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BEFORE THE KHYBER PAKHTUKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No.7922-P/2021.

Muhammad Ismail (Appellant)

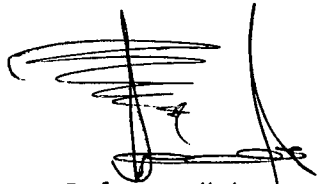
VERSUS

Inspector General Of Police Khyber Pakhtunkhwa & other.....(Respondents)

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DEPONENT



Razaqat Ullah Khan

SI LEGAL KHYBER

CNIC No.17201-3533074-3

0348-5007134

2

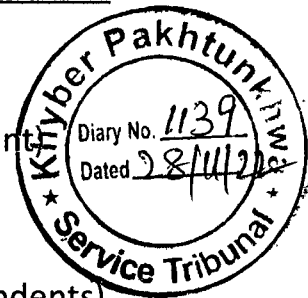
BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No.7922-P/2021.

Muhammad Ismail..... (Appellant)

Versus

Inspector General of Police Khyber Pakhtunkhwa (Respondents)



PARAWISE COMMENTS RESPONDENTS NO.2,3&4.

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTION:-

- a) That the Appellant has got no cause of action to file present Appeal.
- b) That the Appeal is not based on facts.
- c) That the Appeal is not maintainable in the present form.
- d) That the Appeal is bad for non-joinder and miss-joinder of necessary parties.
- e) That the Appellant has not come to this Honorable Tribunal with clean hands
- f) That the Appellant is estopped by his own conduct to file the Appeal.
- g) That the appeal is barred by law and limitation.

FACTS:

1. Incorrect, according to office order No.860-63 SKC dated Peshawar 17.03.2010. Appellant was enlisted as Khassadar in Khyber Khassadar Force with effect from 16.03.2010(FN) against the vacancy Caused due to the retirement of his cousin Khassadar Atiqullah Jan.(Annexure A officer order No.860-63 SKC).
2. Pertain to appellant service record.
3. Incorrect, as per record Ex-constable Ismail was absorbed as constable vide Home Department Notification No. SO(Police) HD/SM/2019 merged area/373-83, dated 13.02.2020. Moreover, his name was sent by DC office Khyber as Sepoy and as per rank to rank absorption Rule his name was submitted to Home Department for absorption as constable. (Annexure-B Notification No. SO(Police) HD/SM/2019 merged area/373-83, dated 13.02.2020).

4. Correct, appellant was suspended with stoppage of pay and closed to District Police Lines Shakass Khyber with immediate effect due to absence from his lawful duty. **(Annexure-C Order No.2045-50/Khyber dated 20.08.2020.)**
5. Incorrect, proper Departmental enquiry was initiated against Ex-Constable Ismail District Khyber in connection with noncompliance of senior order and using bad language against them. It was also alleged that Ex-Constable Ismail badly failed to perform official duty and remained absent from lawful duty for more than 01- year. In this regard summary of allegation and Charge sheet issued to him (No.2769 dated 16.11.2020) and several notices were served which were not received deliberately. However, after hectic efforts Ex-Constable Ismail (Appellant) appeared before the enquiry officer on 31.12.2020, his (Appellant) Statement recorded with cross examination also he submitted medical reports before enquiry officer which he failed to satisfy in the enquiry session. The enquiry officer also termed the defaulter Ex-Constable as a black Sheep in the Department and the enquiry officer recommended major punishment, hence dismissed from service with immediate effect **(Annexure-D, Summary of allegation, Charge sheet with order No.2759/PSO Khyber, dated Peshawar, the 16.11.2020, Annexure-E, Statement of Appellant i.e. dated 31.12.2020 with cross examination Annexure-F, Dismissal order No.232-36 OHC Khyber, dated 20.01.2021).**
6. Incorrect, appellant remained absent from lawful duty for more than one year also called time and again but failed to comply with orders of high-ups and conveyed to OHC that you are a malak and for such reason cannot perform duty of a sepoy. Moreover on several occasions used abused language against superiors.
7. Correct.
8. Pertain to record, however, respondents are doing every act according to rules, regulations and in the ambit of law, no injustice or illegality has been done with the appellant.

