

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

Service Appeal No. 13586/2020

Date of Institution ... 22.10.2020

Date of Decision ... 17.12.2021

Khalid Mehmood S/O Waris Khan, R/O Caste Utmankhel, Fateh Khan Khail District Orakzai.

... (Appellant)

VERSUS

District Police Officer, Orakzai and five others.

... (Respondents)

Mr. SHAN ASGHAR,
Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK,
Additional Advocate General

--- For respondents.

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

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

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Precise facts forming the background of the instant service appeal are that disciplinary action was taken against the appellant on the allegations that he alongwith Constables Muhammad Tahir, Muhammad Nazir and Hakim Nawaz had recovered 15 packets of Charas from Zalif Khan S/O Ghulam Akbar and Niqab S/O Qasim Shah, who were riding on a motorcycle, however the appellant returned back the recovered Charas to the said persons after obtaining an amount of Rs. 52000/- as bribe from them. On conclusion of the inquiry, the appellant was dismissed from service vide order dated 12.05.2020. The departmental appeal of the



appellant was also dismissed vide order dated 24.09.2020, which was challenged by the appellant through filing of revision petition, which remained pending and in the meanwhile the appellant filed Service Appeal on 22.10.2020, while the revision petition was rejected vide order dated 03.05.2021.

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

3. Learned counsel for the appellant has contended that the appellant performed his duty with zeal and zest and he was given certificate of appreciation; that disciplinary action was taken against the appellant on false and fabricated grounds in order to humiliate him; that a false and fabricated story was tailored for damaging the career of the appellant; that no opportunity was given to the appellant for cross examination of the witnesses examined during the inquiry, which has caused prejudice the appellant; that no evidence what-so-ever was collected in support of the allegations against the appellant during the inquiry but even then the inquiry officer has wrongly and illegally held that the allegations against the appellant stood proved; that final show-cause notice was not issued to the appellant and he was not afforded any opportunity of personal hearing as well as self defense; that the impugned orders being wrong and illegal are liable to be set-aside and the appellant is entitled to be reinstated in service with all back benefits.

4. On the other hand, learned Additional Advocate General for the respondents has contended that the appellant had let free drug peddlers and had also returned the recovered Charas to them after obtaining an amount of Rs. 52000/- as bribe from them; that a regular inquiry was conducted against the appellant, who was found guilty of the charges leveled against him; that the appellant was afforded opportunity of personal hearing as well as self defense and inquiry against the appellant was conducted by complying all legal and codal



formalities; that the impugned orders has been passed in accordance with law, therefore, the same may be kept intact and the appeal in hand may be dismissed with costs.

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

6. A perusal of the record would show that as per the charge sheet issued to the appellant, Constables Muhammad Tahir, Muhammad Nazir and Hakeem Nawaz were present alongwith the appellant at the relevant time. The aforementioned constables have been examined during the inquiry, wherein they have categorically stated that they were not even on duty with the appellant on the relevant day and are unaware of the incident. Constable Muhammad Tahir has even stated that he was on leave on the relevant day. The very police officials, who were allegedly present with the appellant have not stated anything in their statements, which could support the allegations leveled against the appellant. One Amir Ullah Constable was also examined during the inquiry, who had supported the charge leveled against the appellant. He mentioned in his statement that he informed Incharge Wali Muhammad Sub-Inspector regarding the incident, who came to the spot. On the other hand, the aforementioned Wali Muhammad Sub-Inspector has simply mentioned in his statement recorded during the inquiry that Constable Amir Ullah had informed him that the appellant had handed over him a motorcycle. Moreover, the witnesses examined during the inquiry were though cross-examined by the inquiry officer but no opportunity was given to the appellant for cross-examination. In this view of the matter, the statement of Constable Amir Ullah could not be taken into consideration for awarding penalty to the appellant.


7. The available record also does not show that copy of the inquiry report was provided to the appellant and an opportunity of personal hearing was afforded to him. On receipt of findings of the inquiry officer, the appellant was

straight away dismissed by the competent authority vide the impugned order dated 12.05.2020, without issuing of any show cause notice to him. This Tribunal has already held in numerous judgments that issuance of final show cause notice along with the inquiry report is must under Police Rules, 1975. Reliance is also placed on the judgment delivered by august Supreme Court of Pakistan reported as PLD 1981 SC-176, wherein it has been held that rules devoid of provision of final show cause notice along with inquiry report were not valid rules. Non issuance of final show cause notice and non-supply of copy of the findings of the inquiry officer to the appellant has caused miscarriage of justice as in such a situation, the appellant was not in a position to properly defend himself in respect of the allegations leveled against him.

8. Consequently, the appeal in hand is accepted by setting-aside the impugned orders and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
17.12.2021


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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

ORDER
17.12.2021

Appellant alongwith his counsel present. Mr. Muhammad Amir, Inspector (Legal) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. The case is fixed for order, however the appellant submitted an application that as the order dated 03.05.2021 was passed by the Revisional Authority during the pendency of the instant appeal, therefore, the same may also be included in prayer of the appellant made in memo of appeal. Arguments on the application heard.

The appeal in hand was filed on 22.10.2020, while the order sought to be included in memo of appeal was passed on 03.05.2021. Nothing is available on the record to show that the same was communicated to the appellant. The application is, therefore, allowed and the office is directed to do the needful accordingly. Arguments on the main appeal have already been heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is accepted by setting-aside the impugned orders and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
17.12.2021



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



(Salah-Ud-Din)
Member (J)

15.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 24.05.2021 before S.B.


Reader

24.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 03.08.2021 for the same as before.


Reader

03.08.2021

Appellant in person and Mr. Kabirullah Khattak, Addl. AG alongwith Muhammad Aamir Inspector (Legal) for the respondents present.


Written reply/comments have been furnished and the same are placed on file. The appeal is entrusted to D.B for arguments on 16.12.2021.



Chairman

16.12.2021

Appellant alongwith his counsel Mr. Shan Asghar Advocate present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Muhammad Aamir Inspector for respondents present.

Arguments heard. To come up for order before the D.B on 17.12.2021.


(Atiq Ur Rehman Wazir)
Member (E)

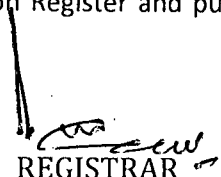

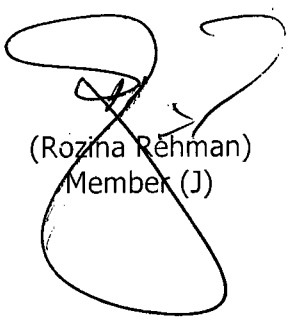

(Salah-ud-Din)
Member (J)

Form- A

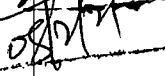
FORM OF ORDER SHEET

Court of _____

Case No.- 13586 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/11/2020	<p>The appeal of Mr. Khaled Mehmood resubmitted today by Mr. Shan Asghar 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>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/12/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	21.12.2020	<p>Appellant present through counsel. Preliminary arguments heard. File perused.</p> <p>Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 15.03.2021 before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>


Appellant Deposited
Security & Process Fee




The appeal of Mr. Khaled Mehmood son of Waris Khan r/o Utmankhel District Orakzai received today i.e. on 22.10.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Affidavit may be got attested by the Oath Commissioner.
- 5- Addresses of respondent no.3 & 6 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 6- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 7- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 8- All the annexures of the appeal are illegible which may be replaced by legible/better one.
- 9- Eight more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 3045 /S.T,
Dt. 22/10 /2020.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Shan Asghar Adv. Pesh.

Respected Sir
Resubmitted after fulfillment
of annexures.

2-11-2020

objections No. 5 and 6 still stand.
The appeal is returned again to the counsel
from the appellant for completion & resubmission
within 10 days.

no. 3782/S.T
dt. 2/11/2020


2/11/2020

DTO

II

Re-submitted as desired
Please for the remarks as follows:

8/100. 5, resolved as desired,

8/100. 7 - That the Appellant has
not received the documents
as mentioned in this para 7.

Submitted for further n/a.

Di

Advocate,

Patna

Date: 04-11-2020

Registrar
Sve. Tribunal

①

BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 135862020

Diary No. 11869

Dated 22/10/2020

Khalid Mehmood son of Waris Khan
R/o caste Utmankhel, Fateh Khan Khail
District Orakzai.....Appellant

Versus

- 1) District Police Officer, Orakzai
- 2) Regional Police Officer, Kohat Region.
- 3) C.C.O. Scouts
- 4) D.I.G. of Police Kohat Region
- 5) Govt. of KPK through Chief Secretary, Civil Secretariat, Peshawar
- 6) The State..... Respondents

SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 AGAINST THE IMPUGNED
ORDER OF DISMISSAL OF THE
APPELLANT DATED 12.05.2020 ISSUED
BY RESPONDENT NO.1 AND AGAINST
THE ORDER DATED 24.09.2020 OF THE
RESPONDENT NO.2 WHERE THE
DISMISSED THE DEPARTMENTAL
APPEAL OF THE APPELLANT.

Prayer:

On acceptance of this appeal, the impugned
order dated 12.05.2020 passed by respondent
No.1 may graciously be brushed aside and
appellant be reinstated into service from the
date of dismissal with all back benefits and all
the impugned order may kindly be set aside.

BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service Appeal No. 13586 /2020

Khalid Mehmood.....Appellant

Versus

District Police Officer, Orakzai and others..... Respondents

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IC Mehmood

Appellant

Through

Shan Asghar

Advocate, Peshawar.

Dated: 22/10/2020

BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service Appeal No. 13586/2020

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 11869
Dated 22/10/2020

Khalid Mehmood son of Waris Khan
R/o caste Utmankhel, Fateh Khan Khail
District Orakzai.....Appellant

Versus

- 1) District Police Officer, Orakzai
- 2) Regional Police Officer, Kohat Region.
- 3) D.I.G. of Police Kohat Region
- 4) Govt. of KPK through Chief Secretary, Civil Secretariat, Peshawar
..... Respondents

SERVICE APPEAL U/S 4 OF THE KHYBER
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RESPONDENT NO.2 WHERE THE
DISMISSED THE DEPARTMENTAL
APPEAL OF THE APPELLANT.

Filed today
↓
Seew
Registrar
22/10/2020

Prayer:

Re-submitted to -day
and filed.

Seew
Registrar
04/11/2020

On acceptance of this appeal, the impugned order dated 12.05.2020 passed by respondent No.1 may graciously be brushed aside and appellant be reinstated into service from the date of dismissal with all back benefits and all the impugned order may kindly be set aside.

Respectfully Sheweth;

With great respect and veneration, the appellant may be allowed to submit the following for your kind and sympathetic consideration.

- 1) That the appellant joined Levy Force as Levy Constable in the year 2011.
- 2) That since enrolment of the appellant, he worked and discharged his official assignments with dedication, honesty and devotion.
- 3) That due to the confidence of the officers and courageous performance, the appellant was assigned risky and sensitive assignments which he performed successfully and upto the satisfaction of his officer.
- 4) That even after attachment of Levy Force with the police, the appellant performed his duty with more courage, diligence, honesty and dedication on account of which the appellant also earned confidence of the police officers.
- 5) That due to the hard work of the appellant, the police officers made him honorary Inspector which was a big reward to the appellant on one hand and acknowledgment of his official performance on the other.
- 6) That the evil designers and some of the colleagues of the appellant could not digest of honour, reward and confidence being put his officers in the appellant and started hatching conspiracy to degrade the appellant in the eyes of seniors.
- 7) That such elements were succeeded in their evil designs and on the basis of surmises, conjectures and hearsay evidence the appellant was got dismissed from service vide OB No.382 dated 12.05.2020.
- 8) That on the basis of hearsay evidence charge sheet and statement of allegations were served upon the appellant wherein it was alleged

that the "APPELLANT" along with constables Muhammad Tahir, Muhammad Nazir of Utman Khel Tribe and Hakeem Nawaz of Feroz Khel Tribe grabbed Motorcycle with fifteen packets of chars from Zalif Khan s/o Ghulam Abkar and Niqab s/o Qasim Shah R/o Hasanzai Dara Mishti Tribe at Yarli Khel Market Utman Khel. The accused were taken away by him released without any legal action and wandered them in the Government Vehicle in the area and fifteen packets chars also returned by getting Rs.52,000/- as bribe and Motorcycle was handed over to constable Amir Ullah. In the meantime SHO Lower received information and reached to the spot took motorcycle and carried to Kalaye Police Station and is in custody of police.

- 9) That no proper procedure has been adopted, neither any show cause notice was issued nor any opportunity has been given for explanation, hence appellant moved this appeal on the following grounds:

GROUND:

- A) That the impugned order of punishment dated 12.05.2020 is one sided, unilateral, arbitrary, hash and not in accordance with law and facts and evidence on record, hence it is liable to be set aside.
- B) That the story fabricated against the appellant is totally based on surmises, conjectures, and misunderstanding thus on the basis of such a flimsy and concocted story no punishment under the law can be awarded.
- C) That in the charge sheet, the SDPO Lower in his report has not disclosed his source of information against the appellant and others. Under the law, it is required that allegations against an accused shall be clear, straight forward and un-doubtful but from the very beginning of the charge against the appellant a material doubt has been created which has made the charge sheet legally defective and

hence no punishment can be awarded on the basis of such a legally defective charge/ allegation.

- D) That the allegation that Muhammad Tahir Constable Utman Khel, Hakeem Nawaz Constable and Muhammad Nazir Constable were on duty with the appellant has not been established because they in their separate statements have stated that they have never performed duty on the alleged day of occurrence with the appellant and expressed ignorance from the alleged occurrence but even then the facts were not verified and the appellant was awarded maximum punishment which is not sustainable in the eyes of law.
- E) That statement of SI Wali Muhammad and Constable Amir Ullah were recorded at the back of the appellant. It was the inherent right of the appellant to cross examine the appellant but such right was denied to the appellant, thus on the basis of this fact alone, the entire enquiry has legally vitiated and thus impugned order has become null and void under the law.
- F) That the Utman Khel Market the alleged place of occurrence is consisted of a number of other people. In support of the allegation their statements could be recorded but the witnesses and Incharge Wali Muhammad have not stated that whether market contained other people or not. Thus the alleged occurrence cannot be believed under the given circumstance.
- G) That regarding acceptance of 52,000/- rupees as bribe from the alleged culprits in consideration of return of the alleged chars by the appellant, the star witness Amir Ullah constable has stated that he heard from the people regarding acceptance of the bribe amount. Thus neither the alleged recovery of the contraband chars was established nor the alleged payment of Rs.52000/- by the culprits to the appellant as bribe was proved. Hence the allegations against the appellant could not be proved nor established. Hence no punishment could be awarded on the basis of such flimsy and concocted

allegations. The punishment of dismissal awarded to the appellant is therefore, not in conformity with law and rules.

- H) That neither the star witness Amir Ullah constable nor SI Wali Muhammad in their statements have mentioned names of the alleged culprits from whom the alleged chargs was recovered, however, it is very astonishing that in the charge sheet, statement of allegation and in the impugned punishment order names of the alleged accused have been mentioned. Here the question arises that when the witnesses have not mentioned names of the alleged accused from whom the alleged chargs was recovered, however their names were revealed upon the enquiry coupled with the order of the competent authority.
- I) That in order to verify the facts and to reach at a true and factual conclusion, the alleged chargs carriers should have been associated with enquiry but no such effort was made and thus the enquiry against the appellant has remained inconclusive punishment on such an incomplete enquiry cannot be made under the law/ rules. Thus the punishment awarded to the appellant has got no sanctity of law and rules.
- J) That in order to arrive at a just decision hearing of the appellant by the worthy competent authority was mandatory but unfortunately the appellant was not heard in person thus the worthy competent authority could not ascertain the facts from the other side. He decided the matter on the basis of one sided story and thus material miscarriage of justice against the appellant took place.
- K) That the Levy Force is not absorbed in the police department. Both the police and levy and levy have their independent existence hence police laws are not applicable upon the levy force. In view of the matter, It is alleged to proceed against the appellant under the Police Rules 1975 (amended 2014). It was required to conduct enquiry

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against the appellant under the Efficiency and Discipline Rules. Thus the entire enquiry is at nullity devoid of any legal force.

- L) That under the law/ rules, the competent authority is free to appoint any officer to conduct enquiry. In case of the appellant the worthy competent authority vide memo No.55/PA/DPO/ Ork dated 24.04.2020 sought nomination of enquiry officer from the worthy Deputy Inspector General of Police Kohat Region Kohat who vide Diary No.398 dated 30.01.2020 was pleased to nominate SDPO/ HQRS Orakzai to conduct enquiry against the appellant. Such act of the worthy competent authority was in violation of law, rules and justice. hence, at this score alone the enquiry against the appellant has lost its legal sanctity and entire enquiry proceeding have been legally vitiated and the punishment has become unlawful and of no legal effect.
- M) That it is well established practice that in official vehicle, along with officer other subordinate staff is also present but the star witness and allegedly the only eye witness Amir Ullah constable has not mentioned any other person in his statement except the appellant while in the charge sheet names of the appellant along with Muhammad Tahir, Muhammad Nazir and Hakeem Nawaz Constable have been mentioned. Thus both the versions i.e. charge sheet and statement of the only alleged eye witness Amir Ullah constable are materially contradicted and as such no ground for any punishment was established thereby.
- N) That allegations against the appellant have neither been established nor enquiry was conducted in accordance with law and rules. Thus the punishment of dismissal from service is not warranted under the law, rules and justice. The appellant has been punished on no fault at his part.

- O) That appellant would like to offer some other additional grounds during the course of arguments when the stance of the respondents is known to the appellant.

In view of the above facts, it has been established that the punishment of dismissal from service awarded to the appellant was not in accordance with the law, rules and justice, therefore, it is respectfully prayed that the impugned punishment of dismissal from service of the appellant may kindly be set aside and the appellant may kindly be reinstated in service from the date of dismissal from service.

Any other relief as deemed appropriate in the circumstances of case and not specifically asked for, may also be granted to appellant.

IC @Dahood

Appellant

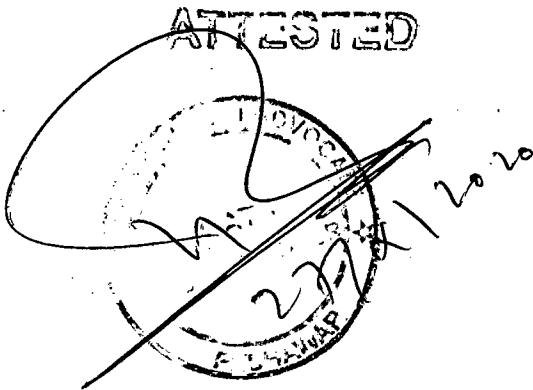
Through *Shah Asghar*

Shah Asghar
Advocate, Peshawar.

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

IC @Dahood
Deponent

ATTESTED




OFFICE OF THE DISTRICT POLICE
OFFICER ORAKZAI

ORDER

The order is passed on the departmental enquiry conducted against Constable (Hon: Insp:) **Khalid Mehmood No. 389** (hereinafter called accused official) under the Khyber Pakhtunkhwa, Police Rules, (Amended 2014) 1975.

Constable Khalid Mehmood was charged that he along with Constables Muhammad Tahir, Muhammad Nazeer of Utman Khel tribe and Hakeem Navaz of Feroz Khel tribe, grabbed motor cycle with fifteen (15) packets of Chars from Zalif Khan s/o Ghulam Akbar and Niqab s/o Qasim Shah resident of Hassanzai Dara, Mishti tribe at Yarli Khel Market, Utman Khel. The accused were taken away by him, released without any legal action and wandered them in Government Vehicle in the area, and fifteen (15) packets Chars were also returned by getting fifty two thousand rupees (52,000/-) as bribe and motor cycle was handed over to Constable Anur Ullah in the meanwhile SHO Lower received information and reached to the spot, took motor cycle and carried to Kalay Police Station and is in custody of Police.

He was served with charge sheet & statement of allegation. His case was sent to Regional Police Officer Kohat to appoint enquiry officer. RPO nominated SDPO HQrs Orakzai for enquiry. SDPO HQrs was appointed to scrutinize the conduct of the accused official. The enquiry officer vide his finding and found him guilty of the charges leveled against him, and recommend him for major punishment.

These act of the accused official earned bad name to a discipline force on one hand and involved himself in criminal act/trafficking of narcotics on the other.

In view of the above and available record, I reached to the conclusion that the accused official was involved in criminal act/trafficking of narcotics. Therefore, these charges leveled against accused Constable Khalid Mehmood No. 389 have been established beyond any shadow of doubt. Therefore, in exercise of powers conferred upon me under the rules ibid, a major punishment of "dismissal from service" is imposed on accused Constable Khalid Mehmood No. 389 with immediate effect. Kit etc issued to the Constable be collected.

Announced

Dated 12/05/2020

DISTRICT POLICE OFFICER, ORAKZAI

OB No 385

Dated 12/05/2020

No. 154854/EC/OASI Dated 12/05/2020

Copy of above to:-

1. The Regional Police Officer, Kohat.
2. DSP HQrs.
3. SDPO Lower for collection of items and clearance.
4. Pay Officer/SRC/OHC/Reader for necessary action.

DISTRICT POLICE OFFICER, ORAKZAI

ATTESTED

2-8 '13' (9)

BEFORE THE HONORABLE DEPUTY INSPECTOR
GENERAL OF POLICE KOHAT REGION KOHAT

APPEAL AGAINST THE IMPUGNED ORDER OF
DISMISSAL FROM SERVICE OF THE APPELLANT
DATED 12-05-2020 ISSUED BY THE WORTHY
DISTRICT POLICE OFFICER KOHAT

PRAYER IN APPEAL:

The impugned order of dismissal from service being illegal, un-justified may be set aside and the appellant may be reinstated in service from the date of dismissal with all back benefits.

Respected Sir,


With great respect and veneration, the appellant may be allowed to submit the following for your kind and sympathetic consideration:-

FACTS OF THE CASE:

1. That the appellant joined Levy Force as Levy Constable in the year 2011.
2. That since enrolment of the appellant, he worked and discharged his official assignments with dedication, honesty and devotion.
3. That due to the extraordinary official performance, officers were satisfied from the appellant and always praised the appellant for his good work.


ATTESTED

4. That due to the confidence of the officers and courageous performance, the appellant was assigned risky and sensitive assignments which he performed successfully and upto the satisfaction of his officer.
5. That even after attachment of Levy Force with the police, the appellant performed his duty with more courage, diligence, honesty and dedication on account of which the appellant also earned confidence of the police officers.
6. That due to the hard work of the appellant, the police officers made him Honorary Inspector which was a big reward to the appellant on one hand and acknowledgment of his official performance on the other.
7. That the evil designers and some of the colleagues of the appellant could not digest of honour, reward and confidence being put his officers in the appellant and started hatching conspiracy to degrade the appellant in the eyes of his seniors.
8. That such elements were succeeded in their evil designs and on the basis of surmises, conjectures and hearsay evidence the appellant was got dismissed from service vide OB No. 382 dated 12-05-2020.
9. That on the basis of hearsay evidence charge sheet & statement of allegations were served upon the appellant wherein it was alleged that the "APPELLANT" alongwith constables Muhammad Tahir, Muhammad Nazir of Utman Khel Tribe and Hakeem Nawaz of Feroz Khel Tribe grabbed Motorcycle with fifteen packets of chars from Zalif Khan S/o Ghulam Akbar and Niqab S/o Qasim Shah R/o Hasanzai Dara Mishti Tribe at Yarli Khel Market Utman Khel. The accused were taken away by him, released without any legal action and wandered them in the Government Vehicle in the area and fifteen packets chars also returned by getting 52,000/- rupees as bribe and Motorcycle was handed over to constable Amir Ullah. In the meantime SIO Lower received information and reached to the spot took motorcycle and carried to Kalaye Police Station and is in custody of police.


INSPECTOR

10. That after sometime as a result of one sided and unilateral enquiry, the appellant was ~~dismissed~~ from service by the Worthy District Police Officer, District Orakzai vide OB No. 382 dated 12-05-2020.
11. That since the enquiry has not fulfilled the ends of justice, therefore it is open to a number of legal and factual questions.
12. That since the impugned order has aggrieved the appellant, therefore, following are some of the grounds of appeal among the others.

GROUND OF APPEAL:

- A) That the impugned order of punishment dated 12-05-2020 is one sided, unilateral, arbitrary, harsh and not in accordance with law and facts and evidence on record, hence, it is liable to be set aside.
- B) That the story fabricated against the appellant is totally based on surmises, conjectures and misunderstanding thus on the basis of such a flimsy and concocted story no punishment under the law can be awarded.
- C) That in the charge sheet, the SDPO Lower in his report has not disclosed his source of information against the appellant and others. Under the law, it is required that allegations against an accused shall be clear, straight forward and un-doubtful but from the very beginning of the charge against the appellant a material doubt has been created which has made the charge sheet legally defective and hence no punishment can be awarded on the basis of such a legally defective charge / allegation.
- D) That in the enquiry against the appellant, Amit-Ullah constable in his statement has not mentioned the alleged date of occurrence nor he has mentioned the time of his alleged duty in the Utman Khel Market.


ATTESTED

- E) That the star witness Amir Ullah Constable has also not pointed out the place where he was present and the place where he witnessed the alleged occurrence.
- F) That Incharge SI Wali Muhammad is the most important witness but he has not said anything against the appellant which could prove or establish accusation against the appellant.
- G) That the allegation that Muhammad Tahir Constable Utman Khel, Hakeem Nawaz Constable and Muhammad Nazir Constable were on duty with the appellant has not been established because they in their separate statements have stated that they have never performed duty on the alleged day of occurrence with the appellant and expressed ignorance from the alleged occurrence but even then the facts were not verified and the appellant was awarded maximum punishment which is not sustainable in the eyes of law.
- H) That the appellant has neither confiscated the illicit chars nor impounded any motorcycle. The story has been thrashed just to damage the service career and as well as reputation of the appellant.
- I) That statement of SI Wali Muhammad and Constable Amir Ullah were recorded at the back of the appellant. It was the inherent right of the appellant to cross examine the appellant but such right was denied to the appellant, thus on the basis of this fact alone, the entire enquiry has legally vitiated and thus impugned order has become null and void under the law.
- J) That the only star witness Amir Ullah Constable if standing at a distance, how he identified the chars and how he counted the alleged packets of chars. Answer to these questions still lies in mystery.


ATTESTED

- K) That the Utman Khel Market the alleged place of occurrence ^{was} ~~was~~ consisted of a number of other people. In support of the allegation their statements could be recorded but the witnesses and Inchage Wali Muhammad have not stated that whether market contained other people or not. Thus the alleged occurrence cannot be believed under the given circumstance.
- L) That regarding acceptance of 52,000- rupees as bribe from the alleged culprits in consideration of return of the alleged chars by the appellant, the star witness Amir Ullah Constable has stated that he heard from the people regarding acceptance of the bribe amount. Thus neither the alleged recovery of the contraband chars was established nor the alleged payment of 52,000/- rupees by the culprits to the appellant as bribe was proved. Hence the allegations against the appellant could not be proved nor established. Hence no punishment could be awarded on the basis of such flimsy and concocted allegations. The punishment of dismissal awarded to the appellant is therefore, not in conformity with Law and Rules.
- M) That it appears that for damaging the appellant, lower staff fabricated / concocted a fiction against the appellant and on the basis of such a baseless story, the enquiry officer and the competent officer were misled and thus the appellant sustained an irreparable damage.
- N) That neither the star witness Amir Ullah Constable nor SI Wali Muhammad in their statements have mentioned names of the alleged culprits from whom the alleged chars was recovered, however, it is very astonishing that in the charge sheet, statement of allegation and in the impugned punishment order names of the alleged accused have been mentioned. Here the question arises that when the witnesses have not mentioned names of the alleged accused from whom the alleged chars was recovered,


TESTED

how their names were revealed upon the enquiry coupled with the order of the competent authority.

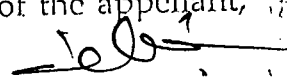
O) That in order to verify the facts and to reach at a true and factual conclusion, the alleged chars carriers should have been associated with the enquiry but no such effort was made and thus the enquiry against the appellant has remained inconclusive punishment on such an incomplete enquiry cannot be made under the Law / Rules. Thus the punishment awarded to the appellant has got no sanctity of law and rules.

P) That though complete particulars of the alleged accused from whom the alleged chars was recovered, were available with the enquiry officer and the worthy competent authority but no legal action was taken against them and they were let Scot free which in itself cast doubt on the entire episode.

Q) That in order to arrive at a just decision hearing of the appellant by the worthy competent authority was mandatory but unfortunately the appellant was not heard in person thus the worthy competent authority could not ascertain the facts from the other side. He decided the matter on the basis of one sided story and thus material miscarriage of justice against the appellant took place.

R) That the Levy Force is not absorbed in the Police Department. Both the police and levy have their independent existence hence police laws are not applicable upon the Levy Force. In view of the matter, it is illegal to proceed against the appellant under the Police Rules 1975 (amended 2014). It was required to conduct enquiry against the appellant under the efficiency and Discipline Rules. Thus the entire enquiry is at nullity devoid of any legal force.

S) That under the law / rules, the competent authority is free to appoint any officer to conduct enquiry. In case of the appellant,


ATTESTED

the worthy competent authority vide memo No. 55 / PA / DPO / Ork dated 24-01-2020 sought nomination of enquiry officer from the worthy Deputy Inspector General of Police Kohat Region Kohat who vide Diary No. 398 dated 30-01-2020 was pleased to nominate SDPO / HQRS Orakzai to conduct enquiry against the appellant. Such act of the worthy competent authority was in violation of law, rules and justice. Hence, at this score alone the enquiry against the appellant has lost its legal sanctity and entire enquiry proceeding have been legally vitiated and the punishment has become unlawful and of no legal effect.

- T) That it is well established practice that in official vehicle, alongwith officer other subordinate staff is also present but the star witness and allegedly the only eye witness Amir Ullah Constable has not mentioned any other person in his statement except the appellant while in the charge sheet names of the appellant alongwith Muhammad Tahir, Muhamamd Nazir and Hakeem Nawaz constables have been mentioned. Thus both the versions i.e. charge sheet and statement of the only alleged eye witness Amir Ullah constable are materially contradicted and as such no ground for any punishment was established thereby.
- U) That the appellant during his service has never been punished for any misconduct. Service record of the appellant is clear and he also bears good moral character.
- V) That the appellant belongs to respectable family and he cannot imagine to involve himself in such like illegal and unethical activities.
- W) That the appellant is a poor person and he looks after his large family, the punishment of dismissal from service has likely to force them to starvation.
- X) That allegations against the appellant have neither been established nor enquiry was conducted in accordance with law


ATTESTED

16

and rules. Thus the punishment of dismissal from service is not warranted under the law, rules and justice. The appellant has been punished on no fault at his part.

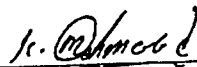
- Y) That if deemed proper the appellant may kindly be hard in person.

PRAYER:

In view of the above facts, it has been established that the punishment of dismissal from service awarded to the appellant was not in accordance with the law, rules and justice, therefore it is respectfully prayed that the impugned punishment of dismissal from service of the appellant may kindly be set aside and the appellant may kindly be re-instated in service from the date of dismissal from service. The appellant will pray for your long life and prosperity and blessings from the Almighty Allah.

Yours Obediently

Dated: 28-05-2020


Khalid Mehmood
Ex. Constable (Hon Inspector)
R/o Utman Khel, Tappa Fateh
Khan Khel, Aba Khel, District
Orakzai
Cell: 0304-9030058


TESTED

(17)

Sub 'C'

KOHAT REGION

POLICE DEPTT:

ORDER.

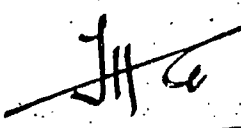
This order will dispose of a departmental appeal, moved by Ex-Constable Khalid Mehmood No. 389 of district Orakzai against the punishment order, passed by DPO Orakzai vide OB No. 385, dated 12.05.2020 whereby he was awarded major punishment of dismissal from service on the following allegations:-

The appellant alongwith other Constables grabbed a motorcycle with fifteen (15) packets of Chars from one Zalif Khan s/o Chulam Akbar and Niqab s/o Qasim Shaqir/o Hassanzai Dara, Mishti Utman Khel. The accused were taken away by him and released them without taking any legal action and wandered them in official vehicle in the area. The packets of Chars were returned to them and they were set free after gaining Rs. 52,000/- by the appellant.

He preferred an appeal to the undersigned upon which comments were obtained from DPO Orakzai and his service documents were perused. He was also called to appear in Orderly Room held on 17.09.2020. During hearing, the appellant did not advance any plausible explanation in his defense.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt. Therefore, his appeal being devoid of merits is hereby rejected.

Order Announced
24.09.2020


(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

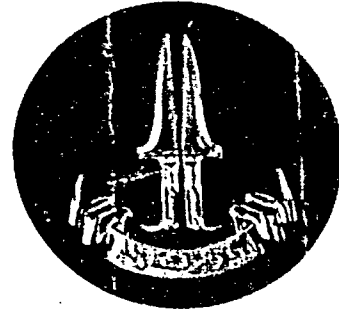
No. 11846 /EC, dated Kohat the 30-9 /2020.

Copy to DPO/Orakzai for information w/r to his office Letter No. 1868/SRC, dated 30.06.2020. His Service Book & Enquiry File is returned herewith.


(TAYYAB HAFEEZ) PSP
Region Police Officer.


ATTESTED

18



CERTIFICATE OF APPRECIATION


Awarded to

Levies Force No.818 N/Sub Khalid Mehmood
Levies Force Distt Orakzai

In recognition of his outstanding service during apprehension of Drug Peddlers in an operation on 19 Feb 2019.

Given on 20 Feb 2019


TESTED


Colonel
Commandant Orakzai Scouts
(Zakirullah Khan)

لعدالت ضباب ڈسٹرکٹ انڈسٹریل جنرل کوہاٹ

خالد محمود ولد وارث خان سکٹنہ اور نرنلی قوم اتمان ضل (سائل)
بندوبست زوالنندار خان

بنام

SHO تمامہ کنٹ کوہاٹ (سائل الی)

درخواست نمبر 491 Crp دفعہ 491، بازاب کرنے خالد محمود ولد وارث خان
عدالت فرمانے SHO تمامہ کنٹ کوہاٹ جو کہ سائل الی نے سائل کو مورخہ 17/9
بوقت 4 بجے بمقام DIQ آفس کوہاٹ سے بغیر کسی جرم کے اٹھا کر
غرضہ سن قوم سے جس نے جہ بمقام تمامہ کنٹ میں رکھا گیا ہے اسلئے
SHO مذکورہ کو عدالت زمانی جاوے گا کہ وہ سائل کو عدالت حضور میں پیش
کریں

جناب عالی!

- 1- یہ سائل خود انسپکٹر پولیس کے محکمہ میں ضلع اور نرنلی میں تصنیف
تھا۔
- 2- یہ سائل کو سائل الی مذکورہ نے مورخہ 17/9/2020 بوقت 4 بجے بغیر
کسی جرم و بغیر کسی جرم کے DIQ سے اٹھا کر حبس سبھا تمامہ
کنٹ میں رکھا گیا ہے جو کہ تاحال سائل سائل کے زیر حراست ہے

ATTESTED



یہ نہ متوالیوں کے سائل کو اپنی کسی بھی عدالت میں رٹ
 نہ کیا ہے جو کہ یہ فعل متوالیوں کا غیر قانونی ہے

لہذا استدعا ہے کہ درخواست ہذا منظور فرمائی جا کر
 سائل خالدمحمود و لاوارث خان کو بازا بکر کے SHO کے
 سب سے توجہ سے فرمائی جاوے کہ وہ سائل کو عدالت صغیر
 میں پیش کرے

19-9-2020

ڈو ایچیدار خان
 ذوالفقار خان ولد نادار خان سکے حال نوسا کے
 گواہ (چچا خالدمحمود)

بیان

تین بیان کیا گیا ہے
 سب سے توجہ سے
 ہے اس سے پہلے کوئی درخواست
 نہ دی ہے

اتحاد
 ATTESTED

ذوالفقار خان ولد نادار خان
 سکے حال نوسا کے گواہ

✓

28 E (21)

IN THE COURT OF INAM ULLAH WAZIR
SESSIONS JUDGE, KOHAT.

Khalid Mehmood -- Vs -- SHO Cantt

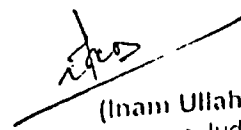
COURT PROCESS

To,
The Bailiff,
District Courts, Kohat.

Whereas, the petitioner namely Zulfidad Khan through his counsel, has moved an application under section 491 CrPC for the recovery of his nephew, namely, Khalid Mehmood s/o Waris Khan who has allegedly been kept in illegal confinement/detention by respondent/ SHO P.S Cantt, Kohat.

In view of the particular allegations, it is deemed befitting for search and recovery of the detainee through Bailiff of this Court. The Bailiff is required to make the search of the Police Station concerned; and in case the alleged detenu is found, he be set free on spot if not required in any case and submit the detailed report on 21.09.2020 for further appropriate orders in relation to the detenu.




Given under my hand and the seal of the court this 19th day of September, 2020


(Inam Ullah Wazir) ;
Sessions Judge, Kohat




ATTESTED

✓

قیمت 50 روپے	62753	  
ایڈویٹ:		
بار کونسل ایسوسی ایشن نمبر:	BC157747	<p>پشاور بار ایسوسی ایشن، خیبر پختونخواہ</p> <p>بعدالت جناب: <u>سروس لکھریٹری بیونل ہلسٹ لیسٹور</u></p>
رابطہ نمبر:	03109496030	

مخانب: سائن: - خالد محمود	دعویٰ:
خالد محمود ولد دارت خان	علت نمبر:
سائن اتما نخیل ناتج خان خلیل	مورخہ:
ڈسٹرکٹ جج ایف بی ایم اور کنگز می	جرم:
	تھانہ:
باعت تحریر آگہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام لیسٹور کیلئے مشان ایف بی ایم اور کنگز می کو وکیل 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 بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت 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 اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 22-10-2020

العبد مشان ایف بی ایم اور کنگز می العبد
مقام پشاور کے لیے منظور ہے۔

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. S.B

No.

Appeal No. 13586 of 20 20

Khalid M. Khan Appellant/Petitioner

Versus

D.P.O. Orakzai Respondent

Respondent No. 1

Notice to: ---

Distt. Police Officer Orakzai

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 15/3/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Along with copy of appeal
 Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 15/3/2021

Day of.....20

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. *SB*

No.

Appeal No. *13586* of 20 *20*

Khalid Mahmood Appellant/Petitioner

Versus

D.P.O. Orakzai Respondent

Respondent No. *2*

Notice to: —

*Regional Police Officer Kohat
Region ~~Orakzai~~ ~~Swat~~*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on *15/3/2024* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Along with copy of Appeal
Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this *9th*

Day of *Feb* 20 *20*

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. *SR*

No.

Appeal No. *13586* of 20 *20*

Khalid Mennad Appellant/Petitioner

Versus

D.P.C. Orakzai Respondent

Respondent No. *3*

Notice to: ---

D.I.G. of Police Kohat Region

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on *15/3/2021* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this

Along with copy of Appeal

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this *9/15*.....

Day of.....*June 20*.....

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

2/3/2021

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD
PESHAWAR. S.B

No.

Appeal No. 13586 of 20 20

Khalid Mahmood Appellant/Petitioner

Versus

D.P.O. Orakzai Respondent

Respondent No. 4

Notice to: —

Court of KPK through Chief
Secretary Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 15/3/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Along with copy of appeal attached

~~Copy of appeal is attached. Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this..... 9th

Day of..... Feb 20 21

[Signature]

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

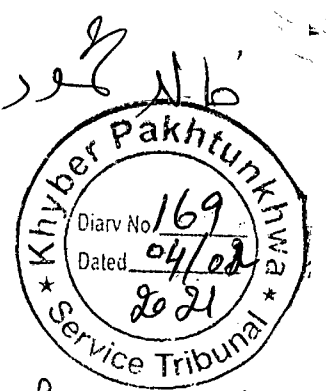
- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

حضرت صاحب جس صاحب اس کے لئے یہ ہے

15 3/21

put up to the court with relevant appeal.

