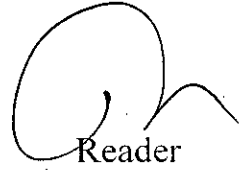


16.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 13.04.2022 for the same as before.

  
Reader

13.04.2022

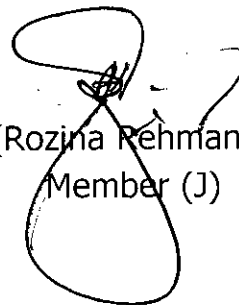
Miss Rabia Muzaffar Advocate learned counsel for the petitioner present.

Muhammad Adeel Butt, learned Additional Advocate General for the respondents present.

Former requested for withdrawal of the instant service appeal as the grievances of the petitioner have been redressed. In this regard, her statement was recorded on the margin of order sheet and her signature was obtained thereon.

In view of the above, execution petition stands dismissed as withdrawn. No order as to costs. File be consigned to the record room.

Announced.  
13.04.2022

  
(Rozina Rehman)  
Member (J)

Respected Madam,  
As per instructions of my client, I want to withdraw the appeal in hand.

  
13-4-22

08.12.2021

Counsel for the petitioner present. Mr. Muhammad Adeel, Addl: AG alongwith Mr. Fazal Mabood, Inspector for respondents present.

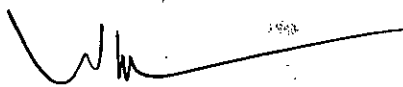
Representative of the respondents submitted reply to the execution petitioner which is placed on file. A copy of the same is also handed over to the learned counsel for the petitioner. To come up for further proceedings on 04.01.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

04.01.2022

Petitioner in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

Petitioner requested for adjournment as his counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for further proceedings before the S.B on 16.02.2022.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

04.10.2021

Petitioner alongwith his counsel Mr. Fazal Shah Mohmand, Advocate, present. Mr. Fazal Mabood, Inspector (Legal) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Mr. Fazal Mabood stated at the bar that implementation report will be positively produced before the Tribunal on the next date. Adjourned. To come up for implementation report before the S.B on 04.11.2021.



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

04.11.2021

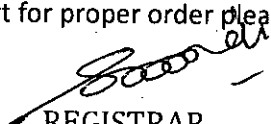
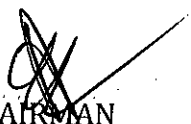

Counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG alongwith Fazal Mabood Inspector Legal for the respondents present.

Representative of the respondents produced certain documents and states that the result of denovo enquiry shall be furnished on next date. Copy handed over to learned counsel for the petitioner. To come up for objection petition on behalf of the petitioner on 08.12.2021 before S.B.

Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_  
Execution Petition No. 152 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	26.08.2021	<p>The execution petition of Mr. Bashir Muhammad submitted today by Mr. Fazal Shah Mohmand Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This execution petition be put up before S. Bench at Peshawar on <u>07/09/21</u>.</p> <p> CHAIRMAN</p>
	07.09.2021	<p>Petitioner alongwith counsel present. Notice be issued to the respondents. To come up for implementation report on 04.10.2021 before S.B.</p> <p> Chairman</p>

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Implementation Petition No \_\_\_\_\_/2021

In

Service Appeal No 745/2019

Bashir Muhammad.....**Petitioner**

**V E R S U S**

Commandant and another.....**Respondents**

**I N D E X**

<b>S. No</b>	<b>Description of documents</b>	<b>Annexure</b>	<b>Pages</b>
1.	Implementation Petition with Affidavit		1-2
2.	Application for interim relief with Affidavit		3-4
3.	Copy of the Order and Judgment dated 23-06-2021	<b>A</b>	5-9
4.	Copy of the Order and Judgment, Charge Sheet & Reply	<b>B, C &amp; D</b>	10-17
5.	Vakalat Nama		18

**Dated:-25.08.2021**

*Bashir*

**Applicant/Petitioner**

**Through**

*Fazal Shah Mohmand*

**FAZAL SHAH MOHMAND**

ADVOCATE,

SUPREME COURT OF PAKISTAN.

**OFFICE:-**

Cantonment Plaza Flat# 3/B

Khyber Bazar Peshawar.

Cell# 0301 8804841

Email:- fazalshahmohmand@gmail.com

-1-

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Implementation Petition No 152 /2021  
In  
Service Appeal No 745/2019



Bashir Muhammad, Assistant Sub Inspector, Police Training  
College Hangu. ..... Applicant/Petitioner

**V E R S U S**

1. Commandant, Police Training College Hangu.
2. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.

.....Respondents

**PETITION FOR THE IMPLEMENTATION OF  
ORDER/JUDGMENT DATED 23-06-2021 PASSED  
BY THIS HONORABLE TRIBUNAL IN THE ABOVE  
TITLED SERVICE APPEAL.**

**Respectfully Submitted:-**

1. That the Petitioner/appellant earlier filed Service Appeal No 745/2019 for his reinstatement in service which was accepted vide Order/Judgment dated 23-06-2021, the petitioner was reinstated in service and the matter was remanded back to the department for de-novo inquiry in accordance with law, to be completed within a period of one month from the date of receipt of Judgment and the issue of back benefits was left to the result of de-novo inquiry. **(Copy of the Order and Judgment is enclosed as Annexure A).**
2. That the Petitioner/appellant after obtaining attested copy of the stated Order/Judgment of this honorable Tribunal approached respondents which was received by the respondents on 08-07-2021, where after the petitioner/appellant was reinstated in service and charge sheet with statement of allegations was issued to the petitioner on 02-08-2021 which he replied accordingly but with no further proceedings till date. **(Copy of the Order/Judgment, Charge Sheet & reply therein is enclosed as Annexure B, C & D).**

- 3. That the respondents are not ready to implement the Order and Judgment of this honorable Tribunal in its true spirit for no legal and valid reasons, this act of the respondents is unlawful, unconstitutional and goes against the Orders and Judgment dated 23-06-2021 of this honorable Tribunal.
- 4. That the respondents are bent upon to remove the petitioner from service in violation of the Judgment of this honorable Tribunal, as respondents were required to have completed the de-novo proceedings within period of one month which has already lapse and any further action beyond the ratio of the Judgment of this honorable Tribunal would be violation of the Judgment of this honorable Tribunal.

**It is therefore prayed, that on acceptance of this Application/Petition, respondents may kindly be directed to implement the Order and Judgment of this honorable Tribunal dated 23-06-2021 passed in Service Appeal No 745/2019.**

**Dated:-25.08.2021**

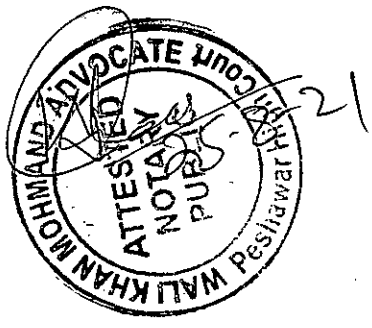
*Bughra*  
**Applicant/Petitioner**

**Through**

*and*  
**FAZAL SHAH MOHMAND**  
ADVOCATE,  
SUPREME COURT OF PAKISTAN.

**AFFIDAVIT**

I, Bashir Muhammad, Assistant Sub Inspector, Police Training College Hangu, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Implementation Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



*Bughra*  
**DEPONENT**

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Implementation Petition No \_\_\_\_\_/2021

In

Service Appeal No 745/2019

Bashir Muhammad.....**Petitioner**

**V E R S U S**

Commandant and another.....**Respondents**

**Application for interim relief, thereby restraining respondents from taking any adverse action against the petitioner beyond the ratio of Judgment dated 23-06-2021 of this honorable Tribunal**

**Respectfully Submitted:-**

1. That the above titled Implementation Petition is being filed today wherein no date of hearing has been fixed so far.
2. That respondents are going to proceed illegally and beyond the ratio of the Judgment of this honorable Tribunal against the petitioner and are going to take adverse action against the petitioner.
3. That any action if taken against the petitioner would be in violation of the Judgment of this honorable Tribunal, hence if respondents are not restrained from taking any adverse action against the petitioner, he would suffer irreparable loss.
4. That implementation of the Judgment of this honorable Tribunal is required in its true letter and spirit.

**It is therefore prayed that on acceptance of this application, respondents may kindly be restrained from taking any adverse action against the petitioner beyond the ratio of Judgment dated 23-06-2021 of this honorable Tribunal, by maintaining status quo.**

**Dated:-25.08.2021**

*Bashir*

**Applicant/Petitioner**

**Through**

*Fazal Shah Mohmand*

**FAZAL SHAH MOHMAND**

**ADVOCATE,**

**SUPREME COURT OF PAKISTAN.**



**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Implementation Petition No \_\_\_\_\_/2021  
In  
Service Appeal No 745/2019

Bashir Muhammad.....**Petitioner**

**V E R S U S**

Commandant and another.....**Respondents**

**A F F I D A V I T**

I, Bashir Muhammad, Assistant Sub Inspector, Police Training College Hangu, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application**, are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

*Bashir*  
**DEPONENT**



-5-

"A"

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



Service Appeal No 745 /2019

Bashir Muhammad, Ex- ASI No 840/MR District Police Mardan.  
..... Appellant

**Versus**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 869

Dated 19-6-2019

1. Commandant Police School Training Hangu
2. Provincial Police Officer/Inspector General of Police KP,  
Peshawar.

..... Respondents.



