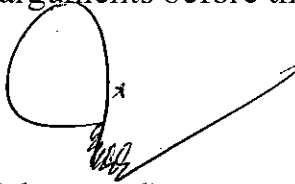



28.10.2022

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 17.1.2023 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

SCANNED
BY
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.

11-7-2022

Chairman

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.

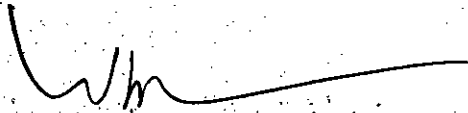
(Fareeha Paul)
Member (E)

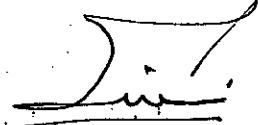
(Kalim Arshad Khan)
Chairman

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.

9


(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 his counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 06.04.2022.

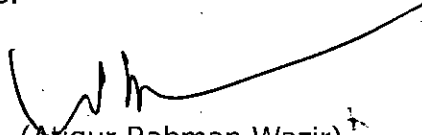

(Atiq-Ur-Rehman Wazir)
Member (E)


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

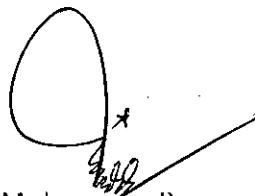

Chairman


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)

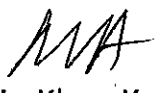
13.04.2021

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

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 14.02.2020 before D.B.

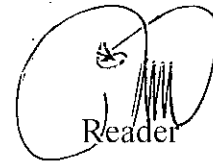

(Hussain Shah)
Member


(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

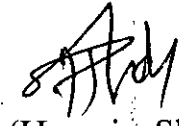
27.06.2019

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

Junior to counsel for the appellant 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.

Contended that it was, inter-alia, alleged against the appellant that he was in contact with smugglers and had also taken illegal gratification in the name of DSP of his area and was recognized in the department as front man of the DSP Gulbahar. Despite, the said DSP was not included in the enquiry proceedings nor his statement was ever recorded.

In view of the above, the appeal in hand 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 06.04.2018. 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 ^SD.B.

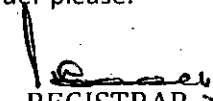
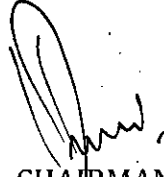
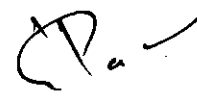


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1337 /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. Jan Ali 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>27-11-18</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>

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.

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

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

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

S.A 1337 /2018

Jan Ali

VERSUS

Government of Khyber Pakhtunkhwa Peshawar and
Others

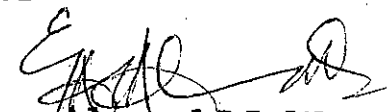
INDEX

S#	Description of Documents	Annex	Pages
1.	Grounds of Appeal.		1-7
2.	Affidavit.		8
3.	Addresses of Parties.		9
4.	Copy of the show cause notice and final show cause notice	"A"	10-12
5.	Copy of the inquiry	"B"	13-14
6.	Copy of Notification No. 751-54 <i>Order and Appeal</i>	"C & D" "E"	15-20
7.	Copies of order No. 1097-1103 dated 9 /10/2018 <i>stay App</i>	"F"	21-22
8.	Wakalat Nama		23

Dated: 17/10/2018


Appellant

Through


Ijaz Ahmad Malik
Advocate, High Court
Peshawar.

②

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

S.A _____/2018

Jan Ali Assistant Sub Inspector, Police
Department Peshawar.

Appellant

VERSUS

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 Superintendent 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.1097-
1103/PA DATED 09/10/2018 OF THE
RESPONDENT NO.3 WHEREBY THE
DEPARTMENTAL APPEAL/REPRESENTATION
OF THE APPELLANT FROM THE
NOTIFICATION NO.751-54 DATED 30/05/2018
WAS DISMISSED AND THE APPELLANT WAS
TRANSFERRED FROM PESHAWAR TO
KOHISTAN VIDE ORDER NO.730-33 DATED
06/04/2018**

PRAYERS:-

ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDER NO.1097-1103 DATED 09/10/2018 OF THE RESPONDENT NO.3 AS WELL AS THE IMPUGNED NOTIFICATION NO.751-5/PA DATED 30/05/2018 OF THE RESPONDENT NO.4 MAY VERY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE EXONERATED FROM THE CHARGES WITH FURTHER PRAYER THAT THE TRANSFER ORDER NO.730-33 DATED 06/04/2018 MAY ALSO BE SET ASIDE AND THE APPELLANT BE PLACED ON HIS PREVIOUS PLACE OF POSTING.