بنا کر رکھا



درواست بہادر کے لئے عہدے کی سہولت کے لئے -

صاحب عالیٰ صاحب ذیل کے لئے -

1- وہ حق سے عنوان بہارا عدالت حضور ہارا
جس میں فریسی کی رائے تھی۔

2- وہ جس جس میں 10 دن = اللہ کی سہولت
میں دائرہ کی پوری ہے۔ چونکہ ہمیں علم
میں تھا کہ time barred ہو گا۔

لئے اس کے لئے
میں ادا کر کے

ظالم کے لئے
[Signature]

Period for deposit is extended for 03 working days.

[Signature]

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.13586/2020

Khalid Mehmood

..... Petitioner

VERSUS

District Police Officer, Orakzai & Others

..... Respondents

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Deponent

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 13586/2020
Khalid Mehmood

..... Appellant

VERSUS

District Police Officer, Orakzai & others

..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectively Sheweth:-

Parawise comments are submitted as under:-

Preliminary Objections:-

- i. That the appellant has got no cause of action.
- ii. The appellant has no locus standi to file instant appeal.
- iii. That the appeal is bad for misjoinder and nonjoinder of necessary parties.
- iv. That the appeal is bad in eyes of law and not maintainable.
- v. That the appellant is estopped to file the instant appeal for his own act
- vi. That the appellant has not approached the honorable Tribunal with clean hands.
- vii. The appellant has also filed a revision petition before Inspector General of Police, which is subjudice, therefore the instant appeal is not maintainable.
- viii. That the appeal of the appellant is badly time barred.

Facts:-

1. Para No. 1 of memorandum of appeal, pertains to service record of the appellant, hence no comments.
2. Incorrect, the appellant being member of the disciplined force was under obligation to perform his duty in accordance with the law & rules.
3. Incorrect, reply is submitted in para No. 2.
4. After promulgation of 25th Constitutional Amendment, the services of erstwhile levies / Kahsadar personnel have been absorbed in Khyber Pakhtunkhwa, Police in accordance with Khyber Levies Force Act, 2019 and Levies Force (Absorption in the Khyber Pakhtunkhwa Police) Rules, 2019. Hence, the appellant was absorbed in Khyber Pakhtunkhwa, Police, newly merged district Orakzai.
5. Incorrect, there is no provision of honorary inspector in the Act / Rules ibid and the appellant was absorbed in Police in his respective rank in accordance with the Rule-3(b) and scheduled of the rules ibid. Copy of rules ibid is **annexure A**.
6. Incorrect, para No. 6 of memorandum of the appeal is without any substance.

- P. 2
7. The appellant impounded a vehicle / motorcycle and seized 15 packets charas from the riders / accused named Zalif Khan s/o Ghulam Akber and Naqeeb s/o Qasim Shah. The accused were set free without taking any legal action against him under the relevant law on lieu of taking illegal gratification Rs. 52,000/- from accused party. The matter was noticed / reported and a motorcycle was take into possession by SHO concerned.
 8. Incorrect, the appellant was served with charge sheet and proceeded with departmentally under the relevant law. The charge / allegation leveled against the appellant was established beyond any shadow of doubt and departmental proceedings culminated into his dismissal from service vide order book No. 385 dated 12.05.2020. (Copy of order is **annexure B**).
 9. Incorrect, the departmental proceeding was conducted against the appellant under the relevant rules and all codal formalities were fulfilled during the proceedings.

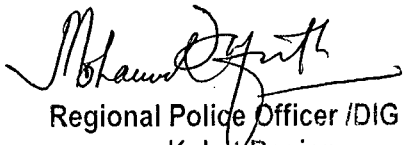
Grounds:-

- A. Incorrect, a legal and speaking order was passed by the respondent No. 1 and all formalities were fulfilled in accordance with the relevant rules.
- B. Incorrect, there was credible information regarding misconduct of the appellant and reported to the respondent No. 1. (Copies are **annexure C & C-1**).
- C. Incorrect, charge sheet was served upon the appellant is self-explanatory. The appellant filed reply to the charge sheet, which is unsatisfactory. Similarly, finding / report of inquiry officer is also self-explanatory, wherein the charge / allegation leveled against the appellant has been established and he was held guilty of the charges.
- D. The individuals mentioned in para D of the appeal denied their presence of the appellant on the eventful day vide their written statements recorded by the inquiry officer. The individuals were cross examined by the appellant. Copies of their statements are **annexure D**.
- E. Incorrect, the appellant was afforded opportunity of cross examination of the individual officials and they were cross examined accordingly.
- F. The statement of officials concerned, reports of SDPO / DSB are cogent evidence against the appellant which connected the appellant with the commission of a gross professional misconduct.
- G. The charge of misconduct including taking illegal gratification from the accused has been established against the appellant. The appellant has committed a gross professional misconduct, earned bad name to the department and caused damage image of the newly absorbed / established Police in the merged district.

- H. The impugned order passed by respondent No. 1 is speaking and self-explanatory one.
- I. Incorrect, all the relevant / concerned witnesses were associated with the inquiry proceedings. Furthermore, all codal formalities were fulfilled during the course of departmental proceedings conducted against the appellant.
- J. Incorrect, the departmental proceedings was conducted against the appellant in accordance with the relevant rules and fulfilled all codal formalities.
- K. Incorrect, after 25th Constitutional Amendment, the erstwhile FATA has been merged in district. Khyber Pakhtunkhwa Levies force Act 2019 and Levies Force (Absorption in Khyber Pakhtunkhwa, Police) Rules-2019 are introduced and in pursuance of the Act / Rules ibid, the appellant and others Levies Forces personnel are absorbed in KP Police vide notification dated 10.02.2020. Hence, the appellant was a member of KP Police and the Police Rule are applicable on him. Copy of absorption notification are **annexure E**.
- L. The respondent No. 1 had exercised his powers conferred upon him under the relevant rules, however, the correspondence made by respondent No. 1 with respondent No. 2 is no matter with the independence of the competent authority, i.e respondent No. 1.
- M. The evidence recorded during the course of inquiry are sufficient to connect and establish the charge of professional misconduct of the appellant.
- N. Incorrect, the charge / allegation leveled against the appellant have been established beyond any shadow of doubt.
- O. The respondents may also be allowed to advance other grounds during the course of hearing.

Prayer:-

In view of the above, it is prayed that the appeal may graciously be dismissed with costs.


Regional Police Officer /DIG
Kohat Region
(Respondent No. 2 & 4)


District Police Officer,
Orakzai
(Respondent No. 1)

Service Appeal No. 13586/2020
Khalid Mehmood

..... Appellant


VERSUS

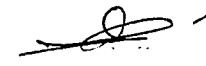
District Police Officer, Orakzai & others

..... Respondents

COUNTER AFFIDAVIT

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


Regional Police Officer /DIG
Kohat Region
(Respondent No. 2 & 4)


District Police Officer,
Orakzai
(Respondent No. 1)

NOTIFICATION

Peshawar, dated the 24th September, 2019.

No. SO(Police-II)/HD/SMY/2019:- In exercise of the powers conferred by section 11 of the Khyber Pakhtunkhwa Levies Force Act, 2019 (Khyber Pakhtunkhwa Act. No. XXXV of 2019), read with sub-section (1) of section 9 thereof, the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

The Levies Force (Absorption in the Khyber Pakhtunkhwa Police) Rules, 2019.

1. Short title, application and commencement.---(1) These rules may be called the Levies Force (Absorption in the Khyber Pakhtunkhwa Police) Rules, 2019.


(2) These rules shall apply to all members of the Levies Force.


(3) These rules shall come into force at once.

2. Definitions ---(1) In these rules, unless there is anything repugnant in the subject or context, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

(a) "absorption" means the process of permanent induction of the members of the Levies Force into the Police, in accordance with these rules;

(b) "Act" means the Khyber Pakhtunkhwa Levies Force Act, 2019 (Khyber Pakhtunkhwa Act. No. XXXV of 2019); and

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INSP/RP

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INSP/RP.

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(d) "Schedule" means the Schedule appended to these rules.

(2) Words and expressions used, but not defined in these rules shall have the same meanings as are respectively assigned to them in the Act.

3. Absorption.--The members of the Levies Force shall be permanently absorbed into the Khyber Pakhtunkhwa Police, against vacancies to be newly created in the Police Department for the purpose in the following manner:

(a) A Scrutiny Committee, headed by the Commandant, and having one member each from District Administration and District Account Officer of the district concern, shall prepare the lists of all the members of the Levies Force after personal appearance and scrutiny of record for submission to the Provincial Police Officer;

(b) the lists submitted to the Provincial Police Officer, under subrule (1), after proper sifting, shall be forwarded to Home and Tribal Affairs Department of Government with the recommendations for permanent absorption of members of the Levies Force in the Police into the respective ranks or cadres as per the Schedule; and

(c) the Home and Tribal Affairs Department of Government, after receiving the lists of all the members of Levies Force, shall issue notification of absorption of the Levies Force in the Police after approval of the Cabinet.

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INSP/RP

Remuneration or incentives.---The Levies Force, after absorption into the Police, shall be entitled to the same benefits, remuneration and other incentives, as are enjoyed by other members of the Police.

5. Training.---Special training modules shall be designed by the Training Wing of the Police Department for imparting requisite police training so that the members of the Levies Force are fully sensitized with all Police functions.

6. Seniority.---Members of the Levies Force, who are absorbed into the Police, in accordance with Government orders and instructions, shall take seniority in the Police from the date of the initial appointment upon recruitment in the Levies Force:

Provided that the officer inducted in one batch, upon induction, shall retain their inter se seniority as in the Levies Force:

7. Repeal and savings.---(1) All rules, orders or instructions including the Federal Levies Force Service Rules, in force in respect of the Levies Force, immediately before the commencement of these rules shall be deemed as repealed, in so far those rules, orders or instructions are inconsistent with these rules.

(2) Notwithstanding the repeal of all the rules, orders or instructions, including the Federal Levies Force (Service) Rules under sub-rule (1)-

(a) affecting the seniority and promotion, all promotions done, seniority determined and orders made, shall be deemed to have been done, determined and made, in accordance with law. The repeal shall not affect any right, privilege, obligation or liability acquired, accrued or incurred under the repealed rules, order and instructions.

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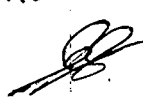
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(b) shall not affect any investigation or legal proceedings in any Court of Law and shall be continued in the same manner as if the Laws and Rules have not been repealed.

3. Removing of difficulties.---(1) If any difficulty arises in giving effect to any provision of these rules and notification made thereunder, a Technical Committee, comprising of three members of the Police Department, to be notified by the Provincial Police Officer, headed by an Officer of Police, who shall not be below the rank of Deputy Inspector General of Police and two other members of Police Department, whose ranks shall not be less than Senior Superintendent of Police, may recommend to Government for giving effects to the provisions of these rules.

(2) Government, after considering such recommendations, submitted by the Technical Committee, under sub-rule (1), may, by notification, make such orders, not inconsistent with the provisions of the Act or these rules, as may appear to it to be necessary for the purpose of removing such difficulty.

Attested

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INSP/RP.

SCHEDULE
[see rule 3(b)]

P-10

1.	2.	3.
S.No.	From rank in Levies.	To rank in Police.
1.	Sepoy.	Constable (BPS-07).
2.	Lance Naik.	Constable A-I (BPS-07).
3.	Naik.	Constable B-I (BPS-07).
4.	Hawalदार.	Head Constable (BPS-09).
5.	NaibSubedar.	Assistant Sub-Inspector (BPS-11).
6.	Subedar.	Sub-Inspector (BPS-14).
7.	Subedar Major.	Inspector (BPS-16).

Secretary to Government of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department

Ends No & date even:

Copy of the above is forwarded for information to the following:

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
3. The Provincial Police Office, Khyber Pakhtunkhwa, Peshawar.
4. The Registrar, Peshawar High Court, Peshawar.
5. The Secretary to Government of Khyber Pakhtunkhwa, Law Parliamentary Affairs & Human Rights Department, Peshawar.
6. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
7. P.S to Secretary Home, Khyber Pakhtunkhwa, Peshawar.
8. The Manager, Government Printing Press, Peshawar with the request that it may be published in the official gazette and 50 copies be furnished to this office.

Attashed

INSP/RP

Attashed

INSP/RP

Section Officer (Police-II)
Ph: 091-9210503
Fax: 091-9210201

Scanned by CamScanner



OFFICE OF THE DISTRICT POLICE
OFFICER ORAKZAI

P-10
Annex-B

ORDER

The order is passed on the departmental enquiry conducted against **Constable (Hon: Insp:) Khalid Mehmood No. 389** (hereinafter called accused official) under they Khyber Pakhtunkhwa, Police Rules, (Amended 2014) 1975.

Constable Khalid Mehood was charged that he alongwith Constables Muhammad Tahir, Muhammad Nazeer of Utman Khel tribe and Hakeem Nawaz of Feroz Khel tribe, grabbed motor cycle with fifteen (15) packets of Chars from Zalif Khan s/o Ghulaam Akbar and Niqab s/o Qasim Shah resident of Hassanzai Dara, Mishti tribe at Yarli Khel Market, Utman Khel. The accused were taken away by him, released without any legal action and wandered them in Government Vehicle in the area, and fifteen (15) packets Chars were also returned by getting fifty two thousand rupees (52,000/-) as bribe and motor cycle was handed over to Constable Amir Ullah in the meanwhile SHO Lower recieved information and reached to the spot, took motor cycle and carried to Kalay Police Station and is in custody of Police.

He was served with charge sheet & statement of allegation. His case was sent to Regional Police Officer Kohat to appoint enquiry officer. RPO nominated SDPO HQ's Orakzai for enquiry. SDPO HQ's was appointed to scrutinize the conduct of the accused official. The enquiry officer vide his finding and found him guilty of the charges leveled against him, and recommend him for major punishment.