APPEAL AGAINST THE ORDER OF RESPONDENT NO 1 DATED  
15/03/2019 (ANNEXURE "A") WHEREBY THE APPELLANT  
WAS DISMISSED FROM SERVICE AND THAT THE RESPONDENT  
NO 2 DID NOT CONSIDER THE APPEAL DATED 21/03/2019  
(ANNEXURE "B") WITHIN SPECIFIC PERIOD.

**Prayer:-**

Filed to-day  
Registrar  
19/6/19

That the orders may please be declared against law, rules and principles of natural justice and may please be set aside and the appellant may be reinstated in service with all the benefits or any other remedy considered legal may please be granted.

**Respectfully Sheweth:-**

**ATTESTED**  
  
ATTENDING OFFICER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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

**Service Appeal No. 745/2019**

Date of Institution ... 19.06.2019

Date of Decision ... 23.06.2021



Bashir Muhammad, Ex-ASI No. 840/MR District Police Mardan.

... (Appellant)

**VERSUS**

Commandant Police School Training Hangu and another.

... (Respondents)

Mr. FAZAL SHAH MOHMAND,  
Advocate

For appellant.

MR. USMAN GHANI,  
District Attorney

For respondents.

**MR. SALAH-UD-DIN** ---  
**MR. ATIQ-UR-REHMAN WAZIR** ---

**MEMBER (JUDICIAL)**  
**MEMBER (EXECUTIVE)**

**JUDGEMENT:**

**SALAH-UD-DIN, MEMBER:-** Through this single judgment, we intend to dispose of the instant Service Appeal as well as Service Appeal bearing No. 931/2019 titled "Sohail Ahmad Versus Provincial Police Officer and two others" as well as Service Appeal bearing No. 1000/2019 titled "Matiullah Versus Inspector General of Police Khyber Pakhtunkhwa Peshawar and two others", as common questions of law and facts are involved therein.

2. Precise facts of the instant appeal as well as connected service appeals bearing No. 931/2019 and 1000/2019 are that during posting of the appellants namely Bashir Muhammad as In-charge ammunition Kot, Sohail Ahmad as Naib in SMG Kot and Matiullah as Reader to DSP Security, in Police Training College Hangu, 76285 live rounds of SMG

**TESTED**

**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**

were found missing, while entry of 11084 rounds was not properly made in the relevant record, therefore, disciplinary action was taken against the appellants and one H.C Muhammad Akram No. 1193/133. Vide order dated 15.03.2019, the appellants were dismissed from service, while H.C Muhammad Akram was exonerated from the charges. The departmental appeals of the appellants went un-responded, therefore, they have now approached this Tribunal through filing of the instant Service Appeals.

3. Mr. Fazal Shah Mohmand, Advocate, representing the appellant Bashir Muhammad, has contended that Commandant Police Training College Hangu was an officer of the rank of Deputy Inspector General of Police, who issued charge sheet as well as statement of allegations and also passed order of dismissal of the appellant, rendering the whole inquiry proceedings as nullity in the eye of law because as per Schedule-I of Police Rules 1975, Deputy Inspector General of Police being Appellate Authority was not the Authority competent under the law to proceed himself against the appellant. He further argued that whole of the inquiry proceedings were conducted in slipshod manner, without providing the appellant an opportunity of cross examination of the witnesses examined during the inquiry. He also argued that neither any show-cause notice was issued to the appellant nor any opportunity of personal hearing was afforded to him. He next contended that the appellant was admittedly transferred to Police Training College Hangu on deputation basis, therefore, in view of Rule-9 (iii) of Police Rules, 1975, Commandant Police Training College Hangu was not competent to impose punishment upon the appellant. In the last he contended that the appellant is quite innocent and has been condemned unheard; therefore, the impugned order may be set-aside and the appellant may be re-instated into service by extending him all back benefits. He relied upon 1996 SCMR 856, PLD 2018 Supreme Court 114, PLD 2016 Peshawar 278, PLD 2008 Supreme Court 663 and 2021 SCMR 673.

4. Mr. Shahid Qayum Khattak, Advocate, representing appellant Sohail Ahmad, while placing reliance on the arguments of learned counsel for the appellant Bashir Muhammad, has further argued that ammunition is kept in ammunition Kot, while the appellant was posted as Naib in SMG Kot, meant for stocking only of SMG Rifles, therefore, the appellant was

ATTESTED  
  
 MEMBER  
 Kyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar


having no concern with the alleged mis-appropriation of live rounds of SMG, therefore, the impugned order of dismissal of the appellant is liable to be set-aside.

5. Mr. Noor Muhammad Khattak, Advocate, representing the appellant Matiullah, has argued that the appellant was not issued any charge sheet and only statement of allegations was issued to the appellant, however it has been mentioned in para-3 of summery of allegations that the same was a charge sheet. He further argued that the procedure as laid down in Rule-6 of Police Rules, 1975, has not been complied with and even no opportunity of cross-examination of witnesses or personal hearing was afforded to the appellant, therefore, the impugned order of dismissal of the appellant is void ab-initio, hence liable to be set-aside. Reliance was placed on 2003 PLC (C.S) 365, 1988 PLC (C.S) 179, 2011 SCMR 1618, 1989 PLC (C.S) 336, PLJ 2017 Tr.C.(Services) 198, 2008 SCMR 1369; 2003 SCMR 681 and 1988 PLC (C.S) 379.

6. Conversely, learned District Attorney for the respondents has argued that the appellants were found involved in mis-appropriation of huge quantity of ammunition, therefore, disciplinary action was taken against the appellants and they were rightly dismissed from service. He also argued that the inquiry was conducted in a legal manner by providing opportunity of hearing to the appellants. He next contended that after conducting of proper inquiry against the appellants, the inquiry committee came to the conclusion that the charges against the appellants were proved, therefore, the competent Authority has rightly dismissed them from service.

7. We have heard the arguments of learned counsel for the appellants as well as learned District Attorney for the respondents and have perused the record.

8. A perusal of record would show that the show-cause notice, charge sheet as well as statement of allegations were issued to the appellants by Commandant Police Training College Hangu and upon receipt of the inquiry report, the order of dismissal of the appellants was also passed by Commandant Police Training College Hangu, who was an officer of the rank of Deputy Inspector General of Police. In light of

ATTESTED  
  
 ATTESTER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

- 1 -

Schedule-I of Police Rules 1975, officer of the rank of DPO/SSP/SP, being Authority competent to award punishment to the appellants, could have legally taken disciplinary action against the appellants. Commandant Police Training College Hangu was an officer of the rank of Deputy Inspector General of Police, therefore, keeping in view Schedule-I of Police Rules 1975, the action taken by him was illegal, without jurisdiction and void ab-initio. Moreover, the appellants were not at all provided any opportunity of cross-examination of the witnesses examined during the inquiry, which has caused them prejudice. The impugned order of dismissal of the appellant is thus not sustainable in the eye of law and is liable to be set-aside.

9. In view of the above discussion, the appeal in hand as well as Service Appeal bearing No. 931/2019 titled "Sohail Ahmad Versus Provincial Police Officer and two others" as well as Service Appeal bearing No. 1000/2019 titled "Matiullah Versus the Inspector General of Police Khyber Pakhtunkhwa Peshawar and two others", are allowed by setting-aside the impugned order of dismissal of the appellants. The appellants are re-instated into service and the matter is remanded back to the department for de-novo inquiry against the appellants strictly in accordance with relevant law/rules. The de-novo inquiry proceeding shall be completed within a period of one month from the date of receipt of copy of this judgment. The issue of back benefits of the appellants shall follow the result of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

**ANNOUNCED**  
**23.06.2021**

**(SALAH-UD-DIN)**  
**MEMBER (JUDICIAL)**

**(ATIQ-UR-REHMAN WAZIR)**  
**MEMBER (EXECUTIVE)**

RECEIVED  
KHYBER PAKHTUNKHWA  
SARFARAZ  
BAHAWALPUR  
APPROVED TO BE MADE COPY

Date of Presentation of Application 07-07-21  
Number of Words 2000  
Copying Fee 22.00  
Urgent                       
Total 22.00  
Name of Copyist                       
Date of Completion of Copy 07-07-2021  
Date of Delivery of Copy 07-07-2021

-10- "B"



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 745/2019

Date of Institution. ... 19.06.2019

Date of Decision 23.06.2021

Bashir Muhammad, Ex-AST No. 840/MP District Police Mardan.

... (Appellant)

VERSUS

Commandant Police School Training Hangu and another.

... (Respondents)

Mr. FAZAL SHAH MOHMAND,  
Advocate

For appellant

MR. USMAN GHANI,  
District Attorney

For respondents.

MR. SALAH-UD-DIN

MEMBER (JUDICIAL)

MR. ATIQ-UR-REHMAN WAZIR

MEMBER (EXECUTIVE)

JUDGEMENT:

SALAH-UD-DIN, MEMBER:- Through this single judgment,

we intend to dispose of the instant Service Appeal as well as Service Appeal bearing No. 931/2019 titled "Sohail Ahmad Versus Provincial Police Officer and two others" as well as Service Appeal bearing No. 1000/2019 titled "Matiullah Versus Inspector General of Police Khyber Pakhtunkhwa Peshawar and two others", as common questions of law and facts are involved therein.

2. Precise facts of the instant appeal as well as connected service appeals bearing No. 931/2019 and 1000/2019 are that during posting of the appellants namely Bashir Muhammad as In-charge ammunition Kot, Sohail Ahmad as Naib in SMG Kot and Matiullah as Reader to DSP Security, in Police Training College Hangu, 76285 live rounds of SMG

Remand on 4/7/2021

11/10


ATTESTED

were found missing, while entry of 11084 rounds was not properly made in the relevant record, therefore, disciplinary action was taken against the appellants and one H.C Muhammad Akram No. 1193/133. Vide order dated 15.03.2019, the appellants were dismissed from service, while H.C Muhammad Akram was exonerated from the charges. The departmental appeals of the appellants went un-responded, therefore, they have now approached this Tribunal through filing of the instant Service Appeals.

