

BEFORE THE HON'BLE KHYBER PAKHTOONKHTWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 1519 /2019

Qazi Aslam

..... Appellant

VERSUS


Inspector General of Police/ Provincial Police Officer, Khyber Pakhtoonkhwa,  
Peshawar, and others. .... Respondents

I N D E X

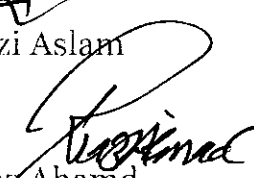
S.No.	Description of documents	Annexure	Pages
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Memo of addresses		8
5.	Copy of the FIR, High Court Order/judgment and reply of explanation.	A	9-19
6.	Copies of the repatriation order, petition and Judgment, and order.	B	20-27
7.	Copy of order on COC and cancellation orders.	C	28-31
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Dated \_\_\_/11/2019

Appellant

  
Qazi Aslam

Through

  
Riaz Ahmad  
(Advocate High Court)

Cell No. 0303 8238839

①

BEFORE THE HON'BLE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 1519 /2019

Qazi Aslam S/O Sarfaraz Khan R/O Malakano Kaley, Tehsil Tangi, District Charsadda (Sub Inspector Police, No. CCPO, Peshawar)..... Appellant

Khyber Pakhtunkhwa  
Service Tribunal

VERSUS

Diary No. 1621

Dated 13/11/2019

1. Inspector General of Police/ Provincial Police Officer, Khyber Pakhtoonkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Director, Anti Corruption Establishment, Khyber Pakhtoonkhwa.

..... Respondents

Appeal under section 4 of the Khyber Pakhtoonkhwa Service Tribunal Act 1974 (Act 1 1974) from the orders bearing No.

(A) AD (Admn:) DACE- 2 Officials /M-F/ 2019 (Vol-II) 11455, dated 12/6/2019 by respondent No. 3 whereby the deputation of the appellant has been recommended.

(B) Order of bearing No. 1460/E-III, dated 13/6/2019 by Respondent No 1 whereby the appellant was repatriated to his parent department i.e. CCPO Peshawar.

(C) Order of relieving bearing No. 11685-94 dated 17/06/2019 by respondent No. 3 and subsequent order bearing No. 2205/E-III, dated 28/08/2019 for corrigendum of errors.

(D) Office Order of demotion No. 11695-11704 dated 17/06/2019 by respondent No. 3.

(E) Payment of deputation allowance for the entire period of deputation in Anti Corruption Establishment.

.....

Filed to-day  
Registrar  
13/11/19

(2)

Prayer: On acceptance of the instant appeal this Hon'ble Tribunal would be pleased to set aside the above mentioned orders and restore the deputation of the appellant in the Anti Corruption Establishment as per the judgment of the Hon'ble Peshawar High Court Peshawar the deputation period of the appellant is only 14/15 months in the Anti Corruption Establishment and, therefore, he has the legal right to remain on deputation for two more years in that establishment, since his repatriation is based on sheer malafide and pressure in wake of an inquiry conducted by the appellant into malpractices committed by some influentials in the Education and accounts department; the appellant is also being deprived of his salary by the ACE authorities by issuing deliberately erroneous orders of transfer and repatriation; and the payment of deputation allowance to the appellant for the entire aggregate periods in the ACE may also very kindly be ordered.

.....  
Respectfully submitted:

1. That in 2017 the appellant was posted as circle officer (CO) Police Station ACE Charsadda. On 05/10/2017 he received from the high ups of ACE/respondent No. 3, a direction to conduct inquiry regarding malpractices in the Education Department Charsadda in compliance with the order / direction of the Honorable Peshawar High Court, Peshawar dated 14/09/2017 and to submit report before 11/10/2017, the date of hearing fixed in writ petition No. 2028-p/2017 filed by Mst. Zia Gul, DM.
2. That in compliance with the direction the appellant conducted a detailed inquiry and collected all documentary proof in the matter / scandal mentioned in the order of the Hon'ble High Court and consequent thereupon he registered FIR No. 2 /2017 against 20 officials of the Education and Accounts departments found involved in malpractices and fabrication of record. After registration of the FIR, the compliance report with the findings of inquiry was submitted before the Hon'ble High Court on 11/10/2017, and resultantly the writ petition of Zia Gul, DM, was dismissed. The appellant had even been called upon to explain reasons for conducting such an inquiry, whereas the same was in compliance with the order of the Hon'ble High Court.  
(Copies of the FIR, High Court Order/judgment and reply of explanation are enclosed herewith as Annex-A)
3. That during the course of inquiry the appellant suffered great pressure from the political as well as other corners. The appellant did not surrender to any kind of pressure and performed his duty with full professional honesty and moral integrity.

4. That due to the involvement in the scandal and subsequent nomination of influential officials in the case, the appellant was transferred from Police Station Anti Corruption Establishment, Charsadda after 20 days of the inquiry and was posted in SIW, Directorate of ACE, Hayatabad.
5. That vide the order, dated 8/11/2017, on ground of pressure, malafide, and annoyance the authorities of ACE surrendered the appellant to his parent department and he was repatriated to police, CCPO Peshawar, vide the office order dated 16/11/2017. The appellant approached the Honorable Peshawar High Court, Peshawar against the orders of surrender and repatriation through Writ Petition No. 4699-P/2017, the operation of the orders was suspended by the court on 20/12/2017 and the authorities were restrained from dislocating the applicant.  
(Copies of the repatriation order, petition and Judgment, and order are enclosed as Annex-B)
6. That the concerned authorities of ACE tried not to comply with the order of the High Court, and under compulsion the appellant again approached the High Court with a petition of COC No. 32-P/2018, and as a result the order of the court was complied with by cancellation of the repatriation order of the appellant vide the order dated 23/02/2018 and posting of the appellant as Inspector in SIW in the Directorate of ACE vide the order dated 02/03/2018. The petition was disposed of in favour of the appellant on 19/04/2018.  
(Copy of order on COC and cancellation orders are enclosed herewith as Annex-C)
7. That the accused, namely Mst. Ulfat Begum and Sufia Tabbassum, DEOs Charsadda and Peshawar along with clerical staff, namely Sartaj, Mazhar and Ishaq, nominated in the case FIR No. 2/2017, approached the Hon'ble High Court, Peshawar through Quashment Petitions against their nomination as accused in the case FIR. The ACE authorities filed detailed comments in response to the said petitions. In the comments all the contentions of the accused petitioners have been strongly denied with full documentary proof and the findings of the inquiry, conducted by the appellant, have been fully supported and validated.
8. That after filing the comments, during proceedings in the Quashment Petitions before the High Court, the ACE authorities felt pressure and despite detailed reply in the petition, obtained applications of innocence/mercy from the above mentioned influential accused for withdrawal / deletion of their names from the case FIR. The ACE authorities withdrew/deleted their names from the case FIR in straight violation of their own comments before the Hon'ble High Court, Peshawar and the required procedure, and that even the statement of the appellant was not

(4)

obtained in writing nor he was informed of / involved in the process, being the complainant in the case.

(Copies of the comments of ACE and mercy petitions are enclosed as Annex-D)

9. That in the mercy petitions the accused have leveled some baseless and unfounded charges / allegations against the appellant.
10. That the appellant, who has full knowledge of all facts / documentary proof and grounds of involvement of the accused in the case, has been removed from the scene vide surrender letter No. AD (Admn) DACE- 2 Officials /M-F /2019 (Vol-II)11455 dated 12/6/2019 by the ACE authorities, on the basis of which the appellant's repatriation order No. 1460/E-III, dated 13/6/2019 was issued by Authority No.1. The surrender letter is based on complete ill-will, malafide, and annoyance of the ACE authorities as the service number of the appellant has been written 502, instead of P/34, Range Mardan, District Charsadda Police instead of CCPO, Peshawar, District Peshawar Police. That the relieving order of the appellant was issued on 17/06/2019, in which the same facts were again intentionally wrongly mentioned. The LPC of the appellant has so far not been issued as it is not received in the office of the Police District Peshawar. The same orders have now been rectified but the same error of number of the appellant has been repeated in the corrigendum/order No. 2205/E-III, dated 28/08/2019. The CCPO and DPO Charsadda have mentioned/ pointed out the same errors in their letters to the respondent No.3.

(Copies of orders of repatriation, LPC /posting and transfer are enclosed herewith as Annex-E)

11. That ACE authorities have tried to confuse the appellant in the matter of his posting/ repatriation and salary, as his salary for the month of June, 2019 till date have not been paid to him by the Directorate of ACE. The appellant would also not possibly be able to receive his salary for some months onwards.
12. That as the ACE authorities have willfully and intentionally mentioned wrong Range and District of repatriation, service number in the letters referred to above, the appellant is in a hang up position and has been deprived of salaries. He can neither report arrival in Mardan Range, District Police Charsadda, nor in the parent District Police Peshawar, nor is the service number of the appellant correct, nor can he get his salaries from the DPO Charsadda being not an official of the Mardan Range, District Police Charsadda. Therefore, the applicant cannot get his previous and future salaries to meet the different economic needs of his children, whose education can also suffer.

(5)

13. That all the orders of the ACE authorities are incorrect and not implementable in any way, and the appellant, therefore, is still legally and officially in the service on deputation to and at the strength of the Anti Corruption Establishment, Khyber Pakhtoonkhwa. The deputation period of the appellant is also not complete in the ACE as is mentioned in the decision of the Hon'ble Peshawar High Court dated 23/07/2019, that the appellant has served on deputation only for 14 to 15 months in the ACE. The appellant is still to serve for about two more years on deputation in ACE. The promotion order vide No. 8337 dated 11/05/2018, though not made in accordance with the judgment of this Hon'ble Tribunal, also reveals that the appellant is at the strength of the ACE, since the appellant was required to be promoted on 11/02/2014, he has, therefore, also matured his probation period in the ACE, and cannot be repatriated on that count.

(Copies of the Judgment /Promotion order are enclosed herewith as Annex- F)

14. That the demotion of the appellant vide the order No. 11695-11704, dated 17/06/2019 is also the result of the annoyance and ill intention of the ACE authorities and is squarely illegal, since the Hon'ble Khyber Pakhtoonkhwa Service Tribunal, Peshawar, on acceptance of the appellant's appeal for promotion as officiating inspector, has already placed the appellant in the rank of officiating inspector BPS-16 with effect from 11/02/2014, with the inclusion of the appellant's name in the seniority list issued on 09/05/2014, vide its judgment dated 24/4/2019.

15. That the appellant approached the concerned authorities with an application (copies of applications and response as annexed herewith as G) in compliance with the judgment dated 23.07.2019 but the same were responded in no just terms, hence the instant appeal inter alia on the following, as the earlier appeal filed on this subject was premature.

#### GROUND:

- A. That the impugned orders are against the law, rules and constitutional provisions.
- B. That the orders are based on apparent malafide and illegal grounds.
- C. That the appellant has been deprived to respond to the allegations of the accused nominated in the FIR.
- D. That deputation of services is granted for a fixed term/ tenure.
- E. That the terms as to deputation allowance have been violated.

(6)

F. Any other ground / documents may very kindly also be allowed to be presented at the time of arguments and during the proceedings where required.

It is, therefore, respectfully requested that in view of the above submissions, the orders impugned herein may very kindly be set aside and the appellant be restored in the ACE KPK in his own position as earlier and his salaries be released on the said post. It is also requested that orders of payment of full deputation allowance to the appellant for the entire period in the ACE, may be made, as the same has so far not been paid to him, please.

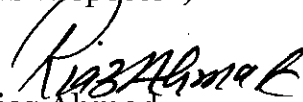
Dated \_\_\_/11/2019

Appellant



Qazi Aslam  
(Sub Inspector)

Through:



Riaz Ahmad  
(Advocate High Court)

(7)

BEFORE THE HON'BLE KHYBER PAKHTOONKHWASERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. \_\_\_\_\_/2019

Qazi Aslam

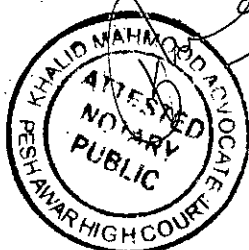
..... Appellant

VERSUS

Inspector General of Police/ Provincial Police Officer, Khyber Pakhtoonkhwa,  
and others ..... Respondents

AFFIDAVIT

I, Qazi Aslam s/o Sarfaraz Khan, the appellant do hereby solemnly affirm and declare on oath that contents of the instant appeal are true and correct and that nothing has been concealed from this Hon'ble Tribunal.



DEPONENT

*Qazi Aslam*  
Qazi Aslam



(8)

BEFORE THE HON'BLE KHYBER PAKHTOONKHWAS SERVICE TRIBUNAL,  
PESHAWA

Service Appeal No. \_\_\_\_\_/2019

Qazi Aslam

..... Appellant

VERSUS

Inspector General of Police/ Provincial Police Officer, Khyber Pakhtoonkhwa,  
Peshawar and others

..... Respondents

MEMO OF ADDRESSES

APPELLANT

Qazi Aslam S/O Sarfaraz Khan R/O Malakanl Kaley, Tehsil Tangi, District  
Charsadda (Sub Inspector Police, No. CCPO Peshawar)


RESPONDENTS

1. Inspector General of Police/ Provincial Police Officer, Khyber  
Pakhtoonkhwa, CPO, Peshawar.
2. Capital City Police Officer, CPO, Peshawar.
1. Director, Anti Corruption Establishment, Khyber Pakhtoonkhwa, near  
Rahman Medical Institute, Phase – V, Hayatabad, Peshawar.

Appellant

  
Qazi Aslam

Through

  
Riaz Ahmad  
(Advocate High Court)

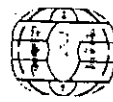
9

Annex A



PAKISTAN National Identity Card  
ISLAMIC REPUBLIC OF PAKISTAN

Name  
Qazi Aslam



Father Name  
Sarfaraz Khan

Gender: M | Country of Stay: Pakistan

Identity Number: 17102-0657420-7 | Date of Birth: 06.04.1965

Date of Issue: 19.03.2019 | Date of Expiry: 19.03.2029

Holder's Signature

ملک بڑے، ڈاک خانہ ہوائی، تحصیل سٹی، ضلع چارسدہ

17102-0657420-7



ملک بڑے، ڈاک خانہ ہوائی، تحصیل سٹی، ضلع چارسدہ

101131238380  
139-92-612621

Registrar General of Pakistan

گمشدہ کارڈ ملے پر قریبی لیویڈیکس میں ڈال دیں

Mesa  
Fahad  
(Adwala)