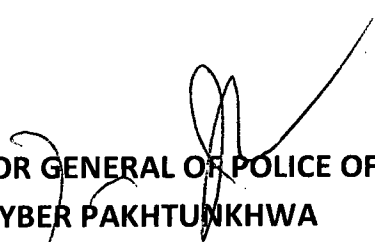
9. Incorrect, on dated 20.08.2020 he was suspended and closed to police Line but neither reported to the police line nor replied to the Notice issued to the appellant.
10. Incorrect, as already explained in the preceding Paras.
11. Incorrect, as already explained in preceding paras, however, respondents have acted in accordance with the provision of law, rules and constitution of Pakistan 1973.
12. Incorrect, as already explained in the preceding Paras.
13. Incorrect, as already explained in the preceding Paras. Moreover, every act of respondents is according to rules regulation and in the ambit of law.
14. Pertain to appellant personal information need no comments.
15. Incorrect, appellant is not entitled for all the consequential benefits.
16. Respondents may be allowed to raise other grounds at the time of arguments.

Prayer

Keeping in view of above stated facts, it is humbly prayed that the service appeal is based on wrong grounds may kindly be dismissed with costs please.



**SECRETARY HOME & TRIBAL AFFAIRS
PESHAWAR**
(Respondent No. 1)



**INSPECTOR GENERAL OF POLICE OFFICER
KHYBER PAKHTUNKHWA**
(Respondent No. 2)



**CAPITAL CITY POLICE OFFICER
PESHAWAR**
(Respondent No. 3)



**DISTRICT POLICE OFFICER,
KHYBER**
(Respondent No. 4)

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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. 7922-P/2021.

Muhammad Ismail (Appellant)

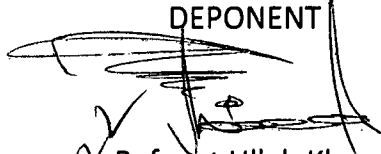
VERSUS

Inspector General Of Police Khyber Pakhtunkhwa & other.....(Respondents)

AFFIDAVIT.

I, Razaqat Ullah Khan SI Legal Khyber, do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of District Police Officer Khyber are correct to the best of my knowledge and belief. Nothing has been concealed from this Honorable Court.

DEPONENT



Razaqat Ullah Khan

SI LEGAL KHYBER

CNIC No.17201-3533074-3

0348-5007134



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**OFFICE OF
THE DISTRICT POLICE OFFICER
KHYBER**



AUTHORITY LETTER

I, **Imran Khan**, District Police Officer, Khyber hereby Authorize **Rafaqat Ullah Khan SI Legal** of District Khyber to attend all the cases and submission of Para Wise comments pertaining to this Office in Peshawar High Court, Khyber Pakhtunkhwa Service Tribunal and Lower Courts on behalf of the undersigned.

**(IMRAN KHAN) PSP
DISTRICT POLICE OFFICER,
KHYBER.**

(OFFICE ORDER)

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Muhammad Ismail Khan S/O Malik Attaulish Jan, with effect from 16.3.2010 (PT) against the vacancy caused due to the retirement of his cousin Khassadar Attiquallah Jan, of the same unit conditions laid down in Khyber Khassadar Service Rules, 2006. He has been declared medically fit by a certificate dated 15.3.2010. His date of birth is 7.3.1981.

11/3/10

Political Agent, Khyber.

No. 860-63 /SAC, dated Peshawar the 17/03/2010.
Copy to the:-

1. Assistant Political Agent, Jarrud w/o his endst: dated 9.3.2010.
2. Political Tehsildar, Jarrud.
3. Agency Accounts Officer, Khyber at Jarrud.
4. Subedar Major, KKF-Bara,

for information & action.

Political Agent, Khyber.

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Better copy

OFFICE ORDER

Muhammad Ismail Khan S/O Malik Attaullah Jan, Kuki Khel, is hereby enlisted as Khassadar in Khyber Khassadar Force with effect from 16.03.2010(FN) against the vacancy caused due to the retirement of his cousin Khassadar Attiqullah Jan, on the terms and conditions laid down in Khyber Khassadar service rules, 2006. He has been declared physically and medically fit for Khassadari Service by the M.S AHQ Hospital, Landi kotal vide his certificate dated 15.03.2010. His dated of birth is 07.08.1981.

POLITICAL AGENT, KHYBER,

No. 860-63 / SKC, dated Peshawar the 17.03.2010.

Copy to:-

1. The asstt: Political Agent, Jamrud w/r his endst: date 09.03.2010.
2. The political Tehasildar, Jamrud.
3. The agency account officer Khyber at Jamrud.
4. The Subedar Major KKF Bara.

For information & necessary action.

Attaullah
[Signature]
S.D.P.O
HEAD QUARTERS
KHYBER

Political Agent, Khyber.

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

DPO Khyber
for MR PL

2020
NOTIFICATION
for C.O. No. Lawar dated the, 13/2/2020

w/CCO

No.SO(Police)HD/SMY 2019 Merged Area/ 373-83 In pursuance of the provisions contained in section 5 of the Khyber Pakhtunkhwa Khasadars Force Act, 2019 (Khyber Pakhtunkhwa Act No.XXXIV of 2019) read with rule 3 of the Khasadar 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 Khasadars Force of Khyber Tribal District in the Khyber Pakhtunkhwa Police with effect from the date of the initial appointment of the said members:

S.#	Name	Father's Name	Previous Rank	Rank in which Absorbed
1.	Muhammad Nawaz	Khal Akbar	Subedar Major (BS-7)	Inspector (BS-16)
2.	Hikmat Khan	Bati Khan	Subedar (BS-5)	SI (BS-14)
3.	Javed Khan	Arbab Khan	Subedar (BS-5)	SI (BS-14)
4.	Said Khan	HabiburRehman	Subedar (BS-5)	SI (BS-14)
5.	Muhammad Azeem	Muhraban Shah	Subedar (BS-5)	SI (BS-14)
6.	Lawar Khan	Widan Shah	Subedar (BS-5)	SI (BS-14)
7.	Taza Khan	Juma Gul	Subedar (BS-5)	SI (BS-14)
8.	Lal Jan	Muhammad Ayub	Subedar (BS-5)	SI (BS-14)
9.	Mazhar Khan	Malik Waris Khan	Subedar (BS-5)	SI (BS-14)
10.	Amjad Khan	H.M.Arif	Subedar (BS-5)	SI (BS-14)
11.	Saeed Khan No. 01	Arsala Khan	Subedar (BS-5)	SI (BS-14)
12.	Muhammad Younis	M/Z Inayat Khan	Subedar (BS-5)	SI (BS-14)
13.	Shamshad Khan	Sultan Khel	Subedar (BS-5)	SI (BS-14)
14.	Sabirullah	Lal Alzal	Subedar (BS-5)	SI (BS-14)
15.	Gul Mat Khan No. 01	Rehmat Gul	Subedar (BS-5)	SI (BS-14)
16.	Andaz Gul	Sarwar Jan	Subedar (BS-5)	SI (BS-14)
17.	Abdul Hussain	Mir Hussain	N/Subedar (BS-4)	SI (BS-14)
18.	Tariq Mehmood	Khadim Khan	N/Subedar (BS-4)	ASI (BS-11)
19.	Ikram Shah	Aurang Zeb	N/Subedar (BS-4)	ASI (BS-11)
20.	Hardam Gul	Sahar Gul	N/Subedar (BS-4)	ASI (BS-11)
21.	Naushad Ali	Abdul Qayum	N/Subedar (BS-4)	ASI (BS-11)
22.	Muhammad Atif	Muhammad Akbar	N/Subedar (BS-4)	ASI (BS-11)

