

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

Service Appeal No. 529/2020

Date of Institution ... 22.01.2020

Date of Decision ... 15.07.2022

Nabi Ameen, Ex-Constable No. 594/SB, Special Branch, Peshawar.

... (Appellant)

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar  
and two others.

... (Respondents)

-----  
MR. NOOR MUHAMMAD KHATTAK,  
Advocate

--- For appellant.

MR. NASEER-UD-DIN SHAH,  
Assistant Advocate General

--- For respondents.

MR. SALAH-UD-DIN  
MS. ROZINA REHMAN

--- MEMBER (JUDICIAL)  
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Through the instant service appeal, the appellant has invoked jurisdiction of this Tribunal with the prayer copied as below:-

*"on acceptance of this appeal, the impugned orders dated 29.03.2019 and 06.01.2020 may very kindly be set-aside and the appellant may be reinstated into service with all back benefits or the appellant may be retired w.e.f 30.11.2018 on the basis of optional service. Any other remedy which this august Tribunal deems fit may also be awarded in favour of the appellant.*

2. Briefly stated the facts giving rise to filing of the instant service appeal are that disciplinary action was taken against the appellant on the allegations that he while posted as

Runner/Office Orderly to SP/Intelligence Special Branch Peshawar, had prepared a fake NADRA verification reply in respect of Waris Khan S/O Anar Gul, which was forwarded to NADRA vide letter No. 9105/S dated 21.05.2018 mentioning him as national of Pakistan. On conclusion of the inquiry; the appellant was awarded major penalty of removal from service. The departmental appeal of the appellant was disposed of vide impugned order dated 06.01.2020, whereby the penalty awarded to him was converted in to compulsory retirement, hence the instant service appeal.

3. Respondents contested the appeal by way of submitting para-wise comments, wherein they refuted the assertions raised by the appellant in his appeal.

4. Learned counsel for the appellant has contended that the appellant was assigned the duty of Runner/Office Orderly in the office of SP Intelligence Special Branch Peshawar and had nothing to do with regard to preparation of verification reply, therefore, the allegations against him are wrong and baseless; that no evidence regarding alleged involvement of the appellant in preparation of fake verification reply was collected during the inquiry but even then the appellant was wrongly and illegally awarded major penalty; that upon the request of the appellant, he was retired from service vide order dated 26.11.2018, however it is astonishing that his retirement order was cancelled and disciplinary action was wrongly and illegally taken against him; that Afghan National namely Waris Khan S/O Anar Gul, regarding whose status, fake verification reply was prepared, has been examined as witness during the inquiry, however he has not named the appellant to be having any connivance in preparation of fake verification reply; that the appellant was not provided any opportunity to cross examine the witnesses examined during the inquiry, therefore, their statements could not be taken into consideration for awarding penalty to the appellant; that one Fazal-e-Amin Ex-Assistant Grade Clerk Special Branch, who was awarded major penalty on the same set of allegations had filed Service Appeal No. 1146/2019, which has already been



allowed by this Tribunal vide judgment dated 21.01.2021; that the mandatory provisions of Khyber Pakhtunkhwa Police Rules, 1975 were not complied with, therefore, the impugned orders are liable to be set-aside.

5. On the other hand, learned Assistant Advocate General for the respondents has contended that fake verification reply regarding Afghan National namely Waris Khan S/O Anar Khan was prepared through active connivance of the appellant and his guilt has been proved in a regular inquiry conducted against him; that upon initiation of disciplinary action against other officials of the department regarding preparation of fake verification reply, the appellant applied for retirement in order to avoid the taking of disciplinary action against him; that sufficient evidence regarding involvement of the appellant in preparation of fake verification reply was available, therefore, the appellant was rightly awarded major penalty; that the appellant had himself requested the appellate Authority for conversion of his penalty of dismissal from service into penalty of compulsory retirement, therefore, the appellate Authority awarded him the punishment of compulsory retirement; that the inquiry proceedings were conducted in accordance with the relevant rules and there exist no material dent in the same. In the last he requested that the impugned orders may be kept intact and the appeal in hand may be dismissed with cost.

6. We have heard arguments of learned counsel for the parties and have perused the record.

7. A perusal of the record would show that the issue which triggered initiation of disciplinary action against the appellant pertains to preparation of fake verification reply in respect of an Afghan National namely Waris Khan S/O Anar Gul, whereby he was declared as Pakistani National. Available on record is the disputed letter No. 9105 dated 22.05.2018 sent by the Deputy Inspector General of Police Special Branch Khyber Pakhtunkhwa Peshawar to the Deputy Director Verification NADRA, Hayatabad Peshawar, whereby Mr. Waris Khan S/O Haji Anar Gul was verified as Pakistani National. According to

the charge sheet issued to the appellant, the aforementioned verification reply was prepared by the appellant. Admittedly, the appellant was performing his duties as Runner/Office Orderly to SP/Intelligence Special Branch Peshawar and has specifically alleged in his replies to the charge sheet as well as final show cause notice that he being Office Orderly was having nothing to do with preparation or dispatching of verification replies. One Muhammad Ibrahim Senior Clerk, who was working as Dispatch Clerk during the relevant days, has mentioned in his statement that it is the duty of Record Keeper to put up verification cases received from NADRA and the same are then handed over to Computer Operator for preparation of draft where-after Incharge ASB puts his initial on the same and are put up for signature before SP Intelligence Special Branch. According to the aforementioned process of verification cases, an Orderly has been assigned no role in the verification process. The appellant was an Orderly and the department was required to have produced cogent evidence in support of the allegations against the appellant, however we have observed that the department has failed to substantiate the allegations against the appellant through any cogent material. Moreover, the respondents have failed to show that the appellant was provided an opportunity of cross-examination of the witnesses examined during the inquiry. Upon request of the appellant, he was retired from service with effect from 30.11.2018 vide order dated 26.11.2018, however the same was later on withdrawn vide order dated 24.12.2018. In absence of any cogent evidence about guilt of the appellant, mere his request for retirement could not be considered as a ground for awarding him major penalty.

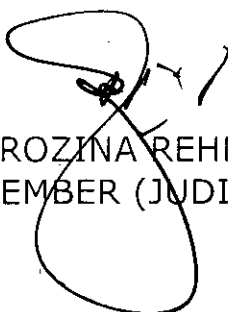


8. While going through the record, it has been observed that it is not the case of the respondents that the disputed letter No. 9105 dated 22.05.2018 issued from the office of Deputy Inspector General of Police Special Branch Khyber Pakhtunkhwa Peshawar regarding verification of national status of Mr. Waris Khan S/O Haji Anar Gul was bearing any fake signature of SP Intelligence Special Branch Khyber

Pakhtunkhwa Peshawar. Verification letter regarding status of any person is issued in pursuance of the report obtained from the concerned officer/official of Special Branch, who makes thorough inquiry in the matter. The respondents have not alleged that any false inquiry report was submitted by any official of Special Branch. It appears that the disputed letter regarding verification of national status of Waris Khan S/O Haji Anar Gul was issued by SP Intelligence Special Branch Khyber Pakhtunkhwa Peshawar without going through the file of the concerned case. He was required to have checked the concerned file before issuing the disputed verification letter dated 22.05.2018. Moreover, the concerned SP Intelligence Special Branch Khyber Pakhtunkhwa Peshawar was a material witness in the matter, however the inquiry officer has not examined him for reasons best known to him. According to the relevant rules, it is the domain of the competent Authority to issue show-cause notice as well as charge sheet and statement of allegations to a delinquent official and also to pass an order upon receipt of the inquiry report. However, in the instant case, charge sheet as well as statement of allegations and final show-cause notice was issued to the appellant by SSP/Admn Special Branch Khyber Pakhtunkhwa Peshawar, while penalty was awarded to him by Deputy Inspector General of Police Khyber Pakhtunkhwa Peshawar, which fact has created material dent in the disciplinary proceedings.

9. In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned orders. The appellant is granted retiring pension and shall be considered as retired from service with effect from 30.11.2018. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
15.07.2022

  
(ROZINA REHMAN)  
MEMBER (JUDICIAL)


  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

O R D E R  
15.07.2022


Appellant alongwith his counsel present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by setting-aside the impugned orders. The appellant is granted retiring pension and shall be considered as retired from service with effect from 30.11.2018. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
15.07.2022



(Rozina Rehman)  
Member (Judicial)



(Salah-Ud-Din)  
Member (Judicial)

13.07.2022

Learned counsel for the appellant present.

Mr. Muhammad Ayaz S.I (Legal) alongwith Mr. Naseer Ud Din Shah, Assistant Advocate General for respondents present.

Partial arguments heard. To come up for remaining arguments on 14.07.2022 before the D.B.

  
(Rozina Rehman)  
Member (J)

  
(Salah-Ud-Din)  
Member (J)

14.07.2022

Appellant alongwith his counsel present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.


Arguments heard. To come up for order on 15.07.2022 before the D.B.

(Rozina Rehman)  
Member (J)

  
(Salah-ud-Din)  
Member (J)

25.11.2021

Proper DB is not available, therefore, the case is adjourned to 10/2/22 for the same <sup>as</sup> before ~~D.B.~~

  
Reader

10-2-2022

Due to retirement of the Hon'ble Chairman the case is adjourned to come up for the same as before on 7/6/2022

  
Reader.

07.06.2022

Appellant alongwith clerk of his counsel present. Mr. Muhammad Ayaz, S.I alongwith Mr. Riaz Ahmad Paindakhel, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 13.07.2022 before the D.B.



(Fareeha Paul)  
Member (E)



(Salah-ud-Din)  
Member (J)



31-12-2020


Due to summer vacation, case is adjourned to 18-3-2021 for the same as before.

  
Reader

18.03.2021

Mr. Afrasyab Wazir, Advocate on behalf of counsel for the appellant and Mr. Muhammad Rashid, DDA for the respondents present.

Requests for adjournment due to indisposition of learned senior counsel today. Adjourned to 18.05.2021 before the D.B.

  
(Salah-ud-Din)  
Member (J)

  
Chairman

18.5.21


*Due to COVID-19, the case is adjourned to 9-9-2021 for the same.*

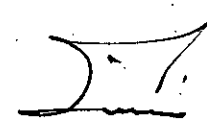
  
Reader

09.09.2021

Appellant in person present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B on 23.12.2021.

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

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

*Noted by Appellant on 26/9/21*

28.10.2020

Appellant in person present.

Mr. Kabir Ullah Khattak learned Additional Advocate General  
alongwith Suleman Reader for respondents present.

Written reply on behalf of respondents submitted. To come  
up for rejoinder, if any, and arguments on 31.12.2020 before

D.B.



(Rozina Rehman)  
Member (J)

09.07.2020

Junior counsel for the appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Sulaiman Reader, for the respondents present.

Written reply was not submitted. Learned AAG seeks time to furnish written reply/comments; granted. To come up for written reply/comments on 04.09.2020 before S.B.

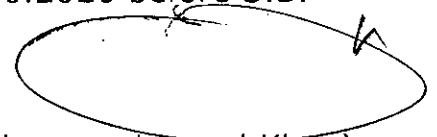


Member (J)

04.09.2020

Appellant himself alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Suleman, Reader for the respondents are also present.

Written reply on behalf of respondents not submitted. Learned Additional Advocate General again seeks time to furnish written reply/comments. Time granted. File to come up for written reply/comments on 28.10.2020 before S.B.



(Muhammad Jamal Khan)  
Member (Judicial)

28.02.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Ex-Constable) has filed the present service appeal against the order dated 29.03.2019 whereby major penalty of removal from service was imposed upon him and against the order dated 06.01.2020 of the appellate authority whereby on the acceptance of the departmental appeal filed by the appellant he was awarded punishment of compulsory retirement from service on his own request.

Submissions made by the learned counsel for the appellant, need consideration. The present service appeal is admitted for regular hearing subject to all just 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 15.04.2020 before S.B.



Member

15.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 09.07.2020 for the same. To come up for the same as before S.B.