3. Mr. Fazal Shah Mohmand, Advocate, representing the appellant Bashir Muhammad, has contended that Commandant Police Training College Hangu was an officer of the rank of Deputy Inspector General of Police, who issued charge sheet as well as statement of allegations and also passed order of dismissal of the appellant, rendering the whole inquiry proceedings as nullity in the eye of law because as per Schedule-I of Police Rules 1975, Deputy Inspector General of Police being Appellate Authority was not the Authority competent under the law to proceed himself against the appellant. He further argued that whole of the inquiry proceedings were conducted in slipshod manner, without providing the appellant an opportunity of cross examination of the witnesses examined during the inquiry. He also argued that neither any show-cause notice was issued to the appellant nor any opportunity of personal hearing was afforded to him. He next contended that the appellant was admittedly transferred to Police Training College Hangu on deputation basis, therefore, in view of Rule-9 (iii) of Police Rules, 1975, Commandant Police Training College Hangu was not competent to impose punishment upon the appellant. In the last he contended that the appellant is quite innocent and has been condemned unheard, therefore, the impugned order may be set-aside and the appellant may be re-instated into service by extending him all back benefits. He relied upon 1996 SCMR 856, PLD 2018 Supreme Court 114, PLD 2016 Peshawar 278, PLD 2008 Supreme Court 663 and 2021 SCMR 673.

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**ATTESTED**

**ATTESTED**  
  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar



-12-8-

having no concern with the alleged mis-appropriation of live rounds of SMG, therefore, the impugned order of dismissal of the appellant is liable to be set-aside.

5. Mr. Noor Muhammad Khattak, Advocate, representing the appellant Matiullah, has argued that the appellant was not issued any charge sheet and only statement of allegations was issued to the appellant, however it has been mentioned in para-3 of summery of allegations that the same was a charge sheet. He further argued that the procedure as laid down in Rule-6 of Police Rules, 1975, has not been complied with and even no opportunity of cross-examination of witnesses or personal hearing was afforded to the appellant, therefore, the impugned order of dismissal of the appellant is void ab-initio, hence liable to be set-aside. Reliance was placed on 2003 PLC (C.S) 365, 1988 PLC (C.S) 179, 2011 SCMR 1618, 1989 PLC (C.S) 336, PLJ 2017 Tr.C.(Services) 198, 2008 SCMR 1369, 2003 SCMR 681 and 1988 PLC (C.S) 379.

6. Conversely, learned District Attorney for the respondents has argued that the appellants were found involved in mis-appropriation of huge quantity of ammunition, therefore, disciplinary action was taken against the appellants and they were rightly dismissed from service. He also argued that the inquiry was conducted in a legal manner by providing opportunity of hearing to the appellants. He next contended that after conducting of proper inquiry against the appellants, the inquiry committee came to the conclusion that the charges against the appellants were proved, therefore, the competent Authority has rightly dismissed them from service.

7. We have heard the arguments of learned counsel for the appellants as well as learned District Attorney for the respondents and have perused the record.

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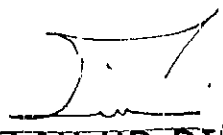
**ATTESTED**

**ATTESTED**  
 [Signature]  
 District Attorney  
 District Court  
 District

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9. In view of the above discussion, the appeal in hand as well as Service Appeal bearing No. 931/2019 titled "Sohail Ahmad Versus Provincial Police Officer and two others" as well as Service Appeal bearing No. 1000/2019 titled "Matiullah Versus the Inspector General of Police Khyber Pakhtunkhwa Peshawar and two others", are allowed by setting-aside the impugned order of dismissal of the appellants. The appellants are re-instated into service and the matter is remanded back to the department for de-novo inquiry against the appellants strictly in accordance with relevant law/rules. The de-novo inquiry proceeding shall be completed within a period of one month from the date of receipt of copy of this judgment. The issue of back benefits of the appellants shall follow the result of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

**ANNOUNCED**  
**23.06.2021**

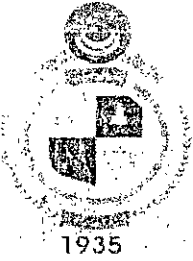
  
**(SALAH-UD-DIN)**  
**MEMBER (JUDICIAL)**

  
**(ATIQ-UR-REHMAN WAZIR)**  
**MEMBER (EXECUTIVE)**

APPELLANT'S  
SPECIAL APPEALS  
SECTION  
PESHAWAR  
JUDICIAL  
MEMBER  
OFFICE  
23/06/2021  
CERTIFIED TRUE COPY

**ATTESTED**

Date of Presentation of Application 07-07-21  
Number of Words 2000  
Copying Fee 22.00  
Urgent \_\_\_\_\_  
Total 22.00  
Name of Copy \_\_\_\_\_  
Date of Completion of Copy 07-07-2021  
Date of Delivery of Copy 07-07-2021



OFFICE OF  
THE COMMANDANT  
POLICE TRAINING COLLEGE, HANGU  
Office Phone # 0925-621886. Fax # 0925-620886  
Email: [kpptchangu@gmail.com](mailto:kpptchangu@gmail.com)

"E"  
-14-

### CHARGE SHEET

Whereas, I am satisfied that a de-novo enquiry as contemplated by the Service Tribunal Khyber Pakhtunkhwa, Service Appeal No. 745/2019, decided on 23.06.2021 titled Bashir Muhammad vs Commandant, PTC, Hangu, communicated to this office vide AIG: Inquires, CPO, Peshawar office Memo: No. 1984/CPO/IAB, dated 26.07.2021 received to this office on 30.07.2021, is necessary and expedient.

AND WHEREAS, I am of the view that the allegations if established would inviolate the major penalty awarded to you as defined in rules-4(b)(iv) of the Khyber Pakhtunkhwa Police Rules-1975 (amended-2014).

AND THEREFORE, as required by Police Rules 6(1) of the aforesaid rules, I Dr. Fasihuddin, PSP, COMMANDANT, Police Training College, Hangu hereby charge you ASI Bashir Muhammad, No. 840/MR, Ex. Incharge ammunition Kot, for your misconduct on the basis of summary of allegations attached to this Charge Sheet.

AND, I, hereby direct you further under rules 6(i)(b) of the said rules to put in written defence within 07-days of receipt of this Charge Sheet as to why the proposed action should not be taken against you and also state at the same time whether you desire to be heard in person or otherwise.

AND, in case, your reply is not received within the prescribed period, without sufficient cause, it would be presumed that you have no defence to offer and that ex-parte proceeding will be initiated against you.

*Fasihuddin*  
(FASIHUDDIN) PSP  
Commandant  
Police Training College, Hangu

**ATTESTED**

**DISCIPLINARY ACTION**

-15-

Whereas I, Dr. Fasihuddin, PSP, COMMANDANT, Police Training College Hangu, is of the opinion that ASI Bashir Muhammad, No. 840 of District Mardan has rendered himself liable to be proceeded departmentally specified in Section-3 of Khyber Pakhtunkhwa Police Disciplinary Rules-1975, as he has committed the following act/omission:

**SUMMARY OF ALLEGATIONS**

1. On 09.01.2019 ASI/LI Abid Ullah of Bannu Region was posted as incharge ammunition Kot in-place of ASI Bashir Muhammad of Mardan Region. On 14.01.2019 while taking the charge, he observed that a number of 87369 rounds of SMG were short/missing. The matter was brought into the notice of high-ups and therefore to unearth the facts, a preliminary enquiry conducted by Mr. Abdul Sattar, DSP (Legal) and Mr. Shah Mumtaz, DSP/CLI, PTC, Hangu. During enquiry accused officer ASI Bashir Muhammad, Ex. Incharge ammunition Kot and his co-accused officials i.e IHC Mati Ullah, District Hangu, HC Muhammad Akram, No. 1193/133, District D.I Khan and FC Sohail Ahmad produced the embezzled rounds numbering 76285 before the enquiry committee which were deposited in the SMG rounds Kot PTC, Hangu. After preliminary enquiry the enquiry officers submitted their initial enquiry report and held responsible accused officers/officials named above with their mutual understanding and their common criminal intention for embezzling a huge quantity of Govt: SMG rounds numbering 76285 probably with the help of other accomplices while the enquiry committee revealed that SMG rounds numbering 11084 were not properly entered in the relevant record. In response to the preliminary enquiry, the accused officers/officials named above were suspended and show cause notices were served upon them. Accused officer and co-accused officials submitted their written replies, but found unsatisfactory, hence proper departmental enquiry was initiated under the supervision of DSP/CLI Shah Mumtaz, assisted by Inspector Baroz Khan and Inspector Said Noor Shah as enquiry officers/committee. The enquiry committee conducted proper departmental enquiry. They recorded the statements of the relevant witnesses and also of the accused officers/officials. During enquiry, the enquiry committee recounted the SMG rounds produced by the accused officer/officials. They also collected and perused the relevant record i.e stock/issue register and Daily Diary of Model Police Station PTC Hangu. During enquiry, the enquiry committee held responsible accused officer ASI Bashir Muhammad No. 840/MR the then incharge ammunition Kot and his accomplices namely IHC Mati Ullah, No. 255 and FC Sohail Ahmad, No. 44 for embezzling Govt:

**ATTESTED**

SMG rounds with mutual connivance. Therefore, to follow Police Rules-1975 (amended 2014), ASI Bashir Muhammad, No. 840/MR, IHC Mati Ullah No. 255 and FC Sohail Ahmad, No. 44 were awarded major punishment of "dismissal from service", while accused HC Muhammad Akram, No. 1193/133 was exonerated and reinstated in service from the date of suspension owing to non-availability of any tangible evidence against him vide PTC, Hangu order Endst: No. 119-34/PA, dated 15.03.2019.