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S.#	Name	Father's Name	Previous Rank	Rank in which Absorbed
1433.	Akhar Zaman	Rahim Noor	Sepoy (BS-01)	Constable (BS-07)
1434.	Sultan Muhammad	Fida Hussain	Sepoy (BS-01)	Constable (BS-07)
1435.	Masood Khan	Khan Zaman	Sepoy (BS-01)	Constable (BS-07)
1436.	Muhammad Safeer	Nazeer Muhammad	Sepoy (BS-01)	Constable (BS-07)
1437.	Liaqat Ali	Rahim Shah	Sepoy (BS-01)	Constable (BS-07)
1438.	Noor Wali	Sher Wali	Sepoy (BS-01)	Constable (BS-07)
1439.	Muhammad Salam	Mastan	Sepoy (BS-01)	Constable (BS-07)
1440.	Saeed Gul	Mula Khan	Sepoy (BS-01)	Constable (BS-07)
1441.	Tika Khan	Dad Gul	Sepoy (BS-01)	Constable (BS-07)
1442.	Ashfaq Khan	Fazal Khan	Sepoy (BS-01)	Constable (BS-07)
1443.	Noorat Alam	Khawaja Mir	Sepoy (BS-01)	Constable (BS-07)
1444.	Azam Khel	Daulat Khan	Sepoy (BS-01)	Constable (BS-07)
1445.	Safeer Ullah	Misri Khan	Sepoy (BS-01)	Constable (BS-07)
1446.	Hanifullah	Hamid Khan	Sepoy (BS-01)	Constable (BS-07)
1447.	Hasrat Shah	Yaqoot Shah	Sepoy (BS-01)	Constable (BS-07)
1448.	Gul Shali	Nazar Gul	Sepoy (BS-01)	Constable (BS-07)
1449.	Sajjad Khan	Shirin Khan	Sepoy (BS-01)	Constable (BS-07)
1450.	Itehad	Mir Alam	Sepoy (BS-01)	Constable (BS-07)
1451.	Samin Jan	Muhammad Ali	Sepoy (BS-01)	Constable (BS-07)
1452.	Hamidullah	Ali Akbar	Sepoy (BS-01)	Constable (BS-07)
1453.	Fazal Karim	Jamshed Khan	Sepoy (BS-01)	Constable (BS-07)
1454.	Iqbal	Khial Jan	Sepoy (BS-01)	Constable (BS-07)
1455.	Magsood Ali	Haq Nawaz	Sepoy (BS-01)	Constable (BS-07)
1456.	Muhammad Wali	Haya Shah	Sepoy (BS-01)	Constable (BS-07)
1457.	Aggab Hussain	Shafiqullah	Sepoy (BS-01)	Constable (BS-07)
1458.	Ishaq Khan	Sher Bahadar	Sepoy (BS-01)	Constable (BS-07)
1459.	Saidan Gul	Gul Mali	Sepoy (BS-01)	Constable (BS-07)
1460.	Nazeemullah	Muhammad Rahim	Sepoy (BS-01)	Constable (BS-07)
1461.	Khan Zeb	Aurangzeb	Sepoy (BS-01)	Constable (BS-07)
1462.	Alam Gul	Awal Gul	Sepoy (BS-01)	Constable (BS-07)
1463.	Muhammad Gul	Askar Gul	Sepoy (BS-01)	Constable (BS-07)
1464.	Javed	Mulla Jan	Sepoy (BS-01)	Constable (BS-07)
1465.	Muhammad Ismail	Attaullah Jan	Sepoy (BS-01)	Constable (BS-07)
1466.	Mina Awaz	Khan Awaz	Sepoy (BS-01)	Constable (BS-07)
1467.	Bura Khan	Umar Khan	Sepoy (BS-01)	Constable (BS-07)
1468.	Irsnad Ali	Shahinshah	Sepoy (BS-01)	Constable (BS-07)
1469.	Salamat Khan	Safdar	Sepoy (BS-01)	Constable (BS-07)
1470.	Azeem Shah	Zahirullah	Sepoy (BS-01)	Constable (BS-07)
1471.	Shahid Khan	Khaista Jan	Sepoy (BS-01)	Constable (BS-07)
1472.	Atiab Hussain	Shahab Hussain	Sepoy (BS-01)	Constable (BS-07)
1473.	Ahmad Amin	Zar Wali	Sepoy (BS-01)	Constable (BS-07)
1474.	Ayum Khan	Haya Khan	Sepoy (BS-01)	Constable (BS-07)
1475.	Zarman Gul	Hazrat Jan	Sepoy (BS-01)	Constable (BS-07)
1476.	Mir Alam	Ahmad Shah	Sepoy (BS-01)	Constable (BS-07)
1477.	Lal Wazir	Sher Akbar	Sepoy (BS-01)	Constable (BS-07)
1478.	Salah-ud-Din	Shah Karim	Sepoy (BS-01)	Constable (BS-07)
1479.	Akbar Zada	Muhamamd Muntaz	Sepoy (BS-01)	Constable (BS-07)
1480.	Taj Wali	Khan Islam	Sepoy (BS-01)	Constable (BS-07)