These act of the accused official earned bad name to a discipline force on one hand and involved himself in criminal act/trafficking of narcotics on the other.

In view of the above and available record, i reached to the conclusion that the accused official was involved in criminal act/trafficking of narcotics. Therefore, these charges leveled against accused Constable Khalid Mehmood No. 389 have been established beyond any shadow of doubt: Therefore, in exercise of powers conferred upon me under the rules ibid, a major punishment of "dismissal from service" is imposed on accused Constable Khalid Mehmood No. 389 with immediate effect. Kit etc issued to the Constable be collected.

Announced

Dated 12/05/2020


DISTRICT POLICE OFFICER, ORAKZAI


OR No 385

Dated 12/05/2020

No 1548-54 IEC/OASI Dated 12/05 /2020.

Copy of above to the:-

1. The Regional Police Officer, Kohat.
2. DSP HQ's.
3. SDPo Lower for collection of items and clearance.
4. Pay Officer/SRC/OHC/Reader for necessary action.


DISTRICT POLICE OFFICER, ORAKZAI

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RP/INSP

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13

انفارمیشن ڈائری

بہاؤ علی

آج بلواؤں 17th of 2020 کو دن کے وقت پھانسی

جیل سائبرنگ میں خالہ خود بھیج (4) ایٹکاروں نے (5) پھانسی

پھر میں بلاؤں کو اپنے پاس رکھے ہیں۔ خالہ خود ڈسٹرکٹ

ڈسٹرکٹ میں ایسی ڈسٹرکٹ سے رہا ہے۔ پولیس کو ایٹکاروں نے

ڈسٹرکٹ میں خود اپنے پاس رکھے ہیں۔

ڈسٹرکٹ سے معلوم ہوا کہ وہ لوگوں سے سب سے ڈسٹرکٹ میں

ڈسٹرکٹ ڈسٹرکٹ میں روٹی میں ضرور داخل ہے۔

ڈسٹرکٹ ڈسٹرکٹ میں

D. S. B
ضلع اورنگ

Date: 17th of 2020

DSP/Armed
For m/s
MS

Attested
INSP/RP

Expiry

لاورد

13

17/12/2019 کو قوم آواز خیمہ بیتاح بازار خیمہ اور خیمہ سیرت کھلم کھلم شروع ہوا۔

جنرل ایم محمد ظہیر قوم آواز خیمہ کی سربراہی میں خیمہ سیرت اور خیمہ سیرت کے

رائف خان، دلہ غلام اکبر اور نواب دلہ قاسم شاہ قوم سیرت کے آگے تھے۔

ان دنوں سے زبردستی ایک موٹر سائیکل اور 15 پائلٹ چھیننے لگے۔

اس ضمن میں SDPO صاحب زسور میں ذیل امور سامنے آئے:

مذکورہ بالا آکسان کو دہا حالہ محمودیہ تھنٹیلان نے (سنگھڑ) کوہ سہ کارہ

کاٹری میں بیٹھا کر علاقہ میں گھومنے پھرانے میں اور موٹر سائیکل کو

تھنٹیلان علیہ اللہ جو کہ بارہ میل داکریٹ میں ڈھولائی ہتھیارات چھانچوالے کیا۔

اسی وقت محمد فوراً جیلہ وقوعہ ایسے محرم سائیکل کو اپنے قبیل میں لے گیا

پکڑا لے آئے۔ اس دوران دہا حالہ محمد علیہ تھنٹیلان سنگھڑوں کو علاقہ میں

سرکاری گاڑی میں گھومنے پھرانے دیتے ہیں تاکہ سنگھڑوں سے

5,000 روپے لقمہ چھوڑ دینے اور سنگھڑوں کو 15 پائلٹ

سرس والیسا دے دینے۔

ایچ اے اے

ایچ اے اے

Attested
INSP/RP

جانب عالی

Annex "D"
P-34

مکملہ جارج سٹیٹ لمبرٹی 575 مورفہ 24/02/2015 جاریہ DPO کے تحت
ڈسٹرکٹ انڈسٹریل ڈسٹرکٹ کے مورفہ میں خدمت سے ہونے والے

میرے طرف جو شکایت کی گئی ہے کہ میں نے 15 مئی 2015 کو
ڈسٹرکٹ انڈسٹریل ڈسٹرکٹ کے مورفہ میں 52000 روپے کے
پے اسسٹمنٹ میں، میں بیان دیتا ہوں کہ یہ شکایت
بے بنیاد اور من گھڑت ہے۔ میں نے رقم لینے کا شکایت
نہیں کیا ہے۔ ان افراد کو نہ میں جانتا ہوں اور نہ میں نے دیکھے
ہیں۔ مزید یہ کہ نہ میں نے فورٹ سائیکل دیکھا ہے اور نہ
فورٹ سائیکل کے بارے میں علم ہے۔

اس سے پہلے بھی میں انڈسٹریل ڈسٹرکٹ کے مورفہ میں
ڈسٹرکٹ انڈسٹریل ڈسٹرکٹ کے مورفہ میں
ڈسٹرکٹ انڈسٹریل ڈسٹرکٹ کے مورفہ میں
ڈسٹرکٹ انڈسٹریل ڈسٹرکٹ کے مورفہ میں
ڈسٹرکٹ انڈسٹریل ڈسٹرکٹ کے مورفہ میں

انڈسٹریل ڈسٹرکٹ
IC. @Mehmet
26/02/2015

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بیان اثر (1) محمد نذیر ولد فضل محمد نذیر فرم افغان نسل لور اور اہل
گنڈاپور ضلع

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P-14

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ذوالحجہ ۱۴۴۱ھ مطابق ۲۴/۱۱/۲۰۲۰ء کو ۵۷۰۰ روپے

اور لڑائی میں حصہ لیا۔ کئی دنوں تک ڈھائی ماہ قبل ڈسٹرکٹ پولیس سے
ڈسٹرکٹ پولیس کے ساتھ۔ اور لڑائی میں حصہ لیا۔ اور لڑائی کے ساتھ
ڈسٹرکٹ پولیس کے ساتھ۔ اور لڑائی میں حصہ لیا۔ اور لڑائی کے ساتھ
اور اس سے اس واقعہ کا نتیجہ ۱۳۵۰ روپے ہے۔ اور اس کے ساتھ ساتھ
دیا ہوا ہے۔ اور اس واقعہ سے کچھ لہو تعلق کا اظہار کرتا ہوں۔

محمد نذیر
شناختی نمبر 21603-77323413
فون نمبر 0307-0736632

Attested
INSP/RP

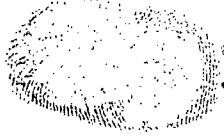
بیان اذان محمد طبر و لا عبد الاوف قوم اتمان پس پورا اور اسی

P-15
4

بجائے طرح شدہ لڑی 57 مورخ 24/1/2020 بجائے جی ڈی پی

اور لڑائی صورتوں قدرت ہوں کہ من منسپل کے ڈھائی ماہ قبل ڈسٹرکٹ ایس ایس ڈسٹرکٹ لیوی جی ڈی پی - DC صاحب اور لڑائی افسر پورے فیصلہ الیگز جی ڈی پی کے ساتھ بطور کارڈ ڈیوٹی سرانجام دے رہا ہوں۔ اس کے علاوہ موجود کے ساتھ اس دن میں کوئی ڈیوٹی نہیں کی ہے۔ ہر روز توکل میں جی ڈی پی اس واقعہ کے بارے میں اس کے بارے میں بیان ہے۔

محمد طاہر
شناختی نمبر 21603-4026102-7
فون نمبر 0307-0736638



کریمنل کوالیٹی مینجمنٹ سیکشن ایس ایس ڈی پی
ایس ایس ڈی پی اتمان
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ایس ایس ڈی پی اتمان
17/1/2020
15/1/2020

Attested
INSPI/RP

بیان ازان حکیم لائو صلہ نڈر باز قوم زور زین لور اور کزئی
صدا علی!

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شوال 14 جارج شہط 57 مورخ 24/11/2020 مورخ صدق صدق - AP.DPC

اور کزئی مورخین قدرت ہون کہ عن کسٹیل ۲/۲ ڈھائی ماہ قبل ڈسکریٹ لور
ڈسکریٹ لوری صدق - DC صاحب اور کزئی کرائس بیوکر فیلا لور صاحب کرماتہ
بطور ڈرائیور ڈیوٹی سر انبارہ رہا ہیں۔ انسپکٹر خالد محمود کے ساتھ اس دن
میں نے کوئی ڈیوٹی نہیں کی ہے۔ سہ پہر اس واقعہ کا جمعہ کوئی مسلم ہے
سہ پہر بیان ہے

حکیم لائو

شناختی نمبر 2163-830479-1

فون نمبر 308-4091988



ATKESAD

UNSPIRP

سیان ازان ۱۱ وی مجی ولد عزیز خان حرم آغا نیریل لور لور لور

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صنہ عالی

نظر میں رہے۔ کہ وقوف کے دن سنسٹیں عامر اللہ نے ہمیں کال کی کہ
کہ IMP خالد محمود نے ہمیں ایک مقرر سائنسٹیل خوالہ کیا کہ یہ اپنے پاس رکھو
جب میں عامر اللہ کے ساتھ بنی اور میں نے عامر اللہ مقرر سائنسٹیل کو روانہ کیا

SDPO/L جواب شان خوالہ کے یہ مقرر ابیان ہے

محمد علی
سی وی
10-2-02
فون 4290904-5

کراس سوال ت فجاب اللور لور لور
سوال پڑا اس تاریخ کی یہ واقعہ روغایا
جواب 17/1/20

سوال پڑا عامر اللہ نے کہا کہ یہ مقرر سائنسٹیل کیوں لگا؟
جواب اس کا کیا کہ یہ IMP خالد محمود نے بیان کر دیا۔ باقی کچھ نہیں تھا

Attested
INSP/RP

جواب د ہو باقی خون سے

بیان ازان عاشر اللہ ولد فرخان اللہ قوم افغان نسل

صاحب عالی

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عرض ہے کہ بہر ذمہ وقوعہ میں افغان نسل مارکیٹ میں ڈپلومی ٹی پی
 موجود تھا۔ اس دوران جانب فرخ نسل ایک مونسٹریٹل (125) پی دروازہ کافی
 کافی مقدار میں پیرس گڑھ لہ رہا تھا۔ اس دوران انسپیکٹر خالد محمود بلوچ یا کسی بلوچ نرسٹری
 نرسٹری ایک اپ ڈیل ڈور میں آکر ایک ای کوٹیشن روڈ پر ایڑھی تھیر چھی کوئی ایک
 مونسٹریٹل کو کوئی ایک جس پر سولر روٹوں انفراد کو نیچے اتارا جا کر کر پیر باندے ایک شخص
 جو کہ مونسٹریٹل کے پچھلے سٹیٹیم سوار تھا۔ بیگ سے 15 عدد بیگ پیرس گڑھ لہ رہا تھا
 اپنے قبیلے میں ہی۔ انسپیکٹر خالد محمود نے مونسٹریٹل پیر فرارے کی اور خود دونوں سٹیموں
 کو اپنے ساتھ ایک ای میں بیٹھا کر پیلے فرخ نسل کی جانب لے گئے۔ اور واپس لہر افغانی کھڑوں
 لے گئے۔ جس نے اپنے اظہار ای وحی محمد کو اطلاع دی اس نے آکر پیرس لہر افغانی کی بیٹن مونسٹری
 دستیار بنے ہوئے۔ اور مع مونسٹریٹل کو لے کر DSP/4 محبوب خان صاحب کے حوالے کی۔
 پیرس لہر افغانی ہے



عزاز اللہ

شناختی نمبر 21603-6168406-1
فون نمبر 0308-5487149

کہ اس سولڈر صفایا انلوٹری آفیسر
 سوال نمبر 1 در اس میں جاؤ وقوعہ میں ڈپلومی ٹی کس نے لگائی تھی؟
 جواب: ڈپلومی ٹی سیشن کلمہ ہے
 سوال نمبر 2 در اس میں کیسے پیرس لہر افغانی کا لہر افغانی - 52000 روپے لے گئے؟
 جواب: در زبان خاص، عام سے عام پیرس لہر افغانی اور ایسی معاملے بات کر رہے تھے
 سوال نمبر 3 در ای وحی محمد کو اب اس زمرہ سے اطلاع دی (موبائل فون یا واپس سٹیٹ سے)
 جواب: موبائل فون سے

Attested
INSPI/RA

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**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT.**

NOTIFICATION

Peshawar dated the, 10/2/2020

Annex. E

No.SO(Police)HD/SMY 2019 Merged Area/ 227-38 In pursuance of the provisions contained in section 9 of the Khyber Pakhtunkhwa Levies Force Act, 2019 (Khyber Pakhtunkhwa Act No.XXXV of 2019) read with rule 3 of the Levies Force (Absorption in the Khyber Pakhtunkhwa Police) Rules, 2019, the Home and Tribal Affairs Department, with the prior approval of the Cabinet and on the recommendation of the Provincial Police Officer, hereby orders absorption of the following members of Levies Force of Orakzai Tribal District in the Khyber Pakhtunkhwa Police with effect from the date of the initial appointment of the said members:

