

To,


The Chairman,
Service Tribunal,
Khyber Pakhtunkhwa.

**SUBJECT: APPLICATION FOR SUBMISSION OF RECORD IN SERVICE
APPEAL NO.1227/18 NAMEDLY SULTAN MUHAMMAD VERSUS STATE.**

Respected Sir,

With reference and veneration it is stated in your honor that request for the submission of entire record in stated appeal is made.

In the light of above your authority is requested to allow so that the record in the instant case/appeal may be submitted.


**DSP/Legal,
CCP, Peshawar.**

BEFORE THE KYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service appeal No.1227/2018

Sultan Muhammad Ex- Constable No.1141 CCP, Peshawar..... Appellant

VERSUS

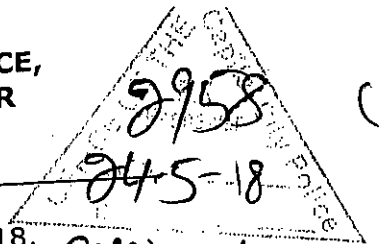
Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . **Respondents.**

I n d e x

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OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE,
COORDINATION, CCP/PESHAWAR
Phone No. 091-9213757



(1)

No. 760 / 11

3

Dated Peshawar the 23 / 04 / 2018.

Definited Enquiry,
113 file page,
48 para. 5/11/18
11/4/18 U/13/18

TO: The Capital City Police officer
Peshawar.

Subject: - **DENOVO DEPARTMENTAL ENQUIRY AGAINST EX-FC SULTAN
MUHAMMAD NO.1141**

Memo. Kindly refer to your office Diary No. 6200 dated 16.04.18 on the
subject noted above.

Brief facts of the case are that Driver Constable Sultan Muhammad No. 1141 was charged in three criminal cases vide FIR No. 110 dated 28.03.2014, U/S 324/34 PPC P/S Regi, FIR NO. 72 dated 14.04.2014 U/S 302 PPC, FIR No.74 dated 15.04.2014 U/S 392/341 PPC P/S University Campus. In this regard he was placed under suspension vide SP/HQrs office order No.2066-75/PA, dated 28.05.2014 and SDPO Subrub was appointed as Enquiry Officer who returned the enquiry papers with the remarks that arrest of the accused official was effected in his tenure as SDPO Regi in Case FIR No.110, dated 28.03.2014 U/S 324/34 PPC PS Regi and requested for nomination of another Enquiry Officer. Subsequently, the enquiry was entrusted to SDPO Rural, who carried out a thorough enquiry and mentioned in his findings that the accused official has been involved in heinous cases and not fit to be retained in Police Force. The E.O recommended major punishment for the accused official. After necessary legal formalities he was dismissed from service by SP/HQrs under Police & Disciplinary Rules-1975 vide SP/HQrs office order No. 1517-23/PA/SP dated 29.04.2015.

The accused official being aggrieved with the punishment then filed appeal before the CCPO which was rejected vide order No. 793-98/PA dated 30.03.2018.

After his appeal was rejected by CCPO, he filed service appeal No.433/2016 before the Hon'ble Services Tribunal, Khyber Pakhtunkhwa which was accepted and decided in favour of the accused official. Relevant para of the judgment dated 01.03.2018 is reproduced below:

(2)

"Consequently the impugned orders are set aside and the appellant is reinstated in service. The respondent department is directed to conduct de-novo proceedings/inquiry against the appellant. The issue of back benefits shall remain subject to the outcome of the de-novo inquiry."

PROCEEDINGS

In compliance with the judgment of Hon'ble Services Tribunal, KP Constable Sultan Muhammad was provisionally re-instated in service vide Endst: No. 929-36/PA dated 09.04.2018 and original file was sent to CPO for de-novo proceedings against the aforementioned official. The DIG Enquiry and Inspection vide his office memo No. 618/E&I and 619/E&I dated 13.04.2018 ordered for de-novo departmental enquiry and nominated the undersigned as Enquiry Officer to dig out the actual facts with reference to the allegations leveled against the accused official in the charge sheet already issued against him 102/E/PA dated 02.06.2014.

