finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.
3. The accused official shall join the proceeding on the date, time and place fixed by the enquiry committee.

District Police Officer, Karak

No. 17071-72/EC(enquiry), dated 10/12/2013

Copy to :-

1. The enquiry Officer for initiating proceeding against the accused under the provision of Police disciplinary rules-1975.
2. Head Constable Shahid Zaman No. 826 Police Station Latambar.

15/12/13
ATTESTED TO BE TRUE COPY

ORDER

(15)

This Order is passed on the departmental enquiry against HC Shahid Zaman No.826 of this District Police leading to the present departmental proceedings are as follows:-

According to the charge sheet, HC Shahid Zaman No.826 carried bad reputation for corruption and also carries numerous bad entries in his service record, which clearly show inefficiency misconduct and ill reputation on his part.

Charge Sheet and Statement of allegation based on above allegations were served upon the defaulter HC Shahid Zaman No.826. Mr. Gul Jamal Khan, SDPO Takht-e-Nasrati was appointed as enquiry Officer to scrutinize the conduct of HC Shahid Zaman No.826 with reference to the charges leveled against him.

The Enquiry Officer conducted departmental enquiry, during the course of which he obtained land record and bank accounts in the name of defaulter H.C which proved nothing on his part. However, the enquiry officer recommended him as corrupt on the basis of general reputation and public perception for appropriate action.

From the perusal of available record, recommendations of enquiry officer and verbal information given by local Officers of special Branch and I.B about his corrupt reputation and received on transfer from Kohat District to this District on the complaint of involvement in mugging, malpractices and corruption vide Deputy Inspector General of Police, Kohat Region, Kohat Order Endst.No: 3258-63/EC, dated 02.05.2013, the undersigned being competent authority under Rule-3 of NWFP now Khyber Pakhtunkhwa Police Rules 1975, am satisfied that the defaulter H.C is an Official of ill repute and remained involved in misuse of powers during his longer service of 18- years in Police Organization, hence in exercise of powers vested in me under rule 5(5) of the rules ibid, he is awarded major penalty of compulsory retirement from service with immediate effect.

OB No. 10

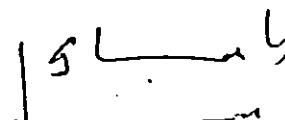
Dated 01-01/2014


District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER, KARAK

No. 22- /EC, dated Karak the 01-01 /2014.

Copy of above is submitted to the Deputy Inspector General of Police, Kohat Region Kohat for favour of information w/r to his Office Endst.No.1364-66/C-Cell, dated 22.08.2013.


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ATTESTED TO BE TRUE COPY


District Police Officer, Karak

15-A

BETTER COPY

ORDER

This order is passed on the departmental enquiry against HC Shahid Zaman No. 826 of this District Police leading to the present departmental proceedings are as follows:-

According to the charge sheet, HC Shahid Zaman No. 826 carried bad reputation for corruption and also carries numerous bad entries in his service record, which clearly show inefficiency, misconduct and ill reputation on his part.

Charge Sheet and Statement of allegation based on above allegation were served upon the defaulter HC Shahid Zaman, Mr Gul Jamal Khan, SDPO Takht-e-Nasrati was appointed as enquiry Officer to scrutinize the conduct of HC Shahid Zaman with reference to the charge leveled against him.

The enquiry Officer conducted departmental enquiry, during the course of which he obtained land record and bank accounts in the name of defaulter H.C which prove nothing on his part. However, the enquiry officer recommended him as corrupt on the basis of general reputation and public perception for appropriate action.

From the perusal of available record, recommendations of enquiry officer and verbal information given by local Officers of special Branch and I.B about his corrupt reputation, the undersigned being competent authority under Rule-3 of NWFP now Khyber Pakhtunkhwa Police Rules 1975, am satisfied that that the defaulter H.C is an officer of ill repute and remained involved in misuse of powers during his long service of 25 years in Police Organization, hence in exercise of powers vested in me under rule 5(5) of the rules ibid, he is awarded major penalty of compulsory retirement from service with immediate effect.

OB No. 7
Dated 01/01/2014

District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER, KARAK

No. 22 /EC, dated karak the 01/01/2014

Copy of above is submitted to Deputy Inspector General of Police, Kohat Region Kohat for favour of information w/r to his Office Ends: No. 1364-66/C-Cell, Dated 22.08.2013.

