

30.09.2022

Appellant alongwith counsel present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and requested for time to contact the respondents. Request is accepted. To come up for written reply/comments on 28.11.2022 before S.B.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a vertical stroke and a diagonal line extending to the right.

(Mian Muhammad)
Member (E)

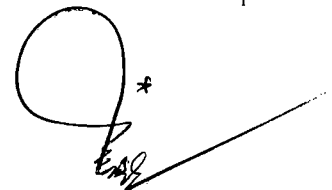
21.06.2022

Miss Rabia Muzafar, Advocate for the appellant present. Preliminary arguments heard.

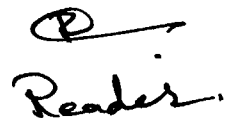
Learned counsel for the appellant contended that the appellant was enlisted as Constable in the department on 19.06.1993 and by virtue of promotion reached to the rank of Head Constable and then ASI in 2016. He was proceeded against departmentally and dismissed from service on allegations of mis-appropriation. The appellant, in the first round of litigation, was reinstated in service and the case was remanded back to the authority for de-novo enquiry to be completed within a period of one month and the issue of back benefits was to follow the outcome of de-novo enquiry. As a result of de-novo enquiry, the appellant was again dismissed from service vide impugned order dated 15.02.2022. His departmental appeal submitted against the impugned order was not responded within the stipulated statutory period hence the instant service appeal filed on 30.05.2022. It was further argued that de-novo enquiry has not been conducted within 30 days as per direction/judgement of the Service Tribunal dated 23.06.2021. Moreover, the appellant has not been provided an opportunity of personal hearing and cross examination which is a blatant violation of the cardinal principle of natural justice.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 09.08.2022.

(Mian Muhammad)
Member (E)



9.8.2022 Due to The Public Holiday The
Case is Adjourned to 30-9-2022


Reader.

Rs-600/-
Appellant Deposited
Security & Process Fee



A my with
28/6/22

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 873/2022

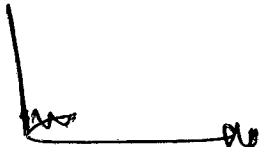
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/06/2022	<p>The appeal of Mr. Bashir Muhammad resubmitted today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR <u>21/6/2022</u></p>
2-	<p><u>14.6.22</u></p> <p>Noted Hidayat C/o Fazal Shah Adv. Hidayat 16/6/22</p>	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>21.6.22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Bashir Muhammad Ex-Assistant Sub Inspector no. 840/MR District Police Mardan received today i.e. on 30.05.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of reply to final show cause notice mentioned in the memo of appeal is not attached with the appeal which may be placed on file. Annexure-G attached with the appeal is reply to the charge sheet but not a reply of the final show cause notice.

No. 1204 /S.T,

Dt. 31/5 /2022

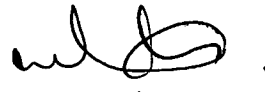

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Fazal Shah Mohmand Adv.

R/SIN

Resubmitted after
objection.

Remand of


• 2/6/22

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 873 /2022

Bashir Muhammad.....Appellant

V E R S U S

DPO and Others.....Respondents

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-3
2.	Copy of Judgment dated 23-06-2021	A	4-7
3.	Copy of Order, Charge Sheet and Reply	B, C & D	8-12
4.	Copy of Inquiry Report	E	13-14
5.	Copy of Show Cause Notice and reply	F & G	15-16
6.	Copy of order dated 15-02-2022	H	17-18
7.	Copy of Departmental appeal	I	19-20
8.	Wakalat Nama		21

Dated:- 27-05-2022

Through

Bashir
Appellant

Fazal Shah Mohmand
Advocate Supreme Court.

&

Rabia
Rabia Muzaffar
Advocate, High Court.

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

-1-

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2022

Bashir Muhammad, Ex-Assistant Sub Inspector No 840/MR, District Police Mardan.....**Appellant.**

V E R S U S

1. District Police Officer, Mardan.
2. Regional Police Officer Mardan Region Mardan.
3. Commandant Police Training College, Hangu.
4. Provincial Police Officer KPK Peshawar.

.....**Respondents**

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 15-02-2022 PASSED BY
RESPONDENT NO 1 WHEREBY THE APPELLANT HAS BEEN
DISMISSED FROM SERVICE AND AGAINST WHICH
DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN
RESPONDED DESPITE THE LAPSE THE STATUTORY PERIOD
OF NINETY DAYS.**