Respectfully Sheweth,

The appellant submits as under:-

Facts:-

1. That the appellant is performing his duties since his appointment with full zeal, dedication and devotion now the appellant is working as ASI.
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

3. That the appellant has been performing his duties in the police station Gulbahar and was served with 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")**
4. That the appellant replied to the charge sheet/statement of allegations whereby denied all the allegation as false, frivolous, vexatious and farthest from truth.
5. That the Respondent No.5 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 "B")**
6. That the Respondent NO.4 vide Notification No.751-54/PA dated

4

30/05/2018 imposed minor penalty and forfeited 2 year service of the appellant. Moreover but the same allegations 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")**

7. That the appellant filed a departmental appeal/ representation before the Respondent NO.3 against the impugned notification No.751-54 dated 30/05/2018 which was rejected vide order NO.1097-1103 dated 09/10/2018. **(Copies are enclosed as annexure "E")**
8. That the appellant is feeling aggrieved and having no other adequate remedy therefore files this appeal on the following amongst other grounds inter alia:-

GROUND:-

- A. That the impugned notification 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.

5

- 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 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 18 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.

6

- 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 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 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.1097-1103 dated 09/10/2018 of the Respondent no.3 as well as the impugned notification No.751-5/pa dated 30/05/2018 of the respondent No.4 may very graciously be set aside and the appellant be exonerated from the charges with further prayer that the transfer order no.730-33 dated 06/04/2018 may also be set aside and

7

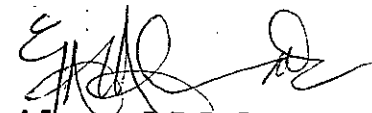
the appellant be placed on his previous place of posting.

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

Dated: 17/10/2018


Appellant

Through


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.


Advocate

8

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

S.A _____/2018

Jan Ali

VERSUS


Government of Khyber Pakhtunkhwa Peshawar and
Others

AFFIDAVIT

I, Jan Ali Assistant Sub 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.


DEPONENT

Identified By;


Ijaz Ahmad Malik
Advocate High Court
Peshawar.

9

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

S.A _____/2018

Jan Ali

VERSUS

Government of Khyber Pakhtunkhwa Peshawar and
Others

ADDRESSES OF PARTIES

APPELLANT.

Jan Ali Assistant Sub Inspector, Police Department
Peshawar

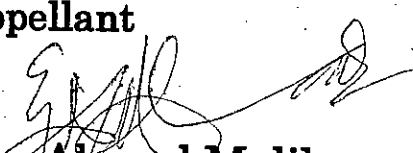
RESPONDENTS

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. 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

10

Annex = "A"

Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against ASI Jaan Ali while posted at PS Gulbahar District 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 Senior Superintendent of Police, Operations, Peshawar hereby charge you ASI Jaan Ali while posted at PS Gulbahar District Peshawar on the following allegations that:


It has been learnt through reliable sources that you while posted at PS Gulbahar have indulged yourself in corrupt practices and developed contacts with smugglers which come within the ambit of corruption and renders you liable for disciplinary proceedings under Police rules 1975.

I hereby direct you further under Rule 6 (I) (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




OFFICE OF THE
SENIOR: SUPERINTENDENT OF POLICE,
(OPERATIONS),
PESHAWAR

E-mail: ssoperations2448@gmail.com



FINAL SHOW CAUSE NOTICE

I, Senior Superintendent of Police, Operations, Peshawar as competent authority, under the Police disciplinary Rules 1975, do hereby serve you **ASTI Jaan Ali** the then posted **PS Gulbahar 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;

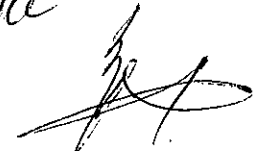
I am satisfied that you have committed the follow misconducts:

- You while posted at PS Gulbahar have indulged yourself in corrupt practices and developed contacts with smugglers which come 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. 446 /PA dated Peshawar the 06-04, 2018.