S#	Name with parentage	Previous Rank	Rank in which absorbed
1.	Deswar Ali s/o Bakhtiar Ali	Sub: BPS-13	SI BPS-14
2.	Fanoos Khan s/o Bada Khan	N/S BPS-11	ASI BPS-11
3.	Mehboob Khan s/o Abdul Hamid	N/S BPS-11	ASI BPS-11
4.	Niamat Ali s/o Muhammad Ghulam	N/S BPS-11	ASI BPS-11
5.	Nasib Khan s/o Karim Khan	N/S BPS-11	ASI BPS-11
6.	Salil Rehman s/o Saifoor Rehman	N/S BPS-11	ASI BPS-11
7.	Muhammad Rahim s/o Asghari Shah	N/S BPS-11	ASI BPS-11
8.	Taj Muhammad s/o Sadullah Khan	N/S BPS-11	ASI BPS-11
9.	Ibrahim Jan s/o Mir Haider Jan	N/S BPS-11	ASI BPS-11
10.	Amanullah Khan s/o Habibullah	N/S BPS-11	ASI BPS-11
11.	Mir Hassan Jan s/o Hassan Jan	N/S BPS-11	ASI BPS-11
12.	Isarjan s/o Said Hassan	N/S BPS-11	ASI BPS-11
13.	Niqab Hussain s/o Abid Hussain	N/S BPS-11	ASI BPS-11
14.	Rooh-ul-Amin s/o Khamin Shah	N/S BPS-11	ASI BPS-11
15.	Ajmal Khan s/o Sher Mat Khan	N/S BPS-11	ASI BPS-11
16.	Muhammad Tahir s/o Muhammad Said	Hav BPS-8	Head Constable BPS-9
17.	Saif Ullah s/o Khushal Khan	Hav BPS-8	Head Constable BPS-9
18.	Sajid Khan s/o Nadir Khan	Hav BPS-8	Head Constable BPS-9
19.	Muhammad Nasim s/o Habib Shah	Hav BPS-8	Head Constable BPS-9
20.	Ali Musa s/o Ali Amir	Hav BPS-8	Head Constable BPS-9
21.	Muhammad Imtiaz s/o Gul wal Khan	Hav BPS-8	Head Constable BPS-9
22.	Muhammad Younas s/o Edat Shah	Hav BPS-8	Head Constable BPS-9
23.	Jehanzeb Khan s/o Maeen Khan	Hav BPS-8	Head Constable BPS-9
24.	Imtiaz Khan s/o Nek Afzal	Hav BPS-8	Head Constable BPS-9

S#	Name with parentage	Previous Rank	Rank in which absorbed
604.	Abdul Munaf s/o Jan Badshah	Sep: BPS-5	Constable BPS-7
605.	Khalid Mehmood s/o Waris Khan	Sep: BPS-5	Constable BPS-7
606.	Ajab Khan s/o Sahib Gul	Sep: BPS-5	Constable BPS-7
607.	Sughat Ali s/o Din Muhammad	Sep: BPS-5	Constable BPS-7
608.	Muhammad Raheel Khan s/o M.D. Khan	Sep: BPS-5	Constable BPS-7
609.	Rehmanullah s/o Fazal Manan	Sep: BPS-5	Constable BPS-7
610.	Khan Wadi Jan s/o Laiq Jan	Sep: BPS-5	Constable BPS-7
611.	Muhammad Nazir s/o Yar Bad Shah	Sep: BPS-5	Constable BPS-7
612.	Aun Akbar s/o Khan Akbar	Sep: BPS-5	Constable BPS-7
613.	Muhammad Sagheer s/o Zakar Khan	Sep: BPS-5	Constable BPS-7
614.	Khaista Noor s/o Said Noor	Sep: BPS-5	Constable BPS-7
615.	Yousaf Ali s/o Hakim Khan	Sep: BPS-5	Constable BPS-7
616.	Bad Shah Mir s/o Gul Kabeer	Sep: BPS-5	Constable BPS-7
617.	Khaista Asghar s/o Min Asghar	Sep: BPS-5	Constable BPS-7
618.	Khan Wada s/o Zarin Khan	Sep: BPS-5	Constable BPS-7
619.	Saleh Ahmad s/o Alam Khan	Sep: BPS-5	Constable BPS-7
620.	Mir Hashim s/o Kashmir Khan	Sep: BPS-5	Constable BPS-7
621.	Iftikhar Ali s/o Zulqid Ali	Sep: BPS-5	Constable BPS-7
622.	Shah Alam s/o Khalidin	Sep: BPS-5	Constable BPS-7
623.	Ghani Rehman s/o Gul Asghar	Sep: BPS-5	Constable BPS-7
624.	Abdul Wahab s/o Seen Asghar	Sep: BPS-5	Constable BPS-7
625.	Noor Afzal s/o Yar Afzal	Sep: BPS-5	Constable BPS-7
626.	Shah Azim Khan s/o Azim Khan	Sep: BPS-5	Constable BPS-7
627.	Hafiz Muhammad Ibrar s/o Muhammad Rahim	Sep: BPS-5	Constable BPS-7
628.	Shah Wazir s/o Raees Khan	Sep: BPS-5	Constable BPS-7
629.	Zakiria Khan s/o Itbar Shah	Sep: BPS-5	Constable BPS-7
630.	Israf Khan s/o Nabi Ghulam	Sep: BPS-5	Constable BPS-7
631.	Irfan Ullah s/o Hayat Khan	Sep: BPS-5	Constable BPS-7
632.	Ikhtiar Ali s/o Mirza Ali	Sep: BPS-5	Constable BPS-7
633.	Yahya Khan s/o Behran Khan	Sep: BPS-5	Constable BPS-7
634.	Muhammad Umer s/o Khiasta Gul	Sep: BPS-5	Constable BPS-7
635.	Muhammad Qasim s/o Shamin Asghar	Sep: BPS-5	Constable BPS-7
636.	Itezaz-ul- Hassan s/o Muhammad Aqeel	Sep: BPS-5	Constable BPS-7
637.	Zahid Shah s/o Muhammad Din Shah	Sep: BPS-5	Constable BPS-7
638.	Sabir Rehman s/o Aqal Muhammad	Sep: BPS-5	Constable BPS-7
639.	Muhammad Asif s/o Pehlawan Khan	Sep: BPS-5	Constable BPS-7
640.	Mast Amir s/o Ismail Khan	Sep: BPS-5	Constable BPS-7
641.	Muhammad Ibrahim s/o Amin Akbar	Sep: BPS-5	Constable BPS-7
642.	Hajit Hussain s/o Ajmad Ali	Sep: BPS-5	Constable BPS-7
643.	Mehboob Shah s/o Juman shah	Sep: BPS-5	Constable BPS-7
644.	Abdul Salam s/o Sunab Gul	Sep: BPS-5	Constable BPS-7
645.	Suliman Khan s/o Alam Khan	Sep: BPS-5	Constable BPS-7
646.	Rehmat Ullah s/o Nasib Gul	Sep: BPS-5	Constable BPS-7
647.	Gul Hassan s/o Muhammadi Jan	Sep: BPS-5	Constable BPS-7

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S#	Name with parentage	Previous Rank	Rank in which absorbed
1173.	Rafi UMah s/o Wazir Batkhan	Sep: BPS-5	Constable BPS-7
1174.	Omeid Ali s/o Minhaj Ali	Sep: BPS-5	Constable BPS-7

2. The above absorption shall be subject to the following terms and conditions:

- (i) Their services shall be governed under the Khyber Pakhtunkhwa Police Act, 2017 and the rules made thereunder.
- (ii) A member shall not be entitled for absorption, if he has resigned from Levies Force Service or has been terminated from the Service ibid on account of misconduct, inefficiency or any other grounds or has been retired from Service under the Federal Levy Force (Amended) Service Rules 2013, before commencement of the Khyber Pakhtunkhwa Levies Force Act, 2019 (Khyber Pakhtunkhwa Act No. XXXV of 2019).
- (iii) Their services shall be considered regular and they shall be eligible for pension and deduction of General Provident fund in terms of the Khyber Pakhtunkhwa Civil Servant Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).
- (iv) Their seniority shall be determined in accordance with rule 6 of the Levies Force (Absorption in Khyber Pakhtunkhwa Police) Rules 2019.
- (v) They shall undergo training as provided in rule 5 of Levies Force (Absorption in Khyber Pakhtunkhwa Police) Rules, 2019.

Secretary
 SA to Government of the Khyber Pakhtunkhwa
 Home and Tribal Affairs Department

No. & date even.

CC to:

1. Inspector General of Police, Khyber Pakhtunkhwa.
2. Accountant General Khyber Pakhtunkhwa.
3. Regional Police Officer, Kohat
4. District Police Officer Orakzai Tribal District.
5. District Commissioner Orakzai Tribal District
6. PS to Chief Secretary Government of Khyber Pakhtunkhwa
7. PS to Secretary, Home & TAs Department, Khyber Pakhtunkhwa.
8. PS to Special Secretary-II, Home & TAs Department, Khyber Pakhtunkhwa.
9. PS to Secretary, Establishment Department, Khyber Pakhtunkhwa
10. Manager Printing Press for notifying the same in the official gazette.
11. Office record file.

Section Officer (Levies & Khasadars)

POLICE DEPTT:

KOHAT REGION

ORDER.

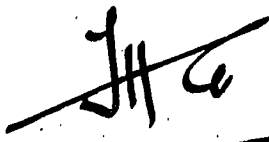
This order will dispose of a departmental appeal, moved by Ex-Constable Khalid Mehmood No. 389 of district Orakzai against the punishment order, passed by DPO Orakzai vide OB No. 385, dated 12.05.2020 whereby he was awarded major punishment of dismissal from service on the following allegations:-

The appellant alongwith other Constables grabbed a motorcycle with fifteen (15) packets of Chars from one Zalif Khan s/o Ghulam Akbar and Niqab s/o Qasim Shaqir/o Hassanzai Dara, Mishti Utman Khel. The accused were taken away by him and released them without taking any legal action and wandered them in official vehicle in the area. The packets of Chars were returned to them and they were set free after gaining Rs. 52,000/- by the appellant.

He preferred an appeal to the undersigned upon which comments were obtained from DPO Orakzai and his service documents were perused. He was also called to appear in Orderly Room held on 17.09.2020. During hearing, the appellant did not advance any plausible explanation in his defense.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt. Therefore, his appeal being devoid of merits is hereby rejected.

Order Announced
24.09.2020


(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.


No. 11546 /EC, dated Kohat the 30-9 /2020.

Copy to DPO/Orakzai for information w/r to his office Letter No. 1868/SRC, dated 30.06.2020. His Service Book & Enquiry File is returned herewith.


District Police Officer
Orakzai

Attested

INSP/RP


(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.



4328
19-5-21

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

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No. S/ 1755 /21, dated Peshawar the 03/05/2021.

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 Khalid Mehmood No. 389. The petitioner was dismissed from service by District Police Officer, Orakzai vide OB No. 385, dated 2.05.2020 on the allegations that he alongwith other Constables grabbed a motorcycle with fifteen (15) packets of chars from one Zalif Khan s/o Ghulam Akbar and Niqab s/o Qasim Shah r/o Hassanzai Dara, Mishti Utman Khel. The accused were taken away by him and released them without taking any legal action and wandered them in official vehicle in the area. The packets of chars were returned to them and they were set free after getting Rs. 52,000/- by the appellant. His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 11946/EC, dated 30.09.2020.

EC

Meeting of Appellate Board was held on 13.04.2021 wherein petitioner was heard in person. Petitioner denied the allegations leveled against him.

The Board examined the enquiry papers which reveals that the allegations against the petitioner has been proved. During hearing, petitioner failed to advance any plausible explanation in rebuttal of the charges. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-
KASHIF ALAM, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 1758-70/21,

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat.
2. District Police Officer, Orakzai. One Service Book and one Enquiry File of the above named Ex-FC received vide your office Memo: No. 3116/EC, dated 24.11.2020 is returned herewith for your office record.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

no 6392 / EC dt 19-5-21
DPO/Orakzai

For n/a alongwith above Service documents, which may be acknowledged.

Received
S/Book-07
Enquiry file-07
19/5/21

Office of the DFO, District Orakzai
Sery No 812
Date 21-5-21

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

Dig P.O. Kohat
KOHAT 19/5

Bizal

Attested
INSPIRP

F.C.
[Signature]

BEFORE THE HONORABLE, KHYBER PAKHTUNKHWA

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SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 186/2020
Khalid Mehmood

..... Petitioner


VERSUS

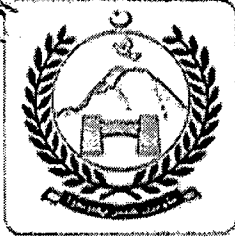
District Police Officer, Orakzai & Others

..... Respondents

AUTHORITY LETTER

Mr, Muhammad Amir (Inspector Legal) District Orakzai (CNIC No.14101-8223215-5) is authorized to institute parawise comments duly signed by respondents, in the Honorable Court on behalf of the Respondents.


District Police Officer Orakzai
Respondent No. 01



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 306 /ST

Dated: 08/02 /2022

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

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

To

The District Police Officer,
Government of Khyber Pakhtunkhwa
Orakzai.

Subject: JUDGMENT IN APPEAL NO. 13586/2020 MR. KHALID MEHMOOD.

I am directed to forward herewith a certified copy of Judgement dated 17.12.2021 by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



OFFICE OF THE DISTRICT POLICE

OFFICER ORAKZI

NO. 1004 /EC

Dated 21/4/2020

To: The Deputy Inspector General of Police
Kohat

Subject: ENQUIRY

Memo:-

Reference your Endst No. 1803/EC dated 29.01.2020 on the subject cited above.

Complete enquiry report in r/o Constable (Hon: Insp:) Khalid Mehmood conducted by DSP HQrs Orakzai is sent herewith for further order, please.