PRAYER:-

On acceptance of this appeal the impugned Order dated 15-02-2022 of respondent No 1 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant was enlisted as Constable in the respondent department on 19-06-1993, was promoted as Head Constable, then was promoted as ASI in the year 2016. The appellant was transferred to Police Training College Hangu in the year 2017 and after some time the appellant was posted as Naib Incharge Ammunition Kot and later on was posted as Incharge Ammunition Kot, where he performed his duties with honesty and full devotion.
2. That the appellant along with others was dismissed from service on the allegations of misappropriation, the appellant after availing departmental remedy, filed Service Appeal No 745/2019 which was accepted vide judgment dated 23-06-2021, the appellant was reinstated in service and the case was remanded back to the authority for denovo enquiry proceedings to be completed within a period of one month and the issue of back benefits was to follow the outcome of denovo inquiry. **(Copy of Judgment dated 23-06-2021 is enclosed as Annexure A).**
3. That the appellant was reinstated in service and denovo inquiry was ordered, Charge Sheet with statement of allegations was issued to the appellant on 02-08-2021 in violation of Hon'ble Tribunal Judgment which the appellant replied in detail refuting the

allegations. **(Copy of Order, Charge Sheet and Reply are enclosed as Annexure B, C & D).**

4. That the appellant also filed implementation Petition before this Honorable Tribunal and thereafter an illegal inquiry was conducted wherein no one was examined in presence of the appellant nor any evidence was collected in support of allegations. **(Copy of Inquiry Report is enclosed as Annexure E).**
5. That there after Show Cause Notice was issued to the appellant which was also replied by the appellant refuting the allegations. **(Copy of Show Cause Notice and reply is enclosed as Annexure F & G).**
6. That finally the appellant was dismissed from service by respondent No 1 vide order dated 15-02-2022. **(Copy of order dated 15-02-2022 is enclosed as Annexure H).**
7. That the appellant filed departmental appeal before respondent No 2 which has not been responded so far despite the lapse of more than the statutory period of ninety days. **(Copy of Departmental appeal is enclosed as Annexure I).**
8. That the impugned order dated 15-02-2022 of respondent No 1 is against the law, facts and principles of justice on grounds inter alia as follows:-

GROUND S:-

- A. That the impugned order is illegal, unlawful, without lawful authority and void.
- B. That mandatory provisions of law and rules have badly been violated by the respondents and the appellant has not been treated according to law and rules which being his fundamental right as per Article 4 and 25 of the Constitution and law of the land.
- C. That no proper inquiry was conducted to find out the true facts and circumstances, no one was examined in presence of the appellant nor was the appellant ever provided opportunity of cross examination.
- D. That during denovo inquiry no proceedings were conducted and the same was based on available record only and the impugned order is as such liable to be struck down.
- E. That the denovo inquiry was not completed within the stipulated period as per judgment of this honorable Tribunal.
- F. That no evidence what so ever was collected during the so called inquiry regarding the involvement of the appellant in the alleged misappropriation the appellant was posted as Incharge Kot hence the impugned order is liable to be set

- G. That the impugned order is based on malafide as evident from chain of instances, in violation of law, rules and constitution besides principles of natural justice, as no one could be punished for fault of others.
- H. That strangely the appellant was subjected to cross examination in violation and total disregard of all norms of justice.
- I. That the impugned order is not speaking order and thus not tenable in the eyes of law.
- J. That the appellant was not afforded opportunity of meaningful personal hearing.
- K. That the appellant has about 28 years of service with unblemished service record at his credit and is jobless since his illegal dismissal from service.
- L. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

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

Dated: 24-5-2022

Through

BqCh
Appellant

Fazal Shah Mohmand
Fazal Shah Mohmand
Advocate Supreme Court.

&

Rabia Muzaffar
Rabia Muzaffar
Advocate, High Court.

LIST OF BOOKS:

1. Constitution 1973.
2. other books as per need

CERTIFICATE:

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.

Fazal Shah Mohmand
ADVOCATE

AFFIDAVIT

I, Bashir Muhammad, Ex Sub Inspector, District Police Mardan, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Bashir
DEPONENT

"A" -4- -

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 745/2019

Date of Institution? ... 19.06.2019

Date of Decision ... 23.06.2021



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

... (Appellant)

VERSUS

Commandant Police School Training Hangu and another.

... (Respondents)

Mr. FAZAL SHAH MOHMAND,
Advocate

For appellant.

MR. USMAN GHANI,
District Attorney

For respondents.

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

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGEMENT:

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

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

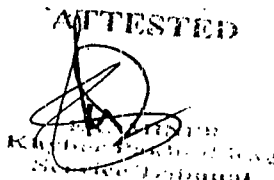
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Khyber Pakhtunkhwa
Service Tribunal

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

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

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

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

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

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

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

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

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Hyderabad


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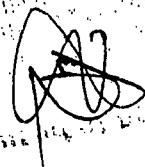
Schedule-I of Police Rules 1975, officer of the rank of DPO/SSP/SP, being Authority competent to award punishment to the appellants, could have legally taken disciplinary action against the appellants. Commandant Police Training College Hangu was an officer of the rank of Deputy Inspector General of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

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

ANNOUNCED
23.06.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


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

APPROVED
TRAINING COLLEGE
HANGU
PESHAWAR

1003 3411 14 07 2021

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Date of Delivery of Copy 07-07-2021



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

"B"
-8-

ORDER

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

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

Fasihuddin
(FASIHUDDIN) PSP
Commandant
Police Training College, Hangu

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

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

Copy sent to all concerned for information/necessary action.