15

ATTESTED TO BE TRUE COPY

District Police Officer, Karak

(16)

To

**THE DEPUTY INSPECTOR GENERAL OF POLICE
KOHAT REGION, KOHAT**

SUBJECT: REPRESENTATION

Appellant very humbly submits as follows:-

1. That appellant had joined Police department as constable in the year 1995 and was noted for good performances. In view of possessing unblemished record of service and being a professional constable, appellant was promoted to the rank of Head constable against the quota reserved for illiterate constables.
2. That appellant was transferred from district Kohat to Karak where faced charges of corruption and bearing ill-reputation. Appellant submitted detailed reply contending there in that appellant being illiterate Head Constable has never been assigned in independent charge of any post. Appellant is not living beyond his income resources and possessing no movable and immovable property and Zero Bank balance, therefore involvement of appellant in corruption is out of question.
3. That the enquiry officer failed to procure evidence in support of the charges and mala fidely reported that there were rumours about the involvement of appellant in corruption.
4. That district Police officer, Karak imposed major penalty of compulsory retirement from service on appellant vide order bearing DB N/O 10 dated 01/01/2014. Hence this representation on the following grounds.

GROUNDS

S. S. S.

ATTESTED TO BE TRUE COPY

- a. That the impugned order has been passed in violation of principles of governing disciplinary proceedings and natural Justice. Enquiry officer has reported in clear terms that the charges of corruption did not stand proved as evidence of any kind was not procured in support of the charges. The authority without going through the enquiry report and evaluating the evidence on record, issued the impugned order.
- b. That the enquiry officer has reported that no evidence was procured during enquiry to establish the charges of corruption and mal practice. Under the law punishment in disciplinary proceedings should always be commensurate to the guilt proved. Therefore the impugned penalty has wrongly and mala fidely been imposed on appellant.
- c. That the opinion of enquiry officer that there were rumours about bad reputation of appellant had no legal value because enquiry proceedings are quasi judicial

proceedings therefore it is incumbent upon enquiry officer to probe into the allegation and find out the truth. Hence in the absence of proof charge of corruption and mal practice the alleged opinion of enquiry officer is contrary to the settled principles of law and rules.

- d. That appellant was constable and later on promoted as illiterate Head Constable and has never been assigned duties of station clerk or incharge of police post. Appellant rendered the entire service under the command and control of senior and supervision officer. Therefore action against appellant with out complaint on the part of senior and supervisory officer was manifest injustice.
- e. That the enquiry proceedings carried out against appellant suffered from gross infirmities such as non production of any evidence in rebuttal of defense plea of appellant and non examination of any witness in presence of appellant.
- f. That good entries recorded in service record of appellant have completely ignored. Again there is no bad entry in service record of appellant relating to the charges. Therefore the impugned order is not tenable under the law.
- g. That the authority went beyond the scope to in accepting the opinion of enquiry officer as it was based on rumours. The authority did not examine the departmental file in the light of rule controversy.
- h. That the impugned order has been based on unfounded assessment and speculations therefore the impugned order is worth set aside.

It is therefore requested that the impugned order may be set aside and appellant may be re-instated in service with all back benefits.

Yours Obediently,



SHAHEED UR REHMAN
Ex- HC No. 826
R/O Vill Shah Qaiser Banda
Takht-e-Nasrati Karak

06/01/2014

↓
S
ATTESTED TO BE TRUE COPY

(18)

BETTER COPY

From : the Inspector General of Police,
Khyber Pakhtunkhwa.

To: The Capital City Police Officer,
Peshawar

All Regional Police Officers,
Khyber Pakhtunkhwa

All District Police Officers,
Khyber Pakhtunkhwa

No. 6505-25/OS(Ops)

Dated 17.08.2013

Subject:- ERADICATION OF CORRUPTION

Memo:

This is in continuation of correspondence on the subject .

2. All senior officers have powers to take disciplinary action against inefficiency , misconduct and corruption of their subordinates. Chief Minister Khyber Pakhtunkhwa has ordered strict and prompt action against all corrupt police officers / officials in line with _____ of KPK government against corruption an institutionalize mechanism has been devised by KPK Police to deal with corrupt officers/ officials. For the purpose Police Accountability Commission at CPO level and Regional Disciplinary Committees at RPOs level are established. The commission and committees will complete their task within 30 days and submit report to Provincial Police Officer.