True copy


DISCIPLINARY ACTION

1 (2)


I, Senior Superintendent of Police Operations, Peshawar as competent authority, am of the opinion that ASI Jaan Ali while posted at PS Gulbahar District Peshawar has rendered himself 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 been learnt through reliable sources that he while posted at PS Gulbahar have 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 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 Haganabad is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

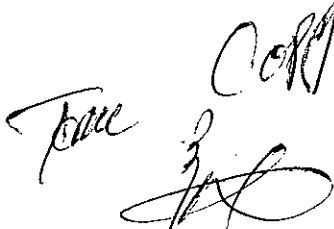
The Enquiry Officer shall in accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.


SENIOR SUPERINTENDENT OF POLICE,
(OPERATIONS), PESHAWAR

No. 08 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





OFFICE OF THE

ASSIST: SUPERINTENDENT OF POLICE,

HAYATABAD SUB-DIVISION, PESHAWAR.

No. 53 /E/Steno, dated Pesh: the 27/03 /2018.

To The Senior Superintendent of Police,
Operations, Peshawar.

Subject: **DEPARTMENTAL ENQUIRY**

Please refer to your office Endt: No.08/E/PA, dated 20.02.2018 pertaining to departmental enquiry against ASI Jaan Ali.

STATEMENT OF ALLEGATION

ASI Jaan Ali while posted at Police Station Gulbahar has indulged himself in corrupt practices and developed contact 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 ASI Jaan Ali. Statement of hearing of allegation was served to him and his written reply was recorded. He was verbally cross examination too.

STATEMENT OF ASI JAAN ALI

ASI Jaan Ali stated in his statement that he performed his duty at Police station Gulbahar since two months in this short period unaware from the area. Further no evidence/proof is available on his part. He did his job and performed his duty honestly. He further stated that allegations against his are baseless and enquiry may please be filed.

FINDINGS

ASI Jaan Ali has contacted with smugglers of the area and take money and illegal gratification in the name of DSP of his area. He is recognized in the department as front man of the DSP Gulbahar.

The officers like him tarnish the image of Police department. Therefore, the statement of allegations against him is proved.

[Handwritten signatures and stamps]
Operations, Peshawar

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

[Handwritten signatures]
Copy
True
[Signature]

14

چارج شیٹ بمعہ انضباطی

عنوان:-

جناب عالی!

منسلک چارج شیٹ بمعہ کارروائی انضباطی مجازہ جناب SSP صاحب پر مشتمل پشاور، جہاں الزام محفل پر لگا گیا ہے اس کا تفصیلی جواب ذیل ہے۔

- 1- مجھ پر الزام ہے کہ میں سمگلرز کے رابطہ میں ہوں اور اس طرح کرپشن میں ملوث ہوں۔
 - 2- یہ کہ محکمہ پولیس میں سال 2000 کو بھرتی ہوا، مختلف کورسز کو کامیابی سے ہمکنار کرتے ہوئے بعدہ ASI ترقیاب ہوا۔
 - 3- یہ کہ میں تقریباً (دو) ماہ سے تھانہ گل بہار میں ڈیوٹی پر تھا اور اس طرح میری اتنی کوئی خاص واقفیت بھی نہیں تھی۔
 - 4- جہاں تک سمگلرز کے رابطہ کا الزام ہے تو یہ محض الزام ہے، کیونکہ میرا کسی قسم کا کوئی رابطہ سمگلرز کیساتھ نہیں ہے اور نہ ہی مجھے معلوم ہے کہ گل بہار کے حلقہ اختیار میں سمگلنگ ہوتی ہے۔
 - 5- یہ کہ اس قسم الزامات کا ایک پولیس اہلکار / افسیر کے ساتھ لگا دینا بغیر کسی ثبوت کے انصاف سے بعید ہے، جب تک الزام ثابت نہ ہوئے تو اس وقت کسی کو بھی مورد الزام نہیں ٹھہرایا جاسکتا۔
 - 6- ہر الزام کے لئے ثبوت کی ضرورت ہے محض الزام تراشی کی وجہ سے بغیر ثبوت کے محکمانہ کارروائی کرنا انصاف کے تقاضوں میں نہیں آتا۔
 - 7- میں اپنی ڈیوٹی اور فرائض کی انجام دہی کو احسن طریقہ سرانجام دیتا رہا ہوں۔
 - 8- چاہیے تو یہ تھا کہ میرے خلاف شکایت کنندہ کو بھی سامنے لایا جاتا تاکہ اس پر کراس کر کے سچائی اور حقیقت معلوم ہو جاتی۔
- استدعا ہے کہ میری ملازمت کو مد نظر رکھتے ہوئے اور تفصیلی بیان کی روشنی میں چارج شیٹ بمعہ کارروائی انضباطی کو بغیر کسی مزید کارروائی کے کرنے داخل دفتر فرمایا جائے۔