Personal Hearing / Analysis of Statement of accused officials

The accused official was called to office of the undersigned on 16.05.2018 and heard in person beside recorded his statement. In his statement, he deposed that his brother was killed by opponents due to land dispute and FIR No. 127 dated 08.03.2013 u/s 302/324/148/149 PPC was registered at PS Nasir Bagh. His opponents were highly influential persons and used various tactics for compromise and thus dragged him in false criminal cases through Police. He further stated that all the above criminal cases have been registered against him with malafide intent but now the Hon'ble Court has acquitted him in all the criminal cases registered against him in PS Regi and PS Campus). At the end, he prayed for filing the de-novo departmental proceedings.

Findings

Having gone through the entire enquiry file, personal hearing of the accused official, it is clear crystal that the accused official has been acquitted in all the criminal cases by the Hon'ble Court. However, the accused official has been charged in three subsequent criminal cases which make his character

doubtful. In order to know the actual facts, the undersigned carried out a secret probe which revealed that the official does not carry a sound reputation and is not fit to be retained in Police Forces. Being a Police official he violated the norms of Police Force and took law into his own hands at times.

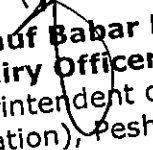
(3)

Conclusion

To sum up, the official carries a repute not fit for member of Khyber Pakhtunkhwa Police. He has been involved in criminal cases and if re-instated permanently, possibility of misuse of power by him cannot be ruled out. He was rightly punished in previous enquiry concluded by SP HQ: Peshawar.

The undersigned is of the view that by lowering his punishment, he may kindly be retired prematurely and shall not be retained in Police Force at any cost.

Submitted please


Abdul Rauf Babar PSP
Enquiry Officer
Senior Superintendent of Police,
(Coordination), Peshawar

بیان اذان کنیشن سلطان محمد ظہر 1141 حال پولیس لائن

جناب عالی!