3. Detail about composition and functions along with working mechanism of Police Accountability Commission and Regional Disciplinary Committees is as under.

a. Police Accountability Commission

Composition
Addl IG HQrs
DIG HQrs
DIG Enquiries & Inspections
AIG Establishment
AIG Legal

Functions

Review of recommendations of Regional Disciplinary Committees
Monitoring of all major and minor punishment including removal retirement and lay off from service.
Review and assessment of administrative, disciplinary , appellate actions
Retention policy for inefficient and corrupt officers / officials

b. Regional Disciplinary Committees

Composition
RPO
All DPSs in the Region
SSP Special Branch

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Functions

Report about reputation and assets from intelligence agencies
Identification of corrupt and inefficient officers / officials
Scrutiny of service, punishment and appeal record.

c. Mechanism

- Step 1: Review of service record of police officer (ASI or DSP) by RDCs
- Step 2: Seeking reports about reputation and asset from intelligence agencies by RDCs
- Step 3: Recommendation by RDCs to the commission
- Step 4: Evaluation of the recommendations by the commission and direction to disciplinary authorities.
- Step 5: Action by Disciplinary authorities.
- Step 6: Final report by the Police accountability commission and Regional Disciplinary committees

4. All concerned are required to take immediate steps for formation, functioning and reports of Police Accountability Commission and Regional Disciplinary Committees under intimation to DIG Hqrs.

5. This issues with approval of inspector General Police.

(MIAN MUHAMMAD ASIF) PSP
Addl: IGP, Ops

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بیمائی - سولہ مارچ ۱۹۹۵ء / EC/17070 وین 12/13 مئی ۱۹۹۵ء

سال ۱۹۹۵ میں جی کہ لوہے میں کوئی ہوا اور جھے مارڈری اور

آؤں کا سائز پرین لیسٹ (11) C پر لگایا۔ کوئل 19 میل

دلوزف میں جھے کسی قسم کی سڑا یا پھوس اور آؤں نے

نہیں دیا ہے۔ بلکہ آ جھے مارڈری کی بنا پر جھے کوئی سڑا

اور سولہ مارچ آؤں بالانے دیا ہے۔ فقوہ لک ہے اور لکھ

کھانا اچال نامہ / کھانا انڈری وجود ہے

صراک والے آؤں کا نام ہے۔ سال ۱۹۹۲ سے سال ۲۰۱۳ تک میں

آؤں اور دہانڈا آؤں اور ڈریا۔ مگر اچال نامہ اور ایسے اور آؤں

کا نام لکھ کر دیوں۔ میں کسی طرح نہیں لکھ سکتا تھا

تقریباً میں لکھ گیا۔ جھے آؤں بالانے نہیں جھے پڑھنے بارے

میں کوئی کچھ لکھ کر لکھ گیا۔ میں لکھ گیا

میں کوئی کچھ لکھ کر لکھ گیا۔ میں لکھ گیا

میں کوئی کچھ لکھ کر لکھ گیا۔ میں لکھ گیا

میں کوئی کچھ لکھ کر لکھ گیا۔ میں لکھ گیا

میں کوئی کچھ لکھ کر لکھ گیا۔ میں لکھ گیا

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جناب عالی :- بحوالہ چارج ٹیبٹ نمبری 17074/EC مورخہ 10/13/12 عہدہ

خدمت ہوں کہ میں سال 1995ء میں محکمہ پولیس میں بھرتی ہوا۔ اور
مجھے کارگزاری اور آفسران کی سفارشات پر میں لیسٹ ڈاؤن پر
لا یا گیا۔ کچھ عرصے بعد 19 سال ملازمت میں مجھے کسی قسم کی ترقی نہ مل سکی
ایدیورس رپورٹ آفسران نے نہیں دیا ہے۔ بلکہ مجھے کارگزاری
کی بنیاد پر مجھے تقریفی سرٹیفکیٹ اور نقد انعامات آفسران بالا
نے دی ہے۔ نقولتلف ہے۔ اور ریکارڈ اعمال نامہ پر Good
انٹرفی موجود ہے۔

جناب والد۔ بہت افسوس کی بات ہے کہ سال 1995ء سے سال 2013ء

تک میں اچھا اور دیانتدار پولیس آفسر تھا۔ مگر اچانک بدنام
ہو کر ایسے الزامات کا سامنا کر رہا ہوں۔ میں کسی خاص عہدہ
پر میری تعیناتی نہیں ہوئی ہے۔ پھر کرپشن میں کیسے کیا جبکہ
آفسران بالا نے بھی مجھے کرپشن کے بارے میں کوئی تحریری
نوٹس یا رپورٹ نہیں دیا ہے۔

میں نے کوئی جائیداد نہیں خریدی ہے۔ نہ ہی میرا کوئی ٹیک
پلینس ہے۔ والد صاحب کے گھر میں رہائش پذیر ہوں
اور عام دیپاتی زندگی بسر کر رہا ہوں۔

میرا عمل نامہ صاف اور شفاف ہے۔ مجھے اچھی کارکردگی
کی بنیاد پر آفسران نے مجھے نقد انعامات اور سرٹیفکیٹ سے
تواڑہ ہے۔ سرٹیفکیٹ تلف ہے۔

سید محمد عرفان صاحب
 نے بیاد میں لکھا ہے کہ
 زائد سے زائد ہے
 کا ذکر ہے کہ
 کا ذکر ہے کہ

محمد عرفان صاحب
 نے بیاد میں لکھا ہے کہ
 کا ذکر ہے کہ

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(13-A)

میرے خلاف چارج شیٹ میں لگائے گئے الزامات مکمل
بے بنیاد ہیں۔ اور منگھڑت الزامات کا سامنا کر رہا ہوں

لہذا استدعا ہے کہ جلد الزامات سے مجھے بری الزام فرار
ڈپاکر چارج شیٹ مذید کسی کارروائی کے داخل دفتر مرمایا جاوے

الصادق

شہد الرحمان نمبر 826 متعلقہ نمبر

16/2/13

اس

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فائبرنگ

جناب عالی

مخال امرڈر نمبر EC 72/17071-72 حرم 13، 12، 10، 11، 12، 13، 14، 15، 16، 17، 18، 19، 20، 21، 22، 23، 24، 25، 26، 27، 28، 29، 30، 31، 32، 33، 34، 35، 36، 37، 38، 39، 40، 41، 42، 43، 44، 45، 46، 47، 48، 49، 50، 51، 52، 53، 54، 55، 56، 57، 58، 59، 60، 61، 62، 63، 64، 65، 66، 67، 68، 69، 70، 71، 72، 73، 74، 75، 76، 77، 78، 79، 80، 81، 82، 83، 84، 85، 86، 87، 88، 89، 90، 91، 92، 93، 94، 95، 96، 97، 98، 99، 100، 101، 102، 103، 104، 105، 106، 107، 108، 109، 110، 111، 112، 113، 114، 115، 116، 117، 118، 119، 120، 121، 122، 123، 124، 125، 126، 127، 128، 129، 130، 131، 132، 133، 134، 135، 136، 137، 138، 139، 140، 141، 142، 143، 144، 145، 146، 147، 148، 149، 150، 151، 152، 153، 154، 155، 156، 157، 158، 159، 160، 161، 162، 163، 164، 165، 166، 167، 168، 169، 170، 171، 172، 173، 174، 175، 176، 177، 178، 179، 180، 181، 182، 183، 184، 185، 186، 187، 188، 189، 190، 191، 192، 193، 194، 195، 196، 197، 198، 199، 200، 201، 202، 203، 204، 205، 206، 207، 208، 209، 210، 211، 212، 213، 214، 215، 216، 217، 218، 219، 220، 221، 222، 223، 224، 225، 226، 227، 228، 229، 230، 231، 232، 233، 234، 235، 236، 237، 238، 239، 240، 241، 242، 243، 244، 245، 246، 247، 248، 249، 250، 251، 252، 253، 254، 255، 256، 257، 258، 259، 260، 261، 262، 263، 264، 265، 266، 267، 268، 269، 270، 271، 272، 273، 274، 275، 276، 277، 278، 279، 280، 281، 282، 283، 284، 285، 286، 287، 288، 289، 290، 291، 292، 293، 294، 295، 296، 297، 298، 299، 300، 301، 302، 303، 304، 305، 306، 307، 308، 309، 310، 311، 312، 313، 314، 315، 316، 317، 318، 319، 320، 321، 322، 323، 324، 325، 326، 327، 328، 329، 330، 331، 332، 333، 334، 335، 336، 337، 338، 339، 340، 341، 342، 343، 344، 345، 346، 347، 348، 349، 350، 351، 352، 353، 354، 355، 356، 357، 358، 359، 360، 361، 362، 363، 364، 365، 366، 367، 368، 369، 370، 371، 372، 373، 374، 375، 376، 377، 378، 379، 380، 381، 382، 383، 384، 385، 386، 387، 388، 389، 390، 391، 392، 393، 394، 395، 396، 397، 398، 399، 400، 401، 402، 403، 404، 405، 406، 407، 408، 409، 410، 411، 412، 413، 414، 415، 416، 417، 418، 419، 420، 421، 422، 423، 424، 425، 426، 427، 428، 429، 430، 431، 432، 433، 434، 435، 436، 437، 438، 439، 440، 441، 442، 443، 444، 445، 446، 447، 448، 449، 450، 451، 452، 453، 454، 455، 456، 457، 458، 459، 460، 461، 462، 463، 464، 465، 466، 467، 468، 469، 470، 471، 472، 473، 474، 475، 476، 477، 478، 479، 480، 481، 482، 483، 484، 485، 486، 487، 488، 489، 490، 491، 492، 493، 494، 495، 496، 497، 498، 499، 500، 501، 502، 503، 504، 505، 506، 507، 508، 509، 510، 511، 512، 513، 514، 515، 516، 517، 518، 519، 520، 521، 522، 523، 524، 525، 526، 527، 528، 529، 530، 531، 532، 533، 534، 535، 536، 537، 538، 539، 540، 541، 542، 543، 544، 545، 546، 547، 548، 549، 550، 551، 552، 553، 554، 555، 556، 557، 558، 559، 560، 561، 562، 563، 564، 565، 566، 567، 568، 569، 570، 571، 572، 573، 574، 575، 576، 577، 578، 579، 580، 581، 582، 583، 584، 585، 586، 587، 588، 589، 590، 591، 592، 593، 594، 595، 596، 597، 598، 599، 600، 601، 602، 603، 604، 605، 606، 607، 608، 609، 610، 611، 612، 613، 614، 615، 616، 617، 618، 619، 620، 621، 622، 623، 624، 625، 626، 627، 628، 629، 630، 631، 632، 633، 634، 635، 636، 637، 638، 639، 640، 641، 642، 643، 644، 645، 646، 647، 648، 649، 650، 651، 652، 653، 654، 655، 656، 657، 658، 659، 660، 661، 662، 663، 664، 665، 666، 667، 668، 669، 670، 671، 672، 673، 674، 675، 676، 677، 678، 679، 680، 681، 682، 683، 684، 685، 686، 687، 688، 689، 690، 691، 692، 693، 694، 695، 696، 697، 698، 699، 700، 701، 702، 703، 704، 705، 706، 707، 708، 709، 710، 711، 712، 713، 714، 715، 716، 717، 718، 719، 720، 721، 722، 723، 724، 725، 726، 727، 728، 729، 730، 731، 732، 733، 734، 735، 736، 737، 738، 739، 740، 741، 742، 743، 744، 745، 746، 747، 748، 749، 750، 751، 752، 753، 754، 755، 756، 757، 758، 759، 760، 761، 762، 763، 764، 765، 766، 767، 768، 769، 770، 771، 772، 773، 774، 775، 776، 777، 778، 779، 780، 781، 782، 783، 784، 785، 786، 787، 788، 789، 790، 791، 792، 793، 794، 795، 796، 797، 798، 799، 800، 801، 802، 803، 804، 805، 806، 807، 808، 809، 810، 811، 812، 813، 814، 815، 816، 817، 818، 819، 820، 821، 822، 823، 824، 825، 826، 827، 828، 829، 830، 831، 832، 833، 834، 835، 836، 837، 838، 839، 840، 841، 842، 843، 844، 845، 846، 847، 848، 849، 850، 851، 852، 853، 854، 855، 856، 857، 858، 859، 860، 861، 862، 863، 864، 865، 866، 867، 868، 869، 870، 871، 872، 873، 874، 875، 876، 877، 878، 879، 880، 881، 882، 883، 884، 885، 886، 887، 888، 889، 890، 891، 892، 893، 894، 895، 896، 897، 898، 899، 900، 901، 902، 903، 904، 905، 906، 907، 908، 909، 910، 911، 912، 913، 914، 915، 916، 917، 918، 919، 920، 921، 922، 923، 924، 925، 926، 927، 928، 929، 930، 931، 932، 933، 934، 935، 936، 937، 938، 939، 940، 941، 942، 943، 944، 945، 946، 947، 948، 949، 950، 951، 952، 953، 954، 955، 956، 957، 958، 959، 960، 961، 962، 963، 964، 965، 966، 967، 968، 969، 970، 971، 972، 973، 974، 975، 976، 977، 978، 979، 980، 981، 982، 983، 984، 985، 986، 987، 988، 989، 990، 991، 992، 993، 994، 995، 996، 997، 998، 999، 1000