2. The delinquent officer ASI Bashir Muhammad filed departmental appeal against the said order of dismissal, but it was filed. Subsequently, then he approached the Khyber Pakhtunkhwa Service Tribunal, Peshawar vide service appeal No. 745/2019, which was allowed by the Honourable Tribunal on 23.06.2021 in the terms mentioned in the aforesaid appeal.

3. For the purpose of de-novo inquiry against the appellant strictly in accordance with relevant law/rules with reference to the above allegations, Mr. Arshad Mehmood, SP/Investigation (District Complaint Officer), Hangu is appointed as Enquiry Officer vide AIG: Inquires, IAB Khyber Pakhtunkhwa Peshawar office Memo: No. 1984/CPO/IAB, dated 26.07.2021.

4. The enquiry officer/committee shall in accordance with the provisions of the Police Rules-1975 (amended-2014), provide reasonable opportunity of hearing and defense to the defaulter, record his findings within prescribed period after the receipt of this charge sheet and put up recommendations about the guilt or innocence of the accused officer.

5. The enquiry officer/committee should complete the requisite enquiry in time and submit his final findings report direct to the quarter concerned before 11.08.2021 with intimation to this office.

*Fasihuddin*  
(FASIHUDDIN) PSP  
Commandant  
Police Training College, Hangu

No. 599-600/PA, dated Hangu the 02/08/2021.

Copy to the:

1. Mr. Arshad Mehmood, SP/Investigation (District Complaint Officer), Hangu for initiating de-novo inquiry against the defaulter under the provision of Police Disciplinary Rules-1975 (amended-2014). Enquiry file containing 408 papers are enclosed.
2. ASI Bashir Muhammad, No. 840, Ex. Incharge ammunition Kot, PTC Hangu.

*Fasihuddin*  
(FASIHUDDIN) PSP  
Commandant  
Police Training College, Hangu

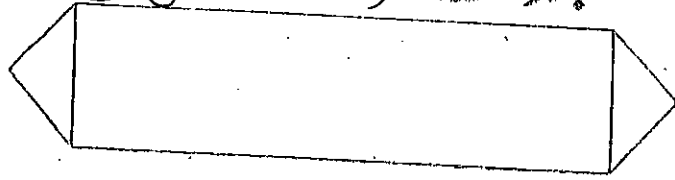
*af*  
**ATTESTED**

جناب عالی -

جواد چارج شیٹ نمبر 6-599 مورخ 21-8-2018ء جاریہ جناب کا لٹرنٹ  
 صاحب P.T.C. گھنٹو جناب SP صاحب القوسی گیس انکوریٹری بصرف  
 خدمت ہوں۔ کہ عرصہ تقریباً 17-8-17 سے من آئیہ آئیہ اجازت  
 اور نائب اجازت محمد اکرم (Ac) ایمونشن کورٹ میں تعینات تھا جس  
 6 ستمبر 2018 سے میرا تبادلہ ایمونشن کورٹ سے لاء سٹاف ہوئی۔  
 اور عائد آئیہ کو ایمونشن کورٹ تعینات کیا گیا ایمونشن کورٹ  
 مختلف بلڈنگ کے کئی کمروں پر مشتمل ہے جنورما 019-1-9 چارج  
 لینے دینا شروع کیا گیا شروع البریم کورٹ سے کئی جس نئی  
 کئی کئی ایسی دوران عائد آئیہ نے شروع کرنا شروع کیا گیا  
 کیونکہ P.T.C کے مختلف کمروں میں مزید ایمونشن موجود تھا۔  
 دوران شروع شہراہ لہرانا چارج رپورٹ اور نیا چارج رپورٹ  
 جو میں نے ذاتی طور پر تیار کیا بھی ساتھ لے کر کورٹ کو اپنے طرف  
 سے ملے گا چاہے بیان بھی ساتھ لے کر اور آفسران والا کو غلط  
 اطلاع دیکھ کر کہ کورٹ میں ایمونشن کم ہے مورخ 2/13/19  
 عائد آئیہ شکایت پر مجھے آفسران مالانے ہوا کہ مدد 4 مورخ 2/13/19  
 وقت 17 بجے بند رہے کواٹر ٹارڈ کر دیا گیا اور ساتھ میں خلاف  
 مختلف شکایات کئی مورخ 2/13/19 سے 26/19 تک چھ کواٹر ٹارڈ  
 میں رکھا گیا دوران کواٹر ٹارڈ سوسائٹس نوٹس آرڈر جاری شیٹ بھی دیا گیا  
 میں طرف سے مختلف بیانات بھی لکھے گئی حالات میں بے قصور بند  
 بہ کواٹر ٹارڈ تھا میں خلاف جو الزامات لگایا گئے وہ بے بنیاد ہے  
 کیونکہ چاہے بیان عائد آئیہ کے پاس تھا اور میں کواٹر ٹارڈ میں تھا کورٹ میں  
 کسی قسم کی ویبٹی کا زمرہ وار عائد آئیہ ہے جس میں بیان لکھا گیا ہے

9-8-21

ATTESTED



2020 منجانب لسٹری محمد  
بنام کمانڈنٹ وائس

مورخہ  
مقدمہ  
دعویٰ  
جرم

باعث تحریر آنکہ

الذی لیسے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام لسٹاور کیلئے افضل شاہ صہند ASC + راجہ متعلقہ  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک در پیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برادگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی لو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
سبب سے دہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا د کالت نامہ لکھ دیا کہ سند ہے۔

سید محمد سعید

Accepted  
Date

الرقوم 25 ماہ 11 سنہ 2021ء

Attested & Accepted  
[Signature]

واہ العیادہ

کے لئے منظور ہے۔

محمد سعید

مقام

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Implementation Petition No 152 /2021  
In  
Service Appeal No 745/2019

Bashir Muhammad.....**Petitioner**

**V E R S U S**

Commandant and another.....**Respondents**

**I N D E X**

<b>S. No</b>	<b>Description of documents</b>	<b>Annexure</b>	<b>Pages</b>
<b>1.</b>	Implementation Petition with Affidavit		1-2
<b>2.</b>	Application for interim relief with Affidavit		3-4
<b>3.</b>	Copy of the Order and Judgment dated 23-06-2021	<b>A</b>	5-9
<b>4.</b>	Copy of the Order and Judgment, Charge Sheet & Reply	<b>B, C &amp; D</b>	10-17
<b>5.</b>	Vakalat Nama		18

**Dated:-25.08.2021**

  
**Applicant/Petitioner**

**Through**

  
**FAZAL SHAH MOHMAND**  
ADVOCATE,  
SUPREME COURT OF PAKISTAN.

**OFFICE:-**  
Cantonment Plaza Flat# 3/B  
Khyber Bazar Peshawar.  
Cell# 0301 8804841  
Email:- fazalshahmohmand@gmail.com



-1-

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Implementation Petition No \_\_\_\_\_/2021

In

Service Appeal No 745/2019

Bashir Muhammad, Assistant Sub Inspector, Police Training  
College Hangu. .... **Applicant/Petitioner**

**V E R S U S**

1. Commandant, Police Training College Hangu.
2. Provincial Police Officer, Khyber Pakhtunkhwa  
Peshawar.

.....**Respondents**

**PETITION FOR THE IMPLEMENTATION OF  
ORDER/JUDGMENT DATED 23-06-2021 PASSED  
BY THIS HONORABLE TRIBUNAL IN THE ABOVE  
TITLED SERVICE APPEAL.**

**Respectfully Submitted:-**

1. That the Petitioner/appellant earlier filed Service Appeal No 745/2019 for his reinstatement in service which was accepted vide Order/Judgment dated 23-06-2021, the petitioner was reinstated in service and the matter was remanded back to the department for de-novo inquiry in accordance with law, to be completed within a period of one month from the date of receipt of Judgment and the issue of back benefits was left to the result of de-novo inquiry. **(Copy of the Order and Judgment is enclosed as Annexure A).**
2. That the Petitioner/appellant after obtaining attested copy of the stated Order/Judgment of this honorable Tribunal approached respondents which was received by the respondents on 08-07-2021, where after the petitioner/appellant was reinstated in service and charge sheet with statement of allegations was issued to the petitioner on 02-08-2021 which he replied accordingly but with no further proceedings till date. **(Copy of the Order/Judgment, Charge Sheet & reply therein is enclosed as Annexure B, C & D).**

3. That the respondents are not ready to implement the Order and Judgment of this honorable Tribunal in its true spirit for no legal and valid reasons, this act of the respondents is unlawful, unconstitutional and goes against the Orders and Judgment dated 23-06-2021 of this honorable Tribunal.
4. That the respondents are bent upon to remove the petitioner from service in violation of the Judgment of this honorable Tribunal, as respondents were required to have completed the de-novo proceedings within period of one month which has already lapse and any further action beyond the ratio of the Judgment of this honorable Tribunal would be violation of the Judgment of this honorable Tribunal.