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S.N	Name	Father's Name	Previous Rank	Rank in which absorbed
2522.	Muhammad Tariq	Sher Zaman	Sepoy (BS-01)	Constable (BS-07)
2523.	Haji Wali	Jalal Shah	Sepoy (BS-01)	Constable (BS-07)
2524.	Muhammad Amir Khan	Roja Khan	Sepoy (BS-01)	Constable (BS-07)
2525.	Sajid Khan	Wilayat Khan	Sepoy (BS-01)	Constable (BS-07)
2526.	Awalbat Khan	Muqbat Khan	Sepoy (BS-01)	Constable (BS-07)
2527.	HabiburRehman	Rahcem Shah	Sepoy (BS-01)	Constable (BS-07)
2528.	Shahid Ullah	FaehulMulk	Sepoy (BS-01)	Constable (BS-07)
2529.	Ijaz Ullah	Maloom Khan Afridi	Sepoy (BS-01)	Constable (BS-07)
2530.	Tariq Khan	Saleem Khan	Sepoy (BS-01)	Constable (BS-07)
2531.	Fazal Amin	Muhammad Alam	Sepoy (BS-01)	Constable (BS-07)
2532.	Amjad Ali	Sharab Khan	Sepoy (BS-01)	Constable (BS-07)
2533.	Afsar Ali	Muhammad Abbas	Sepoy (BS-01)	Constable (BS-07)
2534.	Salih Muhammad	Muhammad Khan	Sepoy (BS-01)	Constable (BS-07)
2535.	Sajjad Ahmad	Babu Khan	Sepoy (BS-01)	Constable (BS-07)
2536.	Zahid Ullah	Khana Gul	Sepoy (BS-01)	Constable (BS-07)
2537.	Zar Ghamin	Shameen Khan	Sepoy (BS-01)	Constable (BS-07)
2538.	Ajab Khan	Hawas Khan	Sepoy (BS-01)	Constable (BS-07)
2539.	Anwar Khan	Khan Said	Sepoy (BS-01)	Constable (BS-07)
2540.	Rab Dinar	Minar Khel	Sepoy (BS-01)	Constable (BS-07)
2541.	Ifikhar Ahmad	Mir Ahmad	Sepoy (BS-01)	Constable (BS-07)
2542.	Adeel Haider	Noor Haider	Sepoy (BS-01)	Constable (BS-07)
2543.	Khan Nawaz	Lala Jan	Sepoy (BS-01)	Constable (BS-07)
2544.	Sohail Khan Afridi	Tahir Muhammad	Sepoy (BS-01)	Constable (BS-07)
2545.	Waleed Afridi	Saleem Javed	Sepoy (BS-01)	Constable (BS-07)
2546.	Muhammad Shakeel	Khushal Khan	Sepoy (BS-01)	Constable (BS-07)
2547.	Imtiaz Ali	Minar Gul	Sepoy (BS-01)	Constable (BS-07)
2548.	Rehmat Khan	SaifurRehman	Sepoy (BS-01)	Constable (BS-07)
2549.	Asim Khan	Farid Ullah	Sepoy (BS-01)	Constable (BS-07)
2550.	Samandar Khan	Akhtar Shah	Sepoy (BS-01)	Constable (BS-07)
2551.	Niaz Muhammad	Mehraban Shah	Sepoy (BS-01)	Constable (BS-07)
2552.	SaddiqueurRehman	Zari Shah	Sepoy (BS-01)	Constable (BS-07)
2553.	Said Nawaz	Gul Bahadar	Sepoy (BS-01)	Constable (BS-07)

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 Khasadar 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 Khyber Khasadars Rules-1950 and Khasadars Service Rules-2011, before commencement of the Khyber Pakhtunkhwa Khasadars Force Act, 2019 (Khyber Pakhtunkhwa Act No. XXXIV of 2019).