سلسلہ "Denovo enquiry" جس میں میرے خلاف الزام لگا

کہ میں فوجداری مقدمات مقدم عدالت 72 حوزہ 4/14 ج 7-2

اور مقدم عدالت 74 حوزہ 4/15 ج 7-2 392/341-P.P.C. قحانہ یونیورسٹی کے

ملوث رہا ہوں۔ اس بابت پہلے ہی تفصیلاً بیان دے چکا ہوں کہ

حقیقتاً کوئی جرم نہیں کیا ہے۔ بلکہ گاؤں خود میں جائیداد متنازعہ

پہلا ہو کر جس میں میرے بڑے بھائی کو بے دردی سے قتل کیا جا کر جا

مقدم عدالت 127 حوزہ 3/8 ج 8-3 302/324/148/149 P.P.C. قحانہ ناصر باغ درج

رہ کر ہو چکا ہے۔ "نقل" FIR نمبر 110 ج 3/4 324/34 P.P.C. قحانہ ریلی میں

یہ کہ مخالفین اثر در سوخ کے مالک اور انتہائی سینہ زور اور سرکش

فرض کر دے سے تعلق رکھنے والے لوگ ہیں۔ لہذا ہمیں راضی نامہ پر

مجبور کرنے کیلئے مختلف قسم کے ہتھکنڈے اور حربے استعمال کرنا شروع کیے

چونکہ سائل محکمہ پولیس میں بطور ڈرائیور کنیشن تعینات تھا۔ اور نوکری

عبارت سے سچا کر انجام دے رہا تھا۔ حوزہ 4/23 کو اپنے انجام سے بے خبر

کیمن پولیس نے نوٹ پر بلکہ حاضر پر ~~بے جا طور پر~~ مقدم عدالت 74 حوزہ 4/23

ج 7-2 392/341-P.P.C. میں ناجائز طور پر گرفتار کر کے اگلے روز قتل کے مقدمہ

عنوان صدر میں بھی نامزد کیا گیا۔ اور پولیس میں سائل کو مایوس سلسلہ

کرایا۔

جناب عالی! میرا ہمدردانہ انکوائری فائل پر وجود قابل ملاحظہ ہے۔ قحانہ کو

نے جو سے کسی قسم کی برآمدگی نہیں کی ہے۔ اور جو جو نوٹ پر مذ

قصہ / ڈرامہ رکھا کر جو کہ من سائل نے عدالت میں ڈرامہ کرایا

عدالت مجاز نے ڈیڑھ گھنٹے میں ہی لیا ہے۔ نقل فیصلہ
 جہاں تک مقدمہ عدالت 74 حصہ 15 1/4 392/341 کا تعلق
 پہلے سے نامزد ملزمان معین گل اور صہاب حسین نے اسٹامپ
 حلفا بیان دیا ہے۔ کہ میں تمہارا نام مقامی پولیس کی حد
 نامزد کیا ہے۔ حالانکہ تمہارا نام سے کوئی تعلق ہی نہیں ہے۔

جناب عالی! یہ امر قابل ذکر ہے کہ ایک طرف میرا جانی مسیبت
 ہے لگناہ کو بے دردی سے قتل کیا جا کر اس کے چھوٹے چھوٹے بچوں کو
 گتہ جیلہ درہنہ طرف ہماری اباٹی جا بھارا کر کے رکھا گیا
 اور اپنی راہ بھارا کرنے لگی ہے خود ساختہ اور من گھڑت قوت
 میں ملوث کیا جا کر چھوٹے سے بڑے ملزمان بھی قصین کر کے معا
 بد حالی کا شکار بنا دیا گیا۔ حالانکہ اس نے تقریباً 26 سال بے درہنہ ملزمت کی
 جناب عالی! حلفا بیان کرنا ہوں۔ کہ درہنہ بالہ حقیقت ہے۔ اور یہ جو بیان
 وہ بھی صیغہ بر حقیقت ہے۔ سائن بالکل بے گناہ ہے۔ اور ناگوار
 پر قصداً عنوان بالہ میں لکھیا گیا ہے۔ جو افسوس اور صوف سازش ہے
 اور لافنی نام پر مجبور کرنے کے حربے ہیں۔

اس لئے درخواست ہے کہ درہنہ بالہ حقیقت کو نشانی گزار کر اس کی
 حالت زار پر رحم فرما کر اس کو Back benefit لکھا تو دوبارہ توجہ
 پر بحال فرما کر اس کو اپنے حق لغت کی سازش مجرمانہ سے نجات دلا
 مشورہ فرمائیں۔ مگر عورتوں کو روٹھا

عف

ریگانا بیدار سلطان محمد علی 1141 حال پولس لاہور

(23) (18) (2)

DISCIPLINARY ACTION

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as competent authority, am of the opinion that Constable Driver Constable Sultan Muhammad No.1141 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

STATEMENT OF ALLEGATION

"That Constable Driver Constable Sultan Muhammad No.1141 while posted at Police Lines, was involved in a criminal cases vide FIR No.72 dated 14.04.2014 U/S 302-PPC & FIR No.74 dated 15.04.2014 u/s 392-341 PS University Campus. This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and SDPO Subzub is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions relevant law, provide reasonable opportunity of hearing to the accused officer, record his findings within 30 days of the receipt of this order, and make recommendations for punishment or otherwise under the rules.

3. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

Encl
(13)

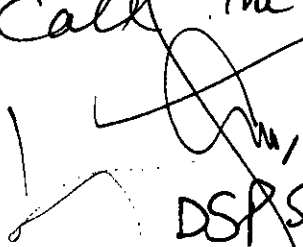

SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 102 /E/PA, dated Peshawar the 02/06/2014

1. SDPO Subzub is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.
2. Official concerned

Steno.

Call The F.C.


DSP Subzub
11-6-14.

(8)

(22)
(14)
(17)

From :- The Deputy Superintendent of Police,
Rural, Peshawar.
To :- The Superintendent of Police, Hqrs
Peshawar.