(Enclosed pages)


DISTRICT POLICE OFFICER
ORAKZAI

OK

صفحات ۱

بجائے چارج سٹیٹ بری 57 مورخہ 24/1/74 جاری ہے۔ DPO صاحب

اور مرکزی عورتوں خدمتوں کے مورخہ 20/1/74 کو بمقام باری خیل مارکیٹ انسپیکٹر خالد محمود خان
 جمع ہوا ایک کارڈ جو کہ سرکاری پتے میں ہے۔ فروری خلی کی جانب سے موٹر سائیکل پر سوار 02
 انسداد ظالم خان ولد غلام اکبر + قاضی نقاب ولد قاسم شاہ کو کھڑا کر کے جتنے قبضے سے 15
 بیکٹ جس میں برادر کے موٹر سائیکل کو جائے وقوعہ پر موجود انسپیکٹر عابد اللہ جو کہ ڈسٹرکٹ
 پولیس میں ہے کے خواتین سے اور دونوں سگھروں کو اپنے ساتھ گاڑی بٹھا کر پیلے فرنیچر
 کی جانب گئے پھر واپس اجماعی کی طرف لائے (واضح رہے کہ انسپیکٹر خالد محمود جو کہ DPO صاحب
 اور مرکزی کے ساتھ ڈیپوٹی کرنا ہے) انسپیکٹر عابد اللہ نے اپنے قریبی اجازت سے انسپیکٹر دینی محمد کو اطلاع
 کی اور موٹر سائیکل مذکورہ بالا 1256 کر سیکرل DSP قبضے خان کے حوالے کی۔
 بعد میں پتہ چلا کہ انسپیکٹر خالد محمود مذکورہ بالا سگھروں سے 52000 روپے بیکر انکم میں واپس
 کر کے چھوڑ دیے گئے تھے۔

DSB ایسکار سے تمام معاملہ کھول جانے کے بعد جناب DPO صاحب کو ایک حقیقی ڈائری مل گئی اور مقام
 واقع سے DPO صاحب کو باخبر کیا۔ جناب DPO صاحب سے اس معاملہ میں DSP قبضے خان
 کو اور لڑائی سے رپورٹ منگنی!

جو ابی رپورٹ میں DSP قبضے خان نے انسپیکٹر خالد محمود کو اس واقعہ کا ذمہ دار ٹھہرایا ہے۔ اور
 بتایا ہے کہ سگھروں کی سرکاری گاڑی میں بیٹھا کر گھماتے رہے۔ اور ملکہ رقم کے تمام نوٹس پتھار
 دیکھتے رہے۔ اور بعد میں سگھروں سے 52000 روپے بیکر انکم چھوڑ دیا۔ جبکہ سگھروں کا
 موٹر سائیکل ایک ناقابل ترمیم ثبوت کے طور پر DSP قبضے خان کے پاس موجود ہے۔ یہ تمام
 معلومات DSP قبضے خان نے اپنے فیروں کے ذریعے حاصل کی ہیں۔ معاملہ کو شفاف بنانے کے لئے
 انسپیکٹر خالد محمود جمع ایک کارڈ طلب کر کے بیانات لے لے گئے۔ جو کہ سپر انٹنڈنٹ لف کے قابل ملے خلو
 ہیں۔

اور اس واقع سے مکمل انکاری ہیں۔ اور لہ تعلق کا دعویٰ کرتے ہیں۔ جبکہ دونوں سفیروں
 سے رابطہ کر کے ڈر کے مارے آنے سے انکاری ہیں۔ سیکرٹری خان کا موبائل نمبر 8524057-8503
 جبکہ کنسٹبل عاشر اس عام واقعہ کا چشم دید گواہ ہے۔
 اہل حقائق۔

عام حالت، واقعات سے صحاف ظاہر ہوتا ہے کہ یہ واقعہ روغنا پور کا ہے اور اس سیکرٹری خان کے
 مع کنسٹیبلان محمد ظاہر + محمد نذیر + حکیم نواز نے مورخہ 17/20 کو موٹر سائیکل پر جس سے سیکرٹری خان کے
 دونوں سیکڑوں کو جمع 15 بجے جس میں اپنے ساتھ ہے۔ جبکہ سیکرٹری خان کو موقع پر موجود F4 عاشر نے سوال
 کی۔ بعد میں سیکڑوں کو آزاد دیا گیا۔ DSB ایسا کارروائیوں ہوا کہ اس سیکرٹری خان کے جو کہ AC لائن اور
 کے ساتھ ڈیوٹی کر رہا ہے نہ سیکڑوں سے کسی روڈ بلیک آؤٹوں میں ڈالنے اور انہیں محفوظ رہنے کی
 سرکل DSP لائن اور لڑائی نے اپنے قبضوں کے ذریعے جو معلومات حاصل کی۔ وہ بھی اس واقعہ کی تائید ہے۔
 جبکہ کنسٹبل عاشر اس واقعہ کا چشم دید گواہ ہے۔ جس کا بیان میرا انٹرویو بیان ہے۔ اور جو موٹر سائیکل
 جو کہ سیکڑوں کا تھا۔ محبوب خان DSP کے پاس موجود ہے۔ اس عام واقعہ کا ایک زندہ اور قابل تائید ثبوت ہے۔
 حالت واقعات کو مدنظر رکھتے ہوئے انسپیکٹر خالد محمود جمع ایک کارڈ مندرجہ بالا گناہ گار ہائے جاتے ہیں۔
 میجر نیشنل کی سفارش کی جاتی ہے۔

Sir
 Forwarded please

DSP/HQ. DRK
 11.3.2020

✓
سائن ازالہ ای وی مجاہدہ عزیز خان قوم امان ضلع نور پور درگزی

(9)

جناب عالی! عرض ہے کہ وقوف کے دن سنسٹریبل عامر اللہ نے ہمیں کال کی

کہ ۱۴۲۰ خاندان محمود نے ہمیں ایک معر سائنسٹریبل خوالہ کیا کہ یہ اپنے پاس رکھو

جب سائنسٹریبل عامر اللہ کے ساتھ بنی اور میں نے عامر اللہ کو سائنسٹریبل کو روک دیا

SDPO/L محبوب خان کے خوالہ کیا یہ صبر ایقان ہے



ایم ایف ایف
ای وی کی کد
۱۰-۲-۰۵۵

فون نمبر - ۹۲۹۰۹۰۴-۰۳۰۵

اس سوال کے جوابات منجانب اللہ اور سائنسٹریبل
سوال کیا اس کے خارج کی کیا واقعہ روغنا ہے؟

جواب دے۔ بروز جمعہ ۱۷/۱۱/۲۰

سوال کیا عامر اللہ نے کہا کہ یہ معر سائنسٹریبل کیوں ہے؟

جواب دے اس نے کیا کہا کہ یہ ۱۴۲۰ خاندان محمود نے کہا ہے کہ باقی کچھ نہیں ہے

۱۳۰۰ - ۱۳۰۰ - ۱۳۰۰

جواب دے ہو سائنسٹریبل خون سے

بیان اذان محمد طاہر ولد عبدالرزاق سوم اُتھان میں نور اور انجی

کتابت عالیہ

جواب خارج شدہ برای 57 مورخ 24/11/2020 تاریخ کتابت 2020

اور انجی صورتوں میں کہ میں سنسپل کے ڈھائی ماہ قبل ڈسٹرکٹ ایسٹ

ڈسٹرکٹ ایسٹ میں چند سے کہ صاحب اور انجی اور انجی پورہ فیصلہ اور صاحب کے ساتھ

بطور گارڈ ڈپٹی سرانجام دیا گیا ہے۔ اس کے خاتمہ کے ساتھ اس دن میں

کوئی ڈپٹی نہیں ہے۔ ہر روز قتل میں بھی ہے۔ اس واقعہ کا مجھے کیا علم ہے

کہ میں بیان ہے

محمد طاہر

شناختی نمبر 21603-4026102-7
فون نمبر 0307-0736688



کریس سوالوں کی جوابت انکو انجی

سوال نمبر 1 کہ کیا اب رحمت منظور شدہ ہے یا نہیں۔
جواب: زبان میں ہے۔

سوال نمبر 2 کہ چھٹی ایپو کے ساتھ ہے یا نہیں؟

جواب: اس کے بارے میں جاننا نہیں

سوال نمبر 3 کہ جمعہ کا پیرا کوئی تاریخ ہے یا نہیں؟

جواب: 15/11/2020 تا 17/11/2020

سوال نمبر 4 کہ DSB رپورٹ کے متعلق کیا جاننا ہے؟
جواب: یہ ایک بے بنیاد اور من گھڑت رپورٹ ہے

یہ دہریہوں کی طرف سے ہے۔

✓ بیان ازان حکیم کو از حد مذہب باز قوم فرود چل کر اور کڑی

صفا علی

(12)

مخارج شہر پر 57 مورخ 24/11/2020 مورخ صفا - DPO

اور کڑی مورخین قدرت یوں کہ عن سنسبل 2/ ڈھائی ماہ قبل ڈسٹرکٹ پولیس

ڈسٹرکٹ پولیس صفا - DC صاحب اور کڑی رائیڈ بیکر فیصلہ دار اور صاحب کے ساتھ

بطور ڈرائیور ڈیوٹی سر اخبار دیا ہوں۔ اس پر خالد محمود کے ساتھ اس دن

میں نے کوئی ڈیوٹی نہیں کی ہے۔ یہی اس واقعہ کا صحیح کڑی مسلم ہے۔

سہ ماہ بیان ہے

حکیم نزاری

شناختی نمبر 21603-8304479-1

فون نمبر 0308-9091988



کونسی سوال تہ منجانب انکواری اسٹیشن
سوال بڑا مورخ 17/11/2020 کو آگے ڈیوٹی کس کے ساتھ تھی؟

جواب - 17/11/2020 میں فیصلہ دار صاحب کے ساتھ ڈیوٹی کرتا تھا

سوال بڑا 2. کیا آپ فلنگ اس واقعہ کا افشاء کرتے ہیں؟

جواب - جی ہاں

سوال بڑا 3. کیا آپ نامی نینٹ سنگھ کو جاننے سے پہلے

جواب - جی نہیں

جواب - مورخین فون سے اطلاع دی (موبائل فون یا واٹس ایپ سے)

بیان آراء محمد نذیر ولد ضیال وزیر قوم آغا خان فنل لار اور نئی

صفیہ صاحبی

4

سوال: خارج ٹیکٹ لاری 57 مورخ 24/1/2020 جاری کیا جا۔ DPO

اور نئی مورخین قدرت میں کہ من سببیں دے ڈھائی ماہ قبل ڈسٹرکٹ لاری سے
ڈسٹرکٹ لاری جناب DPO صاحب اور نئی ڈسٹرکٹ لاری سے صاحب کے ساتھ

ڈیوٹی سر انجام دے رہے ہیں۔ اسٹیٹ فائل خورد کے ساتھ لے لو میں ڈیوٹی کرتا ہوں۔

اور لے ہی اس واقعہ کا نتیجہ ہی ہے۔ AC/L صاحب کے ساتھ بطور گارڈ ڈیوٹی

دیتا ہوں۔ اور اس واقعہ سے کھل کر تعلق کا اظہار کرتا ہوں۔ یہ بیان ہے

اس سوال سے متعلق جواب دہ محمد نذیر

محمد نذیر

شناختی نمبر 21603-77383413

فون نمبر 0307-0736632

سوال: غرارہ مورخ 17/1/2020 مورخ 17/1/2020 مورخ 17/1/2020 مورخ 17/1/2020

جواب: فصلیہ اور جناب صاحب کے ساتھ

سوال: 2 د. سرکل آفیسرز نے لہجہ گناہ گار کیا ہے۔ کیا کیے ہو؟
جواب: جاہن آباد ہے۔ اور یہ بھارت علاقے کا قومی نصاب ہے۔

سوال: 3 د. کیا یہ خلیفہ اس واقعہ کا اشارہ کرتے ہیں؟
جواب: جی ہاں۔

— — — — — سے رابطہ میں رہیں سے اطلاع دی (موبائل فون یا واٹس ایپ)

جواب: موبائل فون سے

✓ بیان اذان عامر اللہ وہ فرقان اللہ قوم اذنان فضل

صفا جانی !

15

عرض ہے کہ گم ہرز وقوعہ میں اذنان فضل فارسی میں ڈھونڈی گم

موجود تھا۔ اس دوران جانب فرزند فضل ایک مونس سائنٹل (125) ہم دو افراد کافی کافی مقدار میں پیرس گزرتے رہے۔ اس دوران انسٹیٹیوٹ خالہ محمود بلوچ یا سنسٹیبلز پتھری سرکاری پبلک اپ ڈیل طور میں آکر ایک ایس کو مان زد و سہم اس طرح فقیر چھی کوئی ایک مونس سائنٹل کو گمراہ کر کے جس پر سوار دونوں افراد کو نیچے اتارا جا کر ٹکر مکر پیر باندے ایک شخص جو کہ مونس سائنٹل کے پچھلے سٹیٹیم سوار تھا۔ بیگ سے 15 عدد بیگس جس میں گمراہ ہونے والے اپنے قبضے میں تھے۔ انسٹیٹیوٹ خالہ محمود نے مونس سائنٹل کو فرائی کی اور خود دونوں سیکورٹی کو اپنے ساتھ بیگ اپ میں بیٹھا کر پچھلے فرزند فضل کی جانب لے گئے۔ اور واپسی کے دوران لے گئے۔ جس نے اپنے اظہار ای و بی محمد کو اطلاع دی اس نے آکر پتہ پر اسی کی بیگن سپور دستیاب نہ ہوئے۔ اور مع مونس سائنٹل کو ملے۔



عامر اللہ

شناختی نمبر 1603-6168406-1
فون نمبر 0308-5487149

کہ اس سے الٹ صحابہ انکو آئی آفسیور
سوال بڑا ہے کہ کیا جانے وقوعہ میں ڈھونڈی کس نے لگائی تھی؟
جواب: لوہے کی سٹیشن ملے ہے۔

سوال بڑا ہے کہ آیا کوئی ایسی پتہ ملے کہ خالہ محمود نے 52000 روپے لے لیے؟
جواب: زبان خاص، عام سے عام پر انٹرویو کرتے ایسی معاملے پر بات کر رہے ہیں۔

سوال بڑا ہے کہ ای و بی محمد کو اپنی کس زخم سے اطلاع دی (موبائل فون یا واپس سٹیٹیم سے)
جواب: موبائل فون سے۔

OFFICE OF THE DISTRICT POLICE OFFICER

Email: dpoorakzai55@gmail.com

ORAKZAI

Phone No. 0925-690257

NO. 55 / PA / DPO / Ork

Dated: 24 January 2020

To:- Regional Police Officer, Kohat.