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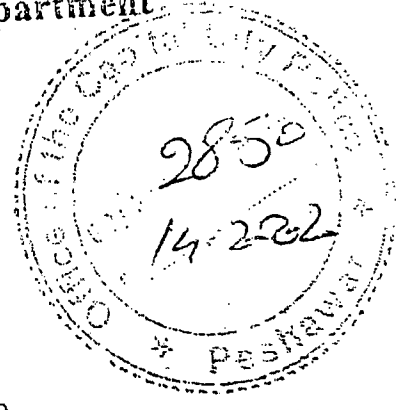
- (iii) Their services shall be considered regular and they shall be eligible for pension and deduction of General Provident fund in terms of the Khyber Pakhtunkhwa Civil Servant Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).
- (iv) Their seniority shall be determined in accordance with rule 6 of the Khasadars Force (Absorption in Khyber Pakhtunkhwa Police) Rules 2019.
- (v) They shall undergo training as provided in rule 5 of Khasadars Force (Absorption in Khyber Pakhtunkhwa Police) Rules, 2019.

Secretary
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, Peshawar
4. District Police Officer Khyber Tribal District.
5. Deputy Commissioner Khyber 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.



[Signature]
Section Officer (Levies & Khasadars)

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OFFICE OF
THE DISTRICT POLICE OFFICER
KHYBER



ORDER

Constable Muhammad Ismail s/o Atta Ullah Jan Kuki Khel of PS Jamrud is hereby suspended with stoppage of Pay and closed to District Police Lines Shakkass Jamrud with immediate effect due to absence from his lawful duty. Charge sheet and statement of allegation is issued to him separately.


District Police Officer,
Khyber

No. 2045-50 /Khyber, dated 20/08/2020

Copy of above is forwarded for information to the:-

1. Capital City Police Officer, Peshawar.
2. SDPO HQrs (Designate), Khyber.
3. PSO To DPO, Khyber.
4. Accountant District Khyber.
5. OHC District Khyber.
6. All SHO District Khyber.

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Office of the District Police Officer
Khyber



**SUMMARY/STATEMENT OF ALLEGATION U/S 6(1) (A) POLICE
RULES 1975.**

You Constable Muhammad Ismail s/o Atta Ullah have committed the following:-

"That you have remained absent from duty for more than one year. You were called time & again but you failed to comply with the orders of high-ups and conveyed to OHC that you are a Malack and as such you cannot perform duty of a sepoy. You on several occasions used abusive language against your superiors which shows your approach towards lawful duty and made a mockery of discipline force besides being absent from more than one year, you have hurled abusive language against DPO. Being member of a discipline force, this is a gross misconduct on your part liable to be dismissed from service."

Your this act falls within the purview of misconduct as contained u/s 2 (iii) of NWFP (now Khyber Pakhtunkhwa) Police Rules 1975.

DISTRICT POLICE OFFICER,
KHYBER

Allojeh
2/2/15

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Office of the District Police Officer
Khyber



CHARGE SHEET U/S 6(1) (A) POLICE RULES 1975

You Constable Muhammad Ismail s/o Atta Ullah Khan Kuki Khel of PS Jamrud while on duty at district Police Khyber is hereby charged for committing the following omission/commissions:-

"That you have remained absent from duty for more than one year. You were called time & again but you failed to comply with the orders of high-ups and conveyed to OHC that you are a Malack and as such you cannot perform duty of a sepoy. You on several occasions used abusive language against your superiors which shows your approach towards lawful duty and made a mockery of discipline force besides being absent from more than one year, you have hurled abusive language against DPO. Being member of a discipline force, this is a gross misconduct on your part liable to be dismissed from service."

You mentioned above are hereby called upon to submit your written defense against the above charges before the Enquiry Officer.

Your reply should reach the Enquiry Officer within seven (3) days from the date of receipt of this charge Sheet, failing which ex-parte action shall be taken against you.

Summary of allegations is enclosed herewith.

DISTRICT POLICE OFFICER,
KHYBER

Allestal,

→

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Office of the District Police Officer
Khyber



ORDER

UNDER SUB-SECTION-3 & SECTION 5 OF POLICE RULES, 1975.

I, District Police Officer, Khyber as competent authority, charge you FC Muhammad Ismail s/o Atta Ullah as prima facie guilty of the following acts to be dealt with u/s 5 (3) of the NWFP, (now Khyber Pakhtunkhwa) Police Rules, 1975.

"That you have remained absent from duty for more than one year. You were called time & again but you failed to comply with the orders of high-ups and conveyed to OHC that you are a Malack and as such you cannot perform duty of a sepoy. You on several occasions used abusive language against your superiors which shows your approach towards lawful duty and made a mockery of discipline force besides being absent from more than one year, you have hurled abusive language against DPO. Being member of a discipline force, this is a gross misconduct on your part liable to be dismissed from service."