Tani
ASI جان علی 1861 معطل لائن پشاور
6-3-018

Copy
True
[Signature]



OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE,
(OPERATIONS),
PESHAWAR

Ph: 091-9210508 Fax: 091-9213054

Ammer & Co
15

ORDER

This office order is hereby passed to dispose of the departmental enquiry proceedings initiated against ASI Jaan Ali No. 1861 while posted at PS Gulbahar of CCP Peshawar vide this office No. 08/E/PA dated 20.02.2018 on the basis of following charges:

- It has been learnt through reliable sources that he while posted at PS Gulbahar has indulged himself in corrupt practices and developed contacts with smugglers which come within the ambit of corruption
2. Proper departmental proceedings were initiated against him and Mr. Muhammad Waqar Azeem Kharal SDPO Hayatabad Peshawar was appointed as Enquiry Officer. During the course of enquiry, the E.O found him guilty on the grounds that he had contacts with smugglers of the area and was receiving illegal gratification using the name of DSP. The E.O further mentioned that he was recognized as the front man of the then DSP Gulbahar Fazl-e-Wahid.
3. On receipt of the findings of E.O, Final Show Cause Notice was served upon him vide this office No. 446/PA dated 06.04.2018 to which he replied and stated that his previous reply erstwhile submitted to the E.O may be considered as his reply to FSCN. The same was perused and found unsatisfactory. He was called and heard in OR on 25.05.2018. He was provided an ample opportunity in his defence. He failed to defend himself with plausible grounds. Thus, the allegations leveled against him stand proved. In the circumstances, he is awarded the punishment of "forfeiture of 02 year of approved service".

Order announced

SENIOR SUPERINTENDENT OF POLICE,
OPERATIONS, PESHAWAR

No. 751-56 /PA, dated Peshawar, the 30/05 /2018.
Copy for information and necessary action to:

1. The Capital City Police Officer Peshawar
2. The SP City Peshawar.
3. EC-I/EC-II/AS/Pay Officer.
4. FMC with complete FM containing 12 pages.

Copy
Tare



(H)

orders 2016 17 h/w

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

Dy: No. 412, PSO-CCP
06-04-2018

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.

SSD gps
Plan source Complaint
No. 2. direction

CCP
CCPO, Peshawar

EC-2
Plan source



216

17

23

OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE
(OPERATIONS)
PESHAWAR

E-mail: rcader3348@gmail.com

Phone: 091-9210508

Fax: 091-9213054

Dated Peshawar the 28 / 03 / 2018

No. 426 PA

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.

Inspector Ghani-ur-Rehman, then SHO PS Chamkani

ASI (ACB) Jan Ali No. 1861

IHC Naseer No. 2412

FC Atif Khan No. 4114

FC Rahmat Ali No. 673

Submitted please.

SENIOR SUPERINTENDENT OF POLICE,
OPERATIONS, PESHAWAR

[Handwritten signature]

True Copy

Copy

[Handwritten signature]



OFFICE OF THE
CAPITAL CITY POLICE OFFICER
PESHAWAR

Phone No. 091-9210989

Fax: 091-9212597

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 Copy
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True Copy

مہر: محکمہ جبا - حکم جاریہ نمبر 751-54/PA
 مورخہ: 20/06/2018
 دو سوالیہ اہلکار کے لئے

Dy. No. 391
 20/06/2018
 Page:

- 1۔ جناب عالی! سوال حسب ذیل عرض رہا ہے:
 - 1۔ یہ کہ سوال محکمہ پولیس میں بطور تینشن فہمی ہو کر اچھی مار کر دی گئی بنیاد پر مجاہدہ آڈیٹ ترقیاتی ہو چکا ہوں۔
 - 2۔ یہ کہ سوال نے محکمہ پولیس میں تقریباً 18 سال بے داغ ملازمت انجام دی ہے۔
 - 3۔ یہ کہ دوران ملازمت میں نہایت شہاد میں دھشت گردی کے دوران جہاں کی پرواہ کیے بغیر ہر سخت قضا پر دھشت گردی کی گئی اور اپریشن میں بڑھ کر حصہ لیا۔ اور لاتعداد دھشت گردیوں کو قضا بلکہ دوران کیفر کر دیا گیا۔
 - 4۔ یہ کہ دوران ملازمت میں دھشت گردی کا مظاہرہ نہیں کیا ہے اور پولیس کی نیک نامی کیلئے ہر قسم کی قربانی دی ہے۔
 - 5۔ یہ کہ افسر ان بالہ نے بہت اچھی دلیرانہ مار کر دگی کی بنیاد پر تقدیر نامہ اور تفریحی اسناد سے نوازا ہے۔
 - 6۔ یہ کہ سوال نے تمام ملک بھر میں تعینات تھا۔ اور ایسا انداز سے دل کوئی سہرا انجام دیا ہے۔
 - 7۔ یہ کہ سوال نے محکمہ جبا میں گھومتی الزامات کی بنیاد پر محکمہ جبا میں شروع کرتے ہوئے نے بغیر کسی ٹھوس ثبوت کے سوال کو قصور وار ٹھہرا لیا گیا۔
 - 7۔ یہ کہ دوران انکوائری میں سوال کو سماعت کا موقع نہیں دیا گیا۔

Dep/Legal
 20/06/2018

(Signature)
 20/06/2018

(2)

(177) (20)

8۔ یہ کہ دورانِ انٹوائٹری سائل مثبت دلائل سے اپنی دفاع لریجے
سائل کی شناختی نسبت ہوئی۔ اور نہ ہی سائل کو صفائی مآ

موقع دیا گیا

9۔ یہ کہ سائل نے حکم چوگین میں حوالہ اللہ ان کے سرور چوگین ملازم
کے علاوہ در نظر معاشین کا دوسرا کو اثر نہیں جمع ہوا قندرا
عنوان الصدر سے سائل کی ماہانہ آمدنی اور سروس کیپریٹ
بری طرح متاثر ہوئی ہے۔

اس لئے درخواست حضور النور ہے کہ دوہرہ بالہ حقیقت
کو پیش نظر رکھ کر سائل کی فزکوریہ بالہ سزا کو منسوخ فرما کر
مشکور فرمائیں۔ اگر بعد دھا گوریو لگا۔

عمر
Asi

ایک تابعدار جان علی آسی حال اپر کورستان

0300 9085617

0333 9196399

F.M.C

put up record

File copy
3/11/18

2589/1/18
21/6/18



21

**OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR**

Phone No. 091-9210989

Fax No. 091-9212597

Annex FS


ORDER.

This order will dispose off the departmental appeal preferred by ASI Jan Ali No1861 who was awarded the minor punishment of "forfeiture of 02 years approved service" by SSP/Operations Peshawar vide order No.751-54/PA, dated 30-05-2018.

2- The allegations leveled against him were that he while posted at Police Station Gulbahar indulged himself in corrupt practices and develop contacts with smugglers which comes with in the ambit of corruption.

3- He was issued proper Charge Sheet and Summary of Allegations by SSP/Operations Peshawar and ASP/Hayatabad was appointed as enquiry officer. The enquiry officer after conducting proper departmental enquiry submitted his findings that the alleged ASI has contacted with smugglers of the area and take money and illegal gratification in the name of DSP of his area. He is recognized in the department as front man of DSP/Gulbahar. 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 minor punishment of forfeiture of 02 years approved service vide order No.751-54/PA, dated 30-05-2018.

4- He was heard in person in O.R. The relevant record perused along with his explanation but he failed to submit any plausible evidence to defend himself. The competent authority has completed all codal formalities before awarding him the punishment of forfeiture of 02 approved service. There is no justification to interfere in the punishment order of SSP/Operations Peshawar. Hence his appeal for set-aside the punishment is hereby **rejected** filed.


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

No. 1097- 1103 /PA dated Peshawar the 9/10/2018

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 FM
5. Official concerned.

File 2 copy
Jat

BEFORE THE APPELATE COURT OF COMMISSIONER PESHAWAR DIVISION
PESHAWAR

Jan Ali

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.

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, **Jan Ali**, 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

"A"

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

No.

APPEAL No. 1337 of 20 18

Mr. Jam Ali

Appellant/Petitioner

Versus

Govt of KPK through Secretary, Home Dept, Ms. Al

RESPONDENT(S)

Counsel Mr. Yousaf Ahmad Malik

Notice to Appellant/Petitioner

Advocate 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 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.

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

Rahul
Malik
12/12/18

"A"

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

No.