**It is therefore prayed, that on acceptance of this Application/Petition, respondents may kindly be directed to implement the Order and Judgment of this honorable Tribunal dated 23-06-2021 passed in Service Appeal No 745/2019.**

**Dated:-25.08.2021**

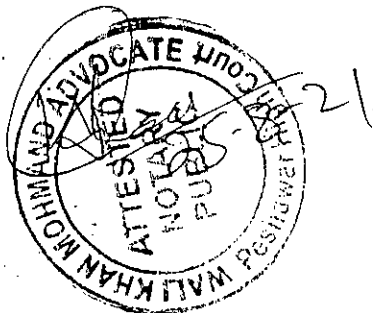
*Bughra*  
**Applicant/Petitioner**

**Through**

*end*  
**FAZAL SHAH MOHMAND**  
ADVOCATE,  
SUPREME COURT OF PAKISTAN.

### **AFFIDAVIT**

I, Bashir Muhammad, Assistant Sub Inspector, Police Training College Hangu, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Implementation Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



*Bughra*  
**DEPONENT**

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Implementation Petition No \_\_\_\_\_/2021

In

Service Appeal No 745/2019

Bashir Muhammad.....Petitioner

**V E R S U S**

Commandant and another.....Respondents

**Application for interim relief, thereby restraining respondents from taking any adverse action against the petitioner beyond the ratio of Judgment dated 23-06-2021 of this honorable Tribunal**

**Respectfully Submitted:-**

1. That the above titled Implementation Petition is being filed today wherein no date of hearing has been fixed so far.
2. That respondents are going to proceed illegally and beyond the ratio of the Judgment of this honorable Tribunal against the petitioner and are going to take adverse action against the petitioner.
3. That any action if taken against the petitioner would be in violation of the Judgment of this honorable Tribunal, hence if respondents are not restrained from taking any adverse action against the petitioner, he would suffer irreparable loss.
4. That implementation of the Judgment of this honorable Tribunal is required in its true letter and spirit.

**It is therefore prayed that on acceptance of this application, respondents may kindly be restrained from taking any adverse action against the petitioner beyond the ratio of Judgment dated 23-06-2021 of this honorable Tribunal, by maintaining status quo.**

**Dated:-25.08.2021**

*B. Ghani*  
**Applicant/Petitioner**

**Through**

*[Signature]*  
**FAZAL SHAH MOHMAND**  
ADVOCATE,  
SUPREME COURT OF PAKISTAN.

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Implementation Petition No \_\_\_\_\_/2021

In

Service Appeal No 745/2019

Bashir Muhammad.....**Petitioner**

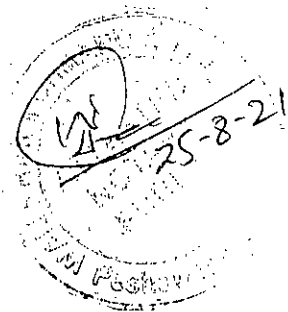
**V E R S U S**

Commandant and another.....**Respondents**

**A F F I D A V I T**

I, Bashir Muhammad, Assistant Sub Inspector, Police Training College Hangu, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application**, are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

*Bashir*  
**D E P O N E N T**





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

**Service Appeal No. 745/2019**

Date of Institution ... 19.06.2019

Date of Decision ... 23.06.2021



Bashir Muhammad, Ex-ASI No. 840/MR District Police Mardan.

... (Appellant)

VERSUS

Commandant Police School Training Hangu and another.

... (Respondents)

Mr. FAZAL SHAH MOHMAND,  
Advocate

---

For appellant.

MR. USMAN GHANI,  
District Attorney

---

For respondents.

MR. SALAH-UD-DIN

---

MEMBER (JUDICIAL)

MR. ATIQ-UR-REHMAN WAZIR

---

MEMBER (EXECUTIVE)

JUDGEMENT:

**SALAH-UD-DIN, MEMBER:-** Through this single judgment, we intend to dispose of the instant Service Appeal as well as Service Appeal bearing No. 931/2019 titled "Sohail Ahmad Versus Provincial Police Officer and two others" as well as Service Appeal bearing No. 1000/2019 titled "Matiullah Versus Inspector General of Police Khyber Pakhtunkhwa Peshawar and two others", as common questions of law and facts are involved therein.

2. ... Precise facts of the instant appeal as well as connected service appeals bearing No. 931/2019 and 1000/2019 are that during posting of the appellants namely Bashir Muhammad as In-charge ammunition Kot, Sohail Ahmad as Naib in SMG Kot and Matiullah as Reader to DSP Security, in Police Training College Hangu, 76285 live rounds of SMG

**TESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

were found missing, while entry of 11084 rounds was not properly made in the relevant record, therefore, disciplinary action was taken against the appellants and one H.C Muhammad Akram No. 1193/133. Vide order dated 15.03.2019, the appellants were dismissed from service, while H.C Muhammad Akram was exonerated from the charges. The departmental appeals of the appellants went un-responded, therefore, they have now approached this Tribunal through filing of the instant Service Appeals.

3. Mr. Fazal Shah Mohmand, Advocate, representing the appellant Bashir Muhammad, has contended that Commandant Police Training College Hangu was an officer of the rank of Deputy Inspector General of Police, who issued charge sheet as well as statement of allegations and also passed order of dismissal of the appellant, rendering the whole inquiry proceedings as nullity in the eye of law because as per Schedule-I of Police Rules 1975, Deputy Inspector General of Police being Appellate Authority was not the Authority competent under the law to proceed himself against the appellant. He further argued that whole of the inquiry proceedings were conducted in slipshod manner, without providing the appellant an opportunity of cross examination of the witnesses examined during the inquiry. He also argued that neither any show-cause notice was issued to the appellant nor any opportunity of personal hearing was afforded to him. He next contended that the appellant was admittedly transferred to Police Training College Hangu on deputation basis, therefore, in view of Rule-9 (iii) of Police Rules, 1975, Commandant Police Training College Hangu was not competent to impose punishment upon the appellant. In the last he contended that the appellant is quite innocent and has been condemned unheard, therefore, the impugned order may be set-aside and the appellant may be re-instated into service by extending him all back benefits. He relied upon 1996 SCMR 856, PLD 2018 Supreme Court 114, PLD 2016 Peshawar 278, PLD 2008 Supreme Court 663 and 2021 SCMR 673.

4. Mr. Shahid Qayum Khattak, Advocate, representing appellant Sohail Ahmad, while placing reliance on the arguments of learned counsel for the appellant Bashir Muhammad, has further argued that ammunition is kept in ammunition Kot, while the appellant was posted as Naib in SMG Kot, meant for stocking only of SMG Rifles, therefore, the appellant was

ATTESTED  
  
 MEMBER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

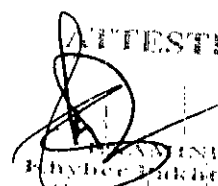
having no concern with the alleged mis-appropriation of live rounds of SMG, therefore, the impugned order of dismissal of the appellant is liable to be set-aside.

5. Mr. Noor Muhammad Khattak, Advocate, representing the appellant Matiullah, has argued that the appellant was not issued any charge sheet and only statement of allegations was issued to the appellant, however it has been mentioned in para-3 of summery of allegations that the same was a charge sheet. He further argued that the procedure as laid down in Rule-6 of Police Rules, 1975, has not been complied with and even no opportunity of cross-examination of witnesses or personal hearing was afforded to the appellant, therefore, the impugned order of dismissal of the appellant is void ab-initio, hence liable to be set-aside. Reliance was placed on 2003 PLC (C.S) 365, 1988 PLC (C.S) 179, 2011 SCMR 1618, 1989 PLC (C.S) 336, PLJ 2017 Tr.C.(Services) 198, 2008 SCMR 1369, 2003 SCMR 681 and 1988 PLC (C.S) 379.

6. Conversely, learned District Attorney for the respondents has argued that the appellants were found involved in mis-appropriation of huge quantity of ammunition, therefore, disciplinary action was taken against the appellants and they were rightly dismissed from service. He also argued that the inquiry was conducted in a legal manner by providing opportunity of hearing to the appellants. He next contended that after conducting of proper inquiry against the appellants, the inquiry committee came to the conclusion that the charges against the appellants were proved, therefore, the competent Authority has rightly dismissed them from service.

7. We have heard the arguments of learned counsel for the appellants as well as learned District Attorney for the respondents and have perused the record.

8. A perusal of record would show that the show-cause notice, charge sheet as well as statement of allegations were issued to the appellants by Commandant Police Training College Hangu and upon receipt of the inquiry report, the order of dismissal of the appellants was also passed by Commandant Police Training College Hangu, who was an officer of the rank of Deputy Inspector General of Police. In light of,

ATTESTED  
  
 ATTESTING OFFICER  
 Peshawar Service Tribunal  
 Peshawar



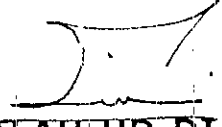
-9-

Schedule-I of Police Rules 1975, officer of the rank of DPO/SSP/SP, being Authority competent to award punishment to the appellants, could have legally taken disciplinary action against the appellants. Commandant Police Training College Hangu was an officer of the rank of Deputy Inspector General of Police, therefore, keeping in view Schedule-I of Police Rules 1975, the action taken by him was illegal, without jurisdiction and void ab-initio. Moreover, the appellants were not at all provided any opportunity of cross-examination of the witnesses examined during the inquiry, which has caused them prejudice. The impugned order of dismissal of the appellant is thus not sustainable in the eye of law and is liable to be set-aside.