Reader

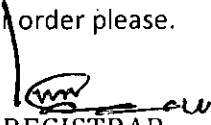

Appellant Deposited  
Security & Process Fee

17/3/20

## FORM OF ORDER SHEET

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

Case No.- 529 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/01/2020	<p>The appeal of Mr. Nabi Ameen presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/02/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

**SERVICE APPEAL NO. 529 /2020**

**NABI AMEEN**

**VS**

**POLICE DEPARTMENT**

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**APPELLANT**

**THROUGH:**   
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

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

**APPEAL NO. 529 /2020**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 681

Dated 22/1/2020

Mr. Nabi Ameen, Ex-Constable No.594/SB,  
Special Branch, Peshawar.....**APPELLANT**

**VERSUS**

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Additional Inspector General of Police/ Establishment, Khyber Pakhtunkhwa, Peshawar.
- 3- The Deputy Inspector General of Police, Special Branch, Peshawar.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 29-03-2019 WHEREBY MAJOR PUNISHMENT OF REMOVAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT AND AGAINST THE APPELLATE ORDER DATED 06-01-2020 WHEREBY THE APPELLANT HAS BEEN COMPULSORILY RETIRED FROM SERVICE WITHOUT ANY GOOD REASON**

**PRAYER:**

That on acceptance of this appeal the impugned orders dated 29.03.2019 and 06.01.2020 may very kindly be set aside and the appellant may be re-instated in to service with all back benefits **OR** the appellant may be retired w-e-f 30-11-2018 on the basis of optional service. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

**R/SHEWETH:**

**ON FACTS:**

That appellant was appointed on 10-03-1987 in the respondent department and had served the department for about 32 years. That the appellant had served the respondent department with zeal and zest, quite efficiently and up to the entire satisfaction of his superiors.

- 2- That service record and history of the appellant in the department is appreciable that in this long term of service no complaint or any allegations, whatsoever, had not been made against the appellant. That there is no adverse remarks or entry against the appellant in the entire service carrier.

Filed to-day  
22/1/2020  
Registrar

- 3- That after completing his qualifying services, the appellant moved an application for retirement to the competent authority and the same application was accepted by the competent authority by retiring the appellant w-e-f 30-11-2018 vide order dated 26-11-2018. Copies of the retirement order dated 26-11-2018 and clearance certificate are attached as annexure.....**A&B.**
- 4- That astonishingly the retirement order dated 26-11-2018 was withdrawn vide order dated 24-12-2018 on the pretext that the appellant was involved in some serious nature issue. Copy of order dated 24-12-2018 is attached as annexure.....**C.**
- 5- That respondents without following the codal formalities and giving an opportunity to the appellant, shockingly issued the impugned removal order dated 29-03-2018. Copy of the impugned order dated 29-03-2019 is attached as annexure.....**D.**
- 6- That feeling aggrieved from the impugned order dated 29-03-2019, appellant filed Departmental appeal before the appellate authority on 08-04-2019. Copies of the Departmental appeal is attached as annexure.....**E.**
- 7- That the departmental appeal of the appellant was accepted vide order dated 06-01-2020 and his punishment of removal from service was converted to the compulsorily retirement from service. Copy of the appellate order dated 06-01-2020 is attached as annexure.....**F.**
- 8- That appellant feeling aggrieved and having no other remedy filed the instant appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned orders dated 29.03.2019 and 06-01-2020 are against the law, facts, norms of natural justice and materials on the record hence liable to be set aside.
- B- That appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of Islamic Republic of Pakistan 1973.
- C- That no charge sheet and statement of allegation has been issued to the appellant.
- D- That no chance of personal hearing/defense has been provided to the appellant before issuing the impugned order dated 29-03-2019 and 06-01-2020.
- E- That it is worth to mention here that appellant was retired w-e-f 30-11-2018, then how an inquiry could be initiated against him as it is



the cardinal principal of service law that once an employee got retired then inquiry could not be initiated against him. Similarly if all ready an inquiry in going on against him that shall be abated by his retirement.

- F- That no right of cross examination has been provided to the appellant against the witnesses examined in the departmental inquiry before passing the impugned removal order dated 29-03-2019 which is mandatory as per Rule. Furthermore Article 10-A (Right to Fair Trial) of the Constitution of Islamic Republic of Pakistan, 1973 has been violated.
- G- That the respondent Department acted in arbitrary and mala fide manner by imposing major punishment of removal from service on appellant without providing the opportunity of fair trial.
- H- That the impugned orders dated 29.03.2019 and 06-01-2020 were passed in a hasty manner and without making recourse to the Rules and thus against the Law and Rules on the subject as well as against the principle of natural justice.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 18-01-2020

**APPELLANT**

**NABI AMEEN**

**THROUGH:**

  
**NOOR MUHAMMAD KHATTAK**

**KAMRAN KHAN**

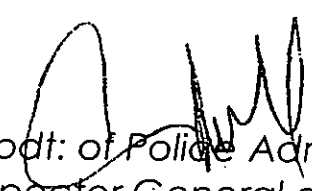
  
**SHAHZULLAH YOUSAFZAI**

**&**  
**MIRZAMAN SAFI**  
**ADVOCATES**

(A) - (4)

**RETIREMENT ORDER.**

Constable Nabi Ameen No.594/SB of Capital City Police Peshawar presently on deputation to this Establishment is hereby retired on pension from service with effect from 30.11.2018 on his own request.

  
Sr. Supdt: of Police Admn:  
For Dy: Inspector General of Police  
Spl: Branch Khyber Pakhtunkhwa  
Peshawar

No. 6355-62 /EB, dated Peshawar the, 26 /11/2018.

Copy forwarded to the:-

1. CCP Peshawar.
2. SP/HQrs/SB.
3. SP/Security/SB.
4. Acctt:/SB.
5. PC/SB.
6. LO/SB.
7. EA/SB.
8. SRC/SB

**ATTESTED**



(B) - (S)

CLEARANCE CERTIFICATE IN RESPECT OF Nabil Amin 594.

1.	Office Supdt./SB	<i>[Signature]</i>
2.	Establishment Section/SB	(R) 3/12/18
3.	Account Branch/SB	<i>[Signature]</i> 3-12-18
4.	I/C Kot SB	<i>[Signature]</i> I/C 3/12/18
5.	MTO/SB	<i>[Signature]</i> ASST MTO TSB 3/12/18
6.	LO/SB	<i>[Signature]</i> below LO 3/12/18
7.	I/C Technical	Nothing, any thing against him

*[Signature]*  
 Supdt of Police  
 HQ Special Branch,  
 P.O. Pakhwan Khwa Peshawar  
 03-12-2018

**ATTESTED**

*[Signature]*

(C) - (6)

ORDER.

Being involved in a serious nature issue, the retirement order of Constable Nabi  
No. 594/SB issued vide this office order Endst: No 6355-62/EB dated 26.11.2018 is  
hereby withdrawn. He is directed to report back to his duty at SB: HQrs: Peshawar.

Sr: Superintendent of Police, Admn  
For Deputy Inspector General of Police  
Special Branch Khyber Pakhtunkhwa  
Peshawar

No. 594/SB<sup>12</sup> /EB, dated Peshawar the,

24/12/2018.

Copy to the:-

1. SP, HQrs: SB:
2. SP, Security SB:
3. PC/Acct/SRC SB:
4. LO/SB
5. EA/SB
6. IT Section

Nllb/mbl

For mbl

24/12/18

ATTESTED

(D) - (F)

ORDER

This order is passed in departmental proceedings initiated against Constable Nabi Amin No. 594/SB (hereinafter referred to as an accused officer).

Accused officer while posted as orderly to SP/Intelligence has allegedly made a fake/bogus NADRA verification of National status reply of an alien Waris Khan and got it signed fraudulently from SP/Intelligence. The same reply letter was forwarded to NADRA vide No. 9105 dated 21.05.2018 wherein alien Waris Khan was declared bonafide Pakistani National/Citizen. Charge Sheet and statement of allegations based on preparing fake/bogus verification of National status letter was served to accused officer vide letter NO. 7692-93/EB dated 28.12.2019. Muhammad Asfaq SP Security was appointed as Enquiry officer to scrutinize the conduct of accused officer with reference to the charges leveled against him. The Enquiry Officer accomplished the departmental proceedings and held the accused officer guilty of commission of gross misconduct beyond shadow of doubt as he was involved preparing fake/bogus NADRA verification reply which tarnished the image of this reputed Intelligence Agency. Thus the accused officer was served with final show cause notice and also heard in person but his reply and personal appearance was not satisfactory having no substance to defend.

In view the incorrigible character of accused officer who is proved involved in such cheating/fraud, I Muhammad Karim Khan Deputy Inspector General of Police, Special Branch, Peshawar being the competent authority imposed upon him major penalty, of Removal from service within the meaning of Rule 4(1)(iii) Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) with immediate effect.

ATTESTED

(Muhammad Karim Khan)PSP  
Deputy Inspector General of Police,  
Special Branch, Khyber Pakhtunkhwa,  
Peshawar.

No. 3958-65/EB, dated Peshawar, the 29-03 /2019

Copy to all concerned.

(E) - (8)

To,

The Inspector General Police,  
Khyber Pakhtunkhwa Peshawar.

**SUBJECT: DEPARTMENTAL APPEAL for reinstatement  
AGAINST THE REMOVAL ORDER OF DATE  
29/03/2019 VIDE LETTER NO.3958-65/EB  
DATED OF THE OFFICE OF DEPUTY  
INSPECTOR GENERAL OF POLICE (SB)  
KHYBER PAKHTUNKHWA PESHAWAR.**

*Respectfully Sheweth,*

With utmost respect & extreme obeisance, the appellant very humbly submits the instant appeal against the removal office order No.3958-65/EB, dated 29/03/2019 of the Deputy Inspector General Special Branch Khyber Pakhtunkhwa, Peshawar to the following effect:

1. That the appellant joined this prestigious Branch/CCP, as a constable in the year of 10/03/1987 and were still serving in the same department for the last 32 years.
2. That the appellant served with his zeal and zeast in this department for many years,

**ATTESTED**

M S

9

but there had been no adverse entry against the appellant, nor any complaint was ever moved against the appellant, rather the appellant has thoroughly been able to win the appreciations of his High Ups, throughout his career.

3. That the appellant filed in application for retirement after qualifying pension before the competent authority, whereas clearance certificate was too issued to the appellant. (Copy of slip dated 03/12/2018 is attached)

4. That meanwhile the appellant was intentionally involved in a bogus and fake inquiry with malafide intention and ulterior motive just to deprive him from all pensionary benefits, the inquiry report is self explanatory that in inquiry namely wasris Khan who's NIC was blocked during in the course of inquiry the inquiry officer called Mr. Waris Khan who did not disclose the name of the appellant. (Copy of statement of waris Khan dated 28/12/2018 is attached)

5. That besides these facts one of the ex-Officials Muhammad Ibrahim falsely

ATTESTED

M. S.

10

stated before the inquiry officer that once the appellant came and asked me about dispatch Number but nothing available in black n white on record but just to involve the innocent appellant by fraud in misrepresentation.

Grounds:

1. That the inquiry report and removal order is totally against the law and fact and nothing available on record to involved the innocent appellant in the frivolous case.
2. That the act of the competent authority is against the law and constitution which does not suggest the major penalty on such like cases.
3. That the appellant had filed application for retirement on the basis of qualifying pension on the service of 32 years but the department/high ups involved hiim in the bogus inquiry and suggested major penalty removal from service which is clear violation of the fundamental rights.
4. That no proper proceeding were adopted to bring the real culprit/facts by the inquiry officer but just made fill in the blanks by involving

**ATTESTED**

M D



(11)

innocent appellant just to fulfill the proceeding of the inquiry which is against the fundamental rights and constitution of Islamic Republic of Pakistan.

5. That the appellant is ready to swear on oath, that the appellant is quite innocent and depriving him from pensionary benefits.

It is, therefore, most humbly requested that office order No.3958-65/EB dated 29/03/2019 of the office of the competent authority/DIG, Khyber Pakhtunkhwa may be struck down and cancelled and the appellant may be reinstated on his own post and pay scale.

Dated: 08/04/2019

Yours obediently,

*(Nabi Amin)*

(Nabi Amin) No.594/SB

Ex-Constable Special  
Branch Peshawar  
Cell No.0345-9327628

**ATTESTED**

*M*



(F)

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

F-12

No. S/ 87 /20, dated Peshawar the 06/01/2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by **Ex-FC Nabi Amin No. 594**. The petitioner was removed from service by Deputy Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar vide order Endst: No. 3958-65/EB, dated 29.03.2019 on the allegations that he while posted as orderly to SP/Intelligence has allegedly made a fake/bogus NADRA verification of National status reply of an alien Waris Khan and got it signed fraudulently from SP/Intelligence. The same reply letter was forwarded to NADRA vide No. 9105, dated 21.05.2018 wherein alien Waris Khan was declared bonafide Pakistani National/Citizens.