قلمبندہ بیانان وصول شدہ و پرنٹنگن دیورٹ خانے و کنگی انتوائرن سے غام ملزمان  
 ① ضیاء گل فیصل ٹیچر DM گریڈ G6MS9 حدیاں ڈھیری جارہا ② نگہت سیمائی میں ٹیچر AT  
 گریڈ G6MS15 دادو کے ③ حدت فیصل ٹیچر PET گریڈ G6MS9 ترمندی ④ تائینہ ولی فیصل  
 ٹیچر SST گریڈ 16 G6MS دونت پورن ⑤ شو بیگم فیصل ٹیچر PST گریڈ 7 G6MS پیغام کوڑو  
 جارہا ⑥ موصیہ DEO فیصل گریڈ 19 ضلع جارہا ⑦ الفت بیگم سابقہ DEO فیصل گریڈ 15 اصلو  
 جارہا ⑧ قدریاں ڈھیری گریڈ 18 ضلع ڈھیری ⑨ حامد پولیس سپا اکاؤنٹ گریڈ 15  
 ضلع ڈھیری ⑩ قدریاں سید گریڈ 16 ضلع ڈھیری ⑪ ضلع ڈھیری ⑫  
 عمران احمد گریڈ 14 ضلع ڈھیری ⑬ اظہار احمد گریڈ 16 ضلع ڈھیری ⑭  
 اورنگزیب سید گریڈ 15 ضلع ڈھیری ⑮ شتاق احمد سید گریڈ 17 ضلع ڈھیری ⑯  
 علی رضا سید گریڈ 17 ضلع ڈھیری ⑰ حفیظ حسین جوہر گریڈ 17  
 ضلع ڈھیری ⑱ قدریاں سید گریڈ 11 ضلع سڈی ⑲ سہیل PST  
 گریڈ 18 G6MS سید گریڈ 20 سرتاج جوہر گریڈ 11 ضلع ڈھیری ⑳  
 G6MS جارہا و متاخرینا الجین علی بگت کے فراڈ و جوکہ وہی نے اپنے اختیارات کے غلط و ناجائز  
 استعمال کرتے ضلع جارہا یہ سرتاج کو متواہن مدد میں ملے ہیں 5766918 روپے نقصان پہنچایا  
 ہے جسے بیانان قلمبندہ زبردست 164 سے پایا گیا کہ ملزمان سید علی میر کا تاہ 8 ایک تنظیم کو  
 یا ٹینٹ کے شکل میں اساطرے کارروائی کرتے جو گوی کو نوکری کا معاملہ دہہ کران سے لاکھوں روپے پتور  
 لیتے ہیں لہذا تمام ملزمان 5061 الجین علی بگت کے فراڈ و جوکہ وہی نے اپنے اختیارات کے غلط اور ناجائز  
 استعمال اور رشوت دینے اور لینے کے مرتکب پاکرجن کے خلاف ورام جس انگریزی نمبر 15313 اور 9-10-17  
 قاریہ از جناب DAC سے خبر متواتر ہے اور مقدمہ درجہ رجسٹر کیا جاتا ہے تمام انکوائری کارروائی میں مذکورہ  
 تصور ہوا اگر دوران تفتیش ذیل کوئی شخص یا اشخاص یا دیگر سرکاری ملازمین ملوث پائے گئے تو ان کے  
 خلاف بھی حسب ضابطہ قانونی کارروائی عمل میں لائی جائے گی۔ پرچہ گزار میں یہ میں حروف

*[Handwritten signature]*

تفتیش ہوں  
 COACECHD  
 9-10-017

دستخط \_\_\_\_\_  
 عہدہ \_\_\_\_\_

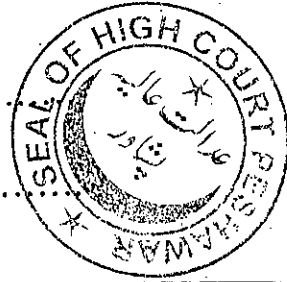
اطلاع کے نیچے اطلاع دہندہ کا دستخط ہوگا پاس کی مہر یا نشان لگایا جائے گا۔ اور اس پر تحریر کنندہ اپنی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الف یا ب سرخ روشنائی سے بالقابل نام پر  
 ایک طوم یا شہر علی الترتیب واسلے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں لکھنا چاہئے۔



**PESHAWAR HIGH COURT PESHAWAR**  
**FORM "A"**  
**FORM OF ORDER SHEET**

Court of.....

Case No.....



Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2	3
	11.10.2017	<p><b>WP No. 2028-P/2017 with COC No. 477-P/2017.</b></p> <p>Present: Mohsin Khan, brother of petitioner.</p> <p>Mr. Moeen Ud Din Hamayun, AAG, for respondents alongwith Qazi Aslam, C.O District Charsadda.</p> <p>*****</p> <p><b><u>ROOH-UL-AMIN KHAN, J:-</u></b> As per averment of the writ petition, the petitioner was initially appointed as Drawing Master BPS-15 in the year 2006 in GGMS Ghakot Battagram. She was transferred to GGMS, Dheri Hamid Mian, District Charsada and since then was performing her duties with zeal and zest, but all of a sudden her monthly salary was stopped by the respondent No.5 ( District Account Officer) Charsadda on the behest of District Education officer (Female) Charsadda from the month of January, 2017.</p> <p>Hence this petition.</p>

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*Handwritten signatures and initials at the bottom left of the page.*

**ATTESTED**

EXAMINER  
Peshawar High Court

16 OCT 2017



2. On 14.9.2017, the learned AAG urged that the very appointment order of the petitioner is fake and an enquiry has been initiated in the matter. On the previous date with mutual consent of the parties, the matter was referred to Anti Corruption Department with directions to probe into the matter and submit report to this Court.

3. Today, the Learned Addl: AG alongwith Circle Officer Anti Corruption produced the record of an open inquiry conducted by him in compliance of the order of this Court, wherein the appointment order of petitioner has been found fake and bogus and FIR No.02 dated 09.10.2017 has been registered against the employees of Account office Battagram and others including petitioner.

4. In this view of the above, this writ petition become infructuous which is dismissed as such.

Announced on;  
11<sup>th</sup> of October, 2017

JUDGE  
JUDGE

No.	9683
Date of Presentation of Application	13/10/17
No of Pages	13
Copying Fee	
Urgent Fee	
Total	68.00
Date of Receipt	16/10/17
Date of Disposal	16/10/17

*Jasheed*

(DB)

Mr. Justice Rooh-Ul-Amin Khan & Mr. Justice Muhammad Ghazafar Khan

CERTIFIED TO BE TRUE COPY

Examiner  
Peshawar High Court, Peshawar  
Empowered Under Article 8.7 of  
Constitution of the State of Punjab Order 1984

16 OCT 2017

*Signature*

EX-101-176 MAY 2017

EXAMINER  
Peshawar High Court  
16 OCT 2017





12/A

DIRECTORATE OF  
ANTI-CORRUPTION ESTABLISHMENT  
KHYBER PAKHTUNKHWA  
PESHAWAR

8337-38  
No. \_\_\_\_\_ ACE/Peshawar, Dated: 11/05/2018

To -

Mr. Qazi Aslam,  
Inspector SIW HQ,  
Anti-Corruption Establishment,  
Peshawar.

Subject:- EXPLANATION

I am directed to refer to the subject noted above and to state that the competent authority referred the case titled "Application of Accused Sofia Tabbasum, Ulfi Begu, Sirtaj Union Clerk, Muhammad Ishaq and Mazhar Hussain Clerks in FIR No. dated: 09.10.2017 U/S 218,409,419,420,468,471,477-A PPC / 5(2) PC Act Police Station Anti-Corruption Establishment, Charsadda" to the following Officers of this Establishment for thread bar discussion :-

1. Mr. Mir Faraz Khan, ADL-I, ACE Peshawar.
2. Mr. Gul Nawaz, ADL-IV, ACE Peshawar.
3. Mr. Amir Anjum, ADL-V, ACE, Peshawar.

The above committee has submitted report to the competent authority with concluding remarks as under :-

*"Ex-Circle Officer Charsadda (Qazi Aslam) has not properly investigated the matter in accordance with facts and wrongly arrayed officials accused without solid proof. Thus he has misused his official power, which he may be dealt departmentally"*

You are, therefore, directed to explain your position within 03-d (on the receipt of this explanation), failing which, disciplinary action shall be initiated against you under the rules in vogue.

*AD*

*W-*

*1*

*11/05*

Assistant Director (Admn)  
Anti-Corruption Establishment  
Khyber Pakhtunkhwa  
Peshawar

ENDST OF EVEN NO. & DATE

Copy forwarded to P.A. to Director, Anti-Corruption Establishment  
Khyber Pakhtunkhwa, Peshawar.

Assistant Director (Admn)  
Anti-Corruption Establishment  
Khyber Pakhtunkhwa  
Peshawar

حواف از الیکٹریٹیائی اسلم SIW لیساور سالقہ CO چارنڈہ

حناب عالی

کوالر (EXPLANATION) نمری 38-2337 مورم 2018

قروقی حدوت ہون کہ دوران نعنائی نخت CO چارنڈہ مورم 2017 کو اور ڈر شٹ

نورہ 14 مورم 2017 نختن نمر 2028 از عدالت عالیہ لیساور عالی کورٹ لیساور نکل

112 مورم 2017 لوساطت افران مالہ سی CO کو حوصول ہونکہ عدالتی حکم و افران مالہ کے

نخریری احکامات ملاحظہ کرکے یا یا گیا کہ عدالت عالیہ لیساور عالی کورٹ لیساور

اور ساقہ ہی افران مالہ نے اسی حوالہ سے اندر 15 مورم حدوت با اثر ملزجان نے

علاف ہی سمیت کارروائی کرنے کی حکم و ہدایت کرکے رپورٹ مورم تاریخ 11 مورم 2017 یا قبل از

مورم تاریخ پیش کرنے کی احکامات صادر کئی تھی۔ لہذا عدالتی احکامات اور افران

مالہ کے ہدایات نے مطابق 05 مورم کرکے دوران انوائٹری دنگر ملزجان نافر و شدہ

کے خلاف تھی تو ہیں اور نخریری دستاویزی اثبات صبر ہرئی۔ حاصل شدہ نخریری

دستاویزات اور فراہم کردہ اینفاریشن کی روشنی سے تمام ملزجان کے خلاف مختلف

دفاعتہ جائے سے ندریم نخریری نروانہ حات مکمل صدقہ رکھارڈ و نخریری رپورٹ جائے

حاصل کرکے نخریری رپورٹ جوڑا ہے جو کہ ندریم فلنگ جائے قابل ملاحظہ ہے۔ جن کی روشنی

میں نافر و شدہ ملزجان کے خلاف مفصل فائل رپورٹ لکھو اندر اوج مقدم نخریری کرکے

جن میں ندریم ملزیم کی رول لکھی کردار واضح کئی ہے جو کہ ندریم خلاف DAC

نوشترہ نے کردار کارکن خلاف DAC مورم KPK کے حدوت میں ارسال کرکے جناب DAC

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خبرگاہ کے لئے فی قانونی رائے خلاف ADL/II مہم کو جاری کر کے جس پر چارج

ADL/II مہم نے بھی ملزمان کے خلاف FIR درج کرنے کی سفارش کرتے ہیں

DAC مہم نے تازہ شدہ ملزمان کے خلاف FIR درج کرنے کا حکم صادر کرتے ہیں

کو والی کونسلت افغان بالہ اصول پر مبنی مہم کے مدعیت میں مورخ 9/10/17

کو FIR درج رجسٹر ہوئی تفصیلی فائل رپورٹ و کاپی FIR لف لٹھالی سے کوہ پورہ

فلٹ جائے قابل ملاحظہ ہے۔ اور مہم نے خود ہی عدالت عالیہ لٹاور ہائی کورٹ لٹاور

میں مورخ تاریخ مورخ 10/10/17 کو اصل مقدمہ پیش کرتے ہیں اس کے رو سے دائرہ رٹیشن نمبر

2028 خارج ہوئی اور مہم نے وزیر تفتیش جاری رکھنے سے ملزمان کے گرفتاری کیلئے

علحدہ درخواست تحریر کر کے کونسلت افغان بالہ خلاف ہیف سکریٹری مہم خبرگاہ

کو ارسال کرنے کی استدعا کی تھی۔ کہ اس دوران تقریباً تمام تازہ ملزمان نے عدالت

سٹیل مہم ایسی کریپشن سے BBA کیروائی جگہ دوران انکوائری اور لید اندراج مقدم

دوران تفتیش بااثر ملزمان کی طرف سے ہر قسم کی ہراسہ دہاؤ سفارش وغیرہ کو

ڈیکر کر کے فراہم نہیں کیے گئے اور قانون سے حوالہ جاری رکھنے کا حقہ عدم کیا

کہ اس دوران ملزمان نے صفحہ 5 کا تبادلہ سیاسی و دیگر امور سے اندراج مقدم

کے صرف 2 دن بعد کر کے صفحہ کو الیکٹرک سٹیل لٹاور تبدیل کر لیا گیا جبکہ

صفحہ 5 کو ادارہ ایسی کریپشن سے منسوخ کر لیا گیا۔ جن کے خلاف صفحہ 5 نے

عدالت عالیہ لٹاور ہائی کورٹ لٹاور میں رٹیشن نمبر 4699 دائر کرتے ہیں

پر عدالت عالیہ لٹاور ہائی کورٹ لٹاور نے مورخ 12/10/17 کو صفحہ 5 کو اسٹیم ریلیف

دے کر مغلہ ذمہ داران سے جواب طلبی کی ہے جبکہ یہی رٹیشن مورخ 19/10/17

مہم ہیف سٹیل مہم لٹاور ہائی کورٹ لٹاور کے سربراہی میں صفحہ 5 کے حق میں

فیصلہ ہو کر یہ دو آرڈر شٹ ہائے کے کامیاب بنائے ملاحظہ فرمائیے۔ آخری

فیصلہ مورخ 19/10 کے پیر گراف نمبر 3 ج میں صفحہ 5 کے کارروائی و تبادلہ کے بارے

Amir Khan

حیدر عدالتی تحریریں قابل ملاحظہ ہے

جہاں عدالتی تحریریں قابل ملاحظہ ہے جو FIR درج کیا ہے وہ بالکل صریح

اور دستاویزی اثبات اور افران مالہ کے تحریری رائے و حکم پر کیا گیا ہے۔ اس میں

صراحتی طور پر ملزم کے ساتھ کوئی ذاتی عینا یاد دہانی شامل نہیں ہے اور اسکے واضح

دلیل یہ ہے کہ FIR درج شدہ میں ان ہی ملزمان کے علاوہ دیگر دو درجہ اولیٰ

یعنی ملزمینہ سٹیٹم کے ملزمان بھی شامل ہے آخر اس سے صراحتاً یہ نہیں دیکھی

یا اتفاق ہو سکتی ہے حیدر نے کبھی بھی اشارات سے کوئی تجاوز نہیں کیا ہے اور جتنے

بھی ملزمان خارج کیے گئے ہیں ان کے خلاف تحریری دستاویزات صفحہ مثل پر موجود ہے۔

جہاں تک ملزمان الفت سٹیٹم DEo/F لکھنا اور صوفیہ سٹیٹم DEo/F

جاری شدہ و دیگر ملزمان صمیمان سے تاج، اسحاق اور مظہر کلر کلر سٹاف کے درخواست

خانے کا تعلق ہے۔ تو اس سلسلے میں ملزمان نے اصل حقائق کو ٹھکانا شروع

اور من گھڑت درخواست خانے تحریر کی ہے اور اسکے ساتھ جو دستاویزات لگائی ہے

حقیقت کے برعکس ہے۔ جبکہ موجودہ CO جاری شدہ محمد آمان خان اور انکوائری کمیٹی

صبران نے بھی ملزمان کے خلاف صفحہ مثل پر موجود دستاویزات کو پس لٹت

ڈال کر ملزمان کی طرف سے من لید دستاویزات کو انکوائری کا حصہ بنا کر اسی کی بنیاد

پر رپورٹ تیار کر کے صاف DAC میں پیش کیا گیا ہے۔

جہاں عدالتی تحریریں قابل ملاحظہ ہے کہ یہ دو درخواست خانے جو ملزمان

کے طرف سے دائر کیے گئے ہیں دوران کاروائی نہ تو CO جاری شدہ محمد آمان خان نے

صراحتاً بیان رکھ کر دیا ہے اور نہ ہی انکوائری کمیٹی نے جو اس سلسلے میں ملانے

کی زحمت کیا ہے اور میرے موقف سے لیکر اپنی رپورٹ لکھنے میں مزید کاروائی

کیا گیا DAC میں کیا گیا ہے جو کہ میں صاف FIR میں حقیقت کی

Amir Aslam

حیث سے مائی نیچم نافذ ہوں حکم ملزمان سر تاج وغیرہ کی طرف سے بھی دائر کردہ

درخواست سے من مائی نیچم نافذ کیا گیا ہے اس لئے قانونی اعتبار سے جو بھی ایسا

وقوف میں کرنے کا موقع دینا ضروری نہیں لیکن یہ جاریدہ محمد آریاز خان اور

انکوائری کمیٹی نے جو نظر انداز کر کے بلکہ فریڈ کاروائی عمل میں لائی ہے

اور ایچ اور گیسٹار ملزمان کو گناہ قرار دے کر حکم دیا تو ناخالص تلافی

تقصیر بنجایا ہے اور دیگر ملزمان کیسے بھی راستہ ہموار کیا ہے۔

ضابطہ عالی! یہاں یہ بات بھی قابل ذکر ہے کہ ایئر سیر دو درخواست جانے دائر کردہ

سیر یہ جاریدہ کارپورٹ ملاحظہ کیا جائے تو سیر دو رپورٹ جانے میں جاریدہ

محمد آریاز خان نے تحریر کیا ہے کہ ان ہی ملزمان نے عدالت عالیہ لے کر جانے کو

لے کر عدالت میں لے کر جانے کو اسٹیمٹ FIR دائر کیا ہے اور اس میں آئندہ تاخر

پیشی کا بھی ذکر کیا گیا ہے

تو ضابطہ عالیہ ایک معاملہ عدالت عالیہ لے کر جانے کو

لے کر عدالت عالیہ سماعت و کارروائی زیر سماعت ہیں۔ تو اس دوران عدالت سے

کوئی اور ادارہ بہتر الفاف دے سکتا ہے۔ ہونا تو یہ چاہیے تھا۔ کہ ان ہی

درخواست جانے پر صرف اتنا تحریر ضروری تھا۔ کہ معاملہ عدالت عالیہ لے کر

جانے کو لے کر عدالت عالیہ سماعت ہو اور عدالت عالیہ سماعت ہو بھی فیصلہ

صدارت سے حسب ضابطہ تقبل کیا جائیگا۔

یہاں یہ بات بھی وضاحت طلب ہے کہ ایسی رپورٹ میں موجودہ جاریدہ

محمد آریاز خان اور بالف DAE کے دستخط جانے سے کمیشن جمع کئے گئے ہیں

اور ان ہی ملزمان کے بعد اعترافات و الزامات کی تردید کی ہے اور

مقدمہ درج شدہ کی تاشد سے دستاویزی ثبوت لگائے گئے ہیں۔

ایسا کہتا ہوں کہ جاریدہ محمد آریاز خان ملزمان کے لئے گناہی کے

سفر شاف تحریر کرنے سے قبل کئی لاپرواہیوں کو حل کرنا ہے  
جہاں تک ملزمان صوفیہ بیگم الفت بیگم سرتاج اسحاق مظہر کے متعلق  
ہے چارہ چہ آغا خان اور عمران انڈسٹریز کے ملزمان کے لئے نہیں ہے سفر شاف  
تحریر سے بالکل حقیقت کے برعکس ہے کیونکہ ملزمہ صوفیہ بیگم کو حرم  
18<sup>15</sup> کو حجاج ثانیہ ولی آئی کے ٹرانسفر آرڈر لوگس ہونے کے متعلق تھا  
017  
جو مول ہوئی تو اس پر حجاج صوفیہ بیگم نے حاوی اختیار کرتے ہوئے 14<sup>9</sup>  
017  
کو رعایت کی شکل میں دوسری بھی تحریر کی گئی لیکن اس پر بھی صوفیہ بیگم  
ٹس سے منہ ہوتی اور حد ایچی کر ٹن کی انڈسٹریز شروع ہوئی تو مارل  
ناجوانہ حرم 15<sup>10</sup> کو ایک ڈپٹ من بھی تحریر کرتے لہذا اندراج ختم حرم  
017  
13<sup>10</sup> کو حجاج ثانیہ ولی SST کے بارے میں رپورٹ حاصل کی گئی۔ حد من ہے  
017  
یہ اس سلسلے میں ملے ہیں ان کے ٹرانسفر اور لہری آرڈر جو کہ لوگس ہونے کے  
متعلق ڈائریکٹریٹ اچوکن کے ور سے حاصل کیے تھے اگر اس کے تحریر کر رہ  
ہیں تو غور سے پڑھا جائے تو لوگس ہور خود واضح ہو جائے گی۔ بھی انڈسٹریز  
ہائے لاپرواہیوں نہ رہے فلٹ ہائے قابل ملاحظہ ہے، اور اسی طرح الفت بیگم  
کے بارے میں بھی وضاحت کی جاتی ہے کہ انھوں نے صرف آئی پی کے لوگس  
کاغذات پر ضلعو چارہ کو ٹرانسفر کرنے کی Noe جاری کیا ہے جس سے  
انھوں نے تحریر کیا ہے کہ میں نے ان کے تمام مختلف کاغذات لینی سرس  
رکھاؤ کاغذات چیک کر کے درست پایا، جو کہ حقیقت کے برعکس ہے  
اور اسی طرح حجاج ثانیہ بیگم کے AT کے سروس کاغذات کے وٹرنیشن  
خلو سٹرام سے کرنے کی جگہ جو بھی تحریر کی گئی ہے، اس میں صرف ٹرانسفر  
آرڈر کی فوری کاپی شامل ہے نہ کہ دیگر کاغذات کیونکہ اس کے جواب میں ضلعو  
سٹرام سے جو جعلی رپورٹ بنا کر گئی ہے اس میں صرف ٹرانسفر آرڈر کی وٹرنیشن

تبدلی کر رہی ہے۔ جو کہ وہ بھی جعلی اور لوٹوں سے تمام لٹر ہائے بطور ثبوت  
 جواب دہا ہے۔ اور اسی طرح سرتاج، مظہر، اسحاق وغیرہ کے خلاف بھی  
 حکمانہ انکوائریں ہو کر جس سے ان کے خلاف ادارہ ایسی کرٹس میں FIR درج کر  
 کی بلائی گئی ہے لیکن ملزمہ صوفیہ تبسم نے اسی پر بھی حاضری اختیار کر کے  
 ان کے ساتھ دیگر ملزمان کو بھی حوالگی کارروائی سے محفوظ رکھی ہے جس سے وہ ہراس  
 کے شریک ہے اور ان ہی ملزمان کے وچ سے آج بھی قلم اٹھانے میں ملزمین  
 لوٹوں اور جعلی تعزیری ایڈورسٹریٹوٹی سرانجام دے رہے ہیں جو ان کے لوٹوں میں  
 ہوتے ہوئے ہی ان ملازمین کے خلاف کوئی حکمانہ ایکشن نہیں لیا گیا ہے اور سرکاری  
 خزانہ کو طمانہ تو آہنی عدسہ لاکوں روپے نقصان بچایا جا رہا ہے۔

جناب عالی! چونکہ یہ چارسلہ محمد ابراہیم خان اور انکوائری کمیٹی نے جو سنیے اور  
 میرے تحریری بیان بنے ہوئے لفظ اور صفحہ مثل ملزمان کے خلاف تحریری  
 دستاویزات کو مکلف ہر رکھ کر ملزمان کے من پسند پیش کردہ کاغذات پر  
 رپورٹ مرتب کی ہے جس میں سابقہ 05 کو اپنا اختیار عطا  
 استعمال کرنے کے ذمہ دار ٹھہرائے اور ملزمان کو بے گناہ قرار دی ہے  
 اور جناب DAC کو حقیقت کے برعکس رپورٹ پیش کرتے ہیں یہ  
 ملزمان کے نام مقدمہ فہذا سے خارج ہوئی ہے۔ اگر جناب DAC  
 مناسب سمجھ تو میں سمیت 05 چارسلہ محمد ابراہیم خان اور انکوائری کمیٹی  
 حصران بہراہ مثل مقدم طلب کیے جائے تاکہ جس تمام ملزمان کے کردار  
 تحریری ثبوت کیساتھ واضح کر سکوں تمام دیگر دستاویزات کے  
 کاغذات بطور ثبوت لے کر جواب دہا ہے

Amir  
 Riaz  
 Namu

اسلئے استدعا ہے کہ ان ہی ثبوت و دستاویزات میں

19

کردہ کے روشنی میں پیرا حلاق طاری کردہ (EXPLANATION)

بلا فائدہ و گمانہ کاروائی داخل دفتر فرمائی جاوے گی

INSPIWACE Pesh  
17-5-2018

Aligani  
Pesh  
(Aligani)

20

*[Handwritten scribbles]*

*Approved B*

*(B)*

*(B)*

*Approved - [Signature]*



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
Central Police Office, Peshawar

ORDER.

SI Qazi Aslam of CCP/Peshawar presently serving in Anti-Corruption Establishment Khyber Pakhtunkhwa is hereby repatriated to his parent District CCP/Peshawar with immediate effect.

*[Signature]*

(Muhammad Ali Khan)PSP  
DIG/IIQ  
For Inspector General of Police  
Khyber Pakhtunkhwa  
Peshawar.

No. 4241-43 /E-III. Dated Peshawar, the 16 / 11 /2017.

Copy of above is forwarded for information and necessary action to the:-

1. Addl: IGP/HQrs: Khyber Pakhtunkhwa Peshawar.
2. Capital City Police Officer, Peshawar.
3. Director Anti-Corruption Establishment Khyber Pakhtunkhwa Peshawar w/r to his office letter No. 16920/ACE, dated 08.11.2017.

*(Ateed)*  
*[Signature]*  
*(AM)*

IN THE PESHAWAR HIGH COURT PESHAWAR

①

W.P No 4699-112017

1. Qazi Aslam S/o Sarfaraz Khan, Circle Officer, Anti Corruption Establishment, Police Station Charsadda ..... **Petitioner.**

**V E R S U S**

1. Govt of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
2. Director Anti Corruption Establishment Opposite , Rehman Medical Institute (RMI) Phase-5, Hayatabad Peshawar.
3. Inspector General Of Police / Provincial Police Officer, Central Police Office, Peshawar..... **Respondents**

PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF PAKISTAN FOR DIRECTION/DECLARATION/ORDER TO THE EFFECT THAT TRANSFER OF PETITIONER FROM THE POST OF CIRCLE OFFICER (C.O) ANTI CORRUPTION ESTABLISHMENT CHARSADDA TO THE SPECIAL INVESTIGATION WING (S.I.W) HEAD OFFICE ANTI CORRUPTION ESTABLISHMENT AND THEREAFTER, REQUIRING RESPONDENT No. 3 TO CALL HIM BACK TO POLICE ARE BASED ON MALA-FIDE FAVORITISM AND EXTRANEIOUS CONSIDERATION AND HENCE LIABLE TO BE STRUCK DOWN.

**Respectfully Sheweth:**

**Brief facts leading to this Writ Petition are as under:-**

1. That petitioner belongs to Police Service of Khyber Pakhtunkhwa and was posted as Sub Inspector in police lines Peshawar when his services were required by respondent No. 2 and accordingly he was transferred to Anti Corruption Establishment and was posted as ACO( Additional Circle Officer) Anti Corruption Establishment Charsadda. Thereafter he was posted as Circle Officer Charsadda in his own pay scale and then went for upper course at Hangu in October,2011 and returned on 09.04.2012. He was posted as Circle Officer at Nowshera. In January 2013 he was transferred and posted Circle Officer Charsadda. In October,2014 he was transferred and posted as Circle Officer Malakand. In June, 2016 petitioner was transferred and posted Circle Officer Charsadda till 31.10.2017 when the impugned order was passed.

*[Handwritten signature]*



2. That while posted as Circle Officer, **Anti Corruption Establishment Charsadda** petitioner was summoned by Hon'able Peshawar High Court Peshawar to perform certain duty in a Writ Petition No. 2028-P/2017 titled "**Mst. Zia Gul vs Govt of Khyber Pakhtunkhwa and others**" in which appointment order of petitioner Mst. Zia Gul was challenged as fake. Hence, the parties agreed that the matter be referred to Anti Corruption Establishment for inquiry and necessary action, detail of which are clearly reflected in order dated 14.9.2017 passed by Division Bench in Writ Petition No. 2028-P/2017, with COC No. 477/2017. **Copy of order dated 14.09.2017 is annex "A"**.

3. That in the above matter the Hon'able Peshawar High Court Peshawar has asked Director Anti Corruption Establishment to inquire into and submit report within 15 days, hence, petitioner was entrusted with the task who visited Battagram, Manshera, Bajur Agency, Khyber Agency, and District Peshawar in which other fake appointments were traced. Accordingly the petitioner registered FIR No.2 in Anti Corruption Establishment Charsadda on 09.10.2017 in which the petitioner named charged twenty persons i.e five ladies as the real beneficiaries and fifteen others who had played a role in the fake appointments orders. **Copy of FIR No.2 dated 09.10.2017 is annex "B"**.

4. That when on 11.10.2017 again Writ Petition No. 2028/2017 with COC No. 477/2017 were fixed for hearing before Division Bench of Hon'able Peshawar High Court Peshawar the petitioner produced the record of open inquiry conduct in compliance of the order of the Hon'able High court dated 14.09.2017, the Writ Petition was held infructuous and thus was dismissed. **Copy of the order dated 11.10.2011 is annex "C"**

5. That dismissal of Writ Petition as well as the registration of FIR No.2 by the petitioner provoked a host of people including MPAs and Bureaucrats, initially pressurizing the petitioner to exonerate all the accused and in particular District Education Officer (Female) Peshawar and District Education Officer (Female) Charsadda which the petitioner could not and thus he refused to back track the findings regarding all the accused.

*Admiral*  
*Admiral*

- 6. That when the petitioner did not accept any pressure, Safarish and/or request he was threatened of dire consequences like his immediate transfer or even dismissal from service but the petitioner resisted all such acts/threats and refused to back out from the findings which resulted into FIR No. 2 aforementioned and already annexed herewith.
- 7. That petitioner was informed by Director Anti Corruption Establishment that he has performed well and has done his duty but he is not in a position to defend him. Consequently the petitioner was transferred from the post of Circle Officer Anti Corruption Establishment Charsadda and was posted to Special Investigation Wing ( S.I.W) Anti Corruption Establishment Head Office Peshawar vide impugned office order dated 31.10.2017. **Copy of the impugned transfer order dated 31.10.2017 is annex "D"**.
- 8. That on direction of respondent No.1 Director Anti Corruption Establishment wrote to the Inspector General of Police ( Respondent No.3) for the withdrawal of the petitioner from Anti Corruption Establishment and to repatriate him to regular police.
- 9. That the petitioner is mortally aggrieved of the impugned actions/orders against him taken by the respondents as the petitioner deserve appreciation and reward but instead he has been punished, hence he approaches this Hon'able court against the malafide actions for the following amongst other grounds.

**G R O U N D S**

- A. That the impugned action against the petitioner is prime-facie based on mala-fide, misuse of authority, against the rules and principles of policy.
- B. That the petitioner having acted fairly and in accordance with law in pursuance of the orders of this Hon'able court deserves appreciation but instead he has been willfully punished and the mala-fide, malice and ill will are floating on the surface of the record.

*Amir*  
*Per*  
*(Signature)*

C. That petitioner has been treated unequally against the law and thus deprived of equal protection of law as contemplated by Art-4 of the Constitution. (4)

D. That when the petitioner fairly investigated the case, located the accused and pinpointed the role of every accused, his performance needed approval and appreciation. But he was punished and thus flagrantly discriminated.

E. That the petitioner is filing this Writ Petition based on the verdict of Supreme Court reported in PLD 2013 SC-195, and therefore the alternate remedy of moving Service Tribunal was not resorted to as the service of representation then waiting for reply and thereafter, moving the Service Tribunal would render the cause of action of petitioner as zero, hence this writ petition is filed mainly on the basis of mala-fide malice and ill will and same is genuinely needs to be adjudicated by this Hon'able Court.

**It is therefore, most humbly prayed** that by acceptance of this Writ Petition the impugned office order No. 16670-73/ACE dated 31.10.2017, may please be struck down based on malafide, malice, ill will as petitioner performed in pursuance of order of Hon'able Peshawar High Court Peshawar and his refusal to accept any pressure, Safarish, against FIR No. 2 dated 9.10.2017, Police Station ACE Charsadda should have an appreciation for him rather than the punishment awarded to him illegally.

**Any other relief not specifically prayed but deemed just and fair in the given facts and circumstances of the case may please be allowed.**


*Aliqul  
Beg  
C.M.M.*


195

(8)

**INTERIM RELIEF.**

By way of interim Relief that the impugned office order No. 16670-73/ACE dated 31.03.2017 may please be suspended till the decision of this writ petition.

Petitioner  
Through   
**A. Lateef Afridi**

Khalid Anwar Afridi  
And   
Sajeed Khan Afridi  
Advocates Peshawar

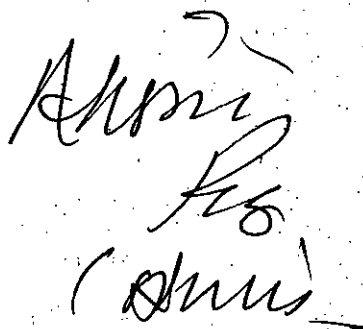
**CERTIFICATE**

It is certified that no such like writ petition has earlier been filed by the petitioner in this Honorable court. It is further stated that being the writ petition on the score that since there is no adequate and alternate legal remedy is available or previously availed or approached lower forum thus this case may be fixed before the worthy Division Bench ( D.B) of this Honourable Court.

**LAW BOOKS:**

1. Constitution of Pakistan
2. any Law Book as per need

  
**ADVOCATE** 

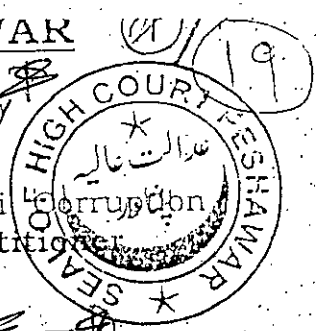


THE PESHAWAR HIGH COURT PESHAWAR

W.P No 4699/2017

(B)

~~AD-1~~



1. Qazi Aslam S/o Sarfaraz Khan, Circle Officer, Anti Corruption Establishment, Police Station Charsadda .....Petitioner

VERSUS

~~Ans~~

- 1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
- 2. Director Anti Corruption Establishment Opposite , Rehman Medical Institute (RMI) Phase-5, Hayatabad Peshawar.
- 3. Inspector General Of Police / Provincial Police Officer, Central Police Office, Peshawar..... Respondents

PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF PAKISTAN FOR DIRECTION/DECLARATION/ORDER TO THE EFFECT THAT TRANSFER OF PETITIONER FROM THE POST OF CIRCLE OFFICER (C.O) ANTI CORRUPTION ESTABLISHMENT CHARSADDA TO THE SPECIAL INVESTIGATION WING (S.I.W) HEAD OFFICE ANTI CORRUPTION ESTABLISHMENT AND THEREAFTER, REQUIRING RESPONDENT No. 3 TO CALL HIM BACK TO POLICE ARE BASED ON MALA-FIDE FAVORITISM AND EXTRANEOUS CONSIDERATION AND HENCE LIABLE TO BE STRUCK DOWN.

Respectfully Sheweth:

Brief facts leading to this Writ Petition are as under:-

1. That petitioner belongs to Police Service of Khyber Pakhtunkhwa and was posted as Sub Inspector in police lines Peshawar when his services were required by respondent No. 2 and accordingly he was transferred to Anti Corruption Establishment and was posted as ACO( Additional Circle Officer) Anti Corruption Establishment Charsadda. Thereafter he was posted as Circle Officer Charsadda in his own pay scale and then went for upper course at Hangu in October,2011 and returned on 09.04.2012. He was posted as Circle Officer at Nowshera. In January 2013 he was transferred and posted Circle Officer Charsadda. In October,2014 he was transferred and posted as Circle Officer Malakand. In June, 2016 petitioner was transferred and posted Circle Officer Charsadda till 31.10.2017 when the impugned order was passed.

ATTESTED  
EXAMINER  
Peshawar High Court

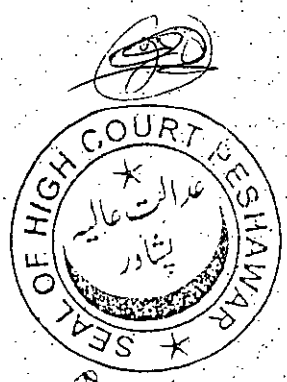
21 DEC 2017

*(Attested)*  
*Wazir*  
*Chaudhary*

FILED TODAY  
Deputy Registrar

18 NOV 2017

217



PESHAWAR HIGH COURT PESHAWAR  
FORM "A"  
FORM OF ORDER SHEET

Court of.....

Case No.....

*[Handwritten signatures and scribbles]*

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2	3
<p>4801</p> <p>..... Date of Presentation of Application <u>21/12/17</u> ..... Number of Pages <u>04 - P</u> ..... Filing Fee <u>Rs 16/-</u> ..... Date of Preparation of Copy <u>21/12/17</u> ..... Date of Delivery of Copy <u>21/12/17</u> ..... Submitted by <u>Walayatullah</u> .....</p> <p>CERTIFIED TO BE TRUE COPY</p> <p>Examined by Peshawar High Court, Peshawar Authorized Under Article 8.7 of The Constitution of Pakistan Order 1985</p> <p>21 DEC 2017</p>	<p>20.12.2017</p>	<p><u>WP No. 4699-P/2017 with CM No. 2435-P/2017 with I.R</u></p> <p>Present: Mr. Abdul Latif Afridi, Advocate for petitioner.</p> <p>*****</p> <p>Mr. Rab Nawaz Khan, AAG present in Court was put on notice who stated that he will take the case of petitioner on personal level with the Provincial Government and will also file reply. May do so well before the next date of hearing.</p> <p><u>CM No. 2435-P/2017.</u></p> <p>Worthy AAG accepts notice of the instant CM. In the meanwhile the petitioner shall not be dislocated from the present posting till the next date of hearing.</p> <p><i>[Signatures]</i> Jt. Justice Rooh-ul-Amin Khan Jt. Justice Syed Afsar Shah</p>

\*Tasheed\*

(DB)

Mr. Justice Rooh-ul-Amin Khan & Mr. Justice Syed Afsar Shah

*[Large handwritten signature]*  
R/S  
Counsel

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR,  
JUDICIAL DEPARTMENT.

WP No. 4699-P/2017 with COC No. 32-P/2018 and CM  
No. 2435-P/2017.

JUDGMENT

Date of hearing.....19.4.2018.....

Petitioner(s) by Mr. Abdul Latif Afridi, advocate.

Respondent (s) by Syed Qaiser Ali Shah, AAG, alongwith Mir  
Faraz, Director Legal.

\*\*\*\*\*

YAHYA AFRIDI, CJ.- Petitioner Qazi Aslam seeks the  
constitutional jurisdiction of this Court praying that:

It is, therefore, most humbly prayed  
that by acceptance of this writ petition the  
impugned office order No. 16670-73/ACE dated  
31.10.2017 may please be struck down based on  
malice, ill will as petitioner performed  
in pursuance of order of Honourable Peshawar  
High Court Peshawar and his refusal to accept  
any pressure, Safarish, against the FIR No.2  
dated 09.10.2017, Police Station ACE  
Charsadda should have an appreciation for him  
rather than the punishment awarded to him  
illegally.

2. At the very outset, worthy counsel for respondent  
submitted that the petitioner has been repatriated to the Anti  
Corruption Establishment and hence the instant petition has  
become infructuous.

3. It is disheartening to note the petitioner has been  
transferred immediately after initiating criminal proceedings

9

Amir Kure  
Kure  
Counsel

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against certain *important persons*. However, as the petitioner has been posted back to Anti Corruption Department and keeping in view the jurisdictional bar contained under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, this Court would not pass any definite findings on the impugned action. Suffice it to state that the petitioner shall be treated in accordance with law.

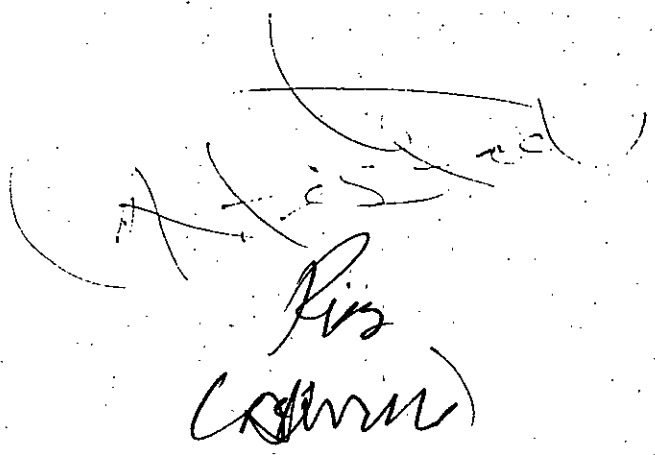
Instant petition is disposed of, accordingly.

Announced on;  
19<sup>th</sup> of April, 2018  
\*Jaeshad\*

  
CHIEF JUSTICE

  
JUDGE

(DB) Hon'ble the Chief Justice Mr. Justice Yahya Afiridi and Mr. Justice Rooh Ul Amin Khan

  
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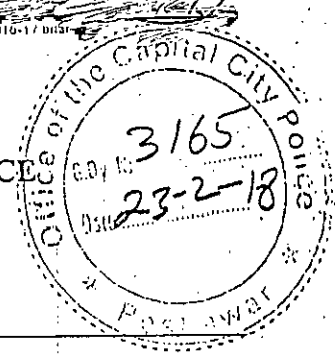
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25/11/2017

30

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
Central Police Office, Peshawar.



ORDER.

This office order issued No. 4241-43/E-III, dated 16.11.2017 so far its relates to the repatriation of Qazi Aslam SI No. P/34 from Anti-Corruption Establishment Khyber Pakhtunkhwa to CCP/Peshawar is hereby cancelled in compliance with Honorable Peshawar High Court Order dated 20.12.2017 passed in WP from 4499-P/2017 with immediate effect.

(SHER AKBAR)  
PSP, S.St

Deputy Inspector General of Police HQrs:  
For Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar

No. 387-89 /E-III. Dated Peshawar, the 23/02/2018.

Copy of above is forwarded for information and necessary action to the:-

1. Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer Peshawar w/r to his office letter No. 1770/EC-II, dated 24.01.2018.
3. Director Anti-Corruption Establishment Khyber Pakhtunkhwa Peshawar w/r to his office letter No. 16920/ACE, dated 08.11.2017.

- \* C.C.P.O.
- SSP/O \_\_\_\_\_
- SSP/I \_\_\_\_\_
- SP/Cantt \_\_\_\_\_
- SP/City \_\_\_\_\_
- SP/Rural \_\_\_\_\_
- SP/Sec \_\_\_\_\_
- SP/HQ \_\_\_\_\_
- SP/T.O \_\_\_\_\_
- SP/T. HQ \_\_\_\_\_
- DSP/L/OS \_\_\_\_\_
- P.O./C.C. \_\_\_\_\_
- PA/EC-II
- "C.C." \_\_\_\_\_

OFFICE OF THE CAPITAL CITY POLICE OFFICER, PESHAWAR.

No. 3070-24/EC-II, dated Peshawar, the 2/2/2018.

Copy of above is sent for information and further necessary action w/r to this office endst: No.12889-92/EC-I, dated 21.11.2017 to:-

1. SSP/Operations, Peshawar.
2. PO, AS, CC, EC-I.

(Handwritten signature)  
FOR CAPITAL CITY POLICE OFFICER  
PESHAWAR.

23/2/18

KAMRAN o/c

26/02

(2)

(8)


31  
37

DIRECTORATE OF  
ANTI-CORRUPTION ESTABLISHMENT,  
KHYBER PAKHTUNKHWA,  
PESHAWAR.

(E)  
~~37~~  
37

OFFICE ORDER

On eve of cancellation of transfer order of Qazi Aslam issued vide PPO. order No.387-89/E-III, dated.23.02.2018 Inspector Qazi Aslam No.P/34 is hereby posted at Special Investigation Wing (HQ) ACE, Peshawar with immediate effect.

  
Director,  
Anti-Corruption Establishment,  
Khyber Pakhtunkhwa,  
Peshawar. H

No. 37<sup>3804</sup>88-1/ACE Dated 2/03/2018.

Copy forwarded for information & necessary action to the.

1. Registrar Peshawar High Court Peshawar.
  2. PS. to Chief Secretary Khyber Pakhtunkhwa Peshawar.
  3. PS. to Secretary Establishment Khyber Pakhtunkhwa Peshawar.
  4. PA to Director, ACE, Peshawar.
  5. DIG of Police (HQ) Khyber Pakhtunkhwa Peshawar.
  6. Assistant Director Special Investigation Wing (HQ) ACE, Peshawar.
  7. Officials concerned.
- M (4)

\*\*\*\*\*

Reader for Record

AD/SINWA

(A. H. H. H. H.)  
Rim  
Admiral

Mst. Ulfat Bigum d/o Kifayat Ullah presently posted as DEO, Peshawar and others.  
(Petitioners)

Annex-<sup>u.v.</sup>D

Versus

Govt; of Khyber Pakhtunkhwa through Chief Secretary civil secretariat, Peshawar and others.  
(Respondents)

Subject:- WRITTEN REPLY ON BEHALF OF RESPONDENT NO.02 & 03.

1. That Para No.01 is correct, hence No comments:
2. That in reply/comments to Para No.02, it is submitted that the duration of appointment from 31-05-2011 to 31-08-2013 of Petitioner No.01 Mst. Ulfat Begum is correct, while orders of female DM teacher namely Mst. Zia Gul and Arabic Teacher namely Mst. Niggat Seema at Battagram and thereafter, their transfer orders dated: 27-01-2011 and 16-11-2012 from District Battagram to District Charsadda are fake and bogus. As per our inquiry there is no valid record of their appointments or transfer in the Directorate of Elementary and Secondary Education, Peshawar. (Reports from the District Education Officer, Female District Battagram and the Directorate of Elementary and Secondary Education, Peshawar are attached herewith as annexure "A" & "B"). The petitioner No.01 issued an NOC for the transfer of Mst. Hasrat Begum PET, who as per our inquiry was also appointed on the basis of a bogus and fake appointment order. (The NOC so issued is attached herewith as annexure "C").
3. That Para No.03 is incorrect as, when Mst. Zia Gul and Mst. Niggat Seema were transferred from District Battagram to District Charsadda on the basis of bogus and fake orders, the petitioner No.01 did not verify the transfer orders of the above mentioned female teachers from DEO, Female District Battagram and prepared a bogus and fake verification letter on the basis of which salaries issued to the accused teachers. (The bogus verification letter in this regard is attached as annexure "D"). The bogus transfer order from District Battagram to District Charsadda is from DEO, Female District Battagram instead of Directorate of Elementary and Secondary Education, Peshawar as the later is the competent authority.
4. That Para No.04 is correct, hence No comments.
5. That as per Para No.05, hence No comments.
6. That Para No.06 is also incorrect as the petitioner No.02 namely Mst. Sofia Tabbasum DEO, female District Charsadda admitted in Para No.05 that appointment orders of female teacher Mst. Zia Gul, DM and two other teachers were verified from DEO, female District Battagram which were

*[Handwritten signature]*  
*[Handwritten signature]*  
*[Handwritten signature]*

~~33~~

declared fake and bogus, then the question arises that why petitioner No.02 did not initiate legal action against the above mentioned delinquent female teachers or brought the matter in the notice of her High Ups. Worth mentioning here that letters regarding fake and bogus transfer order of Mst. Sania Wali SST, issued from the Directorate of Elementary and Secondary Education, Peshawar vide letter No. 3397 dated: 18-05-2017 to petitioner No.02 for order and sending her record to the Directorate of Elementary and Secondary Education, Peshawar but she failed to do so, in this respect another letter bearing No.2463 dated: 14-09-2017 was also issued to the petitioner No.02. (Copies of letters are attached herewith as annexure "E", "F", "G" & "H"). Furthermore, an inquiry was conducted regarding female teachers Mst. Sania Wali SST by the inquiry committee in which it was held that she mis-appropriated Rupees Seven Lacs and also vanished the record and action was proposed against her. (Copy of the inquiry is attached as annexure "I"), astonishingly petitioner No.02 did not take action and transferred her from GHS, Daulat Pora District Charsadda to GGCMS, Daki District Charsadda vide order No. 6691/95 dated: 29-08-2017 against the said delinquent teacher. Intentions of the petitioner No.02 regarding her failure is cleared from the said transferred orders. (Copies of orders are attached herewith as annexure "J").

7. That Para No.07. Is correct, hence no comments.
8. That no comments regarding Para No.08.
9. That Para No.09 is correct, hence no comments.
10. That no comments regarding Para No.10.
11. That Para No.11 is also incorrect, as during open inquiry all documents were collected from the concerned departments regarding their duties, negligence, cheating and corrupt practices on the basis of which a case bearing FIR No.02 dated: 09-10-2017 U/S 409/418/419/420/468/471/474/477-A PPC/5(2) PC Act, was registered in PS ACE, District Charsadda against all the accused including petitioners. (Copy of FIR is annexed as annexure "K" and Inquiry/Final report is annexed as annexure "L").
12. That no comments regarding Para No.12.
13. That Para No.13 is also incorrect, as the case was registered after fulfillment of all the legal requirements i.e complete inquiry and on the basis of documentation in which roles of every accused is clear and accusing one.

A. Meshin  
Riaz  
Comin

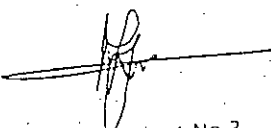
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## 32

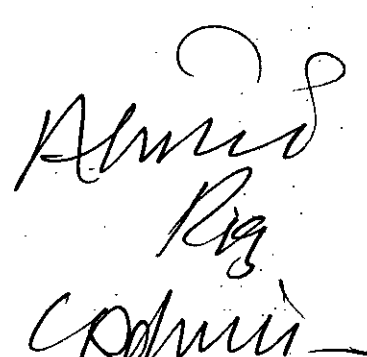
### GROUND

- A. Para-A of the ground is misconceived by petitioners, hence denied.
- B. Para-B of the ground is incorrect, hence denied. The Competent Authority is empowered under Rule-6 (a) Anti-Corruption Establishment, 1999, to initiate proceedings against the delinquents. (Annexure-M)
- C. Para-C of the ground pertains to record, hence no comments. However, the verification of transferee teachers were made through bogus and fake letters.
- D. Para-D of the ground pertains to record, hence no comments.
- E. Para-E of the ground is incorrect and misconceived by petitioners. It is worth mention to note that whenever any person is involved in any offence and FIR has been lodged against him, and specially in circumstances where no restraining order of investigation is passed by the court or accused is not on BBA then the investigation agency is empowered to initiate absconding proceedings against him.
- F. Para-F of the ground is incorrect and misconceived by petitioners. Hence denied. There is sufficient evidence against the accused which connect them with commission of offence, however, the case is under investigation and if other co-accused are found involved in the case the same will be implicated as per law.
- G. Para-G of the ground is incorrect, hence denied. The Investigation Officer is a devoted and honest officer and investigate the case without any fear or favour and have no ill will against the accused.
- H. Para-H of the ground is misconceived, hence denied. The petitioners No3 to 6 are charged by name in FIR, the case is under investigation and yet challan is not forwarded to the court, however, if during investigation they are found innocent, then accordingly, they will be dealt as per law.
- I. Para-I of the ground is incorrect, hence denied. Detail reply is given in Para-II.
- J. Para-J investigation is under processes and their role will be ascertained accordingly.

It is, therefore, requested that as the petitioners have not come to the court with clean hands and they are involved in the offence cleared from the inquires and the documentations attached herewith, therefore, writ petition in hand may kindly be filed/dissmised.

  
(Respondent No.3)  
Circle Officer,  
Police Station,  
Anti-Corruption Establishment,  
Charsadda.

  
(Respondent No.2)  
Director,  
Anti-corruption establishment,  
Khyber Pakhtunkhwa  
Peshawar.

  
Respondent No.1  
Comptroller

*20* *35*

(4)

The Director Anti Corruption (Establishment),  
Khyber Pakthunkhwa Peshawar.

**SUBJECT:-** APPEAL / DROPPAGE OF NAME FROM FIR NO.02 DATED 09/10/2017  
U/S 218/409/418/419/420/468/471/474/477A PPC R/W5(2) PC ACT PS ACE  
CHARSADDA.

Respected Sir,

I very humbly submitted appeal as under:-

*282*  
*9/11/18*

1. My name is Mst. Sofia Tabbassum presently performing duty as a District Education Officer (Female) Charsadda since 21/02/2016.
2. My Name is Ulfat Begum presently duty as D E O (Female) Peshawar
3. That the above mentioned FIR registered against the applicant without any reason and against the Law, the applicant has not committed any illegality, the mentioned female teachers in FIR Mst. Sania Wali and others who were initially appointed SST and various cadres were not falls in the ambit and Jurisdiction of the applicant because they were appointed in Out District and also transferred from out District.
4. That the Department constituted enquiry committee to probe into the matter on Departmental side, the facts findings of the enquiry committee according to the available record, fixed all responsibility on District Education Officer (Female) Mansehra and Battagram. Hence the applicant never remained posted in District Battagram and Mansehra, and the applicant was not remained appointing or transfer Authority of the fake and bogus teachers. (Copy of the enquiry appended)
5. That the applicant raised the illegality of the fake and bogus teachers which are mentioned in FIR, the applicant send the transfer order of the impugned teachers for verification, consequently the transfer posting Authority (Director E & SE), according to no record available, which has been found fake and bogus. (Copies of letters appended)
6. The Section 23-A of the Civil Servant Act 1973 is very much clear on the point that no suit prosecution or other legal proceeding shall lie against a Civil Servant for anything done or intended to be done in good faith in his official capacity under this Act or the rules instructions or directions made or issued their under.

No 597  
10/11/2018  
AD/Mansehra.

*Pl. put up  
on relevant  
file.*

*9-1-18*  
*DAE*

CO, Charsadda

*pl. put up on rel  
file as directio  
working DAC.*

*ADMS*  
*Rin*  
*Ramin*

A No-182-35-ADL  
10-13-01-2018

7. We at the very outset deny the allegation against us. We have never committed a or omission which can be lead registered FIR, just I raised fake and bogus teachers allegation against us are baseless.

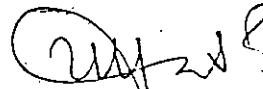
It is therefore humbly prayed that accept our request/ Appeal and our name kindly be dropped from the above mentioned FIR please..

Dated : \_\_\_\_\_/2018

Yours Sincerely



(MST SOFIA ABBASSUM)  
D E O (FEMALE) CHARSADDA



(MST ULFAT BEGUM)  
D E O (FEMALE) PESHAWAR

Almas  
Rizwan

With humble submission it is submitted that the applicants are serving in Education Department and presently posted at various offices/School as Clerks. We are performing our duties with great devotion and all of us never indulged in any kind of illegal corrupt practice.

The Ex -Circle Officer ACE Charsadda Mr. Qazi Aslam was pressuring us to fulfill his illegal demand and trying to drag us in false complaints /Inquires and criminal case.

That the said delinquent Officer falsely involved us in the case FIR NO 02 U/S 218/409 418/419/420/468/471/474/477-A PPC r/w 5(2) PC ACT at PS Anti Corruption Charsadda Dated 9.10.2017 in which we obtained interim bail from worthy Special Judge Anti Corruption Khyber Pakhtunkhwa Peshawar. (Copy of FIR Attached)

That we have no concerned with the appointments, transfers and release of pay of the accused mistresses as we are not competent to do so.

That we all are innocent and charged in the above mentioned FIR falsely.

It is therefore humbly requested that our names may kindly be dropped from the above mentioned FIR please.

Yours Obediently

1) SARTAJ J/CLERK O/O GHS NO 1 CHARSAKDA.

2) MAZHAR HUSSAIN J/C at o/o DEO(F)Charsadda.

3) Muhammad Ishaq S/Clerk SDEO(F)Charsadda.

ADC/Nowshera  
For comments

JW  
D.A.C

No. 18853  
20/12/17

C O Charsadda  
For Comments please  
Ishaq  
22.12  
ADC

No: 168 - 5 ADC/NSR  
22-12-17

Attested  
Raza  
Chamsa

PESHAWAR



3.8

Committee Report

APPLICATION OF ACCUSED SOFIA TABBASSUM, ULFAT BEGUM, SIRTAJ UNION CLERK, MUHAMMAD ISHAQ AND MAZHER HUSSAIN CLERKS IN CASE FIR NO.2 DATED 09.10.2017 U/S 218,409,419,420,468,471,477 A PPC / 5 (2) PC ACT POLICE STATION ANTI-CORRUPTION ESTABLISHMENT CHARSAJDA.

Sir,

1. Joint application of Mst Sofia Tabassum, and Ulfat Begum D.E.Os, application of Sirtaj Clerk etc with enquiry reports of Circle Officer Charsajda and opinion of ADL-II reveal that the applicants officials have been arrayed as accused in above FIR by Ex Circle Officer Charsajda (Qazi Aslam) without bringing solid proof on casefile. Ex DEOs Mst Sofia and Ulfat Begum have detected the bogus/forged appointment orders of teachers Ziagul, Hassrat Nighat Sema and Sania Wali etc and initiated departmental action with stoppage of their pays but Ex CO/I.O instead of their active role, has placed their names in list of accused. During subsequent investigation, it transpires that they are Competent Prosecution witnesses. So we agree with the re-investigation report of Circle Officer Charsajda. Their names may be dropped from FIR and placed in list of prosecution witnesses.
2. Furthermore report dated Nil of Circle Officer Charsajda regarding the innocence of accused Surtaj Clerks etc reveals that no proof/evidence was found on record to connect the accused officials with the offence. They have been booked in the FIR mere on presumption and surmises which has no evidentiary value in court of law.
3. Keeping in view the above facts and investigation reports of Circle Officer Charsajda and opinion of ADL-II, names of all applicants may be dropped from FIR and names of Mst Sofia Tabassum and Mst Ulfat Begum DEOs may be cited as prosecution witnesses.
4. Ex Circle Officer Charsajda (Qazi Aslam) has not properly investigated the matter in accordance with facts and wrongly arrayed officials as accused without solid proof. Thus he has misused his official power for which he may be dealt departmentally if agreed please.

AD Adm

Amir Anjam  
Prosecutor-II

Nazim A2  
Prosecutor 2

Assistant Director Legal-I  
Anti-Corruption Establishment  
Peshawar.  
07-05-2018

W-DAC P12.

Para 3 + 4 approved.  
Please proceed further.

15/3/18

The District-Sheriff  
02 MAR 20

صلم چارسدہ

1069  
2.2.2018

A چارسدہ

حوالہ مشغول درخواست ازان صوفیہ تبسم DEO/F چارسدہ

الفت بیگم سابقہ DEO/F چارسدہ عرفی خدمت پھول

ملزمان باللہ خوجہ 2 مورخ 9/17/17 م 471-468-420-419-409-218 توانہ ACE چارسدہ  
477A PPE S (2) PCACT

رجسٹریشن کے مقدمہ خدایا میں عدالت سیشن میں اپنی کارکن چہرہ چھوٹو خواہ  
عبوری ضمانت قبل از گرفتاری منظور کر رکھی ہے اور سابقہ ہی عدالت عالیہ  
ٹک لٹے اور میں بسلسلہ کوآیشنٹ FIR مقدمہ باللہ رٹ پٹن دائر کی گئی ہے  
۱۸/۱۸/۱۸ مورخ ہے۔ مورخہ ملزمان باللہ نے جناب DAE میں اپنا پتہ اور  
پہلی کے بارے میں درخواست دائر کر کے مقدمہ خدایا سے اپنے نام حذف کرنے  
کا کہا ہے۔ درخواست خدایا بواسطہ افسران باللہ عرفی کارروائی میں منسوخ  
کر جس پر باقاعدہ کارروائی شروع ہو کر معلوم ہوا۔

یہ مقدمہ میں نامزد ملزمہ الفت بیگم باللہ نے مورخ 7/13/17 تک عدالت DEO/F چارسدہ  
راجام دی ہے۔ جسکی دوران تعنالی ملزمہ نگیبت سیماء AT منسوخ ہنگام سے  
مورخہ ٹرانسفر ہو چکی ہے۔ ملزمہ حمادہ الفت بیگم نے عدالت DEO/F چارسدہ  
سیماء AT کے سروس کاغذات کی واپس لینے کیلئے مورخ 11/9 مورخ 7/13/17 مورخہ  
میں رفتاری سپرٹنڈنٹ مشتاق احمد کے ذریعے منسوخ ہنگام کے دفتر DEO/F  
چارسدہ کے بزرگہ لٹریچر مورخ 7519 مورخ 9/13/17 درست تہذیب کی ہے۔ اس سلسلہ  
انکوائری افسر نے مشتاق احمد مورخہ کا بیان قلمبند کیا ہے جس میں مشتاق اور

Always  
As  
Dm

تمام تر خدمت داری علی رضن نامی کلرک دفتر DEO/F ہنگام سے عائد کی ہے  
لینے سروس کاغذات حمادہ الفت بیگم DEO/F چارسدہ نے نگیبت سیماء AT  
ریپلینڈ کرائی ہے جمعہ چھانے انگیزی و بیان ازان مشتاق احمد مورخہ و  
پت سیماء AT لف رپورٹ خدایا میں بیان پر یہ بات قابل افسر ہے کہ  
ت بیگم نے ٹرانسفر آرڈر کی واپس لینے کیلئے ڈائریکٹریٹ آف اینٹرنیٹی اینڈ  
کی ایجوکیشن لٹیاور کے بجائے ہی DEO/F چارسدہ سے تہذیب کرائی ہے  
ملزمہ حمادہ صوفیہ تبسم DEO/F چارسدہ نے مورخہ 21/1/18 سے مورخہ 18/1/18



4/11

20/3

(1)

سوال ہے۔ تو ملزم صوفیہ تبسم DEO/F چارمدہ نے متعلقہ ہیڈ پر

DE سے مل چارمدہ کی شکایت پر ٹرانسفر کیسنگا ہے۔

صوفیہ تبسم DEO/F چارمدہ نے قبل ٹیچرز حواء صبا گل DM صرف AT

صبا AT اور ثانیہ ولی (9) SSI نامزد مقدم ہڈا کے خلاف ٹیٹ DEO/F چارمدہ

جو کارروائی کیسنگا ہے۔ اسکے چھٹی ہڈا کے بطور وجہ ثبوت پیش کر کے جمل چھٹی

ڈیفنڈنٹ DEO/F چارمدہ کے ریکارڈ سے وٹہ لفظائی کر کے درست ہانے پر متعلق

ایڈکار فکد ایجوکیشن محمد سعید کا بیان زیر دفعہ 161 CrPc لیا جائے جو

دالت حاکم کمال جوڈیشل ٹیٹ 17 چارمدہ میں زیر دفعہ 164 CrPc

کے ساتھ ہی جمل چھٹی ہڈا کے ہی جناب جوڈیشل ٹیٹ صبا نے اپنے قلم

ٹیٹ کر کے جن پر دستخط ہڈا کے ثبت کیے تھے۔ جمل چھٹی ہڈا کے و بیان زیر دفعہ

Cr لف رپورٹ ہڈا کر کے جن کی فوٹو ٹیٹ کا بیان لف مثل مقدم کی جائیگی

مقدم ہڈا میں پر دو مدعاں صبا الف تبسم، صبا

تبسم نے ٹیٹ DEO/F قبل چارمدہ اپنے اپنے ڈپٹی کسی ہڈا تک سر انجام

اور حوا کر صوفیہ تبسم DEO/F چارمدہ نے مدعاں نامزد مقدم

صبا گل DM صرف PET اور ٹیٹ صبا AT کو لوٹاؤٹ اوٹ کر کے

جوڈیشل حوا و یاٹے جبکہ ثانیہ ولی (9) SSI کے خلاف ہی قبل از مقدم قلام

شروع کیسنگا تھی۔ ہڈا 4 مدعاں قبل ٹیچر بالاد کے تمام ترمذ داریاں

صبا یعنی صلو بلگرام میں بعد اس وقت کے DEO، SDEO، قبل

ریمو DAO صلو بلگرام جبکہ صبا ثانیہ ولی (9) آگ۔ جو باجوڑ ایجنسی میں

ہیں اس وقت کے ایجنسی ایجوکیشن ایجنڈ اور ایجنسی ایگوانٹ ایجنڈ

ایجنسی ایجنڈ ایجنڈ کے ٹیٹ سے میں اس نتیجہ پر پہنچا کہ پر دو مدعاں

No سے مدعاں متعلقہ میں زراستی کا مظاہرہ ہوئی ہے۔ ہڈا خلاف

ڈیٹوں کی سٹارٹس کیسنگا ہے۔ اگر پر دو مدعاں بالاد کے نام مقدم

ہڈا کر کے مدعاں کے بجائے ٹیٹ گواہان قائم رکھی

مقدم ہڈا کو کافی فوقیت دینا سکتی ہے۔ اس قدر حالات پر

رپورٹ صرف ہو کر بلگرام مناسب حکم زراش ہے

CO ACE CAD. Sin, AMM

By

AMM

AMM



بریزی عکسوں 16479-81 کے ساتھ لف رپورٹ فوراً قابلِ ملاحظہ ہے  
DEC جاریہ کے رپورٹ کی روشنی میں اور تا حال کیس کی تفتیش سے  
میں پرستہ ملزمان کی کوئی واضح روک صفحہ میں موجود نہیں  
ہے لہذا مذکورہ حکم ورنہ یو آر آر میں ہے۔

Agca

CO ACE CHD. Sir, The report made by C. Charsadda is worth perus Forwarded for further or please.

Man  
30.01.2  
ADC/N.

R/Sir,

Application Submitted by accused officials Sartaj Khan, Muhammad Ishaq and Masheer Hussain, checks DEO (F) Charsadda charged vide FIR No 02 dttd: 09/10/17 registered at PS ACE Charsadda, requesting there in that they are innocent hence their names be dropped from column of accused.

AD-11

For Comments

ADC

On the report of DEO (F) dttd: 11/01/18 above stated checks have no concern with release of fold staff of PS ACE Charsadda have recommended ~~to~~ accused have no role in the instant case. Matter may be referred to Committee discussion, if approved. Wd.

Sul  
41  
091

W/ADAC

4

Amir  
Riz  
W/ADAC

Submitted by CO, Charsadda  
perusal. Forwarded for  
please.

W/DAE  
30.01.18  
ADC

ADD-II  
↓  
D/A 6/2/018.

R/Sir, Application of Mst. Sobira Takasue  
and Mst Ulfat Begum DFO (F)  
File No. 02 dt. 08/10/17 PS Chars  
therein for drophage of their  
of accused being innocent.

Field staff have a  
accused petitioners have no role  
they have pointed out the false  
They be cited as witnesses in

May be referred to C  
third bar discussion, if approx  
the decide the fate of their  
drophage of their names.  
Submitted pl.

W/DAE

Admin  
D/A  
Admin



MOST URGENT

IN THE PESHAWAR HIGH COURT, PESHAWAR

25

C.M.No S/  
W.P-4315/2017

Mst. Ulfat Begum etc V/s Govt. of KPK through Chief Secretary etc

Notice to:

1 NO.2 DIRECTOR ANTI CORRUPTION ESTABLISHMENT KPK s/o  
PHASE V HAYATABAD PESHAWAR.

Directorate of Anti Corruption  
By No. 7202  
Date: 6/11/17  
File No.

The above-mentioned writ petition has been presented in this Court by the Petitioner through Council/Advocate, under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973.

The same was placed before the court for preliminary hearing, and it has now been admitted to full hearing on more. It has been ordered by the Court to send you notice of the same.

You are, therefore, informed through this notice that the said Writ Petition is now fixed for full hearing before a Division Bench on

November, 14 2017

However, it may be noted that you are required to file your statement/ counter affidavit/any other documents upon which you rely, in this Court at least 2 days before the date fixed for hearing.

Please note that if you do not appear on the date so fixed, the Petition shall be heard and decided in your absence.

Given under my hand and the seal of the Court, this day on  
01/11/2017

No 16954  
37/11/17  
AD/Peshawar

*[Handwritten signature]*

BY ORDER OF THE JUDGES

AD  
D-A-L

15

*[Handwritten signature]*  
For Additional Registrar

CO / CHAR. SPADAI

For n.p.a. and  
Report

*[Handwritten signature]*

ADE - PESH  
08-11-2017

*[Handwritten signature]*  
Sud  
Amir



46

26

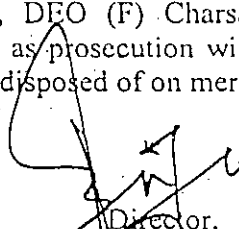
To, The Assistant Director Crimes,  
Anti-Corruption Establishment,  
Nowshera.

No. 8380 /ACE, dated // 15/2018.

Subject: Mercy petition in Case FIR No. 2, dated 9.10.2017 U/S  
218/409/419/420/468/471/477-A PPC 5 (2) PC, Act, PS, ACE, Charsadda.

As per recommendation of Scrutiny Committee, dated 7.5.2018, names of the applicants i.e. (1) Sartaj, Junior, Clerk, GHS, No.1, Charsadda (2) Mazhar Hussain, Junior Clerk, Office of DEO (F) Charsadda and (3) Muhammad Ishaq, Senior Clerk, SDEO (F) Charsadda are hereby deleted from column of accused of the subject FIR.

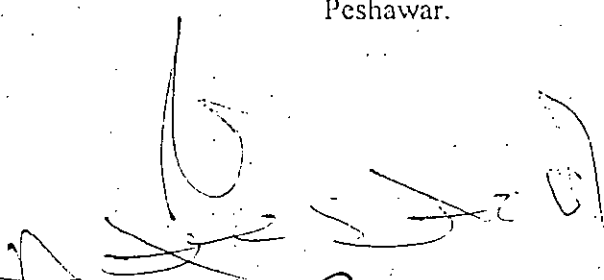
Moreover, accused Mst: Sofia Tabbassum, DEO (F) Charsadda and Mst: Ulfat Begum, DEO (F) Peshawar are hereby declared as prosecution witnesses in the subject case. Case against the remaining accused may be disposed of on merits.

  
Director,  
Anti-Corruption Establishment  
Khyber Pakhtunkhwa,  
Peshawar.

No. /ACE, dated /5/2018.

Copy to SA, ACE, Peshawar.

Director,  
Anti-Corruption Establishment  
Khyber Pakhtunkhwa,  
Peshawar.

  
R/S  
[Handwritten signature]

270  
/a

ADL 30



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
Central Police Office, Peshawar

No. 1460 /E-III, Dated Peshawar, the 13 / 06/2019.

ORDER.

The following Upper Subordinates of various District/Region presently serving in Anti-Corruption Establishment Khyber Pakhtunkhwa Peshawar on deputation are hereby repatriated to their parent District as noted against each names, with immediate effect:-

1. SI Qazi Aslam No. 502/MR of Charsadda District.
2. SI Tahir Shah No. 262/K of Kohat District.

Sd/-  
SHER AKBAR  
PSP, S.St.

Deputy Inspector General of Police HQrs:  
For Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar

Endst: No. & dated even

Copy forwarded to the:-

1. Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officers Mardan & Kohat Region.
3. Director, Anti-Corruption Establishment, Khyber Pakhtunkhwa Peshawar w/r to his office letter No. AD(Admn)/DACE/2/Officials/M-F/2019(Vol-II)11455, dated 12.06.2019.
4. District Police Officers, Charsadda & Kohat.

(SADIQ BALOCH)PSP  
AIG/Establishment  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

*[Handwritten signature]*  
R/S  
*[Handwritten signature]*



48  
Amend

24

DIRECTORATE OF  
ANTI-CORRUPTION ESTABLISHMENT  
KHYBER PAKHTUNKHWA  
PESHAWAR

Dated Peshawar the 17.06.2019

ORDER

11 ESS-84

NO.AD(ADMN)/DACE/2-2/OFFICIALS/M.F/2019/VOL-II/ : Consequent upon the Order issued by DIG (HQs), Central Police Office, Peshawar bearing No.1460/E-III, dated:13.06.2019, the following Sub-Inspectors (details quoted against each) are hereby relieved from the Anti-Corruption Establishment, Khyber Pakhtunkhwa, with immediate effect :-

S.No	Name of Official	Designation of Official	Parent District
1.	Qazi Aslam	Sub-Inspector (No.502/MR)	District Charsadda
2.	Taufur Shah	Sub-Inspector (No.262/K)	District Kohat

+ Wrong NO.

Director

AntiCorruption Establishment  
Khyber Pakhtunkhwa  
Peshawar.

ENDST OF EVEN NO. & DATE

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Deputy Inspector General of Police (HQs), Central Police Office, Peshawar.
3. The Assistant Inspector General of Police (Estt), Central Police Office, Peshawar.
4. The Regional Police Officers, Mardan & Kohat region.
5. The District Police Officers, Charsadda & Kohat.
6. The Assistant Director SIW-HQs, Directorate of ACE, Peshawar.
7. The Assistant Director (Crimes), Anti-Corruption Establishment, Kohat.
8. The Cashier/Accountant, Directorate of ACE, Peshawar with the request to issue LPC and also to hand over the original service record to the concerned officials by today positively.
9. The Caretaker, Directorate of ACE, Peshawar with the directions to take over the official vehicle in custody properly.
10. P.A to Director, Anti-Corruption Establishment, Peshawar.

Assistant Director (Admn)  
AntiCorruption Establishment  
Khyber Pakhtunkhwa  
Peshawar.

17/06/2019  
  
P.A  
Admn

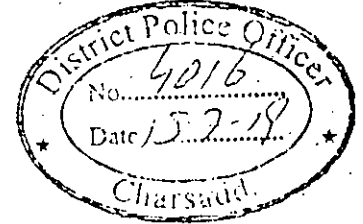


DIRECTORATE OF  
ANTI-CORRUPTION ESTABLISHMENT  
KHYBER PAKHTUNKHWA  
PESHAWAR

No.A.D (Admn)/DACE/2-2/Officials/M.F/2019/Vol-II/13315-20,  
Dated Peshawar the 09.07.2019

To

The District Police Officer,  
Charsadda.



Subject:- LAST PAY CERTIFICATE & SERVICE RECORD

Dear Sir,

I am directed to refer to the Central Police Office, Peshawar Order No.1460/E-III, dated:13.06.2019 regarding repatriation of services of Sub Inspector Qazi Aslam from the Directorate of Anti-Corruption Establishment, Khyber Pakhtunkhwa to District Police Charsadda and to forward herewith the Last Pay Certificate (In Original) in respect of the above quoted official, for further necessary action at your end. please.

Pertinent to mention here that services of the said official have already been relieved vide this Establishment Order No.AD(ADMN)/DACE/2-2/Officials/M.F/2019/Vol-II/1685-94, dated:17.06.2019. As far as service record (i.e., Service Book, Service Roll etc) is concerned, the same are already in custody of the official concerned.

Yours faithfully,

*[Signature]*  
ASSISTANT DIRECTOR (ADMN) 09/07/20

ENDST OF EVEN NO. & DATE

Copy forwarded to:-

1. The Deputy Inspector General, of Police (HQs), Central Police Office, Peshawar.
2. The Assistant Inspector General of Police (Estt), Central Police Office, Peshawar.
3. Qazi Aslam, Ex-Sub Inspector, ACE, Peshawar resident of District Charsadda through Special Messenger (Mr.Aftab Alam, Circle Officer, Police Station, ACE, Charsadda).
4. The Cashier/Accountant, Directorate of ACE, Peshawar.
5. P.A to Director, Anti-Corruption Establishment, Peshawar.

Along with  
photocopy of the LPC  
for information /  
necessary action.

For information.

DO + EC

ASSISTANT DIRECTOR (ADMN)

*[Handwritten signatures and initials]*  
Anwar  
Raz  
CADU-116

*[Handwritten signature]*  
19/7

*[Handwritten notes]*  
Received from  
E.C Officer to day  
am 20-8-2019

*[Handwritten signature]*

50

BT

BT

(30)

Annex 2



DIRECTORATE OF  
ANTI-CORRUPTION ESTABLISHMENT  
KHYBER PAKHTUNKHWA  
PESHAWAR

Dated Peshawar the 17.06.2019

ORDER

1161/17/2019

NO. AD/ADMIN/DACE/2-2/OFFICIALS/ML/2019/VOL-11/ Consequent upon the transfer of services to District Charsadda (vide DIG (HQs), Central Police Office, Peshawar bearing No 14604-III, dated:13.06.2019), the following official of Police Department temporarily promoted to the higher rank (while working in the Anti-Corruption Establishment Khyber Pakhtunkhwa) is hereby demoted to his original rank (details provided as under) with immediate effect:-

S.No	Name of Official	Details	
		Demoted from the Post of	Demoted to Original Rank Of
1	Qazi Aslam, Sub Inspector (BPS-14)	Inspector (BPS-16)	Sub-Inspector (BPS-14)

Director  
Anti-Corruption Establishment  
Khyber Pakhtunkhwa  
Peshawar.

END OF EVEN NO. & DATE

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Deputy Inspector General of Police (HQs), Central Police Office, Peshawar.
3. The Assistant Inspector General of Police (1st), Central Police Office, Peshawar.
4. The Regional Police Officer, Mardan region.
5. The District Police Officer, Charsadda.
6. The Assistant Director SIW-HQs, Directorate of ACE, Peshawar.
7. The Cashier/Accountant, Directorate of ACE, Peshawar.
8. The Caretaker, Directorate of ACE, Peshawar.
9. P.A to Director, Anti-Corruption Establishment, Peshawar.

*[Signature]*

Assistant Director (Admin)  
Anti-Corruption Establishment  
Khyber Pakhtunkhwa  
Peshawar

17/06/2019

*[Signature]*  
R/S

*[Signature]*

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IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No: 3771 /2019

Qazi Aslam S/o Sarfaraz Khan  
Inspector, Special Investigation Wing (SIW),  
Anti-Corruption Directorate,  
Phase-V, Hayatabad, Peshawar.....



Petitioner

**V E R S U S**

1. Director Anti-Corruption,  
Directorate of Anti-Corruption,  
Opposite Rehman Medical Institute (RMI),  
Phase-V, Hayatabad, Peshawar
2. Inspector General of Police, KPK  
Central Police Officers, Peshawar
3. Govt of KPK through Chief Secretary,  
Civil Secretariat, Peshawar
4. Secretary Establishment  
Govt of KPK,  
Civil Secretariat, Peshawar..... Respondents

ATTESTED  
JUDGE  
Peshawar High Court

Writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 for issuance of direction, declaration and order that the transfer of petitioner from the post of Special Investigation Wing (SIW), Director Anti-Corruption Establishment vide impugned letter by respondent No.1 to respondent No.2 bearing letter No.AD(Admn)DACE-2/ Officials/M-F2019(Vol-II)11455 dated 12.06.2019 and on the basis of said letter, the repatriation order No.1460/E-III dated 13.06.2019 alongwith

Qazi Aslam  
Petitioner

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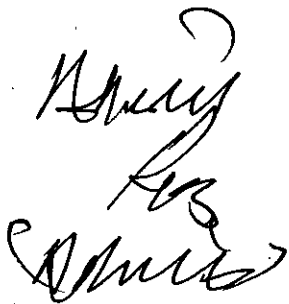
relieving order No.11685-94 dated 17.06.2019 by respondent No.1 and office order No.11695-11704 dated 17.06.2019 regarding the demotion of petitioner from BPS-16 to BPS-14, is malafide, illegal and are proceeding without jurisdiction and lawful authority, lack of extraneous consideration and liable to be struck down.

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Respectfully Sheweth:

The facts leading the filing of instant writ petition are:

1. That the petitioner belong to police service of Khyber Pakhtunkhwa and was initially posted as Sub-Inspector in Police Department, when his services were required by respondent No.1, accordingly he was transferred to Anti-Corruption Establishment and was posted as Additional Circle Officer (ACO) in Anti-Corruption Establishment at Charsadda.
2. That the petitioner rendered unblemished services in Anti-Corruption Department and then went for upper course of department at Hangu in October, 2011 and returned in April, 2012. He was posted as Circle Officer in Nowshera, then as Circle Officer, Charsadda and thereafter Circle Officer, Malakand.

  
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3. That in June, 2016, petitioner was transferred and posted as Circle Officer, Charsadda.
4. That writ petition No.2028-P of 2017 was instituted before this Hon'ble Court by one Mst. Zia Gul against stoppage of her salary by Education Department, Charsadda, whose appointment was later on proved to be bogus and fake, resultantly, this Hon'ble Court vide order dated 14.09.2017 directed Anti-corruption Director to conduct a free and fair inquiry in the matter regarding the malpractices in employment and recruitment process in Education Department, Charsadda and also directed to take an action against the those high-ups involved in the matter of malpractices of appointment. (Copy of order of this Hon'ble Court dated 14.09.2017 is Annexure "A").
5. That inquiry was marked to petitioner by respondent No.1 vide its order dated 05.10.2017.
6. That the petitioner conducted the said inquiry and as a result of inquiry FIR No.2/2017 was got registered against at-least 20 culprits involved in the matter and thus direction of this Hon'ble Court were obeyed in letter and spirit, and compliance report was submitted to this Hon'ble Court on 11.10.2017. (Copy of FIR No.2/2017 is Annexure "B").
7. That due to involvement of high-ups of Education Department, in the crime and due to honest and

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straightforward attitude of the petitioner, the high-ups were annoyed, hence, with malafide intentions, the petitioner was transferred from Anti-Corruption Establishment, Charsadda to Chief Capital City Office, Peshawar and was repatriated to said department of CCPO, Peshawar vide office order dated 16.11.2017. (Copy of order dated 16.11.2017 is Annexure "C").

- 8. That petitioner instituted writ petition No.4699-P of 2017, whereby challenged the transfer and repatriation order dated 16.11.2017.
- 9. That on 20.12.2017, this Hon'ble Court was pleased to order that petitioner shall not be dislocated from present posting till next date. (Copy of order of this Hon'ble Court dated 20.12.2017 is Annexure "D").
- 10. That due to non-compliance of order dated 20.12.2017, COC No.32-P of 2018 was also filed on 11.01.2018.
- 11. That lateron, transfer order was cancelled and the petitioner was given posting in Special Investigation Wing (SIW) at Hayatabad Peshawar (copy of cancellation order dated 23.02.2018 and 02.03.2018 are Annexure "E & E/1" and order of this Hon'ble Court dated 19.04.2018 is attached as Annexure "E/3") whereby this Hon'ble Court while disposing-off the writ petition has stated for treatment of the case of petitioner in accordance to law.

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12. That since the matter of FIR No.2/2017 is still subjudice before this Hon'ble Court for quashment and respondent No.1 exonerated so many accused official BPS-18 and others pending the writ petition No.4315-P of 2017 of Mst. Ulfat Begum BPS-18 and Mst. Sofia Tabassum BPS-18 and so many other cases bearing writ petitions Nos.140/2018, 102/2018, 1024/2018, but, illegally the respondent No.1 has exonerated BPS-18 and other officials from the charges of FIR. (Copies of exoneration orders are attached as Annexure "F").
13. That the power to exonerate from FIR, BPS-18 officers only vest with the Chief Secretary of Province of Khyber Pakhtunkhwa, but, the respondent No.1/ Director Anti-Corruption Establishment has exercised illegally the said powers and misused his authority and abused his official position as public servant.
14. That in the above scenario, with malafide and to keep all in darkness from the illegal activities and goals of respondent No.1, the repatriation and transfer of petitioner was necessitated by respondent No.1 by writing letter No.AD(Admn)/ DACE-2/M-F/2019 Vo-III455 dated 12.06.2019 (impugned herein) to respondent No.2, who vide impugned office order No.1460/E-III dated 13.06.2019 repatriated the services of the petitioner to parent district. (Copy of letter dated 13.06.2019 is attached as Annexure "G" while letter dated

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12.06.2019 is mentioned in the footnote of letter already Annex "G").

15. That the respondent No.1 afterwards issued a letter/ office order No.11685-94 dated 17.06.2019 relieving the services of petitioner from Anti-Corruption Establishment, KPK. (Copy of letter dated 17.06.2019 is attached as Annexure "H").
16. That the height of malice and ill-will is apparent that after relieving the petitioner, the respondent No.1 issued impugned office order No.11695-11704 dated 17.06.2019, whereby the petitioner was demoted from Inspector BPS-16 to Sub-Inspector BPS-14. (Copy of office order dated 17.06.2019 is attached as Annexure "I").
17. That things and illegal actions were not stopped, but, the petitioner's salary was not at all transferred to bank (**bank statement is Annexure "J"**) and neither any last pay slips (LPC) is issued and further the service number of the petitioner is P/34 District Peshawar while in the relieving order, the service number of the petitioner was also wrongly mentioned P/502 District Rang Mardan, so that to increase the difficulties and hardships of the petitioner.
18. That the petitioner being aggrieved from the aforesaid impugned letters/ orders/ actions and malafide inactions, enumerated above, having no

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other alternative and efficacious remedy, is constrained to file the instant writ petition, on the following grounds, inter alia:

GROUND:-

- A. That impugned letter No.12.06.2019 of respondent No.1 to respondent No.2 for withdrawal of petitioner from Anti-Corruption and repatriated order No.1460/E-III dated 13.06.2019 issued by respondent No.2, is based on malafide, against rules and policy of government and as such clear-cut violation of order dated 19.04.2018 passed by this Hon'ble Court in writ petition No.4699-P of 2017, hence, not tenable and impugned letters of respondents are liable to be struck down.
- B. That impugned office order No.11685-94 dated 14.06.2019 and consequently after relieving petitioner, the impugned office order No.11695-11704 dated 17.06.2019, whereby the petitioner is demoted from post of Inspector BPS-16 to Sub-Inspector BPS-14, is without lawful authority, jurisdiction, in disregard to the rules and law applicable to the matter, thus, the same is void ab-initio and liable to be set aside and be declared null and void.
- C. That petitioner being an honest officer, acted fairly, justly and completed inquiry on compliance of order of this Hon'ble Court and although he deserve

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the appreciation but instead he has been willfully punished despite clear-cut orders of this Hon'ble Court dated 19.04.2018, hence, the attitude of respondent No.1 and others is very much malafide and illegal, apparently floating on the surface of record.

- D. That petitioner has not been treated in accordance to law as contemplated under Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- E. That petitioner honestly investigated the case, registered in FIR No.2/2017, but, he was punished and discriminated.
- F. That the petitioner has not been treated in accordance with law and discriminated just to benefit the blue-eyed by exonerating them illegally from case, thus, respondent No.1 misused his authority.
- G. That the petitioner's case is being based on judgment rendered by Apex Court reported in PLD 2013 SC 195, since the action of respondents is malafide and based on malice and ill-will and the earlier writ petition on similar cause of action/ locus standi was entertained by this Hon'ble Court, hence, in circumstances, the alternative remedy of Service Tribunal is not resorted to as the service of representation, then waiting for reply and

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approached to Tribunal would destroy the cause of action of petitioner.

H. That any other grounds will be raised at the time of arguments with the prior permission of this Hon'ble Court.

It is, therefore most humbly prayed that on acceptance of this writ petition, the letter No.AD(Admn)DACE-2/Officials/M-F/2019-V-II/11455 dated 12.06.2017 for withdrawal of petition from Anti-Corruption Establishment, repatriation order No.1460/E-III dated 13.06.2019 alongwith relieving order No.11685-94 dated 17.06.2019 and order No.11695-11704 dated 17.06.2019, whereby petitioner demoted to Sub-Inspector BPS-14 from Inspector BPS-16, may kindly be declared as null and void, without any lawful authority and jurisdiction and may please be struck down, which is based on malafide, malice, ill-will as petitioner performed its duty as per order of this Hon'ble Court without any influence and pressure by registering Case/ FIR No.2/2017 for which there should be appreciation and as not punishment.

It is further prayed that, directions be issued to respondents to release the salary of petitioner for the monthly of July, 2019 and onward.

Any other remedy deems fit and appropriate in the circumstance of the case may also be granted in favour of the petitioner.

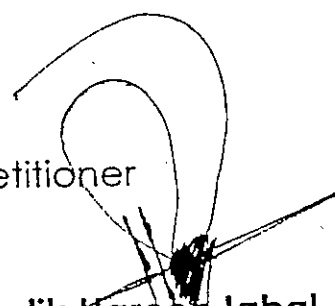
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**INTERIM RELIEF**

As an interim relief, this Hon'ble Court may graciously be pleased to suspend the operation of impugned letters dated 12.06.2019, 13.06.2019, 17.06.2019 and demotion letter dated No.11695-11704 dated 17.06.2019, till the final decision of the instant writ petition.

It is further prayed that the respondent No.1 be directed to release the salary of the petitioner for the month of June, 2019.

Petitioner  
  
Malik Haroon Iqbal  
Advocate Supreme Court

Through

&  
Abbas Khan Mohmand  
Advocate High Court

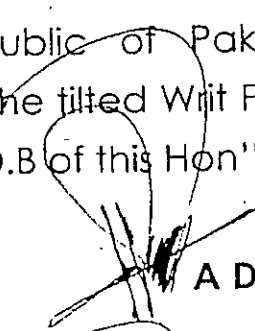
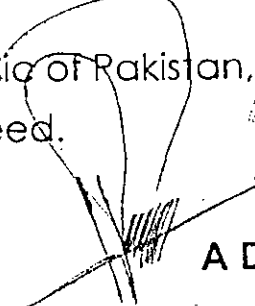
Dated 9/07/2019

**CERTIFICATE:**

Certified on instructions of my client that petitioner has not previously moved this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter, thus the filed Writ Petition may kindly be fixed before the Worthy D.B of this Hon'ble Court.

**LIST OF BOOKS:**

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Any other law book as per need.

  
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IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. \_\_\_\_\_/2019

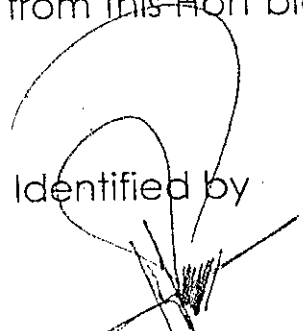
Qazi Aslam.....Petitioner

**V E R S U S**

Director Anti-Corruption KPK and others.....Respondents

AFFIDAVIT

I, Qazi Aslam S/o Sarfaraz Khan, Inspector, Special Investigation Wing (SIW), Anti-Corruption Directorate, Phase-V, Hayatabad, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Writ Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by  


Malik Haroon Iqbal  
Advocate Supreme Court



DEPONENT  
CNIC: 17102-0657420-7  
Cell: 0332-3729712



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27 JUL 2019  
Qazi Aslam  
Peshawar  
Malik Haroon Iqbal  
9/7/0/19



PESHAWAR HIGH COURT, PESHAWARORDER SHEET

Serial No. of order or proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
1	2	3
	23.07.2019	<p><b><u>W.P No.3771-P/2019</u></b></p> <p><b>Present:</b> Malik Haroon Iqbal, Advocate, for the Petitioner.</p> <p style="text-align: center;">***</p> <p><b><u>ISHTIAQ IBRAHIM, J.-</u></b> This writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan has been filed by Qazi Aslam, petitioner, praying that:</p> <p style="text-align: center;"><i>“It is, therefore most humbly prayed that on acceptance of this writ petition, the letter No.AD(Admn)DACE-2/Officials/M-F/2019-V-11455 dated 12.06.2017 for withdrawal of petition from Anti-Corruption Establishment, repatriation order No.1460/E-III dated 13.06.2019 alongwith relieving order No.11685-94 dated 17.06.2019 and order No.11695-11704 dated 17.06.2019, whereby petitioner demoted to Sub-Inspector BPS-14 from Inspector BPS-16, may kindly be declared as null and void, without any lawful authority and jurisdiction and may please be struck down, which is based on mala-fide, malice, ill-will as petitioner performed its duty as per order of this Hon'ble Court without any influence and</i></p>

M. Iqbal (D.B)

*Hon'ble Mr. Justice Idramullah Khan*  
*Hon'ble Mr. Justice Ishtiaq Ibrahim*

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pressure by registering case/FIR No.2/2017 for which there should be appreciation and as not punishment.

*It is further prayed that, directions be issued to respondents to release the salary of petitioner for the month of June, 2019 and onward.*

*Any other remedy deems fit and appropriate in the circumstances of the case may also be granted in favour of the petitioner"*

2. In his writ petition, the petition averred that on the direction of Court order in W.P No.2028 of 2017, he conducted inquiry against the Education Department involved in the matter of malpractices of appointment and as a result of the said inquiry an FIR No.02/2017 was registered against 20 culprits involved in the matter; that due to involvement of high-ups of Education Department in the crime, the petitioner was transferred from Anti-Corruption Establishment, Charsadda to Chief Capital City Office, Peshawar and was repatriated to said department of CCPO, Peshawar vide office order dated 16.11.2017.

3. Perusal of record shows that being aggrieved of the said transfer order, the petitioner filed writ petition No.4699-P/2017 before this Court and for non complaisance also filed COC No.32-P/2018. The writ

petition alongwith COC was decided by this Court on 19.04.2018 wherein it was held that;

“It is disheartening to note the petitioner has been transferred immediately after initiating criminal proceedings against certain important persons. However, as the petitioner has been posted back to Anti Corruption Department and keeping in view the jurisdictional bar contained under Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973, this Court would not pass any definite findings on the impugned action. Suffice it to state that the petitioner shall be treated in accordance with law.

Instant petition is disposed of, accordingly.”

In compliance of the order of this Court, the Inspector General of Police Khyber Pakhtunkhwa cancelled the transfer order of the petitioner Qazi Aslam SI from Anti-Corruption Establishment Khyber Pakhtunkhwa to CCP/Peshawar vide office order dated 23.02.2018.

5. Record shows that after cancellation of transfer of the petitioner, he served at Special Investigation Wing (HQ) ACE, Peshawar for about 01 year and 04 months in the said department on deputation basis and thereafter vide order dated 13.06.2019 of the office of Inspector General of Police Khyber Pakhtunkhwa, Peshawar repatriated to their parent District/Department. The learned counsel for the

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petitioner was confronted with Article 212 of the Constitution as the petitioner is civil servant and the writ petition is against the transfer order. The same is not maintainable, however, the petitioner is directed to approach the proper forum i.e parents department for redressal of his grievance. It is the function of the parent department to repatriate the petitioner as and when desired.

Announced  
23.07.2019

JUDGE

CERTIFIED TO BE TRUE COPY

Examiner  
Peshawar High Court, Peshawar  
Authorized Under Article 177 of  
The Constitution of Pakistan Order 1985

27 JUL 2019

Attorney  
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No. 28421  
Date of Presentation of Application 27/7/19  
No of Pages 10  
Copying fee 602  
Total 27/7/19  
Date of Preparation of Copy 27/7/19  
Date of Delivery of copy  
Received By: [Signature]

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**FOR PUBLICATION IN THE KHYBER  
PAKHTUNKHWA POLICE GAZETTE PART-II,  
ORDERS BY THE PROVINCIAL POLICE OFFICER  
KHYBER PAKHTUNKHWA, PESHAWAR.**

**NOTIFICATION**

No. 2644 /E-III, PROMOTION AS OFFG: INSPECTORS (BPS-16) Dated: 22/10/2019

As per recommendations made by the Departmental Promotion Committee in its meeting held on 12.09.2019, the following confirmed Sub-Inspectors on List "F" are hereby promoted as Offg: Inspectors (BPS-16) with immediate effect:-

S.NO	NAME & NO.	REGION	RECOMMENDATION
1.	SI Akhtar Ali No. 50/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
2.	SI Muhammad Nawaz No. D/41	D.I. Khan	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
3.	SI Ismail Shah No. P/378	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) in compliance of the judgment of Service Tribunal Peshawar No. 800/2018, over which the CPLA has been put-up. Therefore, the promotion is recommended subject to decision of the CPLA on regular-basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
4.	SI Gul Shed No. P/336	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
5.	SI Muhammad Sadiq Shah No. H/149	Hazara	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years. Note: The Committee further recommended that he spent 03 years in ACE, therefore, he may be transferred to his parent unit/region for actualization of his promotion. If he does not join Police for actualization, he shall not be given promotion.
6.	SI Safiq Muhammad Khan No. MR/122	Mardan	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2017 to 01.07.2017 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
7.	SI Nooran Shah Khan No. MR/126	Mardan	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
8.	SI Sultan Mehmood No. MR/130	Mardan	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
9.	SI Nasrullah No. K/135	Kohat	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
10.	SI Said Marjan No. D/43	D.I. Khan	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 15.04.2016 to 16.09.2016 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
	SI Naimat Ullah No. K/96	Kohat	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

*Amir Raza*

12.	SI Shah Jabbar No. 414/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
13.	SI Fazal Karim No. 32/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
14.	SI Zewar Khan No. 66/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
15.	SI Riaz Muhammad No. 467/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 06.06.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
16.	SI Sultan Khan No. 37/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
17.	SI Amir Bakader No. 370/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
18.	SI Iqbal ud Din No. 492/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
19.	SI Faiz Mohammad No. 500/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
20.	SI Jameel ud Din No. 520/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
21.	SI Noor Baz Khan No. 540/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
22.	SI Muhammad Wazir Shah No. 544/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
23.	SI Sherin Zada No. 212/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACRs for the period from 01.09.2014 to 31.12.2014 and 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
24.	SI Gul Zamin No. 159/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
25.	SI Muhammad Tawheed No. 111/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

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26.	SI Imran Khan No. 113/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
27.	SI Bakht Zada No. 94/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
28.	SI Hayat Ali Shah No. 153/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
29.	SI Mian Saïd Jamal No. 53/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2015 to 31.12.2015 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
30.	SI Gohar Rehman No. H/45	Hazara	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 04.10.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
31.	SI Muhammad Saeed No. H/156	Hazara	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years. Note: The Committee further recommended that he spent 03 years in ACE, therefore, he may be transferred to his parent unit/region for actualization of his promotion. If he does not join Police for actualization, he shall not be given promotion.
32.	SI Tariq Umar No. P/21	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
33.	SI Qazi Aslam No. P/34	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years. Note: The Committee further recommended that he spent 03 years in ACE, therefore, he may be transferred to his parent unit/region for actualization of his promotion. If he does not join Police for actualization, he shall not be given promotion.
34.	SI Wilayat Khan No. P/46	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
35.	SI Zardad Ali No. P/53	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACRs for the period from 24.08.2016 to 31.12.2016 and 01.01.2018 to 24.04.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
36.	SI Shakir Ullah No. P/57	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
37.	Lady SI Saira Saïd No. P/15	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
38.	SI Waqar Ali No. H/184	Hazara	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
39.	SI Ghulam Karim No. D/8	D.I Khan	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2017 to 04.05.2017 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

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40.	SI Faqir Muhammad No. P/100	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
41.	SI Sajid Farooq No. H/213	Hazara	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
42.	SI Anees ul Hassan No. D/55	D.I. Khan	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

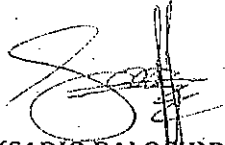
According to Rule 13-18 of Police Rules 1934, the officers will be on probation for 02 years.

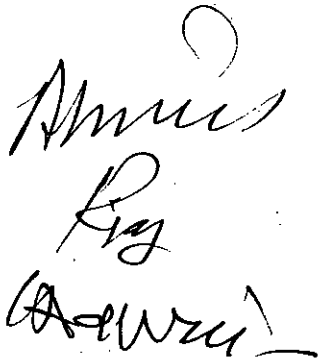
Sd/-  
Muhammad Naeem Khan, Dr, PSP  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar

No. 2645-60 /E-III. Dated Peshawar, the 22 / 10 /2019.

Copy of above is forwarded for information and necessary action to the:-

1. Addl: IsGP in Khyber Pakhtunkhwa.
2. All Regional Police Officers in Khyber Pakhtunkhwa.
3. Commandant PTE Hanga.
4. Deputy Inspector General of Police Special Branch, Khyber Pakhtunkhwa, Peshawar.
5. Deputy Inspector General of Police, Traffic, Khyber Pakhtunkhwa, Peshawar.
6. Capital City Police Officer, Peshawar.
7. Deputy Inspector General of Police, CTD Khyber Pakhtunkhwa Peshawar.
8. Office Supdt: Secret CPO, Peshawar.
9. Office Supdt: E-II CPO/Peshawar.
10. U.O.P files.

  
(SADIQ BALOCH)PSP  
AIG/Establishment  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar





To

TO

Annex - A

1. The worthy Inspector General of Police,  
Khyber Pakhtoonkhwa
2. Director Anti Corruption,  
Directorate of Anti Corruption  
Opposite Rahman Medical Institute (RMI)  
Phase -V, Hayatabad, Peshawar.

Subject:

APPLICATION FOR

- (a) Cancellation of letter of surrender bearing No. AD (Admn:) DACE- 2 Officials /M-F/ 2019 (Vol-II) 11455, dated 12/6/2019 by Authority No. 2
- (b) Order of repatriation bearing No. 1460/E-III, dated 13/6/2019 by Authority No.1
- (c) Order of relieving bearing No. 11685-94 dated 17/06/2019 by Authority No. 2
- (d) Office Order of demotion No. 11695-11704 dated 17/06/2019 by Authority No. 2

Respected sir

The applicant respectfully makes the following submissions:

1. That in 2017 the applicant was posted as circle officer (CO) Police Station ACE Charsadda. On 05/10/2017 he received from the high ups of ACE a direction to conduct inquiry regarding malpractices in the Education Department Charsadda in compliance with the order / direction of the Honorable Peshawar High Court, Peshawar dated 14/09/2017 and to submit report before 11/10/2017, the date of hearing fixed in writ petition No. 2028-p/2017 filed by Mst. Zia Gul, DM.
2. That in compliance with the direction the applicant conducted a detailed inquiry and collected all documentary proof in the matter / scandal mentioned in the order of the Hon'ble High Court and consequent thereupon he registered FIR No. 2./2017 against 20 officials of the Education and Accounts departments found involved in malpractices and fabrication of record. After registration of the FIR, the compliance report with the findings of inquiry was submitted before the Hon'ble High Court on 11/10/2017, and resultantly the writ petition of Zia Gul, DM, was dismissed.
3. That during the course of inquiry the applicant suffered great pressure from the political as well as other corners. The applicant did not surrender

Applicant  
By  
[Signature]

to any kind of pressure and performed his duty with full professional honesty and moral integrity.

4. That due to the involvement in the scandal and subsequent nomination of influential officials in the case, the applicant was transferred from PS ACE Charsadda after 20 days of the inquiry and was posted in SIW, Directorate of ACE, Hayatabad.
5. That vide the order, dated 8/11/2017, on ground of pressure, malafide, and annoyance the authorities of ACE surrendered the applicant to his parent department and he was repatriated to police, CCPO Peshawar, vide the office order dated 16/11/2017. The applicant approached the Honorable Peshawar High Court, Peshawar against the orders of surrender and repatriation through Writ Petition No. 4699-P/2017, the operation of the orders was suspended by the court on 20/12/2017 and the authorities were restrained from dislocating the applicant.
6. That the concerned authorities of ACE tried not to comply with the order of the High Court, and under compulsion the applicant again approached the High Court with a petition of COC No. 32-P/2018, and as a result the order of the court was complied with by cancellation of the repatriation order of the applicant vide the order dated 23/02/2018 and posting of the applicant as Inspector in SIW in the Directorate of ACE vide the order dated 02/03/2018. The petition was disposed of in favour of the petitioner on 19/04/2018. (Copies of letters enclosed)
7. That the accused, namely Mst. Ulfat Begum and Sufia Tabbassum, DEOs Charsadda and Peshawar along with clerical staff, namely Sartaj, Mazhar and Ishaq, nominated in the case FIR No. 2/2017, approached the Hon'ble High Court, Peshawar through Quashment Petitions against their nomination as accused in the case FIR. The ACE authorities filed detailed comments in response to the said petitions. In the comments all the contentions of the accused petitioners have been strongly denied with full documentary proof and the findings of the inquiry, conducted by the applicant, have been fully supported and validated. (Copy of comments enclosed)
8. That after filing the comments, during proceedings in the Quashment Petitions before the High Court, the ACE authorities felt pressure and obtained applications of innocence/ mercy from the above mentioned influential accused for withdrawal / deletion of their names from the case FIR. The ACE authorities withdrew/deleted their names from the case FIR in straight violation of their own comments before the Hon'ble High Court, Peshawar and the required procedure, and that even the statement of the applicant was not obtained in writing nor he was informed of / involved in the process, being the complainant in the case.

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9. That in the mercy petitions the accused have levelled some baseless and unfounded charges / allegations against the applicant.

10. That the applicant, who has full knowledge of all facts / documentary proof and grounds of involvement of the accused in the case, has been removed from the scene vide surrender letter No. AD (Admn) DACE- 2 Officials /M-F /2019 (Vol-II)11455 dated 12/6/2019 by the ACE authorities, on the basis of which the applicant's repatriation order No. 1460/E-III, dated 13/6/2019 was issued by Authority No.1. The surrender letter is based on complete ill-will, malafide, and annoyance of the ACE authorities as the service number of the applicant has been written 502, instead of P/34, Range Mardan, District Charsadda Police instead of CCPO, Peshawar, District Peshawar Police. That the relieving order of the applicant was issued on 17/06/2019, in which the same facts were again intentionally wrongly mentioned. The LPC of the applicant has so far not been issued as it is not received in the office of the Police District Peshawar. (copies of letters enclosed)

✓ 11. That ACE authorities have tried to confuse the applicant in the matter of his posting/ repatriation and salary, as his salary for the month of June, July 2019 have not been paid to him by the Directorate of ACE. The applicant would also not possibly be able to receive his salary for some months onwards.

✓ 12. That since the ACE authorities have willfully and intentionally mentioned wrong Range and District of repatriation, service number in the letters referred to above, the applicant is in a hang up position and has been deprived of salaries. He can neither report arrival in Mardan Range, District Police Charsadda, nor in the parent District Police Peshawar, nor is the service number of the applicant correct, nor can he get his salaries from the DPO Charsadda being not an official of the Mardan Range, District Police Charsadda. Therefore, the applicant cannot get his previous and future salaries to meet the different economic needs of his children, whose education can also suffer.

13. That all the orders of the ACE authorities are incorrect and not implementable in any way, and the applicant, therefore, is still legally and officially in the service on deputation to and at the strength of the Anti Corruption Establishment, Khyber Pakhtoonkhwa. The deputation period of the applicant is also not complete in the ACE as is mentioned in the decision of the Hon'ble Peshawar High Court dated 23/07/2019, that the applicant has served on deputation only for 14 to 15 months in the ACE. The applicant is still to serve for about two more years on deputation in ACE.

14. That the demotion of the applicant vide the order No. 11695-11704, dated 17/06/2019 is also the result of the annoyance and ill intention of the ACE authorities and is squarely illegal, since the Hon'ble Khyber Pakhtoonkhwa

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*Ras*  
*Chowdhury*

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Service Tribunal, Peshawar, on acceptance of the applicant's appeal for promotion as officiating inspector, has already placed the applicant in the rank of officiating inspector BPS-16 with effect from 11/02/2014, with the inclusion of the applicant's name in the seniority list issued on 09/05/2014, vide its judgment dated 24/4/2019.

It is, therefore, respectfully requested that in view of the above submissions, the order of surrender, repatriation order, relieving order, and order of demotion of the applicant may very kindly be cancelled/ withdrawn and the applicant be posted by an order in his own position as earlier and his salaries be released on the said post. It is also requested that orders of payment of full deputation allowance to the applicant for the entire period in the ACE, may be made, as the same has so far not been paid to him, please.

Dated 5/8/2019

Yours, Obediently



Qazi Aslam

Inspector No. P/34

(SIW ACE)

Amir  
Raz  
Wami



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
Central Police Office, Peshawar

No 2205 4-III, Dated Peshawar, the 28 /08/2019

Addendum/Corrigendum.

This office order issued vide CPO, No. 1460/E-III, dated 13.06.2019, so far it relates to the repatriation of SI Qazi Aslam No. P/34 from Anti-Corruption Establishment Khyber Pakhtunkhwa to his parent District Charsadda is hereby amended as belt No. 34/P of CCP/Peshawar instead of belt No. 502/MR District Charsadda.

Sd/-  
SHER AKHAR  
PSP, S.Si  
Deputy Inspector General of Police  
Headquarters, Khyber Pakhtunkhwa,  
Peshawar

Ends: No. & dated even

Copy forwarded to the:-

1. Addl. IGP/HQrs Khyber Pakhtunkhwa, Peshawar
2. Capital City Police Officer Peshawar w/r to his office letter No. 21794/EC-II, dated 23.08.2019
3. Regional Police Officers Mardan Region
4. Director, Anti-Corruption Establishment, Khyber Pakhtunkhwa Peshawar w/r to his office letter No. AD/Admn/DACE/2-2/Officials/M-F/2019(Vol-II)/1455, dated 12.06.2019.
5. District Police Officer, Charsadda w/r to his office letter No. 1622/EC, dated 20.08.2019
6. SI Qazi Aslam P/34 with the direction to deposit official vehicle immediately w/r to Director, Anti-Corruption Establishment, Khyber Pakhtunkhwa letter No. AD/Admn/DACE/2-5/Misc/M-F/2019/Vol-II/16287-90, dated 19.08.2019

(SADIQ BALUCH) PSP  
A/C Establishment

Deputy Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar

*Amir*  
*Res*  
*(Amir)*

*M*



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OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

Phone No. 091-9210989

Fax: No. 091-9212597

No. 21786 /EC-II, Dated Peshawar the 23.8. /2019.

To: The Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

Subject: ORDER.  
Memo:

Kindly refer to your office endst: No.3877/Legal, dated 02.08.2019.

It is submitted that Legal Opinion of Legal Branch, CCP/Peshawar sought, according to legal opinion of DSP/Legal, CCP/Peshawar, SI Qazi Aslam No. P/34 who is actually on the strength of CCP/Peshawar has been transferred to Mardan Region instead of CCP/Peshawar. Belt Number mentioned against his name is also of someone else; his actual belt Number is P/34.

It is therefore, requested that necessary addendum in reference of subject order may be issued so as he can make arrival at CCP/Peshawar, please.

FOR CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

23/08

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ایڈوکیٹ: Riaz Ahmad

بار کونسل/ایسوسی ایشن نمبر: 2224

رابطہ نمبر: 0302 8238839

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: Honble Justice Taseem Raza

مخائب: <u>Appellant</u>	دعویٰ: <u>Service Appeal</u>
<u>Qazi Aslam</u>	علت نمبر: _____
بنام	مورخہ: _____
<u>1 CP/2014M 8000</u>	جرم: _____
	تھانہ: _____

**باعث تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام کیلئے Riaz Ahmad کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی 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 یک طرفہ 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 کارروائی 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 باختیارات 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:

\_\_\_\_\_

مقام Peshawar کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کالی ناقابل قبول ہوگی۔