The act of delinquent officers falls within the ambit of gross misconduct and are liable to be proceeded under the NWFP (now Khyber Pakhtunkhwa) Police Rules 1975.

For the purpose of scrutinizing the conduct of the said defaulters with reference to the above allegations, I, District Police Officer, Khyber being authorized officer hereby nominate Enquiry Officer as below to enquire into the charges within the meaning of 2 (iii) under the NWFP (now Khyber Pakhtunkhwa) Police Rules, 1975.

Mr. Bakht Zada Khan (SP-Investigation) Khyber

The enquiry officer after completing all enquiry proceedings, should submit findings to the undersigned within stipulated period of (7) days per u/s 6 (5) of Police Rules.

Charge Sheet and Statement of Allegations are issued against the defaulter officers separately. Reply should submit before the Enquiry Officer within the period of (03) days from the date of receipt.

**DISTRICT POLICE OFFICER,
KHYBER**

No. 2759 /PSO-Khyber, dated Peshawar, the 16-11-2020.

Copy to:-

1. Acting SDPO/Hqrs Khyber for initiating proceedings against defaulter under the provisions of the Police Rules 1975.
2. FC Muhammad Ismail with the direction to appear before the Enquiry Officer on the date, time and place fixed by the Officer.

Attended
[Signature]

حجاب میں بیمار نقاد

سوال نمبر 4: کیا ایسے گوشہ نشین ہیں جو وقت گزارنے کے لیے
میں رہنا چاہتے ہیں اور نہ صرف ہونے کے لیے؟

جواب: صحابہ و صحابیات کا مدعا نہیں۔

سوال نمبر 5: انہی میں سے کون سے ایسے گوشہ نشین ہیں جو
حجاب نہیں۔

سوال نمبر 6: یہ درست ہے کہ ایسے گوشہ نشین کا عارضہ ہے، مگر ایسے
بے فکر ہیں جنہیں اسلام اور عربوں کا رواج نہیں لگتا۔

جواب: صحابہ و صحابیات کا سبب گوشہ نشینی

سوال نمبر 7: عربوں میں دل کے امراض میں مبتلا ہونے والے گوشہ نشین
مگر یہ طریقہ کار کا تحت چلے گئے ہیں؟

جواب: جی ہاں، انہی کو علم نہ تھا۔

سوال نمبر 8: کیا ایسے گوشہ نشین ایسے ہیں جو کلمہ یا غرض الفاظ
استعمال کرتے ہیں؟

جواب: یہ گوشہ نشین

سوال نمبر 9: کیا ایسے عربوں میں غرضیں ہیں؟

جواب: جی ہاں!

Assad
[Signature]

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**OFFICE OF THE
DISTRICT POLICE OFFICER
KHYBER**



ORDER

A departmental inquiry was initiated against Constable Ismail of District Khyber in connection with noncompliance of seniors order and using bad language against them. It was also alleged that constable Ismail badly failed to perform official duty and remained absnt from lawful duty for more than one year.

The inquiry was entrusted to the SP/Investigations Khyber who in his inquiry report submitted that constable Ismail deliberately not received the show cause notices & charge sheet issued to him and several notices were served which were also not received. Ultimately after hectic efforts FC Ismail appeared before the inquiry officer and submitted medical reports which failed to satisfy the inquiry officer in the inquiry session. The inquiry officer termed the defaulter constable as a black sheep in the department and the inquiry office recommended Major Punishment to be awarded to the defaulter constable.

The undersigned has also observed that delinquent constable used bad language against the senior Police Officers & Police Department. He is ill disciplined, malingerer, conceited with no respect for regimental norms & regulations.

After going through all the record of inquiry and upon the recommendation inquiry officer, Constable Ismail s/o Malak Atta Ullah Jan of district Police Khyber is hereby dismissed from service with immediate effect.


THE DISTRICT POLICE OFFICER
KHYBER

No. 232-36/OHC-Khyber, dated 20/01/2021.

Copy of above is forwarded for information to the:-

1. Capital City Police Officer, Peshawar.
2. SDPO HQrs, Khyber.
3. Accountant, District Khyber.
4. All concerned for necessary action.