9. In view of the above discussion, the appeal in hand as well as Service Appeal bearing No. 931/2019 titled "Sohail Ahmad Versus Provincial Police Officer and two others" as well as Service Appeal bearing No. 1000/2019 titled "Matiullah Versus the Inspector General of Police Khyber Pakhtunkhwa Peshawar and two others", are allowed by setting-aside the impugned order of dismissal of the appellants. The appellants are re-instated into service and the matter is remanded back to the department for de-novo inquiry against the appellants strictly in accordance with relevant law/rules. The de-novo inquiry proceeding shall be completed within a period of one month from the date of receipt of copy of this judgment. The issue of back benefits of the appellants shall follow the result of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

**ANNOUNCED**  
**23.06.2021**

  
**(ATIQ-UR-REHMAN WAZIR)**  
**MEMBER (EXECUTIVE)**

  
**(SALAH-UD-DIN)**  
**MEMBER (JUDICIAL)**

TRANSMITTED  
THROUGHOUT THE COURT  
SANGHVI  
CERTIFIED TO BE TRUE COPY

Date of Presentation of Application 07-07-21  
Number of Words 2000  
Copying Fee 22.00  
Urgent —  
Total 22.00  
Name of Applicant —  
Date of Completion of Copy 07-07-2021  
Date of Delivery of Copy 07-07-2021

-10- "B"



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 745/2019

Date of Institution. ... 19.06.2019

Date of Decision ... 23.06.2021

Bashir Muhammad, Ex-ASI No. 840/MR District Police Mardan.

... (Appellant)

VERSUS

Commandant Police School Training Hangu and another.

(Respondents)

Mr. FAZAL SHAH MOHMAND,  
Advocate

For appellant

MR. USMAN GHANI,  
District Attorney

For respondents.

MR. SALAH-UD-DIN  
MR. ATIQ-UR-REHMAN WAZIR

MEMBER (JUDICIAL)  
MEMBER (EXECUTIVE)

JUDGEMENT:

SALAH-UD-DIN, MEMBER:- Through this single judgment, we intend to dispose of the instant Service Appeal as well as Service Appeal bearing No. 931/2019 titled "Sohail Ahmad Versus Provincial Police Officer and two others" as well as Service Appeal bearing No. 1000/2019 titled "Matiullah Versus Inspector General of Police Khyber Pakhtunkhwa Peshawar and two others", as common questions of law and facts are involved therein.

2. Precise facts of the instant appeal as well as connected service appeals bearing No. 931/2019 and 1000/2019 are that during posting of the appellants namely Bashir Muhammad as In-charge ammunition Kot, Sohail Ahmad as Naib in-SMG Kot and Matiullah as Reader to D.P Security, in Police Training College Hangu, 76285 live rounds of SMG

Remand on  
3/7/2021

ATQ 12/4  
10/11/21

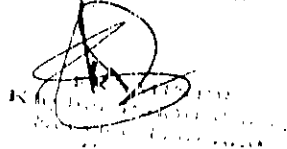
10/11/21

were found missing, while entry of 11084 rounds was not properly made in the relevant record, therefore, disciplinary action was taken against the appellants and one H.C Muhammad Akram No. 1193/133. Vide order dated 15.03.2019, the appellants were dismissed from service, while H.C Muhammad Akram was exonerated from the charges. The departmental appeals of the appellants went un-responded, therefore, they have now approached this Tribunal through filing of the instant Service Appeals.

3. Mr. Fazal Shah Mohmand, Advocate, representing the appellant Bashir Muhammad, has contended that Commandant Police Training College Hangu was an officer of the rank of Deputy Inspector General of Police, who issued charge sheet as well as statement of allegations and also passed order of dismissal of the appellant, rendering the whole inquiry proceedings as nullity in the eye of law because as per Schedule-I of Police Rules 1975, Deputy Inspector General of Police being Appellate Authority was not the Authority competent under the law to proceed himself against the appellant. He further argued that whole of the inquiry proceedings were conducted in slipshod manner, without providing the appellant an opportunity of cross examination of the witnesses examined during the inquiry. He also argued that neither any show-cause notice was issued to the appellant nor any opportunity of personal hearing was afforded to him. He next contended that the appellant was admittedly transferred to Police Training College Hangu on deputation basis, therefore, in view of Rule-9 (iii) of Police Rules, 1975, Commandant Police Training College Hangu was not competent to impose punishment upon the appellant. In the last he contended that the appellant is quite innocent and has been condemned unheard, therefore, the impugned order may be set-aside and the appellant may be re-instated into service by extending him all back benefits. He relied upon 1996 SCMR 856, PLD 2018 Supreme Court 114, PLD 2016 Peshawar 278, PLD 2008 Supreme Court 663 and 2021 SCMR 673.

4. Mr. Shahid Qayum Khattak, Advocate, representing appellant Sohail Ahmad, while placing reliance on the arguments of learned counsel for the appellant Bashir Muhammad, has further argued that ammunition is kept in ammunition Kot, while the appellant was posted as Naib in SMG Kot, meant for stocking only of SMG Rifles, therefore, the appellant was

ATTESTED



having no concern with the alleged mis-appropriation of live rounds of SMG, therefore, the impugned order of dismissal of the appellant is liable to be set-aside.

5. Mr. Noor Muhammad Khattak, Advocate, representing the appellant Matiullah, has argued that the appellant was not issued any charge sheet and only statement of allegations was issued to the appellant, however it has been mentioned in para-3 of summery of allegations that the same was a charge sheet. He further argued that the procedure as laid down in Rule-6 of Police Rules, 1975, has not been complied with and even no opportunity of cross-examination of witnesses or personal hearing was afforded to the appellant, therefore, the impugned order of dismissal of the appellant is void ab-initio, hence liable to be set-aside. Reliance was placed on 2003 PLC (C.S) 365, 1988 PLC (C.S) 179, 2011 SCMR 1618, 1989 PLC (C.S) 336, PLJ 2017 Tr.C.(Services) 198, 2008 SCMR 1369, 2003 SCMR 681 and 1988 PLC (C.S) 379.

6. Conversely, learned District Attorney for the respondents has argued that the appellants were found involved in mis-appropriation of huge quantity of ammunition, therefore, disciplinary action was taken against the appellants and they were rightly dismissed from service. He also argued that the inquiry was conducted in a legal manner by providing opportunity of hearing to the appellants. He next contended that after conducting of proper inquiry against the appellants, the inquiry committee came to the conclusion that the charges against the appellants were proved, therefore, the competent Authority has rightly dismissed them from service.

7. We have heard the arguments of learned counsel for the appellants as well as learned District Attorney for the respondents and have perused the record.


8. A perusal of record would show that the show-cause notice, charge sheet as well as statement of allegations were issued to the appellants by Commandant Police Training College Hangu and upon receipt of the inquiry report, the order of dismissal of the appellants was also passed by Commandant Police Training College Hangu, who was an officer of the rank of Deputy Inspector General of Police. In light of

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OF THE COURT  
AT HANGU

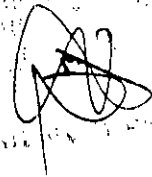
Schedule-I of Police Rules 1975, officer of the rank of DPO/SSP/SP being Authority competent to award punishment to the appellants, could have legally taken disciplinary action against the appellants. Commandant Police Training College Hangu was an officer of the rank of Deputy Inspector General of Police, therefore, keeping in view Schedule-I of Police Rules 1975, the action taken by him was illegal, without jurisdiction and void ab-initio. Moreover, the appellants were not at all provided any opportunity of cross-examination of the witnesses examined during the inquiry, which has caused them prejudice. The impugned order of dismissal of the appellant is thus not sustainable in the eye of law and is liable to be set-aside.

9. In view of the above discussion, the appeal in hand as well as Service Appeal bearing No. 931/2019 titled "Sohail Ahmad Versus Provincial Police Officer and two others" as well as Service Appeal bearing No. 1000/2019 titled "Matiullah Versus the Inspector General of Police Khyber Pakhtunkhwa Peshawar and two others", are allowed by setting-aside the impugned order of dismissal of the appellants. The appellants are re-instated into service and the matter is remanded back to the department for de-novo inquiry against the appellants strictly in accordance with relevant law/rules. The de-novo inquiry proceeding shall be completed within a period of one month from the date of receipt of copy of this judgment. The issue of back benefits of the appellants shall follow the result of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

**ANNOUNCED**  
**23.06.2021**

  
**(SALAH-UD-DIN)**  
**MEMBER (JUDICIAL)**

  
**(ATIQ-UR-REHMAN WAZIR)**  
**MEMBER (EXECUTIVE)**

RECEIVED  
JUDICIAL MEMBER  
SALAH UD DIN  
23/06/2021  
  
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Date of Presentation of Copy ..... 07-07-21  
Number of Copies ..... 2000  
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Total ..... 22.00  
Name of Clerk .....  
Date of Completion of Copy ..... 07-07-2021  
Date of Delivery of Copy ..... 07-07-2021



OFFICE OF  
THE COMMANDANT  
POLICE TRAINING COLLEGE, HANGU  
Office Phone # 0925-621886. Fax # 0925-620886  
Email: kptchangu@gmail.com

"E"  
-14-

### CHARGE SHEET

Whereas, I am satisfied that a de-novo enquiry as contemplated by the Service Tribunal Khyber Pakhtunkhwa, Service Appeal No. 745/2019, decided on 23.06.2021 titled Bashir Muhammad vs Commandant, PTC, Hangu, communicated to this office vide AIG: Inquires, CPO, Peshawar office Memo: No. 1984/CPO/IAB, dated 26.07.2021 received to this office on 30.07.2021, is necessary and expedient.