No. 2104 /ST. Dated Peshawar the 27-08 /2014.

SUBJECT DISCIPLINARY ACTION AGAINST CONSTABLE/DRIVER
SULTAN MUHAMMAD NO.1141 POSTED AT POLIC LINES

Memo: Reference to your Office Endst: No.102/E/PA, dated 02.06.014
(Reference attached).

It is submitted that constable/Driver Sultan Muhammad No.1141 while posted at Police Lines, Peshawar was involved in a criminal case vide FIR No.72 dated 14.4.2014 U/S 302-PPC & FIR No.74 dated 15.4.014 U/S 392-341 PS/U-Campus and during the course interrogation in the above cases disclosed he and co-accused have committed a case in the area of PS/Regi vide FIR No.110 dated 28.3.2014 U/S 324/34-PPC PS/Regi. In this connection he was issued Charge sheet with statement of allegations by the W-SP/Hqrs Peshawar. The undersigned was appointed as enquiry officer to conduct proper departmental action the defaulter constable

BRIEF FACTS.

The undersigned summoned the defaulter constable /Driver Sultan Muhammad No.1141 to the office through written parawana and also contacted MTO/Police lines to appear the said Driver to the office, and he stated that Driver above named is still in prison in Peshawar Jail and remained absent from 24.4.2014 up till now

2/- Similarly the undersigned also called I/O Atta-ur-Rehman of PS/Regi in connection with the above cases. He appeared and recorded of his statement. He stated in his statement that the accused and Co-accused were come out from Peshawar jail on Zamima Chalan and taken into custody for 1/1-day. During the course of interrogation they committed all the commission of offence and challaned to court. However the accused got BBA from the court in above case vide FIR No.110 dated 28.3.014 U/S 324/34 PS/Regi while they are still locked in Peshawar Jail in the remaining cases.

During the course of enquiry it revealed that Driver/constable Sultan Muhammad No.1141 is a criminal police officer and involved in heinous cases. He is not fit for police force and due to his such like criminal activities badly effected the other police Officers. Beside this he is remained absent from 24.4.2014 till to date and there is no remedy Except the major punishment.

Recommendation. Therefore Constable/Driver Sultan Muhammad is recommended for Major punishment of Dismissal from police force

DEPUTY SUPERINTENDENT OF POLICE
RURAL PESHAWAR

(19)

Issue Final
Show Cause notice
DSF Subrab

Superintendent of Police
Rural Peshawar

(21) (9) 12

FINAL SHOW CAUSE NOTICE

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Driver Constable Sultan Muhammad No.1141 the final show cause notice.

The Enquiry Officer, Mr. Riaz-ul-Islam, after completion of enquiry proceedings, has recommended for major punishment for you Driver Constable Sultan Muhammad No.1141 as the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas the undersigned is satisfied that you Driver Constable Sultan Muhammad No.1141 deserve the punishment in the light of the above said enquiry reports.

I, competent authority, have decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975 for involvement in criminal case.

1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.
3. The copy of the finding of the enquiry officer is enclosed.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 102 /PA, SP/HQ:s: dated Peshawar the 29 /2014.

Copy to official concerned


DSA Subzub

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(10)

To

The Superintendent of Police,
Head Quarters, Peshawar.

Subject: -

Reply to final show cause notice.

Respected Sir,

Kindly refer to show cause notice No. 102/PA
dated 29/8/14 issued to me.

In this connection it is submitted that I am
behind the bars at Central Jail, Peshawar in some false, baseless and
concocted cases. The cases are pending trial in courts and I have not
been held guilty by the court. I want to be heard personally but due to
aforesaid reason I can not appear before your honour nor can defend
myself. It will be in the best interest of justice, if the enquiry against me
is kept pending till my release on bail *for acquittal*.

Submitted please.

Yours obediently,

Driver Constable
Sultan Muhammad,

No. 1141, at present
Confined at Central jail,
Peshawar.

Sultan
12-9-014