Meeting of Appellate Board was held on 13.06.2019 wherein petitioner was heard in person. During hearing petitioner contended that he is innocent.

Perusal of service records reveals that petitioner was posted as Orderly to SP/Intelligence. He remained posted in Special Branch for 08 years and worked in various capacity. His duty was to present files before the officers. Reading all papers carefully and then signing them is the duty of the officers. In the instant case, three (03) other officials were awarded punishment of compulsorily retirement from service. The petitioner himself requested that he may be compulsorily retired. Therefore, the Board accepted his appeal and he is hereby compulsorily retired from service.

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

(ZAIB ULLAH KHAN)

AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

No. S/ 88-93 /20,

Copy of the above is forwarded to the:

1. Deputy Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar. One Service Roll alongwith copy of enquiry file (85 pages) and enquiry report (07 pages) of the above named Ex-FC received vide your office Memo: No. 5084/EB, dated 03.05.2019 and No. 5798/EB, dated 29.05.2019 is returned herewith for your office record.
2. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
3. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
4. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-IV CPO Peshawar.

ATTESTED

M

**VAKALATNAMA**

Before the KP Service Tribunal, Peshawar

\_\_\_\_\_ OF 2020

Nabi Amin

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Police Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Nabi Ameen

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_\_/\_\_\_\_\_/2020

Nabi Amin  
CLIENT

ACCEPTED  
NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

&  
MIR ZAMAN SAFI  
ADVOCATES

**OFFICE:**

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Phone: 091-2211391  
Mobile No. **0345-9383141**

**BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 529 / 2020.

Nabi Ameen, Ex-Constable No. 594/SB Special Branch, Peshawar  
.....(Appellant)

VERSUS

Inspector General of Police and  
others.....(Respondents)

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C

**BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 529 / 2020.

Nabi Ameen, Ex-Constable No. 594/SB Special Branch, Peshawar  
.....(Appellant)

VERSUS

Inspector General of Police and  
others.....(Respondents)

SUBJECT: **COMMENTS ON BY RESPONDENTS.**

**RESPECTIVELY SHEWETH:**

**PRELIMINARY OBJECTIONS:-**

- a) The appeal is not based on facts.
- b) The appeal is not maintainable in its present form.
- c) The appeal is bad for miss-joinder and non-joinder of necessary parties.
- d) The appellant is estopped to file the appeal by his own conduct.
- e) Appeal is barred by law and limitation.
- f) The appellant has not come to this Hon'ble Tribunal with clean hands.
- g) The appellant has got no cause of action to file present Service Appeal.
- h) Appellant has wrongly cited the designation of Respondents No.2 as Additional Inspector General of Police Establishment instead of Assistant Inspector General of Police Establishment.

**FACTS**

1. Incorrect, appellant was recruited as Constable and he failed to earn promotion to next ranks despite long period of service at his credit, which establishes his inefficiency and lack of professional skill and qualities. Furthermore, he has wrongly contended that he served the department with Zeal and Zest because in addition to award of impugned major penalty, his service dossier contains several bad entries. (Copy of bad entry list enclosed as Annexure "A").
2. Para 2 of the appeal of appellant is absolutely wrong and false. According to the service record, appellant was punished departmentally on different occasion on charges of willful absence from duty. Eventually appellant

involved himself in corruption and corrupt practices and major penalty was awarded to appellant after observing all codal formalities.

3. Incorrect, virtually disciplinary proceedings were initiated against other officials of Special Branch on charges of manipulating of false, bogus and fabricated verification report in respect of alien namely Waris khan wherein he was verified as citizen of Pakistan. During course of enquiry, the involvement and vicarious liability of appellant in the commission of above nefarious activities and misconduct also came to light. Appellant on realizing the above situation and the prospects of initiation of disciplinary action against him, malafidely managed retirement order with sole motive of defending and defusing the looming departmental charge. The guilty intention of appellant is evident from the fact that he submitted an application on 26.11.2018 for grant of pension with effect from 31.12.2018 and managed issuance of order on the same day i.e. 26.11.2018 with the active help of Ministerial staff. Furthermore, he all of a sudden submitted an application for retirement despite existence of long period of about 09 years for attaining the age of superannuation.

4. Incorrect, the competent authority on perceiving the mens rea of appellant behind the retirement that appellant in view of ensuing departmental charge had applied for retirement. Therefore the competent authority withdraw the retirement order before its materialization and implementation while exercising powers vested in the authority under Section 21 of General Clauses Act, 1897 which empowers the authority to rescind his own order. Furthermore, the appellant had wrongly challenged the legality of the order at this belated stage. He resumed duties in compliance with the withdrawal of retirement order which amounts to admission of the legality of order. In case he was aggrieved of withdrawal compliance of the order, he would have challenged the Order before the proper forum without compliance. Therefore appellant is estopped by his own conduct to challenge the Order at this belated stage.

5. Incorrect, proper enquiry was conducted against the appellant under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) and full opportunity of defense was provided to appellant and he failed to rebut the charges. (Copy of the Findings report is enclosed as Annexure "B").

- (3)
6. Correct to the extent of submission of departmental appeal against the impugned Removal from service Order.
  7. Incorrect, the departmental appeal was partially accepted on the request of appellant. He placed request before the appellate authority that the colleague officials were awarded punishment of Compulsory Retirement from Service, therefore his Removal from Service Order may be converted into Compulsory Retirement from Service. The appellate authority accepted the request as evident from the impugned Order.
  8. Incorrect, Respondent has passed Order of compulsory retirement on the request of appellant therefore he is estopped to file the service appeal. Furthermore the grounds of the appeal are not tenable.


**GROUND:-**

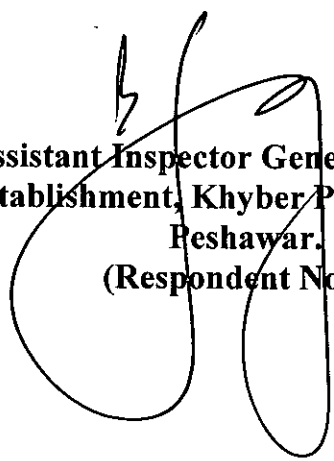
- A. Incorrect, the Orders of the respondents are Just, legal, and have been passed in accordance with law and Rules governing the subject matters.
- B. Incorrect, appellant was treated in accordance with law. Proper enquiry was conducted for finding the truth of the charge, besides, proper speaking Orders were passed in the departmental proceedings.
- C. Incorrect, proper Charge sheet with Summary of allegation were issued to appellant on 28.12.2018. (Copy of Charge Sheet with Summary of allegations is enclosed as Annexure "C").
- D. Incorrect, appellant was heard in person as evident from the Orders of dismissal and compulsory retirement.
- E. Incorrect, the Retirement Order of appellant was withdrawn before its materialization and implementation. Appellant resumed duties on 26.12.2018 and he was proceeded against departmentally under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014). Furthermore, as per law provided under FR 54-A, a civil servant on attaining the age of superannuation then the pending departmental proceedings stands abated. Appellant Retirement Order was withdrawn thus he was proceeded against departmentally during service.
- F. Incorrect, all the codal, legal and procedural formalities were completed before passing the impugned Order.
- G. Incorrect, a penalty commensurate with the gravity of charge was imposed on appellant.


- C
- H. Incorrect, the whole departmental probe against appellant was made against the appellant in accordance with law/ rules and facts.
- I. Respondents may be allowed to raise/ add others grounds/proofs at the time of hearing of appeal.

**PRAYER:-**

In view of the above, it is humbly prayed that on acceptance of Para-wise comments, the instant Service Appeal may kindly be dismissed being meritless with cost.

  
**Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 1)**

  
**Assistant Inspector General of Police,  
Establishment, Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 2)**

  
**Deputy Inspector General of Police,  
Special Branch, Khyber  
Pakhtunkhwa, Peshawar.  
(Respondent No. 3)**



(5)

<b>S.NO.</b>	<b>NATURE OF PUNISHMENT</b>	<b>PUNISHMENT AWARDED BY /OB NO.</b>
1.	23 days (15.09.1989 to 08.11.1989) leave without pay	SSP Peshawar vide No.167, dt: 09.01.1990
2.	01 day leave without pay	SSP Peshawar vide No.1747, dt: 18.04.1993
3.	01 day leave without pay	SSP Peshawar vide No.2666, dt: 13.06.1993
4.	01 day leave without pay	SSP Peshawar vide No.2599, dt: 07.06.1993
5.	01 day leave without pay	SSP Peshawar vide No.384, dt: 07.02.2004
6.	01 day leave without pay	SSP Peshawar vide No.391, dt: 09.02.2004
7.	01 day leave without pay	SSP Peshawar vide No.404, dt: 09.02.2004
8.	02 day leave without pay	SSP Peshawar vide No.461, dt: 14.02.2004
9.	02 day leave without pay	SSP Peshawar vide No.58, dt: 10.01.2007
10	Removel from service being involved in cheating/fraud, bogus Nadara Verification of National Status	DIG Special Branch Khyber Pakhtunkhwa vide No.3958-65/EB, dated 29.03.2019

CG

Subject: Departmental Proceeding against Constable Nabi Ameen No. 594 of Special Branch.

Background:-

In compliance with the orders issued by worthy SSP Admin Special Branch vide Charge Sheet No. 7692-93/EB dated 28.12.2018 to Constable Nabi Ameen No.594 regarding involvement in preparing of fake NADRA Verification report in respect of Waris Khan s/o Anar Gul. In the instant case 03 official of Special Branch were found guilty and were desired for major punishment. However, the subject accused official was also alleged for the same omission for which the departmental proceeding initiated against him and entrusted to the undersigned for further probe.

Allegations as per statements of Allegation

That he was posted as runner/office Orderly to SP Intelligence Special Branch and prepared a fake NADRA verification reply in respect of Waris Khan s/o Anar Gul which was forwarded to NADRA vide letter No. 9105/S, dated 21.5.2018 mentioning him as Pakistani National.

Proceedings:-

The brief facts of the proceedings are mentioned below:-

Charge sheet/statement of allegations against the accused official was served upon him for proper departmental proceedings under Police Rules 1975 as recommended in the previous inquiry conducted against 03 other officials.

Therefore, in order to find the reality of the issue, the following were summoned, examined and placed their statements on file for reference.

- i. The accused official Constable Nabi Ameen attached as F/A.
- ii. Waris Khan s/o Anar Gul the holder of illegal CNIC attached as F/B.
- iii. Muhammad Naeem, Assistant, Ex-Incharge ASB attached as F/C.
- iv. Fazal Amin Ex-Record Keeper of ASB Section attached as F/D.
- v. Ibrahim Khan Senior Clerk Ex-Dispatcher of ASB attached as F/E.
- vi. Akhtar Hussain Senior Clerk Present Incharge ASB attached as F/F.
- vii. Wajid Ali Ex-Computer Operator of IT Project attached as F/G
- viii. Sihath Ali SI/Ex-AGO City attached as F/H.
- ix. (Ahmad, Haseeb, Iftikhar and Irfan Alam) all Computer Operators of ASB Section attached as F/I.

7

1. Statements of the Accused official FC Nabi Ameen

Constable Nabi Ameen No.594 stated that he was working as Office Runner/Orderly with Officers since 2008. In the instant inquiry he denied all kinds of involvement and said that he does not know the knowledge of Computer to prepare NADRA reply neither know about dispatching of letters. He further added for forgiveness.

2. Statement of Waris Khan the Holder of illegal CNIC

Waris Khan s/o Anar Gul r/o Birun Yakatoot, Science College Road Noor Colony Peshawar stated that his CNIC was blocked in the year 2013 and was marked to JVC Peshawar for verification but not succeeded. After failure in JVC he met with Qari Abdul Raheem who assured him for obtaining his CNIC and for the process he has given Rs. 25000/- to Qari Abdul Raheem. During cross questions he doubtfully admitted the name of Wajid Ali for getting such amount from Qari Abdul Raheem.

3. Muhammad Naeem, Assistant, Ex-Incharge ASB

He stated that Record Keeper namely Fazal Ameen has not put the case for onward process, so how he processed the case, as the original PUC of the case was pending with record keeper and also with AGO City. Thus he denied all kind of omissions alleged against him.

4. Fazal Amin Ex-Record Keeper of ASB Section

Fazal Amin assistant Grade Clerk while posted as Record Keeper in the ASB section added that he did not put the previous record with the instant case. He added that during his tenure the instant case was kept pending in his custody and neither the AGO concerned has verified the case. So how he put the case for onward process he added. He denied all kind of omissions levelled against him.