APPEAL No. 1337 of 20 18

Mr. Jam Ali

Appellant/Petitioner

Versus

Govt. of K.P.K. Secretary, House of T. House
RESPONDENT(S)

Notice to Appellant/Petitioner Mr. Jam Ali Asst. Sub-Inspector, Police Dept. 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.

[Signature]
8.1.19

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

"B"

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

No.

Appeal No. 1337 of 2018.

Mr. Jan Ali Appellant/Petitioner

Versus

Secretary, HOD & T. H. Sect. Respondent

Respondent No. 1

Notice to:

Secretary, HOD & T. H. Sect.
Subject: Dismissal of Mr. Jan Ali

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 21-6-2019 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 10th Day of May 2019.

[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. 1337 of 20 13.

Mrs. Juma Ali Appellant/Petitioner

Versus

Govt of K.P.K. through Secretary, Peshawar Respondent
Respondent No.

Notice to: - Inspector General of Police
K.P.K. 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 27-5-2013 at 8.00 A.M. If you wish to urge anything against the appellants/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 15th...

Day of May 20 13.

7 13/5/13

[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. 1337 of 20 18

M. J. Khan Appellant/Petitioner

Versus

M. J. Khan Respondent

Respondent No. 2

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 13/05/19 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 13/5/19

Day of Monday 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. 1337 of 2018

Mr. Javed Ali Appellant/Petitioner

Versus

Police Station, Peshawar Respondent
Respondent No. 4

Notice to: - Senior Superintendent 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 11/07/2019 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 11/7/19

Day of Monday 2019


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 Gazetter/ 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..... of 20 ..

..... 1337 Appellant/Petitioner

Mr. Jan A. Versus

..... Respondent
..... Respondent No. 5

Notice to: —

Asst. Supdt. of Police / In-charge of office

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.....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.....20 ..

16/04/19

10/6

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.1337/018

Jan Ali ASI No.4730 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 at PS Gulbahar 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 appellant has contacts with smugglers of the area and taken money and illegal gratification in the name of DSP of his area. The competent authority issued him final show cause notice.
4. Para No.04 is incorrect. The appellant was issued charge sheet and statement of allegations 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 and 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 which concluded on awarding him the minor 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.
7. 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, but the appellant failed to submit any plausible evidence to defend himself, hence his appeal was rejected/filed.
8. 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 reported 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. Presence of such black sheep in police force and any kind of leniency will encourage the misuse of authority. The appellant was found guilty of misconduct.
- E. Incorrect. The appellant has earned 02 bad entries on account of his deliberate absence from legal duties, which reflects his inefficiency and hesitation towards the discharges of his official duties.
- 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:-

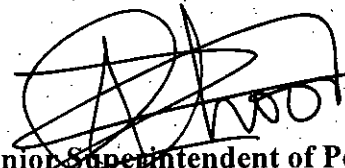
It is, therefore, most humbly prayed that in light of above facts and submission, the appeal of the appellant being devoid of merits, legal footing may be dismissed.



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



**Capital City Police Officer,
Peshawar.**



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



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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service appeal No.1337/018

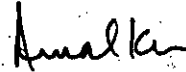
Jan Ali ASI No.4730 CCP, Peshawar..... Appellant

Versus

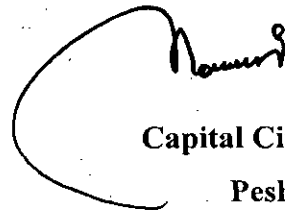
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
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3. Senior Superintendent of Police Operations, Peshawar.
4. ASP/Hayatabad circle..... respondents

AFFIDAVIT

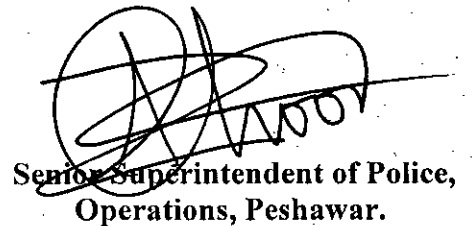
We respondents No. 1 ,2,3 & 4 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.



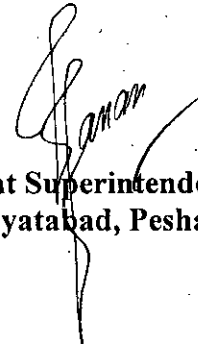
**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**



**Capital City Police Officer,
Peshawar.**



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



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