مذکورہ کو ریلیم انگریزی دفتر حتمی طلب کیا گیا۔ مذکورہ بڑے انگریزی دفتر حاتم کر جیٹ ایک تحریری بیان حوالہ کر کے جو پیمبر لوف اور قابل ملاحظہ ہے۔

مذکورہ اپنے تحریری بیان میں ظاہر کیا کہ وہ سال 1995ء کا پوری شدہ ہے ایک اچھے کارکردہ پر آئین بالا صاحبان نے اسے لکھ کر بھی لیا ہے۔

انگریزی سرس اسے بھی لکھا ہے اور اسے ایڈورس رپورٹ دیا گیا ہے۔ بلکہ آئین بالا کا طرف تعریفی اسناد اور نقد انعامات ملے ہیں۔

مذکورہ ہی بتلایا ہے کہ اس کے نام پر جائیداد نہیں ہے اور اس کا ایک بیٹا ہے وہ اپنے والد کی باق رہائش رکھتا ہے اور اپنا اعالم بھی ہمارے شتاف بتلایا ہے اور اس کے خلعہ کرپشن کے بارے میں لکھے گئے الزامات بے بنیاد بیان کیے ہیں اور تعریفی اسناد کن تقولات بھی پیش کرتے ہیں لطف ہے۔

مذکورہ نے اعالم سے ایک لکھ اور لکھ B اندراجات دفتر پریس کر کے طلب کر کے جو پیمبر لوف اور قابل ملاحظہ ہے۔

مذکورہ کے خلعہ دوران انگریزی کوئی تحریر یا ٹوٹے ٹوٹے ثبوت نہ ملے۔ البتہ اس کے خلاف یہ عام افواہ ہے کہ وہ کرپشن میں ملوث پایا گیا ہے۔

محمد جمال جومال
تحت نون

No - 154/TN
DATED. 20-12-13.

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بعد الت حزاب سروس ٹریڈ یونٹ کے تحت کھولنا اور

Appeal No: 12014

Appellant 2 منجانب

شہدالرحمان بنام IGP وغیرہ

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

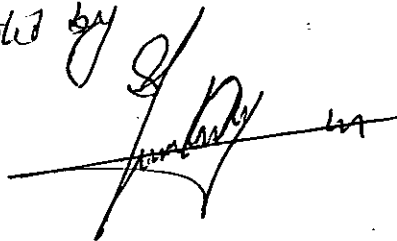
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لہذا اور کیلئے سزا لے کر اید وکل کاروائی متعلقہ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سائنہ
پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم _____ ماہ اپریل 2014

کے لئے منظور ہے۔

بمقام لہذا اور

Attested &
Accepted by



شہدالرحمان ولد گل احمد خان ملتان

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. 515/2014

Shaheed-U-Rehman

Versus

Provincial Police Officer etc

APPLICATION FOR EARLY HEARING OF THE ABOVE
NOTED APPEAL

Respectfully Sheweth;

1. That the above noted appeal is pending adjudication before this Hon'ble Tribunal and the application for interim injunction is fixed for hearing on 11/06/2014 whereas the main case is fixed for hearing 04/08/2014.
2. That during the pendency of the above noted appeal the Learned Respondent No. 2 passed an order on the representation of the applicant / appellant by modifying the order of compulsory retirement to reversion to the rank of Constable on 19/05/2014
3. That the time limit for challenging the same order is 30 day and applicant / want to challenge the same order with in the statutory period to safe his vested right.
4. That to enable the applicant to challenge the same order on time fixation the case today is very much necessary for adopting further course in accordance with law.

It is, therefore, most humbly prayed that by accepting this application the above noted appeal may please be fixed for day and appropriate order may passed on the accompanying application.