AND WHEREAS, I am of the view that the allegations if established would inviolate the major penalty awarded to you as defined in rules-4(b)(iv) of the Khyber Pakhtunkhwa Police Rules-1975 (amended-2014).

AND THEREFORE, as required by Police Rules 6(1) of the aforesaid rules, I **Dr. Fasihuddin, PSP, COMMANDANT**, Police Training College, Hangu hereby charge you **ASI Bashir Muhammad, No. 840/MR, Ex. Incharge ammunition Kot**, for your misconduct on the basis of summary of allegations attached to this Charge Sheet.

AND, I, hereby direct you further under rules 6(i)(b) of the said rules to put in written defence within 07-days of receipt of this Charge Sheet as to why the proposed action should not be taken against you and also state at the same time whether you desire to be heard in person or otherwise.

AND, in case, your reply is not received within the prescribed period, without sufficient cause, it would be presumed that you have no defence to offer and that ex-parte proceeding will be initiated against you.

*Fasihuddin*  
(FASIHUDDIN) PSP  
Commandant  
Police Training College, Hangu

**-15-**

**DISCIPLINARY ACTION**

Whereas I, **Dr. Fasihuddin, PSP, COMMANDANT**, Police Training College Hangu, is of the opinion that ASI Bashir Muhammad, No. 840 of District Mardan has rendered himself liable to be proceeded departmentally specified in Section-3 of Khyber Pakhtunkhwa Police Disciplinary Rules-1975, as he has committed the following act/omission:

**SUMMARY OF ALLEGATIONS**

1. On 09.01.2019 ASI/LI Abid Ullah of Bannu Region was posted as incharge ammunition Kot in-place of ASI Bashir Muhammad of Mardan Region. On 14.01.2019 while taking the charge, he observed that a number of 87369 rounds of SMG were short/missing. The matter was brought into the notice of high-ups and therefore to unearth the facts, a preliminary enquiry conducted by Mr. Abdul Sattar, DSP (Legal) and Mr. Shah Mumtaz, DSP/CLI, PTC, Hangu. During enquiry accused officer ASI Bashir Muhammad, Ex. Incharge ammunition Kot and his co-accused officials i.e IHC Mati Ullah, District Hangu, HC Muhammad Akram, No. 1193/133, District D.I Khan and FC Sohail Ahmad produced the embezzled rounds numbering 76285 before the enquiry committee which were deposited in the SMG rounds Kot PTC, Hangu. After preliminary enquiry the enquiry officers submitted their initial enquiry report and held responsible accused officers/officials named above with their mutual understanding and their common criminal intention for embezzling a huge quantity of Govt: SMG rounds numbering 76285 probably with the help of other accomplices while the enquiry committee revealed that SMG rounds numbering 11084 were not properly entered in the relevant record. In response to the preliminary enquiry, the accused officers/officials named above were suspended and show cause notices were served upon them. Accused officer and co-accused officials submitted their written replies, but found unsatisfactory, hence proper departmental enquiry was initiated under the supervision of DSP/CLI Shah Mumtaz, assisted by Inspector Baroz Khan and Inspector Said Noor Shah as enquiry officers/committee. The enquiry committee conducted proper departmental enquiry. They recorded the statements of the relevant witnesses and also of the accused officers/officials. During enquiry, the enquiry committee recounted the SMG rounds produced by the accused officer/officials. They also collected and perused the relevant record i.e stock/issue register and Daily Diary of Model Police Station PTC Hangu. During enquiry, the enquiry committee held responsible accused officer ASI Bashir Muhammad No. 840/MR the then incharge ammunition Kot and his accomplices namely IHC Mati Ullah, No. 255 and FC Sohail Ahmad, No. 44 for embezzling Govt:

SMG rounds with mutual connivance. Therefore, to follow Police Rules-1975 (amended 2014), ASI Bashir Muhammad, No. 840/MR, IHC Mati Ullah No. 255 and FC Sohail Ahmad, No. 44 were awarded major punishment of "dismissal from service", while accused HC Muhammad Akram, No. 1193/133 was exonerated and reinstated in service from the date of suspension owing to non-availability of any tangible evidence against him vide PTC, Hangu order Endst: No. 119-34/PA, dated 15.03.2019.

-16-

2. The delinquent officer ASI Bashir Muhammad filed departmental appeal against the said order of dismissal, but it was filed. Subsequently, then he approached the Khyber Pakhtunkhwa Service Tribunal, Peshawar vide service appeal No. 745/2019, which was allowed by the Honourable Tribunal on 23.06.2021 in the terms mentioned in the aforesaid appeal.

3. For the purpose of de-novo inquiry against the appellant strictly in accordance with relevant law/rules with reference to the above allegations, Mr. Arshad Mehmood, SP/Investigation (District Complaint Officer), Hangu is appointed as Enquiry Officer vide AIG: Inquires, IAB Khyber Pakhtunkhwa Peshawar office Memo: No. 1984/CPO/IAB, dated 26.07.2021.

4. The enquiry officer/committee shall in accordance with the provisions of the Police Rules-1975 (amended-2014), provide reasonable opportunity of hearing and defense to the defaulter, record his findings within prescribed period after the receipt of this charge sheet and put up recommendations about the guilt or innocence of the accused officer.

5. The enquiry officer/committee should complete the requisite enquiry in time and submit his final findings report direct to the quarter concerned before 11.08.2021 with intimation to this office.

*Fasihuddin*  
(FASIHUDDIN) PSP  
Commandant  
Police Training College, Hangu

No. 599-600/PA, dated Hangu the 02/08/2021.

Copy to the:

1. Mr. Arshad Mehmood, SP/Investigation (District Complaint Officer), Hangu for initiating de-novo inquiry against the defaulter under the provision of Police Disciplinary Rules-1975 (amended-2014). Enquiry file containing 408 papers are enclosed.
2. ASI Bashir Muhammad, No. 840, Ex. Incharge ammunition Kot, PTC Hangu.

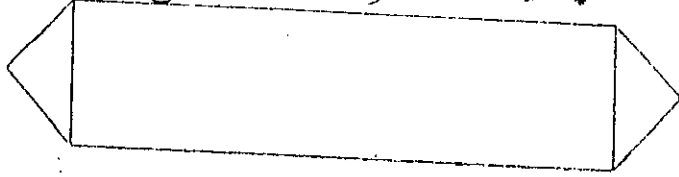
*Fasihuddin*  
(FASIHUDDIN) PSP  
Commandant  
Police Training College, Hangu



جناب عالی

جوداگہ چارج شیٹ نمبر 65-599 مورخ 21-8-2018ء جاریہ جناب کمال الدین  
 صاحب P.T.C گھنٹو جناب SP صاحب القوسی گیسٹ اینڈ ٹوریسم سروسز  
 خدمت میں۔ کہ عرضہ تقریباً 17-8-17ء سے من آئیہ Aہیہ ہنسیت افواج  
 اور نائب افواج فوجی اکٹرم (Ac) ایمونشن کورٹ میں تعینات تھا جسے  
 6 ستمبر 2018ء سے میرا تبادلہ ایمونشن کورٹ سے لاء سٹاف ہوئی۔  
 اور عائد آئیہ کو ایمونشن کورٹ تعینات کیا گیا ایمونشن کورٹ کو  
 مختلف پلڈ ٹسٹ کے کئی کمروں پر مشتمل ہے جنورما 019-01-9 چارج  
 لینے دینا شروع کیا گیا شروع البرہم کئی کورٹ سے کئی جس نئی پر  
 کئی کو کم تھی ایسی دوران عابد آئیہ نے شروع چھانا شروع کیا گیا  
 کیونکہ P.T.C کے مختلف کمروں میں مزید ایمونشن موجود تھا۔  
 دوران سٹور سٹرابہ لہرانا چارج رپورٹ اور نیا چارج رپورٹ  
 جو میں نے ذاتی طور پر تیار کیا بھی ساتھ لے گئی کورٹ کو اپنے طرف  
 سے نالے لگا کر چھایا گیا بھی ساتھ لے گئے اور آفسران بالا کو غلوا۔  
 اطلاع دیکھ کر کہ کورٹ میں ایمونشن کم ہے مورخ 13<sup>2</sup>/<sub>19</sub> پر  
 عائد آئیہ شکایت پر مجھے آفسران بالا نے جوابہ مدی 45 مورخ 13<sup>2</sup>/<sub>19</sub>۔  
 مختلف شکایات کئی مورخ 13<sup>2</sup>/<sub>19</sub> سے لے کر 13<sup>2</sup>/<sub>19</sub> کو آئیہ چارج  
 میں رکھا گیا دوران کوارٹر چارڈ سٹوٹس اور چارج شیٹ بھی دیا گیا  
 میرا طرف سے مختلف بیانات بھی لکھے گئی حالانکہ میں نے قیصر بند  
 بہ کوارٹر چارڈ تھا میرا خلاف جو الزامات لگائے گئے وہ لے بنیاد ہے  
 کیونکہ چھایا گیا عابد آئیہ کے پاس تھا اور میں کوارٹر چارڈ میں تھا کورٹ میں  
 کسی قسم کی کمی و بیشی کا زمرہ وار عابد آئیہ ہے۔ یہ میرا بیان ہے جسے  
 سید محمد آئیہ

بعد التفتيش لثرویس ٹریسٹوں کے لیے



موزونہ  
مقدمہ  
دعوی  
جرم

2020 منجانب سٹیٹ بینک  
بنام کمانڈنٹ وائس

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام لیسٹور کیلئے افضل شاہ سینڈ + راجہ متعلقہ  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز  
ذیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعوی اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیہ ارضی دعوی اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داخنتہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھ دیا کہ سند ہے۔

سٹیٹ بینک

2021 25 مہ 11

Accepted & Attested  
[Signature]

العبد العبد العبد

کے لئے منظور ہے۔

مقام

**BEFOR THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Execution Petition No. 152/2021

In

Service Appeal No.745/219

Bashir Muhammad .....Appellant.