Subject: APPOINTMENT OF ENQUIRY OFFICER.

Kindly refer to the subject cited above.

In this regard it is submitted that as per report of Sub Divisional Police Officer, Lower that on 17-01-2020 inspector Khalid Mehmood, Utman Khel along with constables Muhammad Tahir, Muhammad Nazeer of Utman Khel tribe and Hakeem Nawaz of Feroz Khel tribe, grabbed Motor Cycle with Fifteen (15) packets of Chars from Zalif Khan s/o Ghulam Akbar and Niqab s/o Qasim Shah resident of Hassanzai Dara, Mishti Tribe at Yarli Khel Market, Utman Khel. The accused were taken away by him, released without any legal action and wandered them in Government Vehicle in the area, and Fifteen (15) Packets Chars were also returned by getting Fifty Two Thousand Rupees (52,000/-) as bribe and Motor Cycle was handed over to constable Amirullah (Photocopy attached), in the meanwhile SHO Lower received information and reached to the spot, took Motor Cycle and carried to Kalaya Police Station and is in custody of Police.

In view of the above it is requested that an enquiry officer in the rank of DSP may kindly be nominated to enquire into the matter. The Charge sheet/ statement of allegation already been issued to the defaulter above name official (copy enclosed) please.

EC
Please put up
in notesheet
27/1/2020

RA
[Signature]

District Police Officer
Orakzai

DISTRICT POLICE OFFICER
ORAKZAI

Copy Submitted to:

- 1. Deputy Commissioner, Orakzai. 29/01/2020
- 2. DSP, HQ/SDPO, Lower.

No 1803 EC dt 29-1-20

DPO Orakzai

DISTRICT POLICE OFFICER
ORAKZAI

Office of the DPO, District Orakzai

Diary No. 398

30/1/2020

Enquiry may be conducted through SDPO/HQ/Orakzai & report will be stipulated presented.

DIG POLICE
KOHAT

29/1/20

OFFICE OF THE DISTRICT POLICE OFFICER

ORAKZAI

Phone No. 0925-690257

NO 57/PA/DPO/Ork

Dated: 24 January 2020

Email: dpoorakzai55@gmail.com

CHARGE SHEET.

1. I SALAH UD DIN, District Police Officer, Orakzai as competent authority, hereby charge you Inspector Khalid Mehmood Police station Kalaya as follows.
2. " As per report of Sub Divisional Police Officer, Lower that on 17-01-2020 you along with constables Muhammad Tahir, Muhammad Nazeer of Utman Khel tribe and Hakeem Nawaz of Feroz Khel tribe, grabbed Motor Cycle and Fifteen (15) packets of Chars from Zalif Khan s/o Ghulam Akbar and Niqab s/o Qasim Shah resident of Hassanzai Dara, Mishti Tribe at Yarli Khel Market, Utman Khel. The accused were taken away by you, released without any legal action and wandered them in Government Vehicle in the area, and Fifteen (15) Packets Chars were also returned by getting Fifty Two Thousand Rupees (52,000/-) as bribe and Motor Cycle was handed over to constable Amirullah, in the meanwhile SHO Lower received information and reached to the spot, took Motor Cycle and carried to Kalaya Police Station and is in custody of Police. This is quite adverse on your part and shows your negligence, carelessness and indiscipline attitude in the discharge of your official obligations. This act on your part is against service discipline and amounts to gross misconduct."
3. By the reason of your commission/ omission constitute mis-conduct under Police disciplinary rule- 1975 (amendment Notification No. 3859/Leagal, dated 07-08-2014) Government of Khyberpakhtunkhwa, Police department, you have rendered yourself liable to all or any of the penalties specified in Police Rule-1975 ibid.
4. You are therefore required to submit your written defense with in 07 days of the receipt of this charge sheet to the enquiry Officer.
5. Your written defense if any should reach to the enquiry Officer with in stipulated period, failing which shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
6. Intimate whether you to be heard in person.
7. A statement of allegation is enclosed.

DISTRICT POLICE OFFICER
ORAKZAI

OFFICE OF THE DISTRICT POLICE OFFICER

ORAKZAI

Phone No.0925-690257

NO 90 /PA/DPO/Ork

Dated:31 January 2020

Email.dpoorakzai55@gmail.com

ENQUIRY AGAINST INSPECTOR KHALID MEHMOOD.

Consequent upon the approval of the worthy Regional Police Officer, Kohat (photocopy attached), Mr. Diswar Ali DSP Headquarter is here by appointed as Enquiry Officer in the subject enquiry, He is directed to conduct enquiry and submit report to the undersigned within Fifteen Days positively.


**DISTRICT POLICE OFFICER
ORAKZAI**

Copy submitted to:

1. Regional Police Officer, Kohat.
2. Deputy Commissioner, Orakzai.
3. DSP HQ
4. SDPO, Lower.
5. Official concerned


**DISTRICT POLICE OFFICER
ORAKZAI**

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OFFICE OF THE DISTRICT POLICE OFFICER

Email: dpoorakzai55@gmail.com



ORAKZAI

Phone No: 0925-690257

NO. _____/PA/DPO/Ork

Dated: 31 January 2020

ENQUIRY AGAINST INSPECTOR KHALID MEHMOOD.

Consequent upon the approval of the worthy Regional Police Officer, Kohat (photocopy attached), Mr. Diswar Ali DSP Headquarter is here by appointed as Enquiry Officer in the subject enquiry, He is directed to conduct enquiry and submit report to under the undersigned within Fifteen Days positively.

**DISTRICT POLICE OFFICER
ORAKZAI**

Copy submitted to:

1. Regional Police Officer, Kohat.
2. Deputy Commissioner, Orakzai.
3. DSP HQ
4. SDPO, Lower.
5. Official concerned

**DISTRICT POLICE OFFICER
ORAKZAI**

0925-890257
JPA/DPO/Ork
31 January 2020



OFFICE OF THE DISTRICT POLICE OFFICER

ORAKZAI

Email: dpoorakzai55@gmail.com

Dated: 10 February 2020

1. ~~XXXXXXXXXXXXXXXXXXXX~~
2. " As per report of Sub Divisional Police Officer, Lower that on 17-01-2020 you along with constables Muhammad Tahir, Muhammad Nazeer of Utman Khel tribe and Hakeem Nawaz of Feroz Khel tribe, grabbed Motor Cycle and Fifteen (15) packets of Chars from Zalif Khan s/o Ghulam Akbar and Niqab s/o Qasim Shah resident of Hassanzai Dara, Mishti Tribe at Yarli Khel Market, Utman Khel. The accused were taken away by you, released without any legal action and wandered them in Government Vehicle in the area, and Fifteen (15) Packets Chars were also returned by getting Fifty Two Thousand Rupees (52,000/-) as bribe and Motor Cycle was handed over to constable Amirullah, in the meanwhile SHO Lower received information and reached to the spot, took Motor Cycle and carried to Kalaya Police Station and is in custody of Police. This is quite adverse on your part and shows your negligence, carelessness and indiscipline attitude in the discharge of your official obligations. This act on your part is against service discipline and amounts to gross misconduct."
3. By the reason of your commission/ omission constitute mis-conduct under Police disciplinary rule- 1975 (amendment Notification No. 3859/Legal, dated 07-08-2014) Government of Khyber Pakhtunkhwa, Police department, you have rendered yourself liable to all or any of the penalties specified in Police Rule-1975 ibid.
4. You are therefore required to submit your written defense within 07 days of the receipt of this charge sheet to the enquiry Officer.
5. Your written defense if any should reach to the enquiry Officer with in stipulated period, failing which shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
6. Intimate whether you to be heard in person.
7. A statement of allegation is enclosed.

District Police Officer
Orakzai

17 جولائی 2020ء کو ڈیل کے وقت

پہلے ہمارے ملک میں عالمی شعور بچھ (یا) انگاروں نے (کان) کیلئے

دیکھی ہیں ابھی وہ لوگوں سے رہا ہے۔ پولیس کو لکھنا پڑتا ہے

کو واپس کرنا ہے۔

پولیس کا روائی میں مصروف عمل ہے۔

ڈائریکٹر آف ایس

D. S. B
پہلے آؤ گئے

Date 17 / 7 / 2020

Def. Officer
Form 11
MS

مردود
 صدہ ۱۹۷۱ء کو قوم امتحان خیریت بنام یاران خیریت واریٹی میں کما حقہ شہداء (مقام امتحان) نے
 کنستبلان خیریت ایم جی ٹی ایم قوم امتحان خیریت کنستبل خیریت نواز قوم خیریت اور
 رائف خان، طاہر علی، اکبر اور نقاب دار قاسم شاہ قوم خیریت، امتحان خیریت
 زلزلہ سے زبردستی ایک موٹر سائیکل اور ۱۵ پائلٹ خیریت کے لیے
 ان ضمن میں SDPO صاحب نے سوریوں کے ذریعے معلومات حاصل کی کہ
 صدر گراہ بالا کسان کو کما حقہ شہداء کنستبلان نے (سمگلنگ) کوہ سرکاری
 گاڑی میں سمگلنگ کے علاوہ میں گھومنا پھرانے میں اور موٹر سائیکل کو
 کنستبل عامر اللہ جو کہ یاران خیریت میں ڈیوٹی پر تعینات تھا حوالے کیا۔
 تو کنستبل عامر اللہ نے فوراً قوم امتحان خیریت کی ولی محمد کو آگاہ کیا تو
 اسی ولی محمد فوراً جانے دو تو وہ اپنے گھر سے موٹر سائیکل کے لیے توپل میں لنگر لگا
 کھلا لیے آئے۔ اس دوران کما حقہ شہداء نے کنستبلان سمگلروں کو علاقے میں
 سرکاری گاڑی میں گھومنا پھرانے دیکھے یہاں تک کہ سمگلروں میں
 ۵۰,۰۰۰ روپے لنگر چھوڑ دینے اور سمگلروں کو ۱۵ پائلٹ
 خیریت والے سادے دینے۔

ایچ ڈی بی ایم

ایچ ڈی بی ایم

Before the Chairman Khyber Pakhtunkhwa
Service Tribunal Peshawar.

Khalid Mahmood S/o Maris Khan R/o Caste
Utmankhel fatch Khan Khalil District Orakzai

— Appellant.

Vs.

1. AIG Police Kp.
2. D P O Orakzai
3. Regional Police officer Kohat Region.
4. C C O Scouts
5. DIG of Police Kohat Region.
6. Govt of Kp through Chief Secretariat
Peshawar.
7. The State.

— Respondents.

Misc. Application for adding
the order No 1755/21 which
is passed by Respondent
No 1 on dated 03⁰⁵/₂₀₂₁ as
a impugned order in prayer
of Appeal

Respectfully Sheweth,

1. That the above titled case
is fixed for today i.e. 17¹²/₂₀₂₁.
2. That appellant challenged previous
order but they are unaware about

the above order which are mentioned.


3. That appellants have no knowledge above order proceeding but in the mean time they present this order.

It is therefore humbly prayed that on acceptance of this application, the above mentioned order may add as a impugned order in appeal prayer.

Appellant

Date 17-12-2024

Through


Shan Asghar
Advocate

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

P-23

No. S/ 1755 /21, dated Peshawar the 03/05/2021.

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 Khalid Mehmood No. 389. The petitioner was dismissed from service by District Police Officer, Orakzai vide OB No. 385, dated 12.05.2020 on the allegations that he alongwith other Constables grabbed a motorcycle with fifteen (15) packets of chas from one Zalif Khan s/o Ghulam Akbar and Niqab s/o Qasim Shah r/o Hassanzai Dara, Mishti Utman Khel. The accused were taken away by him and released them without taking any legal action and wandered them in official vehicle in the area. The packets of chas were returned to them and they were set free after getting Rs. 52,000/- by the appellant. His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 11946/EC, dated 30.09.2020.

EC

Meeting of Appellate Board was held on 13.04.2021 wherein petitioner was heard in person. Petitioner denied the allegations leveled against him.

The Board examined the enquiry papers which reveals that the allegations against the petitioner has been proved. During hearing, petitioner failed to advance any plausible explanation in rebuttal of the charges. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-
KASHIF ALAM, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 1758-70/21,

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat.
2. District Police Officer, Orakzai. One Service Book and one Enquiry File of the above named Ex-FC received vide your office Memo: No. 3116/EC, dated 24.11.2020 is returned herewith for your office record.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

no 6392 (IE) dt 19-5-21
DPO/Orakzai

For n/a alongwith
above service documents, which
may be acknowledged.

Received
S/Book-07
Enquiry file-07
19/05/21

Office of the DFO, District Orakzai
Diary No. 812
Date 21-5-21

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

9/9/21
DIG HQRS
KOHAT 19/5

Bigal Attached
INSP/RP.

E.C
District Police Officer