5. Ibrahim Khan Senior Clerk Ex-Dispatcher of ASB

Ibrahim Senior Clerk Ex-Dispatcher of ASB section appeared before the undersigned and stated verbally that Constable Nabi Ameen alongwith the case came and asked him that SP Intelligence requires dispatch number thus he gave a number 9105 on a chit. Later on he did not handed over the case for further process.

6. Akhtar Hussain Senior Clerk Present Incharge ASB

Senior Clerk Akhtar Hussain while posted as Incharge of ASB Section stated that he was transferred to ASB section on 17.7.2018 and the

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number 9105/S quoted on the bogus letter has no record in this office neither it has been registered in the Dispatch register. He further stated that the NADRA case in respect of Waris Khan is pending in the record but its reply were illegally sent to NADRA. He disclosed that the initial of ex-Incharge ASB Muhammad Naeem is quoted on the bogus letter.

7. Wajid Ali Ex-Computer Operator of IT Project

He stated that he was working in IT Section as project employee since 20.07.2012 till 23.6.2018. The project was expired on 30.6.2017 but his regularization process was pending in the court therefore he continued his services to 23.6.2018. He stated that he has no concern with ASB Section neither he knows the job of ASB Section. He further stated that his job was only to maintain Internet Services in all sections of Special Branch. On querying about Waris Khan s/o Anar Gul he stated that he does not know about Waris Khan neither any relation or contact with him.

8. Sihat Ali SI/Ex-AGO City

He stated that inquiry about Waris Khan s/o Anar Gul was not assigned him neither kept pending on the part of AGO City. He further stated that the inquiry was assigned to him on 14.11.2018 after the action of the high-ups and submitted his report by declaring him as Afghani National.

9. (Ahmad, Haseeb, Iftikhar and Irfan Alam) all Computer Operators of ASB Section

Computer operators Ahmad, Haseeb, Iftikhar and Irfan Alam of ASB Section were appeared before the undersigned stated the same that they are unaware of the instant case and stated that they did not type any letter without NADRA record.

Findings:-

During the course of inquiry the following were found that:-

1. Waris Khan s/o Anar Gul is reluctant to tell the facts of the instant case by whom he obtained the CNIC and stating about an imaginary person namely Qari Abdul Raheem. Which has been died since 01 year ago and nobody knows his where about.
2. Senior Clerk Ibrahim has furnished several omissions in the instant case i.e.:-

- 9
- i. First of all he wrote a blank letter number i.e. 9105/S in the Dispatch Register in the instant case without any record.
  - ii. Secondly as per his statement if the blank letter received by office orderly i.e. (Nabi Ameen) then why he did not justified the same letter number before his incharge as well as his supervisory officer. }
  - iii. After writing the letter number in dispatch register, he made another serious mistake of dispatching the same letter to NADRA and also wrote in the Peon Book.
3. Besides Muhammad Naeem Ex-I/C ASB, Fazal Amin Ex-Record Keeper and Ibrahim Ex-dispatcher ASB who are declared by the previous inquiry officer as main culprits of the instant case, Wajid Ali Ex-Computer Operator of IT Project is similar involved in this case as he was the Web Services Controller, knows the job of ASB Section and had the access of ASB Section.
4. Similarly Constable Nabi Ameen is also a part of chain in the instant case as the case was routed through his channel and he demanded for a blank letter number i.e. 9105/S from Dispatch Clerk.

**Recommendation:-**

The following is recommended if approved:-

1. Local Police may be requested for legal action against Wajid Ali ex-Computer Operator of IT project for proceeding U/Ss 419,420, 468 and 471 PPC.
- ② 2. Constable Nabi Ameen No.594 has liable himself for the punishment as granted to other guilty officials.

Submitted for your kind perusal and further orders please.

  
Muhammad Ashfaq  
SP Security Special Branch;

W/SSP/Admn;

C/O

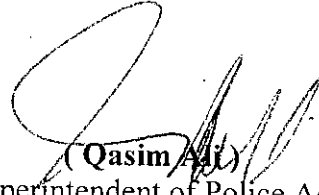
**CHARGE SHEET.**

I, Qasim Ali, SSP/Admn: Special Branch, Khyber Pakhtunkhwa Peshawar as a competent authority under Khyber Pakhtunkhwa Police rules 1975 (amended 2014) hereby charge you Constable Nabi Ameen No.594/SB as follow:-

a) You, while posted as runner/office orderly to SP/Intelligence Special Branch have prepared a fake NADRA verification reply in r/o Waris Khan s/o Anar Gul which was forwarded to NADRA vide letter No. 9105/S dated 21-05-2018 mentioning him as Pakistani National.

By the reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said rules.

1. You are, therefore, directed to submit your written defense within 7 days of the receipt of this Charge Sheet to the Enquiry Officer.
2. Your written defense, if any, should reach to the enquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case, ex-parte action will be taken against you.
3. You are also at liberty, if you wish to be heard in person.
4. Statement of allegation is enclosed.



(Qasim Ali)  
Sr. Superintendent of Police Admn:  
Special Branch Khyber Pakhtunkhwa,  
Peshawar.

Received

(Nabi Ameen)  
31/12/2018

Official concerned  
accused under the Rules and submit his findings in shortest possible time.  
Enquiry Officer with the direction to to initiate departmental proceedings against the

Copy of above is forwarded to the:-

No. 2411-33EB dated 18/02/2018

Respectfully  
Special Branch Cyprus Police Headquarters  
21, Zofios Street, Nicosia

The accused  
the receipt of this order, recommendation as to punishment or other appropriate action against  
responsible authority of referring to the accused, record his findings and make within 12 days of  
The Enquiry Officer shall, in accordance with the provision of the said Rules, provide  
order to conduct enquiry under Police Rules 1872.

above mentioned ~~\_\_\_\_\_~~ is appointed as enquiry  
For the purpose of scrutinizing the conduct of the said accused with reference to the  
to NADBA vide letter No. 8102/2 dated 21-02-2018 mentioning him as Pakistani National  
issued a like NADBA notification reply in the name of Anwar Qureshi which was forwarded  
that he will be posted as superintendent enquiry to Special Branch police

**STATEMENT OF ALLEGATIONS**

1872  
of various acts of omissions / commissions within the meaning of Cyprus Police  
21/02/2018 rendered himself liable to be proceeded against as he has committed the  
offence and of the opinion that Constable Nadeem Khan No. 2842B has committed  
1. Constable Nadeem Khan Special Branch Cyprus Police

**SUMMARY OF ALLEGATIONS**

19

**BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 529 / 2020.

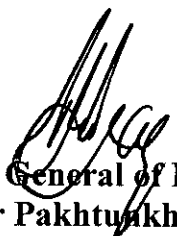
Nabi Ameen, Ex-Constable No. 594/SB Special Branch, Peshawar  
.....(Appellant)

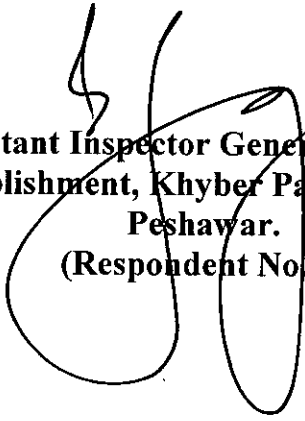
VERSUS


Inspector General of Police and others  
.....(Respondents)

**AUTHORITY LETTER**

Muhammad Asif DSP Legal, Special Branch, Khyber Pakhtunkhwa Peshawar is hereby authorized to appear on behalf of the Respondents Nos. 1, 2 & 3 before the Hon'ble Service Tribunal Peshawar. He is authorized to submit all required documents and replies etc pertaining to the appeal through the Government Pleader.

  
Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 1)

  
Assistant Inspector General of Police,  
Establishment, Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 2)

  
Deputy Inspector General of Police,  
Special Branch, Khyber  
Pakhtunkhwa, Peshawar.  
(Respondent No. 3)



13

**BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 529 / 2020.

Nabi Ameen, Ex-Constable No. 594/SB Special Branch, Peshawar  
.....(Appellant)


VERSUS

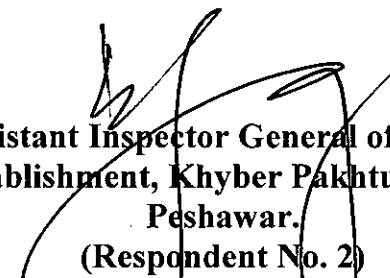
Inspector General of Police and others  
.....(Respondents)


**AFFIDAVIT**

We the deponents do hereby declare that the contents of the written reply are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.

Deponents

  
**Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 1)**

  
**Assistant Inspector General of Police,  
Establishment, Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 2)**

  
**Deputy Inspector General of Police,  
Special Branch, Khyber  
Pakhtunkhwa, Peshawar.  
(Respondent No. 3)**



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. S/ 87 /20, dated Peshawar the 06/01/2020.


ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of K Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Nabi Amin No. 594. The petitione removed from service by Deputy Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar vide order Endst: No. 3958-65/EB, dated 29.03.2019 on the allegations that he while posted as order SP/Intelligence has allegedly made a fake/bogus NADRA verification of National status reply of an alien Khan and got it signed fraudulently from SP/Intelligence. The same reply letter was forwarded to NADR. No. 9105, dated 21.05.2018 wherein alien Waris Khan was declared bonafide Pakistani National/Citizens

Meeting of Appellate Board was held on 13.06.2019 wherein petitioner was heard in r During hearing petitioner contended that he is innocent.

Perusal of service records reveals that petitioner was posted as Orderly to SP/Intelligence remained posted in Special Branch for 08 years and worked in various capacity. His duty was to prese before the officers. Reading all papers carefully and then signing them is the duty of the officers. In the case, three (03) other officials were awarded punishment of compulsorily retirement from servic petitioner himself requested that he may be compulsorily retired. Therefore, the Board accepted his app he is hereby compulsorily retired from service.

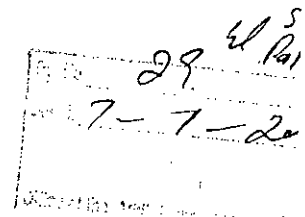
This order is issued with the approval by the Competent Authority.

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

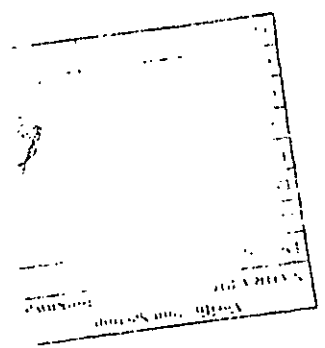
No. S/ 88-93 /20,

Copy of the above is forwarded to the:

1. Deputy Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar. One Roll alongwith copy of enquiry file (85 pages) and enquiry report (07 pages) of the above Ex-FC received vide your office Memo: No. 5084/EB, dated 03.05.2019 and No. 5798/E 29.05.2019 is returned herewith for your office record.
2. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
3. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
4. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.



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Date: \_\_\_\_\_  
Sign: \_\_\_\_\_  
Rel: \_\_\_\_\_  
No: \_\_\_\_\_  
Delivered by: \_\_\_\_\_

SP/Intelligence  
For Deputy Inspector General of Police,  
SB: Khyber Pakhtunkhwa Peshawar,  
18-05-2018

SECRET (City) which revealed that Mr. Waris Khan F/H Haji Anar Gul is verified  
Secret enquiry was conducted through field staff of Special  
Please refer to your office letter No. 11DCT/B-566/N-13-44 dated

VERIFICATION OF NATIONAL STATUS  
/Security Dated: Peshawar, the 22-05-2018.  
The Dy: Director Verification,  
MADRA, Hayatabad Peshawar.  
The Deputy Inspector General of Police,  
SB: Khyber Pakhtunkhwa Peshawar.

18-05-2018  
SUBJECT:  
TO:  
FROM:

37





From: The Deputy Inspector General of Police,  
SB: Khyber Pakhtunkhwa Peshawar.

To: The Dy: Director Verification,  
NADRA, Hayatabad Peshawar.

Security Dated: Peshawar, the 22-05-2018.

Subject: Memo:  
13-12-2013

VERIFICATION OF NATIONAL STATUS.  
Please refer to your office letter No. 11DCT/B-566/N-13-44 dated

Tracer (City) which revealed that Mr: Waris Khan F/H Haji Anar, Gul is verified  
Pakistani National.