Applicant/ Appellant

Through


Shahid Qayum Khattak
Advocate

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

C.M No. _____/2014

In

Service Appeal No. 515 /2014

Shaheed-u- Rehman..... Applicant/Appellant

Versus

Provincial Police Officer and others..... Respondents

APPLICATION FOR AMENDMENT OF APPEAL OR WITHDRAWAL
OF APPEAL WITH PERMISSION TO FILE FRESH ONE

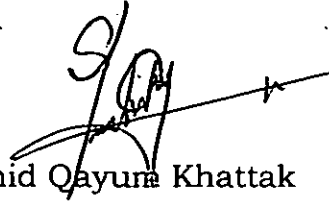
Respectfully Sheweth,

5. That the above noted appeal is pending adjudication before this Hon'ble Tribunal and the application for interim injunction is fixed for hearing on 11/06/2014 whereas the main case is fixed for hearing 04/08/2014.
6. That during the pendency of the above noted appeal the Learned Respondent No. 2 passed an order on the representation of the applicant / appellant by modifying the order of compulsory retirement to reversion to the rank of Constable from HC on 19/05/2014 but the order has been received by applicant/ appellant on 22/05/2014/. (Copy attached)
7. That same order has not been challenged before this Hon'ble Tribunal due to the reason that the same has been passed much after the filling of the above noted appeal.
8. That applicant / appellant is also feeling aggrieved from the same order and want to assail the same before this Hon'ble Tribunal.

It is, therefore, most humbly prayed that by accepting this application the applicant may please be either to allow to make necessary amendment in memo of appeal or to allow him to withdraw the above noted appeal with permission to file afresh one.

Applicant/ Appellant

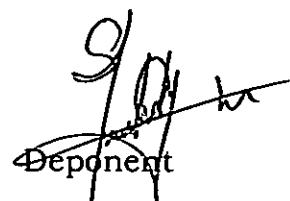
Through



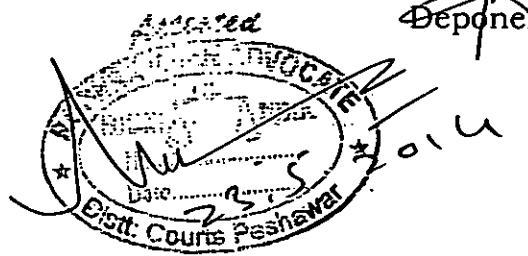
Shahid Qayum Khattak
Advocate

AFFIDAVIT

I, Shahid Qayum Khattak Advocate (as per instruction provided by my client) do hereby solemnly affirm and declare that the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.



Deponent



POLICE DEPARTMENT

2679
20-05-14

KOHAT REGION

ORDER.

This order is passed on the appeal preferred by Ex-HC Shahheed-ur-Rehman of Karak district Police; wherein he was awarded major punishment of compulsory retirement by DPO Karak vide O.B No. 10, dated 01.01.2014. He requested for setting aside the punishment order and reinstatement in service.

Facts are that the official earned bad-reputation for corruption and also carries numerous bad entries in his service record, which clearly shows his inefficiency, negligence, and ill-reputation on his part.

On the basis of above-mentioned charges / omissions, Charge Sheet & Statement of allegations was issued to him under Police Disciplinary Rule-1975 by DPO Karak and Mr. Gul Jamal (SDPO Takht-e-Nasrati Karak) was appointed as enquiry officer to conduct proper departmental enquiry against him. The enquiry officer conducted transparent enquiry, completed all enquiry formalities and submitted findings report, in which the defaulter was found guilty of the charges.

Aggrieved from the said order, the appellant preferred the instant departmental appeal for setting aside the punishment order passed by DPO Karak.

Therefore, the defaulter official was heard in person in orderly room held in this office on 14.05.2014. He did not submit any convincing reply to his misconduct and could not satisfy the undersigned.

Going through the available record and enquiry papers, the undersigned reached to the conclusion that charges leveled against him has been established. However, the punishment order of DPO Karak is hereby modified into demotion to the rank of Constable; the intervening period may be treated as leave of kind due.

ANNOUNCED
18.05.2014

(DR. ISHTIAQ AHMAD MARWAT)
Dy. Inspector General of Police
Kohat Region, Kohat

No. 4839-41/EC, dated Kohat the 19/05 2014.

Copy of above for information and necessary action to the District Police Officer, Karak w/r to his office Memo: No. 3148/L.B, dated 25.02.2014. His service record is enclosed herewith.

2. Ex-HC Shahheed-ur-Rehman of Karak district

Attached

[Handwritten signature]

Inspector
Karak

[Handwritten signature]
District Police Officer
Karak

(DR. ISHTIAQ AHMAD MARWAT)
Dy. Inspector General of Police
Kohat Region, Kohat

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