1935

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

CHARGE SHEET

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

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

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

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

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

Fasihuddin
(FASIHUDDIN) PSP
Commandant
Police Training College, Hangu

DISCIPLINARY ACTION

~~18-~~

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

SUMMARY OF ALLEGATIONS

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

-11- ~~10~~

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

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

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

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

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

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

Copy to the:

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

Fasihuddin
(FASIHUDDIN) PSP
Commandant
Police Training College, Hangu

Fasihuddin
(FASIHUDDIN) PSP
Commandant
Police Training College, Hangu

جداگہ چارج شیٹ نمبر 599-6 مورخ 21-8-2018ء جاریہ جناب کمانڈر
 صاحب P.T.C. گھنٹو جناب SP صاحب القوسی گیسٹ انکوائری سروسز
 فرمیت ہوں۔ کہ میری تقریباً 17-8-17 سے من آئیہ بہتیت اچارج
 اور نائب اچارج فوجی اکرم آئیہ ایمونشن کورٹ میں تعینات تھا
 6 ستمبر 2018 سے میرا تبادلہ ایمونشن کورٹ سے لاء سٹاف سینئر
 اور ماہ آئیہ کورٹ ایمونشن کورٹ تعینات کیا گیا ایمونشن کورٹ
 مختلف پوزیشنز کے کئی کمروں پر مشتمل ہے جنورما 019-1-9 چارج
 دینا شروع کیا گیا شروع البرہم کورٹ سے کئی جس نئی پر
 کورٹ کے کئی ایسی دوران ماہ آئیہ آئیہ نے شروع کرنا شروع کیا گیا
 کیونکہ P.T.C کے مختلف کمروں میں منیر ایمونشن ہو رہا تھا۔
 دوران شروع شہراہ لہرانا چارج رپورٹ اور نیا چارج رپورٹ
 جو کورٹ میں نے ذاتی طور پر تیار کیا جی ساتھ کورٹ کو اپنے طرف
 سے تعلق لگا کر چاہا گیا جی ساتھ کورٹ کے لئے اور آفسران بالا کو غلوا۔
 اطلاع دی گئی کہ کورٹ میں ایمونشن کم ہے مورخ 13²/₁₉ پر
 ماہ آئیہ شکایت پر جی آفسران بالا نے ایوالہ مدی 4 مورخ 13²/₁₉۔
 وقت 17 بجے بند رہ کوارٹر ٹارڈ کر دیا گیا اور ساتھ سہر خلاف۔
 مختلف شکایات کئی مورخ 13²/₁₉ سے 16²/₁₉ تک چھ کوارٹر ٹارڈ
 میں رکھا گیا دوران کوارٹر ٹارڈ شوٹس اور چارج شیٹ بھی دیا گیا
 سہر طرف سے مختلف بیانات بھی لکھے گئی حالانکہ میں نے قصور بند
 بہ شہر ٹارڈ تھا میرا خلاف جو الزامات لگایا گئے وہ لے بنیاد ہے
 کیونکہ چاہا گیا ماہ آئیہ کے پاس تھا اور میں کوارٹر ٹارڈ میں تھا کورٹ میں
 کسی قسم کی کمی و بیشی کا زہہ وار ماہ آئیہ ہے یہ سہر لکھے لکھے سہر آئیہ

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FINDING REPORT OF DE-NOVO ENQUIRY:

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

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

BRIEF OF PREVIOUS ENQUIRY:

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

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

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

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

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

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

CONCLUSION:

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

Submitted please.

(ARSHAD MEHMOOD)

District Compliant Officer/
Superintendent of Police Investigation
Hangu



**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

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2021

No. 352 /PA

Dated 30/9/2021

FINAL SHOW CAUSE NOTICE

ASI Bashir Muhammad No.814/MR of this District Police, now PTC Hangu on deputation basis was held responsible of gross misconduct & recommended for Major Punishment during the course of De-novo enquiry conducted by Mr. Arshid Mehmood SP/Investigation Hangu on the allégations of embezzlement of Government Properties i-e 7.62 MM genuine rounds of PTC Hangu's Kot, which caused huge loss to Government Exchequer.

In this connection, the delinquent officer was heard at length in OR on 30-09-2021, but failed to satisfy the undersigned, therefore, from his personal hearing & perusal of enquiry papers, he is being issued this Final Show Cause Notice.

Therefore, it is proposed to impose Major/Minor penalty as envisaged under Rules 4 (b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I Dr. Zahid Ullah (PSP) District Police Officer Mardan, in exercise of the power vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of receipt of this Notice, failing which; it will be presumed that you have no explanation to offer.

You are liberty to appear for personal hearing before the undersigned.

Received by _____

Dated: / / 2021


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan