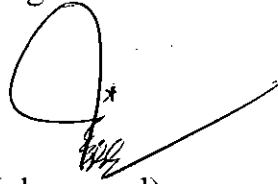


28.10.2022

Nemo for the appellant. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for arguments before the D.B on 21.11.2022.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

21st Nov, 2022

Lawyers on general strike today.

To come up for arguments on 17.01.2023 before D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

*Counsel was
to forward
telephonically
for the date
fixed on
16/11/22
SCANNED
K.P.S.T
Peshawar*

06.04.2022

None present for the appellant. Mr. Kabirullah
Khattak Adl. AG present for respondents present.

Counsel are at strike. Therefore the case is
adjourned to 11.07.2022 before D.B.



Chairman

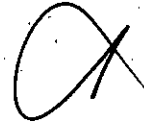
11-7-2022


Due to Holidays of Eid Ul Azha
the case is adjourned to 14-10-2022


Reader

14th Oct., 2022

Because of strike of the Bar, this matter is adjourned to
28.10.2022. Office is directed to notify the next date on the notice
board as well as the website of the Tribunal.

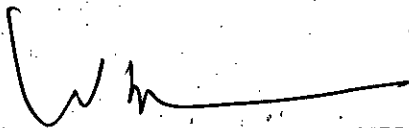


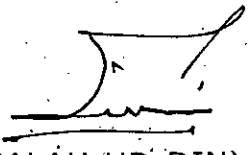

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

30.07.2021

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is admitted in hospital due to illness. Adjourned. To come up for arguments before the D.B on 30.09.2021.


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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

30-9-21


Due to non availability of the concerned DB the case is adjourned to 5-1-2022


Reader

05.01.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Raziq H.C for respondents present.

Former made a request for adjournment on the ground that counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 06.04.2022.



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


Chairman

13.11.2020

Junior to counsel for the appellant and Addl.A.G for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 28.01.2021 for hearing before the D.B.


(Atiqur Rahman Wazir)
Member


Chairman


28.01.2021

Appellant in person present.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Muhammad Raziq Reader for respondents present.

Former made a request for adjournment on the ground that his counsel has gone for funeral of a relative. Adjourned. To come up for arguments on 13.04.2021 before D.B.

(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

13.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 30.07.2021 for the same as before.


READER

Service Appeal No. 1335/2018

10.02.2020

Appellant in person and Mr. Riaz Ahmad Paindakheil, Assistant alongwith Mr. Aziz Shah, Head Constable for the respondents present. Representative of the department submitted written reply. The same is placed on record. Case to come up for rejoinder and arguments on ~~10.04~~ 16.04.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member


16.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 13.07.2020 before D.B.


Reader

13.07.2020

Due to COVID-19, the case is adjourned to 12.10.2020 before D.B.


Reader

12.10.2020

Due to incomplete Bench, the case is adjourned. To come up for the same on 13.11.2020 before D.B.


Reader

10.10.2019 Junior to counsel for the appellant and Addl. AG
alongwith Muhammad Raziq, H.C for the respondents
present.

Representative of respondents seeks further time.
Adjourned to 31.10.2019 on which date the requisite
reply shall positively be submitted by the respondents.


Chairman

31.10.2019 Junior to counsel for the appellant and Addl. AG alongwith
Muhammad Raziq, H.C for the respondents present.

Representative of the respondents seeks time to furnish
the requisite reply. Last opportunity granted. To come up for
written reply/comments on 04.12.2019 before S.B.


Chairman


04.12.2019 Junior to counsel for the appellant present. Addl. AG
alongwith Muhammad Raziq, Reader for the respondents
present.


Despite last opportunity, the respondents have not
furnished the requisite reply. The appeal is, therefore, posted
to D.B for hearing on 10.02.2020.


Chairman

29.04.2019

Appellant in person present and seeks time to submit security and process fee. Granted with the direction to submit the same within three days, thereafter notices be issued to the respondents for submission of written reply/comments. Case to come up further proceedings on 27.06.2019 before S.B.


Appellant Deposited
Security & Process Fee


(Ahmad Hassan)
Member

27.06.2019

Learned counsel for the appellant present. Written reply not submitted. Muhammad Raziq H.C representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 22.08.2019 before S.B.


Member

22.08.2019

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Raziq Head Constable for the respondents present. Written reply not submitted. Representative of the respondents seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 10.09.2019 before S.B.


(Hussain Shah)
Member

11.01.2019

Mr. Ijaz Ahmad Malik, Advocate for appellant present.

Learned counsel for the appellant contended that during the enquiry conducted against the appellant no plausible evidence was collected. The statement of appellant recorded during proceedings was totally disregarded and the findings of enquiry officer was absolutely conjectural.

Prima-facie the arguments of learned counsel for the appellant has some force, therefore, the instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 13.03.2019 before S.B.

The appeal is accompanied by an application for suspension of operation of impugned transfer order of appellant passed on 28.11.2018. Notice of the application be also given to the respondents for the next date of hearing.


Chairman

13.03.2019


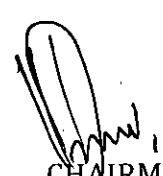
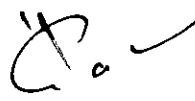
Learned counsel present and requested for time to deposit security and process fee. Request accepted. Learned counsel for the appellant is directed to deposit the same within seven (07) days. Thereafter, notice be issued to the respondents for written reply/comments on 29.04.2019 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____ 1335 /2018 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/10/2018	<p>The appeal of Mr. Muhammad Ghani presented today by Mr. Ijaz Ahmad Malik Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 23/10/18</p>
2-	17-11-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27-11-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	27.11.2018	<p>Appellant absent. Learned counsel for the appellant absent. Notice be issued to the learned counsel for the appellant for 11.01.2019. To come up for preliminary hearing on the date fixed before S.B.</p> <p style="text-align: right;"> Member</p>

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

S.A 1335 /2018

Muhammad Ghani

VERSUS

Government of Khyber Pakhtunkhwa Peshawar and
Others

INDEX

S#	Description of Documents	Annex	Pages
1.	Grounds of Appeal.		1-7
2.	Affidavit.		8
3.	Addresses of Parties.		89
4.	Copy of the Charge Sheet and final show cause notice	"A"	10-12
5.	Copy of the inquiry	"B"	13-16
6.	Copy of order No.714-17/PA	"C"	17
7.	Copy of order dated 06/04/2018	"D"	18-20
8.	Copy of Departmental Appeal	"E"	21-22
9.	Copies of order No.1104-10 dated 10/10/2018	"F"	23
10.	Stay Application		24-25
11.	Wakalat Nama		26

Dated: 17/10/2018

Appellant

Through

Ijaz Ahmad Malik
Advocate, High Court
Peshawar.

①

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

S.A _____/2018

Muhammad Ghani Inspector, Police
Department Peshawar.

Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Home and Tribunal Affairs Department Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
3. Capital City Police officer, Peshawar.
4. Senior Superintendant of Police Peshawar.
5. Assistant Superintendant of Police/ Inquiry Officer, Hayatabad Sub Division Peshawar.

Respondents

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
AGAINST THE IMPUGNED ORDER NO.1104-
10/PA DATED 10/08/2018 WHEREBY THE
DEPARTMENTAL APPEAL OF THE
APPELLANT WAS PARTIALLY ACCEPTED
AND THE PUNISHMENT AWARDED VIDE
ORDER NO.714-17 DATED 22/05/2018 OF THE
RESPONDENT NO.4 BY THE RESPONDENT
NO.3 I.E. MAJOR PUNISHMENT OF
REVERSION FROM THE RANK OF INSPECTOR
TO THE RANK OF SUB INSPECTOR IS
MODIFIED AND THE APPELLANT IS**

(5)

AWARDED MINOR PUNISHMENT OF
STOPPAGE OF 3 ANNUAL INCREMENTS
WITH ACCUMULATIVE EFFECT AND
FORFEITURE OF 2 YEARS APPROVED
SERVICE WITH FURTHER PUNISHMENT OF
NOT POSTING THE APPELLANT TO THE
POST OF SHO FOR 1 YEAR

PRAYERS:-

ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDER NO.1104-10/PA DATED 10/10/2018 OF THE RESPONDENT NO.3 AS WELL AS THE IMPUGNED NOTIFICATION NO.714-17 DATED 22/05/2018 OF THE RESPONDENT NO.4 AND THE TRANSFER OF THE APPELLANT FROM DISTRICT PESHAWAR TO DISTRICT KOHISTAN VIDE NOTIFICATION NO.730-33 DATED 06/04/2018 OF THE RESPONDENT NO.2 MAY VERY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE EXANORATED FROM THE ALLEGATIONS AND BE POSTED AT PESHAWAR ON HIS PREVIOUS POSTING.

Respectfully Sheweth,

The appellant submits as under:-

Facts:-

1. That the appellant has been appointed in the Respondents department on 13/01/1987 and is performing his duties since his appointment with full zeal, dedication and devotion.

3

2. That the appellant during his service completed all kinds of his difficult tasks and operation from time to time to the entire satisfaction of his superiors and for this purpose the appellant has been awarded distinction certificates.
3. That the appellant has been transferred as SHO of Police station Chamkani on 17/07/2017 and during his six months tenure the appellant arrested as much as 225 smugglers besides other performance by arresting hardened and desperate kind of criminals involved in different offences.
4. That the appellant has been issued a charge sheet along with a statement of allegations as well as final show cause notice without any written complaint by leveling the allegations in the statement of allegations that the appellant has indulged himself in corrupt practices and development contacts with smugglers. **(Copy of the show cause notice and final show cause notice is enclosed in annexure "A")**
5. That the appellant replied to the charge sheet/statement of allegations whereby

4

denied all the allegation as false, frivolous, vexatious and farthest from truth.

6. That the Respondent No.6 was appointed as inquiry officer who also failed to record any statement or to digout any evidence against the appellant regarding corrupt practices and contacts with the smugglers. (Copy of the inquiry is enclosed as annexure "E")
7. That the Respondent NO.4 vide Notification No.714-17/PA dated 22/05/2018 imposed major penalty of reversion from the rank of Inspector to the rank of Sub Inspector. Moreover at the same time the Respondent No.2 also transferred the appellant from District Peshawar to District Kohistan on the same allegations. (Copies are enclosed as annexure "C & D")
8. That the appellant filed a departmental appeal/ representation before the Respondent NO.3 against the impugned notification No.714/17 dated 22/05/2018 which was partially accepted vide the

order NO.1104-10 dated 10/10/2018.

(Copies are enclosed as annexure "F")

9. That the appellant is feeling aggrieved and having no other adequate remedy therefore files this appeal on the following amongst other grounds inter alia:-

GROUNDS:-

- A. That the impugned notification No.714-17 dated 25/02/2018, order NO.1104/10 dated 10/10/2018 and the transfer order NO.730-33 dated 06/04/2018 of the Respondents are illegal, against the law, facts of the case and norms of natural justice, therefore, the same are not sustainable in the eyes of law and are liable to be set aside.
- B. That the appellant has been awarded double punishment which amounts to double jeopardy and the same is barred by the Constitution of Islamic Republic of Pakistan as well as the General Clauses Act, hence, on this score too the impugned notification/orders cannot be sustained and are liable to be set aside.
- C. That there is no evidence available against the appellant to substantiate the allegations leveled against the appellant regarding

6

corruption and corrupt practice and the contacts with the smugglers.

D. That the alleged dumping area/Go-down of the smugglers at Madina Market does not fall within the jurisdiction of police station Chamkani as pointed out by the Respondents, thus, the appellant is punished without applying judicial mind and on presumptions and assumptions.

E. That the appellant served the Respondents department for more than 30 ^{years} with full devotion, efficiently and taken part in the difficult and hard duties/operations/tasks without any hesitation, the appellant was also awarded distinctions.

F. That the Respondents have failed to prove the allegations against the appellant and the appellant is punished without any fault being innocent, as nothing brought on record by ~~and~~ the inquiry officer, against the appellant and the inquiry report is based on his own whims, which cannot be based for the imposition of punishment.

G. That the impugned notification/order is based on malafide and the appellant has purposely

7

been punished the appellant for ulterior motive and purpose.

H. That appellant seeks permission of this Hon'ble Tribunal to adduce other grounds during course of arguments.

It is, therefore, most humbly prayed that on acceptance of this appeal the impugned order No.1104-10/PA dated 10/10/2018 of the respondent No.3 as well as the impugned notification No.714-17 dated 22/05/2018 of the respondent no.4 and the transfer of the appellant from district Peshawar to district Kohistan vide notification No.730-33 dated 06/04/2018 of the respondent No.2 may very graciously be set aside and the appellant be exonerated from the allegations and be posted at Peshawar on his previous posting.

Any other remedy deemed proper and just in the circumstances may also be granted.

Dated: 17/10/2018

Mughani

Appellant

Through

[Signature]

Ijaz Ahmad Malik
Advocate, High Court
Peshawar.

NOTE:-

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

[Signature]
Advocate

②

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

S.A _____/2018

Muhammad Ghani

VERSUS

Government of Khyber Pakhtunkhwa Peshawar and
Others


AFFIDAVIT

I, **Muhammad Ghani Inspector, Police Department Peshawar**, do hereby solemnly affirm and declare that all the contents of the **accompanied appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

M Ghani

DEPONENT

Identified By;



Ijaz Ahmad Malik
Advocate High Court
Peshawar.

9

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

S.A _____/2018

Muhammad Ghani

VERSUS

Government of Khyber Pakhtunkhwa Peshawar and
Others

ADDRESSES OF PARTIES

APPELLANT.

Muhammad Ghani Inspector, Police
Department Peshawar


RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Secretary House and Tribunal Affairs Department Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
3. Capital City Police officer, Peshawar.
4. Senior Superintendant of Police Peshawar.
5. Superintendant of police Peshawar.
6. Assistant Superintendant of Police/ Inquiry Officer, Hayatabad Sub Division Peshawar.

Dated: 17/10/2018

Appellant

Through


Ijaz Ahmad Malik
Advocate, High Court
Peshawar.

CHARGE SHEET

114

Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against you **Inspector Ghani-ur-Rehman the then SHO PS Chamkani, Peshawar.**

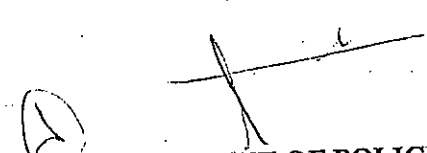
And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, *Inspector Ghani-ur-Rehman* Senior Superintendent of Police, Operations, Peshawar hereby charge you **Inspector Ghani-ur-Rehman the then SHO PS Chamkani, Peshawar** under Rule 5 (4) of the Police Rules 1975 on the basis of following allegations:

It has reportedly been learnt that you while posted as SHO PS Chamkani have indulged yourself in corrupt practices and developed contacts with smugglers which comes within the ambit of corruption and renders you liable for disciplinary proceedings under Police Rules, 1975.

I hereby direct you further under Rule 6 (1) (b) of the said Rules to put forth written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why the action should not be taken against you and also stating at the same time whether you desire to be heard in person.

In case your reply is not received within the specific period to the Enquiry Officer, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.


**SENIOR SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR**

True & Copy
[Signature]

DISCIPLINARY ACTION

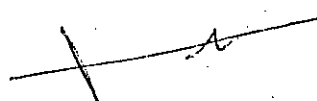
I, ~~Javed, Jhal~~ Senior Superintendent of Police Operations, Peshawar as competent authority, am of the opinion that Inspector Ghani-ur-Rehman the then SHO PS Chamkani, Peshawar has rendered him liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules, 1975.

STATEMENT OF ALLEGATIONS

It has reportedly been learnt that he while posted as SHO PS Chamkani have indulged himself in corrupt practices and developed contacts with smugglers which comes within the ambit of corruption and renders he liable for disciplinary proceedings under Police Rules, 1975.

For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations ASP Harguabad is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

The Enquiry Officer shall in accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.


SENIOR SUPERINTENDENT OF POLICE,
(OPERATIONS), PESHAWAR

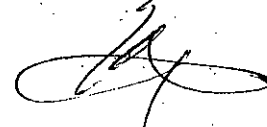
No. 09 E/PA, dated Peshawar the

20/02/2018.

Copy to the above is forwarded to the Enquiry Officer for initiating proceeding against the accused under the provision of Police Rules 1975

PA

For process

Full Copy




12

FINAL SHOW CAUSE

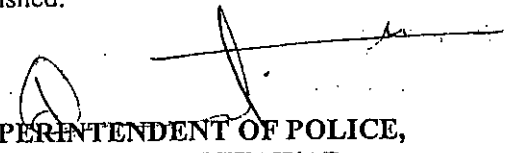
I, Senior Superintendent of Police, Operations, Peshawar as competent authority under the Police disciplinary Rules 1975, do hereby serve you **Inspector Muhammad Ghani** the then **SHO PS Chamkani Peshawar** as follows:-

2. (i) That consequent upon the completion of departmental enquiry conducted against you by **SDPO Hayatabad** who found you guilty of the charges for which you were given the opportunity of personal hearing.

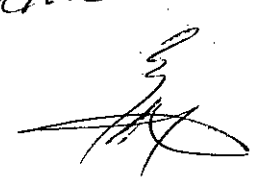
(ii) Ongoing through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the said officers;

I am satisfied that you have committed the follow misconducts:

- You while posted as SHO PS Chamkani have indulged yourself in corrupt practices and developed contacts with smugglers which comes within the ambit of corruption.
3. As a result there of I, as Competent Authority decided to impose upon you major/minor penalty including dismissal from service under the said Rules.
4. You are, therefore, require to Show Cause as to why the aforesaid penalty should not be imposed upon you.
5. If no reply to this notice received within 7-days of its delivery, it shall be resumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
6. You are at liberty to be heard in person, if so wished.


SR: SUPERINTENDENT OF POLICE,
OPERATIONS, PESHAWAR

No. 454 /PA dated Peshawar the 06/04/2018

True Copy




OFFICE OF THE

ASSIST: SUPERINTENDENT OF POLICE,

HAYATABAD SUB-DIVISION, PESHAWAR.

No. 54 /E/Steno, dated Pesh: the 30/03 /2018.

13

To: The Senior Superintendent of Police,
Operations, Peshawar.

Subject: DEPARTMENTAL ENQUIRY

Please refer to your office Endst: No. 09 E/PA dated 20.02.2018 pertaining to departmental enquiry against Inspector Muhammad Ghani the then SHO PS Chamkani.

STATEMENT OF ALLEGATION.

Inspector Muhammad Ghani while posted as SHO Police station Chamkani has indulged himself in corrupt practices and developed contacts with smugglers which come within the ambit of corruption and renders he liable for disciplinary proceedings under Police Rule 1975.

PROCEEDING.

Enquiry officer provided reasonable opportunity to Inspector Muhammad Ghani. Statement of hearing of allegation was served to him and his written reply was recorded. He was verbally cross examination too.

STATEMENT OF INSPECTOR MUHAMMAD GHANI THE THEN SHO POLICE STATION CHAMKANI.

Inspector Muhammad Ghani the then SHO PS Chamkani stated in his statement that he on 17.07.2017 took charge as SHO Chamkani. He tried his best to remain away from the anti social elements of the area and curb the criminals. He did not receive any bribe from smugglers and criminal persons. The custom authorities are responsible for seized of the smuggling goods. The custom authorities arrest the smugglers and after that they hand over to the local Police. His period progress is enclosed. The allegations against me are totally baseless. It is therefore, requested that the enquiry may please be filed.

[Handwritten signature]

Senior Superintendent of Police,
Operations, Peshawar

[Handwritten signature]
True Copy

FINDINGS

14

Inspector Muhammad Ghani had prior information of dumping areas of the smuggling goods and he did accept it before the undersigned. He stated that he brought into the notice of SP but action was not taken because those dumping grounds were in AOR of Police station Gulghar and also it was domain of customs. It amounts to abdication of official duty of a Police Officer and brought bad name to the department.

Therefore, the statement of allegations against him is proved.

91

MUHAMMAD WAQAR AZEEM KHARAL (PSP)
Enquiry Officer,
Assist: Superintendent of Police,
Hayatabad: Sub-Division,
Peshawar.

True Copy
3
H

بحوالہ چارج شیٹ مجاریہ جناب ایس ایس پی آپریشنز صاحب پشاور معروف خدمات ہوں کہ جو الزامات مجھ پر عائد کئے گئے ہیں ان کی روشنی میں عرض رہا ہوں کہ مورخہ 17.07.2017 کو میں نے بطور SHO چکنی چارج سنبھالا اور میری اوبین کوشش تھی کہ طوائف کے لئے جرائم کا دائرہ نکالوں اور اسی دعوے کے تحت میں نے اپنی راپولی بالائی ایوان نارائی اور جاپٹوالی کے اڈا کی مدد سے SHO پر یڈ میں نے افسران بالا کو کسی قسم کی شکایت کا موقع نہیں دیا اور سماج دشمن عناصر کے خلاف آہنی دیوار کی طرح ڈٹا رہا اور ان کے مذموم عزائم کو کبھی بھی کامیاب نہ ہونے دیا۔ مجھ پر کرپشن کے جو الزامات ہیں تو میرے پریڈ کی پراگرس اس بات کی گواہی دیتے ہیں کہ میں نے اپنے پریڈ میں کسی قسم کی رشوت وغیرہ کسی سے قبول نہیں کی اور نہ ہی کبھی سماج دشمن عناصر، سمگلرز کے ساتھ کوئی واسطہ رکھا ہے بلکہ ان کے خلاف باقاعدہ طور پر قانونی کارروائی کی ہے اور ان کے راستے کی دیوار بنا ہوں۔ علاوہ ازیں سمگلنگ کی انسداد کے لئے اپنا اسکیم والے اہلکار موجود ہوتے ہیں جو ان پر کڑی نظر رکھتے ہیں اور اگر پولیس بھی کسی سمگلرز کو گرفتار کرے تو کسٹم احکام کے حوالے کر دیتے ہیں۔ دیگر اگر کسٹم احکام کو پولیس کی مدد کی ضرورت پڑی تو میں نے ان کے ساتھ مکمل تعاون کیا ہے اور سمگلنگ سامان ان کے ساتھ کسٹم ہاؤس تک پہنچانے میں بھی کئی بار مدد کی ہے تاکہ راستے میں ان کو کوئی ناخوشگوار واقعہ پیش نہ آسکے۔ اس صورت حال میں میرا سمگلرز کے ساتھ روابط رکھنے یا ان سے رشوت وغیرہ لینے کی کوئی وجہ نہیں بن سکتی۔ یہ کسٹم احکام والوں کا کام ہوتا ہے۔ یہاں یہ وضاحت ضروری سمجھتا ہوں کہ گودام ہائے واقعہ مدینہ مارکیٹ علاقہ تھانہ گلہارٹی ڈویژن میں آتے ہیں جہاں سے نان کسٹم پیڈ اشیاء برآمد ہو کر مجھے مورد الزام ٹھہرایا گیا۔ مورخہ 17.07.2017 سے لے کر مورخہ 20.02.2018 تک کی پراگرس ذیل ہے۔

1- نشیات فروشوں اور سمگلرز کے خلاف ٹوٹل 168 مقدمات درج رجسٹرڈ ہوئے ہیں اور 225 ملزمان گرفتار کئے ہیں جن سے قبضے سے چرس 312 کلو 44 گرام ہیروئن 34 کلو 12 گرام، شراب 1063 برآمد کئے گئے ہیں۔ (جو تفصیل (A) ہمراہ ہے۔)

2- اسی طرح غیر قانونی اسلحہ رکھنے والوں کے خلاف اور سمگلرز کے خلاف کارروائی کرتے ہوئے ٹوٹل 273 مقدمات درج رجسٹرڈ کئے گئے، 273 ملزمان گرفتار کئے گئے ہیں اور کلاشنکوف 27، کلاکوف 07، بندوق 22، رائفل 13، پستول 228، کارتوس 3643، ہینڈ گرنیڈ 11 اور بارودی مواد 37 کلو جس کا مقدمہ CTD میں درج رجسٹرڈ کیا گیا۔ (تفصیل (B) ہمراہ ہے۔)

سمگلروں کے خلاف کارروائی کر کے نقلدات روزنامہ (C) ہمراہ لف ہے جو کہ کسٹم حکام کے حوالے کئے گئے ہیں علاوہ ازیں کسٹم حکام کے ہمراہ کارروائی کر کے نان کسٹم پیڈ کپڑا، اور ساتھ ہی گلزمان جیسے مشہور سمگلر کی کنٹینرز جو نان کسٹم اشیاء پر مشتمل تھا کو قبضہ کر کے کسٹم ہاؤس تک پہنچانے ان کی مدد کی ہے۔

4- اسی طرح سنگین مقدمات مدھے قتل، ڈکیتی، راہزنی، خونری ڈکیتی، نقب زنی جیسے مقدمات میں ملزمان کو ٹریس کر کے ان کے قبضے سے لوٹی ہوئی رقم اور آئل کی برآمدگی بھی کی۔ اور جرئی قانونوں تک بھی رسائی حاصل کر کے ان کے قبضے سے اجرت کی رقم کی برآمدگی بھی کی۔

True Copy
A

مجرم اشتہاریوں کے خلاف مہم اور منشیات کے خلاف مہم میں بڑھ چڑھ کر حصہ لیا جس میں 273 مجرمان اشتہاری گرفتار کئے گئے اور پہلی اور دوسری پوزیشن حاصل کر کے افسران بالا سے تعریفی سند اور نقد انعامات وصول کئے۔ (تعریفی سند (D) ہمراہ لف ہے)

6۔ علاقہ معزز لارین و ناظمین بھی اس بات کے گواہ ہیں کہ میں نے بدوران SHO پر اپنی ذیوی کے ساتھ کسی قسم کی بے انصافی نہیں کی بلکہ ان کے بیانات (E) ہمراہ لف ہے۔

7۔ بدنام زمانہ مجرمان اشتہاری لعل شیر ولد ملک شمشیر، جان شیر ولد ملک جان شیر ساکنان دیہہ محمد زئی درجن بھرتل و اقدام قتل و دہشت گردی کے مقدمات میں مطلوب تھے جن کی گرفتاری کے سلسلے میں اکثر افسران بالا کو تحریری درخواستیں روزانہ کی بنیادوں پر موصول ہوتی تھیں۔ من SHO کو خود پیش ہو کر گرفتاری دی اور اس طرح مقامی پولیس اور افسران بالا کو اس درد سر سے چھٹکارا دلایا۔

8۔ یوسف نامی مجرم اشتہاری جو کہ سال 2015ء کے 11 کروڑ ڈکیتی میں مجرم اشتہاری تھا کو ضلع چارسدہ سے گرفتار کر کے ان کے قبضے اس کو ملا ہوا ایک کروڑ سے زیادہ کا حصہ برآمد کیا گیا۔

استدعا کی جاتی ہے کہ میری ایمانداری سے ڈیوٹی نبھانے اور محکمہ کی عزت کی پاسداری رکھنے کی اور میری کارکردگی کو مد نظر رکھتے ہوئے میری انکوائری بغیر کسی کاروائی کی داخل دفتر کی جائے اور میری بحالی کے احکامات جاری فرما کر مشکور فرمایا جائے کیونکہ ان الزامات میں، مسائل بالکل بے قصور و لاعلم ہے۔

الارض

21/3/2018

انسپیکٹر محمد غنی سابقہ ایس ایچ اڈتھانہ چمکنی حال پولیس لائن پشاور

CGP



17

ORDER

This office order is hereby passed to dispose of the departmental proceedings initiated against Inspector Chaudhri Rehan No. 2/977 CCP Peshawar vide this office No. 09/E/PA dated 20.02.2018. Allegations leveled against him were that:

It has reportedly been learnt that HE while posted as SHO PS Chamkani had indulged himself in corrupt practices and developed contacts with smugglers which comes within the ambit of corruption.

2. Proper departmental proceedings were initiated against him and Mr. Muhammad Waqar Azeem Kharaal, ASP Hayatabad Peshawar was appointed as Enquiry Officer. During the course of enquiry, the E.O found him guilty of the charges and recommended him for punishment.

3. On receipt of the findings of E.O, Final Show Cause Notice was properly served upon him vide this office No. 454/PA dated 06.04.2018. In response to FSCN, he submitted his written reply which was examined and found unsatisfactory. Subsequently, he was heard in OR on 15.05.2018. He was provided an ample opportunity in his defense. He, however, failed to defend himself with plausible grounds and the allegations leveled against him stand proved.

4. In the circumstances, the undersigned being Competent under the law, do agree with the findings / recommendations of the E.O and awards him the major punishment of "reversion from the rank of Inspector to the rank of Sub-Inspector" with immediate effect.

Order announced.

(JAVED IQBAL) PSP
Senior Superintendent of Police,
(Operations) Peshawar

No. 714-17 /PA dated Peshawar, the 22/05 /2018.
Copy for information to:

1. The Capital City Police Officer, Peshawar.
2. EC-II/EC-I/AS/PO.
3. FMC along with complete enquiry file (Encl : 52).

True Copy
[Signature]



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

(21)

No. 642/PSO/02
02.04.2018

ORDER

The following Officers of CCP/Peshawar are hereby transferred to Upper Kohistan on complaint with immediate effect:-

1. Insp: Ghani-ur-Rehman.
2. ASI (ACB) Jan Ali No. 1861.

(SHER AKBAR)
PSP, S.St

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

No. 730-33 /E-III. Dated Peshawar, the 06/04/2018.

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. 2181/PSO, dated 02.04.2018 with the direction to initiate departmental proceeding against them under intimation to this office please.
3. Regional Police Officer Hazara Region, Abbottabad.
4. District Police Officer Upper Kohistan.

SP
Gen Secy
CCP
No. 7

CCP
C.C.P.O. Peshawar

EC-1
Amir
CCP



OFFICE OF THE
CAPITAL CITY POLICE OFFICER
PESHAWAR

Phone No. 091-9210989
Fax: 091-9212597

72

No. 2181 /PSO

Dated Peshawar the 02/04/2018.


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

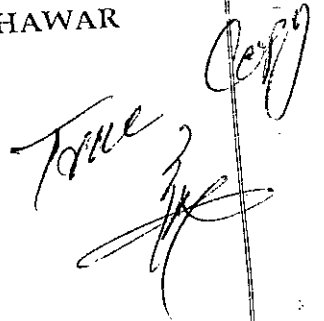

Subject: TRANSFER / POSTING OF UNDESIRABLE POLICE OFFICIALS.

Memo:

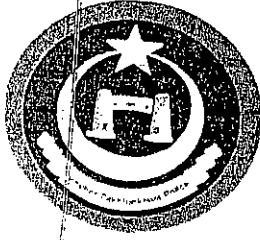
There are allegations of corruption and misconduct against the following police officials; hence it is requested that they may be transferred out from Peshawar district and sent to some far flung area with their substitutes provided to Capital City Police please.

1. Inspector Ghani-ur-Rehman
2. ASI (ACB) Jan Ali No. 1861
3. IHC Naseer No. 2412
4. FC Atif Khan No. 4114
5. FC Rehmat Ali No. 673


CAPITAL CITY POLICE OFFICER
PESHAWAR


True


23



OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE
(OPERATIONS)
PESHAWAR

E-mail: reader3348@gmail.com

Phone: 091-9210508

Fax: 091-9213054

Dated Peshawar the 28 / 03 / 2018

No. 426 IPA

To: The Capital City Police Officer,
Peshawar.

Subject: TRANSFER / POSTINGS OF UNDESIRABLE POLICE OFFICIALS.

Memo:

Kindly refer to the subject cited above.

There are allegations of corruption and misconduct against the following police officials: hence it is requested they they may be transferred out of District Peshawar to some far flung Districts with their substitutes provided to this District please.

1. Inspector Ghani-ur-Rehman, then SHO PS Chamkani
2. ASI (ACB) Jan Ali No. 1861
3. IHC Naseer No. 2412
4. FC Alif Khan No. 4114
5. FC Rahmat Ali No. 673

Submitted please.

SENIOR SUPERINTENDENT OF POLICE,
OPERATIONS, PESHAWAR

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صاحب پشاور

بخدمت جناب چیف کیپٹل سٹی پولیس

میں برطانوی حکمرانوں کی طرف سے لیا گیا تھا کہ ان کے پاس کوئی گواہ نہیں ہے۔

سلسلہ 33/PA-730 مورخہ 25/05/2018

جناب عالی! اپیل برخلاف حکم مندرجہ عنوان حضور کے رد برو کجاتی ہے تاکہ اس پر ہمدردانہ غور فرما کر حکم جناب ایس ایس پی کو منسوخ فرمایا جائے۔

(۱) یہ کہ مجھے جس الزام میں ملوث ہونا ظاہر کیا گیا ہے وہ ایک ناقابل قبول شہادت ہے انوآہ کو بنیاد بنا کر مزادینا اسلام اور قوانین رائج الوقت کے منافی ہے۔

(۲) یہ کہ میں بحیثیت ایس ایچ او ایسی سرگرمیوں میں ملوث نہیں تھا کہ جس کی بناء پر محکمہ پولیس کی بدنامی کا باعث بنتا۔

(۳) یہ کہ دوران انکوآئری میرے خلاف لگائے گئے الزامات کو ثابت نہیں کیا جاسکا اور نہ ہی کسی قسم کے جرائم پیشہ یعنی سمگلروں کے ساتھ روابط کو ثابت کیا گیا ہے۔

(۴) یہ کہ دوران تعیناتی بحیثیت ایس ایچ او تھانہ چکنی من ساہل / اپیلانٹ نے دن رات انتھک کوشش کر کے مجرمانہ اشتہاری کے گرفتار کے بابت جاری شدہ مہم میں من ساہل / اپیلانٹ نے سب سے زیادہ اشتہاری مجرمان اور جرائم پیشہ افراد کو گرفتار کر کے مہم میں پہلا پوزیشن حاصل کر کے جس کی بناء پر جناب چیف کیپٹل سٹی پولیس آفیسر صاحب سے نقد اور تعریفی سرٹیفیکٹس لے چکا ہوں اور اس طرح نارنگلس مہم میں دوبار فرسٹ پوزیشن حاصل کر کے ایس ایس پی پریشنز نے تعریفی سرٹیفیکٹس اور نقد انعامات سے نوازا گیا ہوں۔ (نقولات لف اپیل ہذا ہے)۔

(۵) یہ کہ دوران انکوآئری مجھے سماعت کا موقع نہیں دیا گیا اور نہ ہی میرے حسن کارکردگی کو زیر غور لایا گیا ہے اور نہ ہی بنیاد الزامات کے بنیاد پر ناجائز طور پر مجھے سنگین سزا دیکر نا انصافی کی گئی ہے۔

(۶) یہ کہ میں نے ہمیشہ کیلئے محکمہ پولیس کی نیک نامی کو سچا ہے اور کبھی بھی ایسا کوئی کام نہیں کیا تو محکمہ کی بدنامی کو باعث بنا ہوں۔

True
[Signature]

(۷) یہ کہ میں نے جرائم کے انکشاف اور جرائم کے انسداد کیلئے اپنی حدود اختیار کے اندر رہ کر مثبت سی کارروائی کیں ہیں جو کہ ہر ایک کا رٹا اور تھانہ کا ریکارڈ سے پتہ لگ سکتا ہے پولیس کی جو اصل ڈیوٹی اور فرائض ہیں وہ میں نے کئے ہیں۔

(۸) یہ کہ میں نے بددیانتی اور غفلت سے کبھی بھی کام نہیں لیا اور فرائض منصبی احسن طریقہ سے سرانجام دئے میں نے اپنے جواب میں تفصیلی جواب دیا تھا جو کہ ریکارڈ پر موجود ہے مگر اب جناب ایس ایس پی صاحب آپریشن نے ان کو زیر غور نہیں رکھا اور مجھے ایک ہی قلم کی جنبش سے تنزیلی کر دیا اور اس پر غور نہیں کیا کہ ایک کنسٹیبل سے اعلیٰ عہدہ پر پہنچنے کیلئے کتنا تکلیف دہ وقت گزارنا پڑتا ہے تنزیلی سے اپنے اہل و عیال میں دیگر احباب میں ان کی نظروں سے گرانا سمجھا جاتا ہے۔

(۹) یہ کہ اپیل ہذا کے ذریعہ جناب سے استدعا کرتا ہوں کہ میرے اور میرے اہل و عیال جن کا میرے ساتھ براہ راست وابستگی ہے پر غور فرما کر حکم کو منسوخ فرمائیں۔ تاذیست دعائیں دوں گا۔

اگر اجازت مل گئی تو جناب کے روبرو مزید حالات کی آگاہی کروں گا جس کی وجہ سے جناب کی تسلی ہو جائیگی اللہ تعالیٰ ان کا اجر آپ کو دیگا۔ انصاف کے تقاضے پورے کر کے احکامات صادر فرمائیں میں بالکل بے گناہ ہوں اور میرا کسی قسم کا کوئی تصور نہیں ہے۔ نیز دیگر دادرسی جو قرین انصاف ہو وہ بھی مرحمت فرمایا جائے۔

المرقوم 19/06/2018

محمد غنی سابقہ ایس ایچ او تھانہ چکنی حال کوہستان
0348-8007780

COPIES
[Handwritten signatures]



Annex = "E"
**OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR**

Phone No. 091-9210989
Fax No. 091-9212597

20

ORDER.

This order will dispose off the departmental appeal preferred by SI Muhammad Ghani No.P/314 who was awarded the major punishment of "reversion from the rank of Inspector to the rank of Sub-Inspector" by SSP/Operations Peshawar vide order No.714-17/PA, dated 22-05-2018.

2- The allegations leveled against him were that he while posted as SIO Police Station Chamkani indulged himself in corrupt practices and developed contacts with smugglers which comes within the ambit of corruption.

3- He was issued proper Charge Sheet and Summary of Allegations by SSP/Operations Peshawar and ASI/Hayatabad was appointed as enquiry officer. The enquiry officer after conducting proper departmental enquiry submitted his findings that Inspector Muhammad Ghani had prior information of dumping areas of the smuggling goods and he did accept it before the undersigned. He stated that he brought into the notice of SP but action was not taken because those dumping grounds were in AOR of Police Station Gulbahar and also it was the domain of Custom Department. The enquiry officer further recommended that the statement of allegations stands proved against him. The competent authority issued him final show cause notice. His reply to the final show cause notice was found unsatisfactory by the competent authority, hence he was awarded the major punishment of **reversion from the rank of Inspector to the rank of Sub-Inspector** vide order No.714-17/PA, dated 22-05-2018.

4- He was heard in person in O.R. The relevant record perused along with his explanation. Furthermore, he has also been transferred to Kohistan District on complain basis. Keeping in view his long service career a lenient view is taken and the punishment order of reversion from the rank of Inspector to Sub Inspector awarded by SSP/Operations Peshawar vide No.714-17/PA, dated 22-05-2018 is hereby set aside. **He is hereby awarded the minor punishment of stoppage of 03 annual increments with accumulative effect and forfeiture of 02 years approved service. He will remain under observation for one year during which he will not be posted as SIO.**

O.B. NO. 3061
Date 10-10-18
Peshawar

(QAZI JAMIL UR REHMAN)PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 1104-10 /PA dated Peshawar the 10/10/2018

Copies for information and n/a to the:-

1. SSP/Operations Peshawar.
2. SP-HQr: Peshawar.
3. BO/EC-I/ EC-II for making necessary entry in his S.Roll.
4. FMC along with I'M
5. Official concerned.

Free Copy
Jamil

BEFORE THE APPELLATE COURT OF COMMISSIONER PESHAWAR DIVISION
PESHAWAR

Muhammad Ghani

VERSUS

Government of Khyber Pakhtunkhwa and Others

APPLICATION FOR SUSPENSION THE
OPERATION OF THE TRANSFER ORDER NO.
730-33 DATED 06/04/2018 TILL THE FINAL
DISPOSAL OF APPEAL.

RESPECTFULLY SHEWETH,

1. That this application is filed with the accompanying appeal wherein no date of hearing is fixed as yet.
2. That the appellant has been transferred from Peshawar to Kohistan as a punishment and at the same time is also imposed other punishment, which amounts to double jeopardy. Therefore, the appellant has prima facie good case and is hopeful about success.
3. That if the impugned transfer order is not suspended, then, the appellant will be put to great irreparable loss besides other agonies.

25

4. That balance of convenience is also lies in favor of Petitioner/appellant and his quite sanguine of his success.

It is, therefore, most humbly prayed that on acceptance of the instant application the operation of the impugned order No.730-33 dated 06/04/2018 may very graciously be suspended, till the final disposal of the Case.

Any other relief not specifically asked for may also graciously be extended in favour of the petitioner in the circumstances of the case.

Dated: 10/10/2018

Appellant

Through

Ijaz Ahmad Malik
Advocate High Court

Peshawar

AFFIDAVIT

I, **Muhammad Ghani**, do hereby solemnly affirm and declare that the contents of the Instant **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.

DEPONENT

50 روپے

52736

ایڈوکیٹ: ایچی زکریا

بار کونسل ایسوسی ایشن نمبر: 1663

رابطہ نمبر: 03005951730



پشاور بار ایسوسی ایشن، خیبر پختونخواہ

محکمہ سروس سپرینٹنڈنٹ ایسٹ

بعدالت جناب:

مخاطب: ایچ ایچ ایچ	دعویٰ: ایچ ایچ ایچ
محمد رفیعی	علت نمبر:
بنام	مورخہ:
گورنمنٹ	جرم:
	تھانہ:

بامث تصویر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیروی کو جواب دی کارروائی متعلقہ مقام آن مقام۔

مقرر 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 برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم بیروی یا ڈگری ایک طرف یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظرتائی و بیروی 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 با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہونے وکیل صاحب پابند نہ ہوں گے کہ بیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 7/10/2018

Mghani

Accepted
Amal
Moghani
A.M.

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

"A"

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

No.

APPEAL No. 1335 of 20/8.

Mr. Muhammad Siddiqi

Appellant/Petitioner

Versus

Govt of KP, through Secretary Home Dept.
RESPONDENT(S)

Notice to Appellant/Petitioner

5 Counsel Mr. Amir Muhammad Malik
Address: High Court Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 1-1-2019 at 8:30 A.M. at Peshawar

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Revised
Malik
12/12/18

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

"A"

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

No.

APPEAL No.....1335..... of 20/8.

Mr. Muhammad Qureshi

Appellant/Petitioner

Versus

Govt of KP through Secretary Home & T.A.

RESPONDENT(S)

Notice to Appellant/Petitioner

Mr. M. Muhammad Qureshi
Inspector, Police Deptt Peshawar

(Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 11-1-2019 at 8.00 AM at Peshawar)

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

[Handwritten signature]

[Handwritten signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

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

No.

Appeal No. 1335 of 20 18

M. H. Khan Appellant/Petitioner

Versus

Government of Khyber Pakhtunkhwa Respondent

Respondent No. 7

Notice to: —

*Government of Khyber Pakhtunkhwa - Secretary Home and
Muzaffar Hussain Khan*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 7-6-2019 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

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

Day of July 20 19

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

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

"B"

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

No.

Appeal No. 1315 of 20 17

11/11/17 Appellant/Petitioner

Versus

11/11/17 Respondent

Respondent No.

Notice to:

Inspector General of Police,
Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 1-6-2017 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

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

Day of 11/4/17 20 17

7 1315/17

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

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

“B”

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

No.

Appeal No. 1335 of 20 18.

Muhammad Aslam Khan Appellant/Petitioner

Versus

Govt of KP, Peshawar Respondent

Respondent No. 3

Notice to: —

Capital City Police Office,
Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 07-5-2019 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated.....

Given under my hand and the seal of this Court, at Peshawar this 10th.....

Day of May 20 19.

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

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

"B"

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

No.

Appeal No. 1335 of 20 ..

M. M. Khan Appellant/Petitioner

Versus

Govt of K.P. / Management of Peshawar Respondent
Respondent No. 1

Notice to:

Mr. M. M. Khan
Police

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 1-5-20 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 1/5/20

Day of May 20 ..

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

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

“B”

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

No.

Appeal No. 1375 of 20 18.

[Signature] Appellant/Petitioner

Versus

[Signature] Respondent

Respondent No. 5

Notice to:

[Handwritten notice details]

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 17/05/2018 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 16th

Day of May 20 18

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

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service appeal No.1335/018

Muhammad Ghani Inspector CCP, Peshawar.....Appellant

Versus

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Senior Superintendent of Police Operations, Peshawar.
4. ASP/Hayatabad circle..... respondents

Reply on behalf of respondents No.1,2,& 3,4.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS.

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder or necessary parties.
3. That the appellant has not come to this court with clean hands.
4. That the appellant has no cause of action.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant concealed the material facts from Honorable Tribunal.

FACTS:-

1. Para No.01 pertains to record, hence need no comments.
2. Para No.02 for the appellant to prove.
3. Para No.03 incorrect. In fact the appellant while posted as SHO PS Chamkani indulged himself in corrupt practices and developed contacts with smugglers which comes within the ambit of corruption. In this regard he was issued charge sheet and statement of allegations and ASP/Hayatabad was appointed as enquiry officer. The enquiry officer after conducting proper departmental enquiry submitted his findings that the statement of allegations stand proved against him. The competent authority issued him final show cause notice. His reply to the Final Show Cause Notice was found unsatisfactory, hence he was awarded major punishment of reversion from the rank of Inspector to the rank of Sub Inspector.
4. Para No.04 is incorrect. The appellant was issued charge sheet and statement of allegations, proper departmental enquiry was conducted against him and a final show cause notice was also issued before the punishment order, to which he submitted his reply but he failed to advance plausible explanation in response to the charges leveled against him.

5. Para No.05 is incorrect. In fact the appellant failed to rebut the charges during the course of enquiry and the enquiry officer conducted thorough probe into the matter, found the appellant guilty of the charges.
6. Para No.6 is incorrect and misleading. Proper departmental enquiry against the appellant was initiated on the charges of corruption. The enquiry officer after conducting proper departmental enquiry submitted his report that the allegation leveled against him was proved. After fulfilling all codal formalities he was awarded the major punishment.
7. Para No. 7 is incorrect. Proper departmental enquiry against the appellant was initiated on the charges of corruption which resulted in award of major punishment by the competent authority. So for as 2nd part of the Para with regard to transfer from one district to another. The same is not a punishment and the appellant is bound to obey the lawful orders of seniors in letter and spirit.
8. Para No.7 is correct to the extent that the appellant filed departmental appeal which was thoroughly processed and an ample opportunity of hearing was provided to appellant, the competent authority taking a lenient view about his long service his departmental appeal was partially accept and the major punishment of reversion from the rank of Inspector to the rank of sub inspector was converted to minor punishment of stoppage of 03 annual increments with accumulative effect and forfeiture of 02 years approved service.
9. That appeal of the appellant being devoid of merits may kindly be dismissed on the following grounds.

GROUND:-

- A. Incorrect. The punishment orders are legal and have been passed in accordance with law/rules. Proper departmental enquiry was conducted and the enquiry officer reported that the charges leveled against him were proved.
- B. Para is totally incorrect and based on misleading materials. In fact, on conclusion of enquiry only one punishment was awarded to the appellant and no other punishment on the same grounds was imposed upon him.
- C. Incorrect. The allegations were proved beyond any shadow of doubt by the enquiry officer. The appellant availed the opportunities of defense but he could not prove himself innocent.
- D. Incorrect. Proper departmental enquiry was conducted against him, wherein the charges leveled against him were proved. The punishment orders passed by the competent authority as per law/rules.
- E. Para pertains to record hence needs no comments.

- F. Incorrect. The appellant was associated in the enquiry proceedings and proper opportunity of defense was provided to appellant. He failed to defend the charges leveled against him. The enquiry officer after detail probe reported that the charges were proved.
- G. Incorrect. The appellant committed gross misconduct and he defamed the image of police department in the eyes of general public. The appellant was treated as per law/rules.
- H. Respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

Prayers:-

It is, therefore, most humbly prayed that in light of above facts and submission, the appeal of the appellant being devoid of merits, legal footing may be dismissed.

Amal K

**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**

Nasir

**Capital City Police Officer,
Peshawar.**

[Signature]

**Senior Superintendent of Police,
Operations, Peshawar.**

[Signature]

**Assist: Superintendent of Police,
Hayatabad, Peshawar**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service appeal No.1335/018

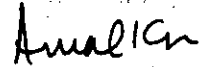
Muhammad Ghani Inspector CCP, Peshawar.....Appellant

Versus

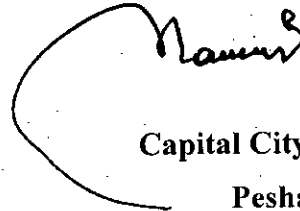
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Senior Superintendent of Police Operations, Peshawar.
4. ASP/Hayatabad circle..... respondents

AFFIDAVIT

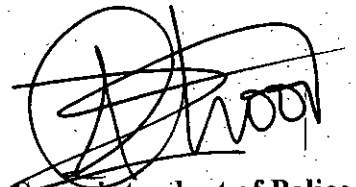
We respondents No. 1 ,2,3 & 4 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.



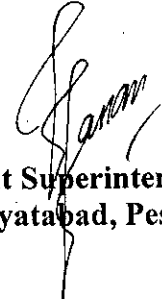
**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**



**Capital City Police Officer,
Peshawar**



**Senior Superintendent of Police,
Operations, Peshawar.**



**Assistant Superintendent of Police,
Hayatabad, Peshawar.**