Versus

1. Commandant Police Training College Hangu.
2. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.....Respondents.

→→→


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3	Affidavit	3
4	Re-instatement Order (Order Book No. 187 dated 19.07.2021)	4
5	De-novo enquiry report.	5-6

Dated: 28.09.2021

Respondent No. 1 & 2.

**Through:-**

  
Inspector Legal  
Fazal Mabood  
PTC Hangu

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

Execution Petition No. 152/2021

In

Service Appeal No. 745/2019

Bashir Muhammad .....Appellant.

Versus

1. Commandant Police Training College Hangu.
2. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.  
.....Respondents.

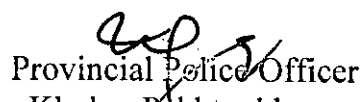
Subject:-**REPLY ON BEHALF OF RESPONDENTS.**

1. Pertains to record, hence no comments.
2. The attested copy of the Honorable Tribunal Judgment dated 23.06.2021 received by the representative of the department on 12.07.2021 and the appellant was re-instated into service vide Order Book No. 187 dated 19.07.2021 and the enquiry file was also submitted to the Additional Inspector General of Police, Internal Accountability Branch, CPO, Peshawar for the purpose of De-novo enquiry. (Ccopy enclosed).
3. Incorrect, the respondents have implemented the Honorable Tribunal order as discussed in Para 2 above.
4. Incorrect, the respondents have implemented the Honorable Tribunal order and completed the De-novo enquiry well in prescribed time but the appellant was not exonerated from the charges leveled against him and found guilty in the De-novo enquiry by the enquiry officer and hence would not claim the back benefits (Copy enclosed).

*It is therefore, very humbly prayed that the execution petition of the appellant is not based on facts, may kindly be dismissed with costs please.*

  
Commandant

Police Training College, Hangu  
(Respondent No. 1).

  
Provincial Police Officer  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No.2).

**BEFROR THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Execution Petition No. 152/2021

In

Service Appeal No. 745/2019

Bashir Muhammad .....Appellant.

Versus

1. Commandant Police Training College Hangu.
2. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar ....Respondents.

**AUTHORITY LETTER**

We respondent No. 1 & 2 do hereby authorized and allow Mr. Fazal Mabood Inspector Legal to attend the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar on our behalf in connection with the Execution Petition No. 152/2021 in Service Appeal No. 745/2019 title as above and do whatever is needed in the Honorable Tribunal.



Commandant  
Police Training College, Hangu  
(Respondent No. 1).



Provincial Police Officer  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No.2).

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

Execution Petition No. 152/2021

In

Service Appeal No. 745/2019

Bashir Muhammad .....Appellant.

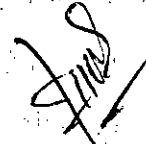
Versus

1. Commandant Police Training College Hangu.
2. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar....Respondents.

**AFFIDAVIT**

I Fazal Mabood Inspector Legal, PTC Hangu do hereby solemnly declare on oath that the content of Parawise comments submitted in reply to the Execution Petition No. 152/2021 in Service Appeal No. 745/2019 title as above are correct to the best of my knowledge, belief and nothing have been concealed from the Honorable Tribunal.

DEPONENT



**FAZAL MABOOD**  
Inspector/ Legal  
Police Training College Hangu  
15402-9066821-3



OFFICE OF  
THE DSP/ADMIN:  
POLICE TRAINING COLLEGE, HANGU  
Office Phone # 0925-621886. Fax # 0925-620886  
Email: [kpptchangu@gmail.com](mailto:kpptchangu@gmail.com)

**ORDER**

In compliance with the direction of W/IGP, Khyber Pakhtunkhwa vide AIG/Legal, CPO Peshawar office letters No. 6465/Legal, 6467/Legal, & 6469/Legal; dated 15.07.2021, the following Ex. Police Employees of PTC, Hangu are hereby re-instated into service with immediate effect for the purpose of de-novo enquiry:

- i. ASI Bashir Muhammad,
- ii. IHC Matiullah,
- iii. FC Sohail Ahmad

*Fasihuddin*  
(FASIHUDDIN) PSP  
Commandant  
Police Training College, Hangu

O.B. 187  
Date: 19/07/2021.

No. 681 /EC, dated Hangu, the 26/07/2021.

Copy sent to all concerned for information/necessary action.

## FINDING REPORT OF DE-NOVO ENQUIRY;

The Hon'ble AIG Enquiries, Internal Accountability Khyber Pakhtunkhwa, Peshawar the undersigned was nominated as enquiry officer to conduct Denovo enquiry against ASI Bashir Muhammad No. 840/MR, Ex-Incharge Ammunition Kot, IHC Matiullah No. 255 Ex-Reader to DSP Security and FC Sohail Ahmad of Police Training College Hangu vide his office Memo: No. 1983/CPO/IAB, dated 26.07.2021 received by this office on 02.08.2021.

Enquiry papers of previous enquiry were also received from Police Training College Hangu on 04.08.2021 vide his office Memo: No. 605/PA dated 02.08.2021 in which the final outcome was required to AIG Enquiries Peshawar on or before 12.08.2021 and the previous enquiry file was thoroughly perused by the undersigned.

### BRIEF OF PREVIOUS ENQUIRY:

After perusal of the previous enquiry papers, it was found that on 09.01.2019 ASI Abid Ullah of Bannu Region was posted as Law Instructor in PTC Hangu and was entrusted as Incharge Arms & Ammunition (Kot PTC) in-place of ASI Bashir Muhammad of Mardan Region. On 14.01.2019 while taking the charge of PTC Ammunition Kot, he observed that a large number of rounds of 7.62 MM (genuine) were short/missing from PTC, Kot as per stock register. The matter was brought into the notice of high-ups of PTC Hangu for taking proper departmental action against the defaulters.

On the directions of the then Commandant PTC Hangu a committee was constituted to conduct preliminary enquiry committee.

During enquiry, the enquiry committee checked the record of PTC Kot to verify the complaint of newly posted Incharge Kot ASI Abid Ullah, it was found that 87369 (Eighty seven thousand three hundred & sixty nine) rounds of 7.62 MM short/missing. Later on accused officer ASI Bashir Muhammad Ex-Incharge Ammunition Kot and his co-accused official i.e IHC Mati Ullah District Hangu, HC Muhammad Akram No. 1193/133 District D.I. Khan and FC Sohail Ahmad produced the embezzled rounds numbering 76285 before the enquiry committee which were deposited in the SMG rounds Kot PTC Hangu. In 76285 round (70000 or above are local made) as per report of Arms & Ammunition export. Except this 11084 rounds of 7.62 MM are still missing. ASI Bahsir Muhammad I/C Kot and Sohail Ahmad are direct custodian of Kot while HC Matiullah Security Incharge of PTC was a facilitator of other co-accused.

On the completion of preliminary enquiry the accused officers/officials were suspended and proper departmental enquiry was initiated under the supervision of Mr. Shah Mumtaz DSP the then CLI PTC Hangu assisted by Inspector Baroz Khan and Inspector Syed Noor Shah as enquiry



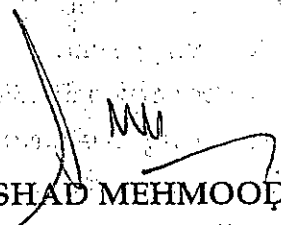
Similarly according to second version the act of defaulter officials still pending, the above mentioned Case FIR No. 1073 dated 05.09.2019 U/S 408/ 409/ 414/ 420/ 424 PPC in PS City, District Hangu has already been cancelled on the legal opinion and the case file sent to Anti Corruption Establishment upon which no action yet taken neither punishment awarded to the defaulter officials.

The order/Judgment passed by the Hon'ble Court of Service Tribunal Khyber Pakhtunkhwa Peshawar regarding reinstatement of defaulter official, the criminal case/act was not mentioned in order nor any directions issued to Anti Corruption Establishment neither brought into the notice of Hon'ble Service Tribunal by representative of department i.e Legal Branch, in this regard.

**CONCLUSION:**

- 1. Keeping in view of above the undersigned has come to the conclusion that that enquiry already proved against the accused officers/officials as they were found involved in embezzlement of Govt property i.e 7.62 MM genuine rounds of PTC Kot which caused to huge loss of Govt exchequer. They have provided full opportunity of cross examination during enquiry but they failed to prove/show their blamelessness/innocence and grant loss to the Govt exchequer. They being members of Police Force their professionalism is condemnable and their act are not apologize. As they are not permanent employees of PTC Hangu therefore, their home district may be communicated for giving major punishment as per rules.
- 2. The case registered against them have been cancelled from district Hangu and were sent to Anti Corruption Establishment in the year 2019, which is not properly pursue by District Police nor the complainant party i.e PTC Hangu staff and neither ACE made any correspondence with local Police the fresh up date of the case, up till now on that way no punishment given to the defaulter official in the criminal act.

Submitted please.

  
**(ARSHAD MEHMOOD)**  
 District Compliant Officer/  
 Superintendent of Police Investigation  
 Hangu