SUBJECT: ENQUIRY REPORT AGAINST CONSTABLE MOHAMMAD ISMAIL KOKI KHE

BRIEF FACTS: -

Brief facts leading to the enquiry in hand are, that FC Ismail while posted as Incharge Check Post Takhta Baig has been charged for long absence i.e more than one year without obtaining leave from his superiors.

So, on dated 20-08-2020 he was suspended and closed to Police Line but neither reported to the Police Line nor replied to the notice issued to him. The competent authority issued charge sheet coupled with summary of allegations on 16-11-2020 and nominated the undersigned as the Enquiry Officer.

SUMMARY OF ALLEGATION:

It is alleged that the Constable Mohammad Ismail Koki Khel while posted as Incharge CP Takhta Baig, being a responsible officer had badly failed to perform his responsibility and resultantly remained absent since more than 1 year.

So therefore, he was suspended on 20-08-2020 and closed to Police Line but he didn't bother to submit neither arrival report in the Police Line nor face to the allegation charged against him. Being a member of Koki Khail tribe and a son of a Malik Attaullah (Chief of Koki Khail) used very abusive language against DPO Khyber and other Senior Officers, When he was asked to produce before the Enquiry Officer or to report back for the duty. Summary of allegation No.2759, dated 16-11-2020 rendering him liable to proceed against departmentally as desired by the worthy DPO Khyber.

BACK GROUND.

The story behind the Enquiry is that, Constable Muhammad Ismail joined the service on 16-03-2010 as a Naib Subaidar in Khasadar Force. This job was actually given to him as honorary because of the member of Koki Khail family as he was the son of Malik Attaullah "Chief of Koki Khail".

During enquiry it was found that since 16-03-2010 he had not performed any duty and was receiving his salary at his own home.

After the merger he was posted as Incharge Check Post Takhta Baig and served for 3 months, then went absent. After long absence more than 1 year when he was called to report or the local Police intended to serve the charge sheet upon him, he refused to do so and often gave an excuse of his sickness.

After along time i.e 1 1/2 months, the delinquent Police Officer produced before the undersigned on 27-12-2020. The charges leveled against him were explained to him and was directed to submit his statement.

He had some Medical prescriptions of cardiologist and some tests but that were not so critical that a man can be absent for 1 year. Photo copies took in possession.

The delinquent police officer Mr. Ismail belong to a big tribe of Koki Khail and he feels ashamed to work as a constable in police, because he was Naib Subaidar before and was taking salary without doing any duty.

PRCEEDINGS

The delinquent Police Officer Constable Mr. Muhammad Ismail was given ample opportunity and was examined.

His statement was recorded and 32 Nos of pages consist of Medical prescriptions of different Doctors and laboratory tests were produced and attached with a file as annex 1,

His cross examination was carried out but he did not prove that all the time he was lying on bed and there was no one to inform his superiors about his sickness. He was neither admitted in the hospital for a long time nor was unable to perform duty. But what he has done, that is done due to his miss behavior and due to the proud over his family background. He has got big status and impressive personality; he will never work as a Constable as evident from his conversation. No body including DFC, Moharrir and OHC are in a mood to record statement against him. Everybody is scared of him, what I have smelt from his physical and verbal examination he will never come on track so his presence in the force is a big loss for the department.

Handwritten notes:
16/3/20
→ 27/12/20

CONCLUSION

It is evident from the enquiry including the physical checking of the delinquent officer that this kind of person who does not have any Force discipline and his way of speech doesn't look like a person serving in a Force. He is very highly proud person and even doesn't have respect for the superiors.


His way of speech is like a wild man and if could be slightly touched, so come on fight. His life style is not like a constable and this kind of person is like a black sheep in the department.

RECOMMADATION

The delinquent constable Mohammad Ismail has miss used his authority for the sack of his own relief, He has got bade reputation in the force. He has joined service on 16-03-2010 and has completed ten years, 9 months of service.

I am of the unanimous view that the delinquent Police Officer is guilty of miss conduct and consequently recommend him for Major punishment and his absentia period be counted as without pay to save the Police Department from black stigma.

Submitted please.


SP/ INVESTIGATION,
DISTRICT KHYBER

No. 28 E /PA-Inv Khyber,

Dated: 04 / 01 / 2020

Alkesh,