SP/Intelligence  
For Deputy Inspector General of Police,  
SB: Khyber Pakhtunkhwa Peshawar.  
18-05-2018

Delivered by \_\_\_\_\_  
No. \_\_\_\_\_  
E. \_\_\_\_\_  
Rec. \_\_\_\_\_  
Sig. \_\_\_\_\_  
Date. \_\_\_\_\_

Sl. No.	Name	Signature
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10		



From:

The Deputy Inspector General of Police,  
SB: Khyber Pakhtunkhwa Peshawar.

(21)

To:

The Dy. Director Verification,  
NADRA, Hayatabad Peshawar.

No: 4125

/Security Dated: Peshawar, the 22-05-2018.

Subject:

VERIFICATION OF NATIONAL STATUS.

Memo:

Please refer to your office letter No: 11DCT/B-566/N-13-44 dated 13-12-2013.

Secret enquiry was conducted through field staff of Special Branch (City) which revealed that Mr: Waris Khan F/H Haji Anar Gul is verified Pakistani National.

SP/Intelligence

For Deputy Inspector General of Police,  
SB: Khyber Pakhtunkhwa Peshawar.

18-05-2018



میاں مسیحی وارث خان ولد حاجی انار گل سکند  
نور کالونی بہارون بیکہ قوت دذیر باغ ندڈ نزد  
سپتھمبر کالج لڈ

74/11/18  
12/11/2018  
B. Feshawar

میں مسیحی وارث خان ولد انار گل سکند باا اید بات کا اثر

ہوں کہ بہار شفا حق کارڈ 2018 میں بیکہ بیوا گیا۔ عبد لکے میں  
کافی تک و بعد کا چونکہ اس وقت 24 مارچ میں کے پانچ مہینہ  
تھے۔ عبد نے عبد کالج میں لیا۔ محبوبہ بیوہ کے میں نے شفا میں  
رسوخ اسٹیشن کرنا شروع کیا۔ عبد ایک دستہ فارسی عبد الرحیم (مرحوم) نے  
سپتھمبر کالج میں کہیں سے بات پکی کی۔ فارسی عبد الرحیم مرحوم نے مجھ  
سے پچیس ہزار روپے لیکر سپتھمبر کالج کے 17 ڈیمارمنٹ میں واحد  
نامی شخص سے بات کی۔ عبد نے عبد کالج کر دیا۔ واحد کے ساتھ عبد  
تعلق فارسی عبد الرحیم مرحوم کے دس طقت سے کیا۔ یہی عبد کالج  
تھے۔



وارث خان

وارث خان ولد حاجی انار گل سکند نور کالونی  
بہارون بیکہ قوت دذیر باغ ندڈ نزد سپتھمبر کالج

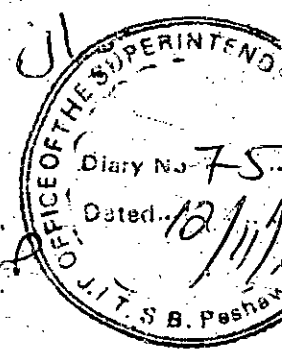
نشانی  
م  
315-5979586

12 11 18

دفتر الراجہ ایٹلینس

594 فیضہ FC

ان اداں میں سے



ہاتھ عالی

آج مورخہ 12-11-2018 کو لسٹ شدہ انکوائری تسمانی کارڈ نمبر وارث خان ولد انار

لیٹاؤٹھی جو الراجہ ڈسٹرکٹ ایس بی ایس اے ایف ایم خان ایس بی ایس ایف ایف اور فضل امین ریگا، ڈسٹرکٹ ایس بی ایس ایف ایف شروع ہے۔

صدرہ بالا ایس بی ایس ایف ایف والوں نے غیر اعلیٰ وارث خان سے طلب کیا ہے۔

لہذا وارث خان نامی شخص کو نو فیض جاننا بیوں اور اسکے ساتھ غیر اعلیٰ ہے۔ اور نہ ہی اس کیس کا سیکورٹی ڈسٹرکٹ ایس بی ایس ایف ایف

میں بحیثیت دفتر الراجہ ایٹلینس کے ساتھ ڈیوٹی

سرکاری دستاویزوں ڈائری ڈسٹرکٹ ایس بی ایس ایف ایف وغیرہ سے غیر اعلیٰ اس ہے

لہذا ایسی چیزیں جو حقیقت پر مبنی ہے

(N/A) Amin

12.11.2018

تھو کو وارنٹ خانہ کا معذ کریں نہ دیکھا اور اس موقع پر کیا گیا ہے  
(2) یہی وارنٹ خانہ کے کاغذات وغیرہ (کسٹ) نہ ملنے کی وجہ سے ملے ہوئے ہیں

15) کیا مذکورہ بالا خط تھو نہیں دیا گیا تھا یا اس کے علاوہ اور  
کاغذات بھی دیئے گئے تھے؟

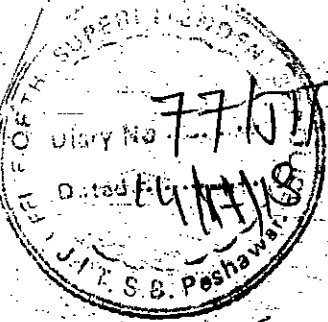
(2) مذکورہ بالا لکڑی تھو نہیں دی گئی بلکہ اللہ پورہ - بدیل کی دستاویز  
یہی پارٹ تھا جو کہ دستاویز اور اس کے ساتھ ہی پارٹ تھا۔

15) کیا اسے اصل بھی تم نے اس قسم کاغذات یا کسٹس کے طور پر ASB دیکھا ہے

(2) جی ہاں بالکل یہی پارٹ تھا







70

ضیاء خان

خواجہ زین العابدین ازلہ واریت خان صاحب سے منسلک فیسٹیو انٹرنیشنل ایڈوکیٹس ایسوسی ایشن

معلومات و شعور دینے کے لیے درخواست کی گئی۔ معلوم ہوا کہ ضروریہ عہدہ برادران

ڈاکٹر عزیز خان - کریم خان محمود خان - اعلیٰ رواق خان کئی سال قبل افغانستان

کے علاقے شہر شانی سے ہجرت کر کے پاکستان آئے ہیں۔ چونکہ ضروریہ کے

نیشنل مٹسنگ کے انڈیکسری بھی دفتر ہجرت آئے ہیں۔ ضروریہ سے ریگڈ

طلب گئے ہیں لیکن ناگاہک طور پر ان کا ریگڈ سال 1978ء میں اس سے

قبل ریگڈ ہو گیا اور وزارت وغیرہ فراہم نہ کر سکا۔ ضروریہ وارنٹ کا

سیا گیا اور انہیں افغانستان کے صوبہ جلال آباد میں جیلوری کی دوکان سے

نہر علیہ سپریم کورٹ میں موجود ہے۔ ضروریہ کے چھ ماہ کی عہدہ اور طالبی ریگڈ

کے پاس افغان سپریم کورٹ میں عطا ہو سکتا ہے۔ ضروریہ کے عہدہ اور طالبی ریگڈ

ضروریہ افغان آباد ہے

ایڈووکیٹ صاحب

*[Handwritten signature]*

14.11.81

Agarwal

*[Handwritten signature]*

A40/5B/118

14.11.81



72



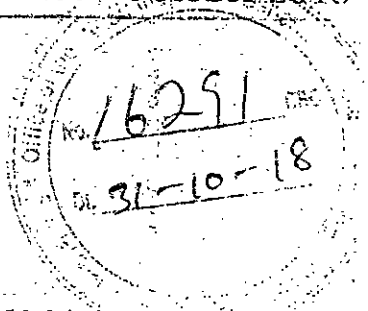
**GOVERNMENT OF PAKISTAN**  
**MINISTRY OF INTERIOR**  
**NATIONAL DATABASE & REGISTRATION AUTHORITY**  
*Regional Head Office Khyber Pukhtunkhwa*  
**(ISO 9001:2008 Certified)**

EObI Building, Plot#31, Sector B-1, Phase-V Hayatabad Peshawar

52/SV/SB-Ltr/13606/Cancel/N-18

24<sup>th</sup> October 2018

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



Subject: **Verification of National Status.**  
Reference: *Special Branch letter#13606/Security dated 14<sup>th</sup> September 2018.*

1. With reference to above, your office verification letter no. 13606/Secy dated 14<sup>th</sup> September 2018 in respect of Mr. Waris Khan s/o Haji Anar Gul CNIC# 1730114183339 wherein you have stated to cancel the previous verification letter no. 9105/Secy dated 22<sup>nd</sup> May 2018 in r/o of the above mentioned individual. The said individual was declared as "Pakistani national" vide your letter no. 9105/secy dated 22<sup>nd</sup> May 2018 and accordingly his record has been cleared and CNIC has been released. Your recent letter did not mention that his CNIC may be blocked again or otherwise.

2. You are therefore requested to clarify the national status of the concerned individual before canceling the previous letter.

3. Forwarded for further necessary action, please.

Handwritten notes and signatures: ✓ ASB for m, 31/10

Assistant Director (Veri)  
For Director General  
(Abdul Qadus)

Faint handwritten notes and stamps at the bottom right of the page.





GOVERNMENT OF PAKISTAN  
 MINISTRY OF INTERIOR  
 NATIONAL DATABASE & REGISTRATION AUTHORITY

73



Regional Head office, Khyber Pakhtunkhwa  
 (ISO Certified 9001:2008)  
 EOBI Building, Plot#31, Sector B-1, Phase-V Hayatabad Peshawar  
 091-9217859

13 Dec 2013

No 11/DCT/B-566/N-13-44

ادرا دفتر منور

7254  
 23/12/13

To: The Deputy Inspector General of Police  
 DCT, SB Khyber Pakhtunkhwa,  
 Peshawar.

Subject: Verification of National Status

Reference: Verification Board held at RHO Peshawar on 26 Nov 2013

1. Particular of under mentioned individuals are sent herewith for verification of National Status

S#	Name	F/H Name	CNIC#	Address
1	Waris Khan	Haji Annar	1730114183339	ZARGARABAD MUNSHI ABAD PESHAWAR Contact No: 03005979586

2. In compliance to your letter No 1597/Secty dated 19 Mar 2013, the information / details as desired are as under:

CNIC Issuance Grounds	Family Cnic			
Blockage Reason	Applicant Seems Doubtful Needs To Be Verified			
Family Tree Details				
Name	Father Name	CNIC	Relation	Status
Shah Mehmood	Anar Gul	1730197066393	Brother	Clear

3. Prompt reply at your end is requested, please. - 03

- Add: I.GP/SB
- DIG/SB
- ✓ IIC/CTD
- SSP/Admn:
- SSP/P
- SP/S
- SP/Survey
- SP/IT
- SP/Inq
- SP/REG
- SP/PRO
- On Tech:

ASB

No-624-4615

RT-27-01-14

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Deputy Director (Ver)  
 For Director General  
 Khalid Ja

73/JIT/SB  
01-11-2018



74

GOVERNMENT OF PAKISTAN  
MINISTRY OF INTERIOR  
NATIONAL DATABASE & REGISTRATION AUTHORITY  
Regional Head Office Khyber Pakhtunkhwa  
(ISO 9001:2008 Certified)

1081 Building, Plot#31, Sector B-1, Phase-V Hayatabad Peshawar

Ref: JIT/42-SB/Prov-Doc/N-18

31<sup>st</sup> October 2018

The SSP/JIT,  
SB Khyber Pakhtunkhwa,  
Peshawar.

**Request for Providing Original Letter's Copy# 9105/S dated 21/05/2018,  
issued to NADRA by Special Branch, Board Form, family Background.  
SSP/JIT DIG SB letter# 42/JIT/SB dated 30/10/2018.**

In reference to letter no. referred above, the required information alongwith  
relevant copies of document are as under:-

B  
0313 9318027

The required Information as per SB letter	Remarks
Reference card of Waris Khan	CNIC no. of Mr. Waris Khan: 1730114183339, TID# 101601041553. Contact no. 0315-5979586. When he applied for CNIC recently his reference was his brother Mr. Ajmal Khan CNIC# 1730178178467/address "Street no. 3, Zargar Abad, Munshi Abad, Tehsil and District Peshawar.
POR card of Waris Khan	No POR record found.
Photograph of Waris Khan	Available photograph attached.
Other documents in your office bearing name of Waris Khan. Copies of relevant copies of relevant register.	Photocopy of scanned CNIC form of recent apply attached. Copy of dispatch entry register at this office attached as well.
Copies of documents bearing the signature and the thumb impressions of Waris	Signature and Thumb is available in attached scanned CNIC form.
Kinship tree of the above mentioned name.	Mst. Latifa Bibi (wife), Mst. Salma Bibi (wife), Mr. Muhammad Ismail (son), Mr. Muhammad Ibrahim (son) and Mst. Noria (daughter).

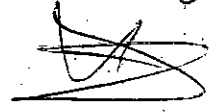
Requested for your information and further necessary action as desired, please.

Deputy Director (Veri)  
For Director General  
(Babar Rashid Jadoon)



حوالہ ایلوٹری لریک۔ آڈان وارث کان ولر کان انار سان زردا  
 نیک نوت سروکی صلیت صون نہ مذکورہ ایلوٹری 13-14-11 Det 13-566-11  
 ملاک شناسی کارڈی ایلوٹری 23 2/13 نو بولیس لریک و عارک حویلی کل اسی وقت  
 مذکورہ لیس 23 2/13 میں سیدک تھا۔ اور سیدک لریک و عارک و  
 سیدک لیس 23 2/13 میں سیدک تھا۔ اور سیدک لریک و عارک و

مذکورہ لیس کا نہ سیدک جواب دیا اور سیدک لریک  
 سیدک لریک و عارک و



13/5/11

26 10 11

"ٹیمینٹ انچارج سیکورٹی سیکشن"

جناب عالی!

میرا آرڈر بحوالہ نمبر 19-4112 مورخہ 17-07-2018 بطور انچارج سیکورٹی سیکشن ہوا ہے۔ رجسٹر میں لیٹر نمبر 9105/S مورخہ 21-05-2018 کا خانہ خالی ہے۔ یہ نمبر رجسٹر میں درج نہیں ہوا ہے۔ اس نمبر کا ریکارڈ موجود نہیں۔ نہ رجسٹر میں اور نہ ہی آفس میں۔ صرف نادرا سینٹر پنڈنگ فائل میں موجود تھا۔ یہ نمبر ڈاک بھیجی میں درج ہے اور نادرا کو ارسال کیا گیا ہے۔ نادرا آفس میں کلرک نے مذکورہ چٹھی وصول کی ہے۔

اس وقت انچارج سیکورٹی سیکشن نعیم خان تھا جس کا لیٹر پر Initial موجود تھا۔

اختر حسین، انچارج سیکورٹی سیکشن۔  
26/05/2018



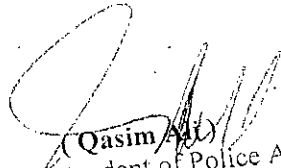
CHARGE SHEET.

I, Qasim Ali, SSP/Admn: Special Branch, Khyber Pakhtunkhwa Peshawar as a competent authority under Khyber Pakhtunkhwa Police rules 1975 (amended 2014) hereby charge you Constable Nabi Ameen No.594/SB as follow:-


a) You, while posted as runner/office orderly to SP/Intelligence Special Branch have prepared a fake NADRA verification reply in r/o Waris Khan s/o Anar Gul which was forwarded to NADRA vide letter No. 9105/S dated 21-05-2018 mentioning him as Pakistani National.

By the reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said rules.

1. You are, therefore, directed to submit your written defense within 7 days of the receipt of this Charge Sheet to the Enquiry Officer.
2. Your written defense, if any, should reach to the enquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case, ex-parte action will be taken against you.
3. You are also at liberty, if you wish to be heard in person.
4. Statement of allegation is enclosed.

  
(Qasim Ali)  
Sr. Superintendent of Police Admn:  
Special Branch Khyber Pakhtunkhwa,  
Peshawar.

Received

  
31/12/2018

SUMMARY OF ALLEGATIONS.

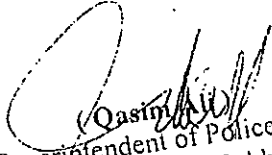
1. Qasim Ali, SSP/Admn: Special Branch, Khyber Pakhtunkhwa Peshawar being competent authority, am of the opinion that Constable Nabi Ameen No.594/SB, presently posted to SB HQrs Peshawar rendered himself liable to be proceeded against, as he has committed the following acts of omissions / commissions within the meaning of Khyber Pakhtunkhwa Police Rules 1975.

STATEMENT OF ALLEGATIONS.

That he, while posted as runner/office orderly to SP/Intelligence Special Branch have prepared a fake NADRA verification reply in r/o Waris Khan s/o Anar Gul which was forwarded to NADRA vide letter No. 9105/S dated 21-05-2018 mentioning him as Pakistani National.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation, SP [Signature] M. Ashfaq is appointed as enquiry officer to conduct enquiry under Police Rules 1975.

3. The Enquiry Officer shall, in accordance with the provision of the said Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within 15 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

  
Sr. Superintendent of Police Admn:  
Special Branch Khyber Pakhtunkhwa,  
Peshawar.

No. 712-77EB: dated Peshawar the, 28/12/2018.

Copy of above is forwarded to the:-

1. Enquiry Office with the direction to to initiate departmental proceedings against the accused under the Rules and submit his findings in shortest possible time.
2. Official concerned.



~~SP security~~  
Checked  
SP

11-01-09

FC  
sq4  
Kb

میں نے اس سے متعلق جاننے کے لیے اس سے رابطہ کیا ہے۔  
اس سے متعلق جاننے کے لیے اس سے رابطہ کیا ہے۔

اس سے متعلق جاننے کے لیے اس سے رابطہ کیا ہے۔  
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اس سے متعلق جاننے کے لیے اس سے رابطہ کیا ہے۔

Subject: Departmental Proceeding against Constable Nabi Ameen No. 594 of Special Branch

Background:-

In compliance with the orders issued by worthy SSP Admin Special Branch vide Charge Sheet No. 7692-93/EB dated 28.12.2018 to Constable Nabi Ameen No.594 regarding involvement in preparing of fake NADRA Verification report in respect of Waris Khan s/o Anar Gul. In the instant case 03 official of Special Branch were found guilty and were desired for major punishment. However, the subject accused official was also alleged for the same omission for which the departmental proceeding initiated against him and entrusted to the undersigned for further probe.

Allegations as per statements of Allegation

That he was posted as runner/office Orderly to SP Intelligence Special Branch and prepared a fake NADRA verification reply in respect of Waris Khan s/o Anar Gul which was forwarded to NADRA vide letter No. 9105/S, dated 21.5.2018 mentioning him as Pakistani National.

Proceedings:-

The brief facts of the proceedings are mentioned below:-

Charge sheet/statement of allegations against the accused official was served upon him for proper departmental proceedings under Police Rules 1975 as recommended in the previous inquiry conducted against 03 other officials.

Therefore, in order to find the reality of the issue, the following were summoned, examined and placed their statements on file for reference.

- i. The accused official Constable Nabi Ameen attached as F/A.
- ii. Waris Khan s/o Anar Gul the holder of illegal CNIC attached as F/B.
- iii. Muhammad Naeem, Assistant, Ex-Incharge ASB attached as F/C.
- iv. Fazal Amin Ex-Record Keeper of ASB Section attached as F/D.
- v. Ibrahim Khan Senior Clerk Ex-Dispatcher of ASB attached as F/E.
- vi. Akhtar Hussain Senior Clerk Present Incharge ASB attached as F/F.
- vii. Wajid Ali Ex-Computer Operator of IT Project attached as F/G
- viii. Sihat Ali SI/Ex-AGO City attached as F/H.
- ix. (Ahmad, Haseeb, Iftikhar and Irfan Alam) all Computer Operators of ASB Section attached as F/I.

1. Statements of the Accused official FC Nabi Ameen

Constable Nabi Ameen No.594 stated that he was working as Office Runner/Orderly with Officers since 2008. In the instant inquiry he denied all kinds of involvement and said that he does not know the knowledge of Computer to prepare NADRA reply neither know about dispatching of letters. He further added for forgiveness.

2. Statement of Waris Khan the Holder of illegal CNIC

Waris Khan s/o Anar Gul r/o Birun Yakatoot, Science College Road Noor Colony Peshawar stated that his CNIC was blocked in the year 2013 and was marked to JVC Peshawar for verification but not succeeded. After failure in JVC he met with Qari Abdul Raheem who assured him for obtaining his CNIC and for the process he has given Rs. 25000/- to Qari Abdul Raheem. During cross questions he doubtfully admitted the name of Wajid Ali for getting such amount from Qari Abdul Raheem.

3. Muhammad Naeem, Assistant, Ex-Incharge ASB

He stated that Record Keeper namely Fazal Ameen has not put the case for onward process, so how he processed the case, as the original PUC of the case was pending with record keeper and also with AGO City. Thus he denied all kind of omissions alleged against him.

4. Fazal Amin Ex-Record Keeper of ASB Section

Fazal Amin assistant Grade Clerk while posted as Record Keeper in the ASB section added that he did not put the previous record with the instant case. He added that during his tenure the instant case was kept pending in his custody and neither the AGO concerned has verified the case. So how he put the case for onward process he added. He denied all kind of omissions levelled against him.

5. Ibrahim Khan Senior Clerk Ex-Dispatcher of ASB

Ibrahim Senior Clerk Ex-Dispatcher of ASB section appeared before the undersigned and stated verbally that Constable Nabi Ameen alongwith the case came and asked him that SP Intelligence requires dispatch number thus he gave a number 9105 on a chit. Later on he did not handed over the case for further process.

6. Akhtar Hussain Senior Clerk Present Incharge ASB

Senior Clerk Akhtar Hussain while posted as Incharge of ASB Section stated that he was transferred to ASB section on 17.7.2018 and the

number 9105/S quoted on the bogus letter has no record in this office neither it has been registered in the Dispatch register. He further stated that the NADRA case in respect of Waris Khan is pending in the record but its reply were illegally sent to NADRA. He disclosed that the initial of ex-Incharge ASB Muhammad Naeem is quoted on the bogus letter.

7. Wajid Ali Ex-Computer Operator of IT Project

He stated that he was working in IT Section as project employee since 20.07.2012 till 23.6.2018. The project was expired on 30.6.2017 but his regularization process was pending in the court therefore he continued his services to 23.6.2018. He stated that he has no concern with ASB Section neither he knows the job of ASB Section. He further stated that his job was only to maintain Internet Services in all sections of Special Branch. On querying about Waris Khan s/o Anar Gul he stated that he does not know about Waris Khan neither any relation or contact with him.

8. Sihat Ali SI/Ex-AGO City

He stated that inquiry about Waris Khan s/o Anar Gul was not assigned him neither kept pending on the part of AGO City. He further stated that the inquiry was assigned to him on 14.11.2018 after the action of the high-ups and submitted his report by declaring him as Afghani National.

9. (Ahmad, Haseeb, Iftikhar and Irfan Alam) all Computer Operators of ASB Section

Computer operators Ahmad, Haseeb, Iftikhar and Irfan Alam of ASB Section were appeared before the undersigned stated the same that they are unaware of the instant case and stated that they did not type any letter without NADRA record.

Findings:-

During the course of inquiry the following were found that:-

1. Waris Khan s/o Anar Gul is reluctant to tell the facts of the instant case by whom he obtained the CNIC and stating about an imaginary person namely Qari Abdul Raheem. Which has been died since 01 year ago and nobody knows his where about.
2. Senior Clerk Ibrahim has furnished several omissions in the instant case i.e.:-


- i. First of all he wrote a blank letter number i.e. 9105/S in the Dispatch Register in the instant case without any record.
  - ii. Secondly as per his statement if the blank letter received by office orderly i.e.(Nabi Ameen) then why he did not justified the same letter number before his incharge as well as his supervisory officer.
  - iii. After writing the letter number in dispatch register, he made another serious mistake of dispatching the same letter to NADRA and also wrote in the Peon Book.
3. Besides Muhammad Naeem Ex-I/C ASB, Fazal Amin Ex-Record Keeper and Ibrahim Ex-dispatcher ASB who are declared by the previous inquiry officer as main culprits of the instant case, Wajid Ali Ex-Computer Operator of IT Project is similar involved in this case as he was the Web Services Controller, knows the job of ASB Section and had the access of ASB Section.
4. Similarly Constable Nabi Ameen is also a part of chain in the instant case as the case was routed through his channel and he demanded for a blank letter number i.e. 9105/S from Dispatch Clerk.

Recommendation:-

The following is recommended if approved:-

1. Local Police may be requested for legal action against Wajid Ali ex-Computer Operator of IT project for proceeding U/Ss 419,420, 468 and 471 PPC.
2. Constable Nabi Ameen No.594 has liable himself for the punishment as granted to other guilty officials.

Submitted for your kind perusal and further orders please.

  
Muhammad Ashfaq  
SP Security Special Branch;

W/SSP/Admn:

RETIREMENT ORDER.

Constable Nabi Ameen No.594/SB of Capital City Police Peshawar presently on deputation to this Establishment is hereby retired on pension from service with effect from 31/11/2018 on his own request.

Sr. Supdt of Police Admn:  
For Dy: Inspector General of Police  
Spl: Branch Khyber Pakhtunkhwa  
Peshawar

100. 2 15 762 /EB, dated Peshawar the, 26/11/2018.

Copy forwarded to the:-

1. CCP Peshawar.
2. SP/HQrs/SB.
3. SP/Security/SB.
4. Acctt:/SB.
5. PC/SB.
6. LO/SB.
7. EA/SB.
8. SRC/SB

From:

The Deputy Inspector General of Police,  
SB: Khyber Pakhtunkhwa Peshawar.

To:

The Dy: Director Verification,  
NADRA, Hayatabad Peshawar.

No:

15666

/Security Dated: Peshawar, the 15-11-2018.

Subject:

VERIFICATION OF NATIONAL STATUS.

Memo:

Please refer to your office letter No.52/SV/SB-  
Lir/13606/Cancel/N-18 dated 24-10-2018.

Secret enquiry was conducted through field staff of Special Branch (City) which revealed that the family of individual Mr: Waris Khan F/H Haji Anar Gul basically migrated from Afghanistan (Sher-Shahi), however the individual was informed so many times to provide his data documents but they could not produce the required documents according to SOP, hence not verified.

However, as per ground check report Mr: Waris Khan F/H Haji Anar Gul is verified Afghan National.

SP/Intelligence  
For Deputy Inspector General of Police,  
SB: Khyber Pakhtunkhwa Peshawar.  
14-11-2018.

ORDER.

Being involved in a serious nature issue, the retirement order of Constable Nabi Ameen No 594/SB issued vide this office order Endst: No 6355-62/EB dated 26.11.2018 is hereby withdrawn. He is directed to report back to his duty at SB, HQrs: Peshawar.

*M*  
Sr: Superintendent of Police, Admn  
For Deputy Inspector General of Police  
Special Branch Khyber Pakhtunkhwa  
Peshawar

No. 1503-12 /EB:, dated Peshawar the,

24/12/2018.

Copy to the:-

1. SP, HQrs: SB:
2. SP, Security SB:
3. PC/Acct/SRC SB:
4. LO/SB
5. EA/SB
6. IT Section



FINAL SHOW CAUSE NOTICE

I, Qasim Ali, SSP/Admn: Special Branch KP, Peshawar being competent authority under Khyber Pakhtunkhwa, Police Rules 1975 (Amended 2014), issue this final show cause notice to you Constable Nabi Amin No.594 on the following grounds:-

That, you while posted as orderly to SP/Intelligence SB, have prepared a fake NADRA verification reply in r/o Waris Khan s/o Anar Gul which was forwarded to NADRA vide letter No.9105/S, dated 21-05-2018 mentioning him as Pakistani National. You were served with charge sheet and summary of the allegation vide this office No.7692-93/EB, dated 28-12-2019. SP/Security Muhammad Ashfaq was nominated as Enquiry Officer who during the course of enquiry, found you guilty of misconduct and recommend you to impose Major punishment of Compulsory retirement from service.

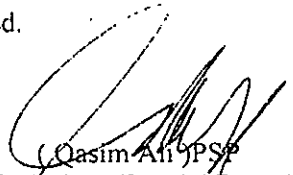
After going through the findings of the Enquiry Officer, the material available on record and other connected papers, I am satisfied that you have committed the misconduct being defined under Khyber Pakhtunkhwa, Police Rules 1975 (Amended 2014). As a result thereof, I Qasim Ali, SSP/Admn: Special Branch Khyber Pakhtunkhwa Peshawar as competent authority has tentatively decided to impose upon you major penalty of Compulsory retirement from service under Police Disciplinary Rules 1975 (Amended 2014).

You are therefore, directed through Final Show Cause **within 15 days** as to why the aforesaid penalty should not be imposed upon you.

In case your reply is not received within stipulated period, it shall be presumed that you have no defense to put and in that case an ex-parte action shall be taken against you.

Also state as to whether you desire to be heard in person.

Copy of finding of the enquiry officer is enclosed.

  
(Qasim Ali)PSP  
SSP/Admn:/Special Branch  
Khyber Pakhtunkhwa, Peshawar.

No. 2455/EB, Dated Peshawar, the 13 - 02 /2019.

Copy to Constable Nabi Amin No.594, SB HQrs, Peshawar.

بیان اذان لیکچر نی اے 594 جسٹس ایچ ایچ ایچ

صہا علی ۱

محکمہ فائنل سٹوڈنٹس کمیونٹی 13/2/19 دتہ 3/55/EB

معمولہ صورتوں مندرجہ ذیل سے تعلق رکھنے والی صورتوں کے بارے میں

انکوائری میں ہیں ایسے انکوائری افسر کو مفصل وارے خطوں

تعمیراتی تعمیراتی بیان ہے کہ وہیں صہا SSP/INT سے تعلق رکھتا ہے

تعمیراتی تعمیراتی وغیرہ اور صہا سے تعلق رکھنے والی صورتوں کے بارے میں

تعمیراتی ڈیپارٹمنٹ سے تعلق رکھتا ہے اور وہیں سے

مذکورہ لٹر نمبر 9/05/5 21-5-2018 ڈیپارٹمنٹ سے لیا گیا ہے

ایسی تعمیراتی جو حقیقت پر مبنی ہے اس کے بارے میں تعلق رکھتا ہے۔ معافی کا طلب کیا جا رہا ہے۔

مترجمہ کے لئے آپ کے لئے دو روزہ پیشکش ہو رہی ہے

(N/A) Amin

SB 594  
HQ FC


20-02-2019

ORDER

This order is passed in departmental proceedings initiated against Constable Nabi Amin No. 594/SB (hereinafter referred to as an accused officer).

Accused officer while posted as orderly to SP/Intelligence has allegedly made a fake/bogus NADRA verification of National status reply of an alien Waris Khan and got it signed fraudulently from SP/Intelligence. The same reply letter was forwarded to NADRA vide No. 9105 dated 21.05.2018 wherein alien Waris Khan was declared bonafide Pakistani National/Citizen. Charge Sheet and statement of allegations based on preparing fake/bogus verification of National status letter was served to accused officer vide letter NO. 7692-93/EB dated 28.12.2019. Muhammad Asfaq SP Security was appointed as Enquiry officer to scrutinize the conduct of accused officer with reference to the charges leveled against him. The Enquiry Officer accomplished the departmental proceedings and held the accused officer guilty of commission of gross misconduct beyond shadow of doubt as he was involved preparing fake/bogus NADRA verification reply which tarnished the image of this reputed Intelligence Agency. Thus the accused officer was served with final show cause notice and also heard in person but his reply and personal appearance was not satisfactory having no substance to defend.

In view the incorrigible character of accused officer who is proved involved in such cheating/fraud, I Muhammad Karim Khan Deputy Inspector General of Police, Special Branch, Peshawar being the competent authority imposed upon him major penalty of Removal from service within the meaning of Rule 4(1)(iii) Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) with immediate effect.

  
(Muhammad Karim Khan)PSP  
Deputy Inspector General of Police,  
Special Branch, Khyber Pakhtunkhwa,  
Peshawar.

No. 3958-65/EB, dated Peshawar, the 29 / 03 /2019

Copy to all concerned.

To,

The Inspector General Police,  
Khyber Pakhtunkhwa Peshawar.

SUBJECT: DEPARTMENTAL APPEAL for reinstatement  
AGAINST THE REMOVAL ORDER OF DATE  
29/03/2019 VIDE LETTER NO.3958-65/EB  
DATED OF THE OFFICE OF DEPUTY  
INSPECTOR GENERAL OF POLICE (SB)  
KHYBER PAKHTUNKHWA PESHAWAR.

*Respectfully Sheweth,*

Office of the IGP (SB), Peshawar  
(Khyber Pakhtunkhwa)  
Date: 10/30  
08/04/2019

With utmost respect & extreme obeisance, the appellant very humbly submits the instant appeal against the removal office order No.3958-65/EB, dated 29/03/2019 of the Deputy Inspector General Special Branch Khyber Pakhtunkhwa, Peshawar to the following effect:

1. That the appellant joined this prestigious Branch/CCP, as a constable in the year of 10/03/1987 and were still serving in the same department for the last 32 years.
2. That the appellant served with his zeal and zeast in this department for many years,

S/3 A.S.  
for nia psh  
8/4/19  
Resht  
S/3

S.NO.	NATURE OF PUNISHMENT	PUNISHMENT AWARDED BY /OB NO
1.	23 days (15.09.1989 to 08.11.1989) leave without pay	SSP Peshawar vide No.167, dt: 09.01.1990
2.	01 day leave without pay	SSP Peshawar vide No.1747, dt: 18.04.1993
3.	01 day leave without pay	SSP Peshawar vide No.2666, dt: 13.06.1993
4.	01 day leave without pay	SSP Peshawar vide No.2599, dt: 07.06.1993
5.	01 day leave without pay	SSP Peshawar vide No.384, dt: 07.02.2004
6.	01 day leave without pay	SSP Peshawar vide No.391, dt: 09.02.2004
7.	01 day leave without pay	SSP Peshawar vide No.404, dt: 09.02.2004
8.	02 day leave without pay	SSP Peshawar vide No.461, dt: 14.02.2004
9.	02 day leave without pay	SSP Peshawar vide No.58, dt: 10.01.2007
10	Removal from service being involved in cheating/fraud, bogus Nadara Verification of National Status	DIG Special Branch Khyber Pakhtunkhwa vide No.3958-65/EB, dated 29.03.2019

but there had been no adverse entry against the appellant, nor any complaint was ever moved against the appellant, rather the appellant has thoroughly been able to win the appreciations of his High Ups, throughout his career:

3. That the appellant filed in application for retirement after qualifying pension before the competent authority, whereas clearance certificate was too issued to the appellant. (Copy of slip dated 03/12/2018 is attached)

4. That meanwhile the appellant was intentionally involved in a bogus and fake inquiry with malafide intention and ulterior motive just to deprive him from all pensionary benefits, the inquiry report is self explanatory that in inquiry namely wasris Khan who's NIC was blocked during in the course of inquiry the inquiry officer called Mr. Waris Khan who did not disclose the name of the appellant. (Copy of statement of waris Khan dated 28/12/2018 is attached)

5. That besides these facts one of the ex-Officials Muhammad Ibrahim falsely

stated before the inquiry officer that once the appellant came and asked me about dispatch Number but nothing available in black n white on record but just to involve the innocent appellant by fraud in misrepresentation.

Grounds:

1. That the inquiry report and removal order is totally against the law and fact and nothing available on record to involved the innocent appellant in the frivolous case.
2. That the act of the competent authority is against the law and constitution which does not suggest the major penalty on such like cases.
3. That the appellant had filed application for retirement on the basis of qualifying pension on the service of 32 years but the department/high ups involved him in the bogus inquiry and suggested major penalty removal from service which is clear violation of the fundamental rights.
4. That no proper proceeding were adopted to bring the real culprit/facts by the inquiry officer but just made fill in the blanks by involving

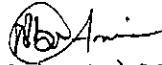
innocent appellant just to fulfill the proceeding of the inquiry which is against the fundamental rights and constitution of Islamic Republic of Pakistan.

5. That the appellant is ready to swear on oath, that the appellant is quite innocent and depriving him from pensionary benefits.

It is, therefore, most humbly requested that office order No.3958-65/EB dated 29/03/2019 of the office of the competent authority/DIG, Khyber Pakhtunkhwa may be struck down and cancelled and the appellant may be reinstated on his own post and pay scale.

Dated: 08/04/2019

Yours obediently,



(Nabi Amin) No.594/SB

Ex-Constable Special  
Branch Peshawar  
Cell No.0345-9327628

0314-9415477



PARA-WISE COMMENTS IN REPLY TO DEPARTMENTAL APPEAL  
SUBMITTED BY Nabi Amin EX-CONSTABLE NO. 594/SB.

FACTS:-

1. Pertains to record hence no comments.
2. Incorrect, the appellant service roll was checked wherein he was found habitual absentee hence punished time and again on absentsing himself from lawful duties which speaks his lack of interest and shows him non willing worker however his absentia periods were treated as leave without pay while taking lenient view by the competent authorities.
3. Incorrect, appellant when noticed that the authority initiated enquiry in the matter of serious misconduct wherein an alien/Afghan National Waris Khan was declared bonafide Pakistani Citizen by cheating/fraud committed in this establishment. Hence being guilty in nature as the appellant was fully involved, he applied for retirement on pension from service to avoid such departmental proceedings. During enquiry, it was found beyond shadow of doubt that the appellant was the main culprit in this fraud/cheating who made a fake/bogus reply to NADRA verification letter of National Status regarding an alien Waris Khan in connivance of other officials by signing fraudulently from SP Intelligence being an office orderly. Having involved in such serious kind of misconduct, his retirement order was withdrawn by the competent authority and directed to report back for duty.
4. Incorrect, Waris khan indeed mentioned that his late friend bribed the official (name not known to him) of Special Branch for declaring him Pakistani Citizen. Later on, the appellant was directly charged during enquiry by Ex-Senior Clerk Muhammad Ibrahim who disclosed that the appellant made this fraud/cheating of declaring an Afghan National as Pakistani Citizen by signing fake/bogus letter of National Status verification of Waris Khan from SP Intelligence.
5. Incorrect, Ex-Senior Clerk Muhammad Ibrahim disclosed vehemently to the enquiry officer while recording his statement that the appellant came to his desk having in hand the National Status verification case of Waris Khan and asked him that SP Intelligence requires blank dispatch number. Later on, fake/bogus letter of National Status verification of an alien/Afghan National Waris Khan was signed by the appellant from SP Intelligence and sent to NADRA wherein Waris khan was declared bonafide Pakistani

Citizen despite that the enquiry of Waris Khan was pending in the field office of Special Branch AGO City Peshawar.

**GROUND:-**

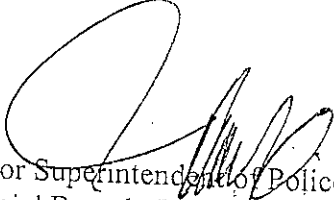
1. Incorrect, all legal and codal formalities have been observed during conduct of departmental proceedings against appellant held under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014). During proceedings, Ex-Senior Clerk Muhammad Ibrahim accused appellant was having the National Status verification case of Waris Khan and asked him that SP Intelligence requires blank dispatch number regarding this case. Later on, fake/bogus letter of National Status verification of an alien/Afghan National Waris Khan was signed by the appellant from SP Intelligence and sent to NADRA wherein Waris Khan was declared bonafide Pakistani Citizen. Fortunately, NADRA official while receiving routine dak mentioned the irregularity and returned the letter.
2. Incorrect, sufficient evidence exists against the appellant that fake/bogus verification letter was prepared by the appellant with connivance of other official and this is very serious nature of offence which comes under the orbit of misconduct within the meaning of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) hence major punishment awarded to appellant is just legal and according to ibid rules. The authority however took lenient view by not registering criminal case of fraud against the appellant.
3. Incorrect, no fundamental rights of the appellant mentioned in the Constitution of Pakistan 1973 have been infringed as it is proved beyond shadow of doubt that the appellant was fully involved in this fraud of making bogus letter of verification of National Status of alien/Afghan National Waris Khan wherein he was deliberately declared Pakistani Citizen. Appellant when informed that enquiry initiated by the authority to unearth the culprits involved in this cheating/fraud, he immediately submitted application for retirement on the basis of qualifying pension of 32 years however the pension order was withdrawn.
4. Incorrect, no fundamental rights of the appellant mentioned in the Constitution of Pakistan were violated. Earlier, proper departmental proceedings were initiated against staff of this establishment under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 wherein three officials were found involved in this fraud of fake/bogus verification letter and major punishment of compulsory retirement was awarded to all of them. The enquiry officer in that enquiry

made responsible the appellant of committing this fraud therefore another regular enquiry was conducted against the appellant by withdrawing the retirement order. He was given ample opportunity to defend himself besides heard in person by the competent authority but the appellant was having no plausible reply to convince hence major punishment of removal from service under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) was imposed upon him after proof of charge.

5. Incorrect, the appellant was not condemned unheard rather a regular enquiry was conducted in the matter wherein Ex-Senior Clerk Muhammad Ibrahim in a blatant manner accused the appellant as the master mind of this fraud. The appellant was given opportunity to examine Ex-Senior Clerk but he did not avail it hence major punishment of removal from service under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) was imposed upon him after proof of charge.

Prayer:-

It is therefore humbly prayed that the departmental appeal of the appellant based on wrong facts may be filed.

  
Senior Superintendent of Police, Admn,  
Special Branch, Khyber Pakhtunkhwa,  
Peshawar.



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. S/ 87 /20, dated Peshawar the 06/01/2020.

**ORDER**

This order is hereby passed to dispose of Revision Petition under Rule 11-A of K Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Nabi Amin No. 594. The petitione removed from service by Deputy Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Pes vide order Endst: No. 3958-65/EB, dated 29.03.2019 on the allegations that he while posted as orde SP/Intelligence has allegedly made a fake/bogus NADRA verification of National status reply of an alien Khan and got it signed fraudulently from SP/Intelligence. The same reply letter was forwarded to NADR No. 9105, dated 21.05.2018 wherein alien Waris Khan was declared bonafide Pakistani National/Citizens

Meeting of Appellate Board was held on 13.06.2019 wherein petitioner was heard in T During hearing petitioner contended that he is innocent.

Perusal of service records reveals that petitioner was posted as Orderly to SP/Intelligen remained posted in Special Branch for 08 years and worked in various capacity. His duty was to prese before the officers. Reading all papers carefully and then signing them is the duty of the officers. In the case, three (03) other officials were awarded punishment of compulsorily retirement from servic petitioner himself requested that he may be compulsorily retired. Therefore, the Board accepted his app he is hereby compulsorily retired from service.

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

*PS*  
(ZAIB ULLAH KHAN)  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

No. S/ 88-93 /20,

Copy of the above is forwarded to the:

1. Deputy Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar. One Roll alongwith copy of enquiry file (85 pages) and enquiry report (07 pages) of the above Ex-FC received vide your office Memo: No. 5084/EB, dated 03.05.2019 and No. 5798/E 29.05.2019 is returned herewith for your office record.
2. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
3. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
4. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.

*29*  
*7-7-20*

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

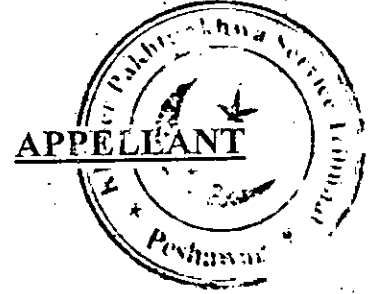
Amended Service Appeal No. 1146 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1255

Dated 16-9-2019

1. Fazal-e-Amin Ex-Assistant Grade Clerk, Special Branch Khyber Pakhtunkhwa, Peshawar.



**VERSUS**

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police, Special Branch Khyber Pakhtunkhwa, Peshawar.
3. The Senior Superintendent of Police (Admn) Special Branch Khyber Pakhtunkhwa, Peshawar.

**RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE  
KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE  
ORDER DATED 15-01-2019 PASSED BY  
THE DEPUTY INSPECTOR GENERAL OF  
POLICE, SPECIAL BRANCH KHYBER  
PAKHTUNKHWA, (RESPONDENT NO. 2)  
WHEREBY THE APPELLANT WAS  
AWARDED MAJOR PENALTY OF  
RETIREMENT FROM SERVICE  
AGAINST WHICH A DEPARTMENTAL  
APPEAL WAS FILED WITH THE  
PROVINCIAL POLICE OFFICER,  
KHYBER PAKHTUNKHWA,  
(RESPONDENT NO. 1) ON 02-07-2019 BUT  
THE SAME WAS REJECTED ON  
27-08-2019.**

Filed to-day

Registrar  
16/9/19

TESTED  
  
Registrar  
Service Tribunal  
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Amended Service Appeal No. 1146/2019

Date of Institution ... 16.09.2019

Date of Decision ... 21.01.2021

Fazal-e-Amin, Ex-Assistant Grade Clerk, Special Branch, Khyber Pakhtunkhwa, Peshawar. (Appellant)

VERSUS

The Provincial Police Officer, Government of Khyber Pakhtunkhwa, Peshawar and two others. (Respondents)

Present:

SYED NOMAN ALI BUKHARI, Advocate --- For Appellant.

MR. MUHAMMAD RIAZ KHAN PAINDAKHEL, Assistant Advocate General --- For respondents.

MR. HAMID FAROOQ DURRANI, MR. MIAN MUHAMMAD --- CHAIRMAN  
--- MEMBER (Executive)

JUDGEMENT.

HAMID FAROOQ DURRANI, CHAIRMAN:- Syed Noman Ali Bukhari,

Advocate submitted Wakalatnama in his favour executed by the appellant. Made part of the record.

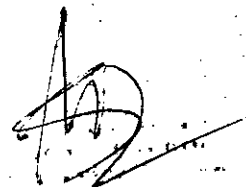
02. The appellant is aggrieved from order dated 15.01.2019 issued by the respondent No.2/ Deputy Inspector General of Police, Special Branch, Khyber Pakhtunkhwa Peshawar. His departmental appeal, preferred before the respondent No.1 was not responded to.

03. We have heard the learned counsel for the appellant, learned Assistant Advocate General on behalf of the respondents and have also gone through the available record.

04. At the outset, learned counsel for the appellant referred to the impugned order dated 15.01.2019 and stated that the Deputy Inspector General of Police, Special Branch, Peshawar/ respondent No.2 was not a competent officer, for the purpose of discipline, in the cases of ministerial staff of police. Referring to Section-44 of the Khyber Pakhtunkhwa Police Act, 2017 it was contended that only the Provincial Police Officer was the competent authority to pass such orders. The impugned order was, therefore, void and could not sustain.

Learned Assistant Advocate General opposed the argument of learned counsel for the appellant and contended that by virtue of notification dated 28.12.2015, the Regional Police Officer was delegated the powers of disciplinary action against ministerial staff. In his view, the appellant was rightly proceeded against and awarded major penalty of compulsorily retirement by the Deputy Inspector General of Police, Special Branch.

05. It is a matter of record that the appellant was issued charge sheet for misconduct detailed therein on 18.10.2018. The exercise was under taken by SSP/Admin Special Branch, Khyber Pakhtunkhwa, Peshawar while on the other hand, the impugned order dated 15.01.2019 was passed by the DIG, Special Branch. Reading Section-44 of Khyber Pakhtunkhwa Police Act, 2017 in juxtaposition to the statement of allegations as well as the impugned order, it becomes clear that neither the competent authority/ Provincial Police officer, issued the charge sheet nor the impugned order was passed by him. It shall be useful to reproduce hereunder the relevant part of Statute *ibid*:-



Ministerial staff etc.---(1) Subject to rules, Provincial Police Officer, may appoint ministerial staff and other employees to assist the Police.

(2) Any person employed under sub-section (1) shall be under the direction and control of Provincial Police Officer.

(3) The powers of direction and control referred to in sub-section(2) shall include the powers of discipline and dismissal.

(4) Subject to rules, Provincial Police Officer, may delegate his powers and authority under this section to an officer of appropriate rank.

In the circumstances of the case and in view of the above noted provision of law, we have no other option but to hold that the impugned order was *coram-non-judice* for all intents and purposes. Having been issued by an incompetent official/officer it can only be termed as void ab-initio. At the cost of repetition, it is noted that the Provincial Police Officer was the only competent authority for the purpose of case in hand. The respondents could not produce any instrument regarding delegation of powers of PPO, as provided by the law *ibid* in favour of some other officer. The notification dated 28.12.2015, as relied upon by learned Assistant Advocate General, was undeniably issued in the year 2015, much before the coming into force of Khyber Pakhtunkhwa Police Act, 2017.

06. For what has been noted above, the appeal in hand is allowed as prayed for. The parties shall, however, bear their respective costs. File be consigned to the record room.

ANNOUNCED  
21.01.2021

  
(MIAN MUHAMMAD)  
MEMBER(E)

  
(HAMID FAROOQ DURRANI)  
CHAIRMAN

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Khyber Pakhtunkhwa  
Service Tribunal  
Islamabad